

As Passed by the House

133rd General Assembly

Regular Session

2019-2020

Am. Sub. H. B. No. 166

Representative Oelslager

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

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5910.02, 5910.031, 5910.032, 5910.04, 5910.05, 5910.06, 5910.07, 340
and 5910.08 be amended; sections 125.66 (113.60), 125.661 341
(113.61), 1533.09 (1533.06), 4751.03 (4751.02), 4751.041 342
(4751.151), 4751.042 (4751.021), 4751.043 (4751.381), 4751.044 343
(4751.26), 4751.05 (4751.15), 4751.06 (4751.20), 4751.07 344
(4751.24), 4751.08 (4751.201), 4751.10 (4751.32), 4751.11 345

(4751.33), 4751.12 (4751.35), 4751.13 (4751.36), 4751.14 346
(4751.03), and 5167.121 (5167.051) be amended for the purpose of 347
adopting new section numbers as indicated in parentheses; and new 348
sections 1533.09, 3302.10, 4751.04, 4751.10, and 5164.37, and 349
sections 9.242, 113.62, 121.374, 122.26, 122.84, 124.91, 125.93, 350
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3962.08, 3962.081, 3962.09, 3962.10, 3962.11, 3962.12, 3962.13, 366
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5123.603, 5123.691, 5126.047, 5126.053, 5162.137, 5162.138, 374
5162.139, 5164.302, 5164.65, 5164.722, 5164.723, 5164.724, 375
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5167.22, 5167.221, 5767.24, 5167.241, 5167.242, 5167.243, 378
5167.244, 5167.28, 5167.29, 5167.35, 5167.36, 5501.91, 5709.51, 379
5709.54, 5739.082, 5741.07, 5747.26, 5747.461, and 5747.73 of the 380
Revised Code be enacted to read as follows: 381

Sec. 9.242. (A) As used in this section: 382

(1) "State agency" has the meaning defined in section 1.60 of 383
the Revised Code. 384

(2) "State contract" means any contract for goods, services, 385
or construction that is paid for in whole or in part with state 386
funds. A state contract is considered to be awarded when it is 387
entered into or executed, regardless of whether the parties to the 388
contract have exchanged any money. 389

(3) "Participate" means to respond to any solicitation or 390
procurement issued by a state agency or be the recipient of an 391
award of a state contract, or to provide any goods or services to 392
any state agency. 393

(B) No vendor who has been debarred by any state agency shall 394
participate in any state contract during the period of debarment. 395
After the debarment period expires, the vendor may be eligible to 396
respond to any solicitation or procurement, provide goods or 397
services to, and be awarded contracts by state agencies if the 398
vendor is not otherwise listed on a list of debarred vendors 399
applicable to state contracts. 400

(C) State agencies shall exclude any vendor debarred under 401
sections 125.25, 153.02, or 5513.06 of the Revised Code, or any 402
other section of the Revised Code from participating in state 403
contracts. 404

Sec. 101.15. (A) As used in this section: 405

(1) "Caucus" means all of the members of either house of the 406

general assembly who are members of the same political party. 407

(2) "Committee" means any committee of either house of the 408
general assembly, a joint committee of both houses of the general 409
assembly, including a committee of conference, or a subcommittee 410
of any committee listed in division (A)(2) of this section. 411

(3) "Meeting" means any prearranged discussion of the public 412
business of a committee by a majority of its members. 413

(4) "Standing committee caucus" means all of the members of a 414
standing committee of either house of the general assembly who are 415
members of the same political party. 416

(B) Except as otherwise provided in division (F) of this 417
section, all meetings of any committee are declared to be public 418
meetings open to the public at all times. The secretary assigned 419
to the chairperson of the committee shall prepare, file, and 420
maintain the minutes of every regular or special meeting of a 421
committee. The committee, at its next regular or special meeting, 422
shall approve the minutes prepared, filed, and maintained by the 423
secretary, or, if the minutes prepared, filed, and maintained by 424
the secretary require correction before their approval, the 425
committee shall correct and approve the minutes at the next 426
following regular or special meeting. The committee shall make the 427
minutes available for public inspection not later than seven days 428
after the meeting the minutes reflect or not later than the 429
committee's next regular or special meeting, whichever occurs 430
first. 431

(C) Each committee shall establish a reasonable method 432
whereby any person may determine the time and place of all 433
regularly scheduled meetings and the time, place, and purpose of 434
all special meetings. No committee shall hold a regular or special 435
meeting unless it gives at least twenty-four hours' advance notice 436
to the news media that have requested notification. 437

The method established by each committee shall provide that, 438
upon request and payment of a reasonable fee, any person may 439
obtain reasonable advance notification of all meetings at which 440
any specific type of public business will be discussed. Provisions 441
for advance notification may include, but are not limited to, 442
mailing the agenda of meetings to all subscribers on a mailing 443
list or mailing notices in self-addressed stamped envelopes 444
provided by the person who desires advance notification. 445

(D) Any action of a committee relating to a bill or 446
resolution, or any other formal action of a committee, is invalid 447
unless taken in an open meeting of the committee. Any action of a 448
committee relating to a bill or resolution, or any other formal 449
action of a committee, taken in an open meeting is invalid if it 450
results from deliberations in a meeting not open to the public. 451

(E)(1) Any person may bring an action to enforce this 452
section. An action under this division shall be brought within two 453
years after the date of the alleged violation or threatened 454
violation. Upon proof of a violation or threatened violation of 455
this section in an action brought by any person, the court of 456
common pleas shall issue an injunction to compel the members of 457
the committee to comply with its provisions. 458

(2)(a) If the court of common pleas issues an injunction 459
under division (E)(1) of this section, the court shall order the 460
committee that it enjoins to pay a civil forfeiture of five 461
hundred dollars to the party that sought the injunction and shall 462
award to that party all court costs and, subject to reduction as 463
described in this division, reasonable attorney's fees. The court, 464
in its discretion, may reduce an award of attorney's fees to the 465
party that sought the injunction or not award attorney's fees to 466
that party if the court determines both of the following: 467

(i) That, based on the ordinary application of statutory law 468
and case law as it existed at the time of the violation or 469

threatened violation that was the basis of the injunction, a 470
well-informed committee reasonably would believe that the 471
committee was not violating or threatening to violate this 472
section; 473

(ii) That a well-informed committee reasonably would believe 474
that the conduct or threatened conduct that was the basis of the 475
injunction would serve the public policy that underlies the 476
authority that is asserted as permitting that conduct or 477
threatened conduct. 478

(b) If the court of common pleas does not issue an injunction 479
under division (E)(1) of this section and the court determines at 480
that time that the bringing of the action was frivolous conduct as 481
defined in division (A) of section 2323.51 of the Revised Code, 482
the court shall award to the committee all court costs and 483
reasonable attorney's fees, as determined by the court. 484

(3) Irreparable harm and prejudice to the party that sought 485
the injunction shall be conclusively and irrebuttably presumed 486
upon proof of a violation or threatened violation of this section. 487

(4) A member of a committee who knowingly violates an 488
injunction issued under division (E)(1) of this section may be 489
removed from office by an action brought in the court of common 490
pleas for that purpose by the prosecuting attorney of Franklin 491
county or by the attorney general. 492

(5) The remedies described in divisions (E)(1) to (4) of this 493
section shall be the exclusive remedies for a violation of this 494
section. 495

(F) This section does not apply to or affect either of the 496
following: 497

(1) All meetings of the joint legislative ethics committee 498
created under section 101.34 of the Revised Code other than a 499
meeting that is held for any of the following purposes: 500

(a) To consider the adoption, amendment, or rescission of any rule that the joint legislative ethics committee is authorized to adopt pursuant to division (B)(11) of section 101.34, division (E) of section 101.78, division (B) of section 102.02, or division (E) of section 121.68 of the Revised Code;

(b) To discuss and consider changes to any administrative operation of the joint legislative ethics committee other than any matter described in division (G) of section 121.22 of the Revised Code;

(c) To discuss pending or proposed legislation.

(2) Meetings of a caucus;

(3) Meetings of a standing committee caucus.

(G) For purposes of division (F)(1)(a) of this section, an advisory opinion, written opinion, or decision relative to a complaint is not a rule.

Sec. 101.38. (A) As used in this section, "relative" means a spouse, parent, parent-in-law, sibling, sibling-in-law, child, child-in-law, grandparent, aunt, or uncle.

(B) There is hereby created the Ohio cystic fibrosis legislative task force to study and make recommendations on issues pertaining to the care and treatment of individuals with cystic fibrosis. The task force shall study and make recommendations on the following issues:

(1) Use of prescription drug and innovative therapies under the program for medically handicapped children established under section 3701.023 of the Revised Code and the program for adults with cystic fibrosis administered by the department of health under division (G) of that section;

(2) Screening of newborn children for the presence of genetic disorders, as required under section 3701.501 of the Revised Code;

(3) Any other issues the task force considers appropriate. 531

(C) The task force shall consist of the following members, 532
each with the authority to vote on matters before the task force: 533

(1) Three members of the senate: two appointed by the 534
president of the senate from the majority party and one appointed 535
by the minority leader of the senate; 536

(2) Three members of the house of representatives: two 537
appointed by the speaker of the house of representatives from the 538
majority party and one appointed by the minority leader of the 539
house of representatives; 540

(3) Three members, at least two of whom have been diagnosed 541
with cystic fibrosis or are relatives of individuals who have been 542
diagnosed with cystic fibrosis, appointed by the president of the 543
senate; 544

(4) Three members, at least two of whom have been diagnosed 545
with cystic fibrosis or are relatives of individuals who have been 546
diagnosed with cystic fibrosis, appointed by the speaker of the 547
house of representatives. 548

~~Initial members shall be appointed not later than sixty days~~ 549
~~after the effective date of this section. Appointments to the task~~ 550
~~force shall be made within fifteen days after the commencement of~~ 551
~~the first regular session of each general assembly in the manner~~ 552
~~prescribed in this division.~~ 553

(D) ~~Each member~~ Members of the task force shall serve a 554
~~one-year term that ends on the same day of the same month as did~~ 555
~~the term that it succeeds. Members may be reappointed on the task~~ 556
~~force until the appointments are made in the first regular session~~ 557
~~of the following general assembly or, in the case of task force~~ 558
~~members who also are general assembly members when appointed,~~ 559
~~until they are no longer general assembly members.~~ 560

(E) A vacancy shall be filled in the same manner as the original appointment. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the member's predecessor was appointed shall hold office as a member for the remainder of that term.

~~A member shall continue in office subsequent to the expiration date of the member's term until a successor takes office or until a period of sixty days has elapsed, whichever occurs first.~~

(F) Members of the task force shall elect a chair ~~to serve a term of one year~~. A vacancy of the chair position shall be filled by election.

(G) Members of the task force shall receive no compensation, except to the extent that serving as a member is part of the individual's regular duties of employment and except for the reimbursement of expenses that may be provided under division (H) of this section.

(H) The task force may solicit and accept grants from public and private sources. Grant funds may be used to reimburse members for expenses incurred in the performance of official task force duties and to pursue initiatives pertaining to the care and treatment of individuals with cystic fibrosis.

(I) A majority of the members of the task force constitutes a quorum for the conduct of task force meetings.

Sec. 102.021. (A)(1) For the twenty-four-month period immediately following the end of the former state elected officer's or staff member's service or public employment, except as provided in division (B) or (D) of this section, each former state elected officer or staff member who filed or was required to file a disclosure statement under section 102.02 of the Revised

Code shall file, on or before the deadlines specified in division 591
(D) of this section, with the joint legislative ethics committee a 592
statement that shall include the information described in 593
divisions (A)(2), (3), (4), and (5) of this section, as 594
applicable. The statement shall be filed on a form and in the 595
manner specified by the joint legislative ethics committee. This 596
division does not apply to a state elected officer or staff member 597
who filed or was required to file a disclosure statement under 598
section 102.02 of the Revised Code, who leaves service or public 599
employment, and who takes another position as a state elected 600
officer or staff member who files or is required to file a 601
disclosure statement under that section. 602

No person shall fail to file, on or before the deadlines 603
specified in division (D) of this section, a statement that is 604
required by this division. 605

(2) The statement referred to in division (A)(1) of this 606
section shall describe the source of all income received, in the 607
former state elected officer's or staff member's own name or by 608
any other person for the person's use or benefit, and briefly 609
describe the nature of the services for which the income was 610
received if the source of the income was any of the following: 611

(a) An executive agency lobbyist or a legislative agent; 612

(b) The employer of an executive agency lobbyist or 613
legislative agent, except that this division does not apply if the 614
employer is any state agency or political subdivision of the 615
state; 616

(c) Any entity, association, or business that, at any time 617
during the two immediately preceding calendar years, was awarded 618
one or more contracts by one or more state agencies that in the 619
aggregate had a value of one hundred thousand dollars or more, or 620
bid on one or more contracts to be awarded by one or more state 621

agencies that in the aggregate had a value of one hundred thousand 622
dollars or more. 623

(3) If the former state elected officer or staff member 624
received no income as described in division (A)(2) of this 625
section, the statement referred to in division (A)(1) of this 626
section shall indicate that fact. 627

(4) If the former state elected officer or staff member 628
directly or indirectly made, either separately or in combination 629
with another, any expenditure or gift for transportation, lodging, 630
or food or beverages to, at the request of, for the benefit of, or 631
on behalf of any public officer or employee, and if the former 632
state elected officer or staff member would be required to report 633
the expenditure or gift in a statement under sections 101.70 to 634
101.79 or sections 121.60 to 121.69 of the Revised Code, whichever 635
is applicable, if the former state elected officer or staff member 636
was a legislative agent or executive agency lobbyist at the time 637
the expenditure or gift was made, the statement referred to in 638
division (A)(1) of this section shall include all information 639
relative to that gift or expenditure that would be required in a 640
statement under sections 101.70 to 101.79 or sections 121.60 to 641
121.69 of the Revised Code if the former state elected officer or 642
staff member was a legislative agent or executive agency lobbyist 643
at the time the expenditure or gift was made. 644

(5) If the former state elected officer or staff member made 645
no expenditure or gift as described in division (A)(4) of this 646
section, the statement referred to in division (A)(1) of this 647
section shall indicate that fact. 648

(B) If, at any time during the twenty-four-month period 649
immediately following the end of the former state elected 650
officer's or staff member's service or public employment, a former 651
state elected officer or staff member who filed or was required to 652
file a disclosure statement under section 102.02 of the Revised 653

Code becomes a legislative agent or an executive agency lobbyist, 654
the former state elected officer or staff member shall comply with 655
all registration and filing requirements set forth in sections 656
101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code, 657
whichever is applicable, and, the former state elected officer or 658
staff member also shall file a statement under division (A)(1) of 659
this section except that the statement filed under division (A)(1) 660
of this section does not need to include information regarding any 661
income source, expenditure, or gift to the extent that that 662
information was included in any registration or statement filed 663
under sections 101.70 to 101.79 or sections 121.60 to 121.69 of 664
the Revised Code. 665

(C) Except as otherwise provided in this division, division 666
(A)(2) of this section applies to attorneys, physicians, and other 667
persons who engage in the practice of a profession and who, 668
pursuant to a section of the Revised Code, the common law of this 669
state, a code of ethics applicable to the profession, or 670
otherwise, generally are required not to reveal, disclose, or use 671
confidences of clients, patients, or other recipients of 672
professional services except under specified circumstances or 673
generally are required to maintain those types of confidences as 674
privileged communications except under specified circumstances. 675
Division (A)(2) of this section does not require an attorney, 676
physician, or other professional subject to a confidentiality 677
requirement as described in this division to disclose the name, 678
other identity, or address of a client, patient, or other 679
recipient of professional services if the disclosure would 680
threaten the client, patient, or other recipient of professional 681
services, would reveal details of the subject matter for which 682
legal, medical, or professional advice or other services were 683
sought, or would reveal an otherwise privileged communication 684
involving the client, patient, or other recipient of professional 685
services. Division (A)(2) of this section does not require an 686

attorney, physician, or other professional subject to a 687
confidentiality requirement as described in this division to 688
disclose in the brief description of the nature of services 689
required by division (A)(2) of this section any information 690
pertaining to specific professional services rendered for a 691
client, patient, or other recipient of professional services that 692
would reveal details of the subject matter for which legal, 693
medical, or professional advice was sought or would reveal an 694
otherwise privileged communication involving the client, patient, 695
or other recipient of professional services. 696

(D)(1) Each state elected officer or staff member who filed 697
or was required to file a disclosure statement under section 698
102.02 of the Revised Code and who leaves public service or public 699
employment shall file an initial statement under division (A)(1) 700
of this section not later than the day on which the former state 701
elected officer or staff member leaves public service or public 702
employment. The initial statement shall specify whether the person 703
will, or will not, receive any income from a source described in 704
division (A)(2)(a), (b), or (c) of this section. 705

If a person files an initial statement under this division 706
that states that the person will receive income from a source 707
described in division (A)(2)(a), (b), or (c) of this section, the 708
person is required to file statements under division (A)(2), (3), 709
(4), or (5) of this section at the times specified in division 710
(D)(2) of this section. 711

If a person files an initial statement under this division 712
that states that the person will not receive income from a source 713
described in division (A)(2)(a), (b), or (c) of this section, 714
except as otherwise provided in this division, the person is not 715
required to file statements under division (A)(2), (4), or (5) of 716
this section or to file subsequent statements under division 717
(A)(3) of this section. If a person files an initial statement 718

under this division that states that the person will not receive 719
income from a source described in division (A)(2)(a), (b), or (c) 720
of this section, and, subsequent to the filing of that initial 721
statement, the person receives any income from a source described 722
in division (A)(2)(a), (b), or (c) of this section, the person 723
within ten days shall file a statement under division (A)(2) of 724
this section that contains the information described in that 725
division, and the person thereafter shall file statements under 726
division (A)(2), (3), (4), or (5) of this section at the times 727
specified in division (D)(2) of this section. 728

(2) After the filing of the initial statement under division 729
(D)(1) of this section, each person required to file a statement 730
under division (A)(2), (3), (4), or (5) of this section shall file 731
it on or before the last calendar day of January, May, and 732
September. The statements described in divisions (A)(2), (3), and 733
(5) of this section shall relate to the sources of income the 734
person received in the immediately preceding filing period from 735
each source of income in each of the categories listed in division 736
(A)(2) of this section. The statement described in division (A)(4) 737
of this section shall include any information required to be 738
reported regarding expenditures and gifts of the type described in 739
division (A)(4) of this section occurring since the filing of the 740
immediately preceding statement. 741

If, pursuant to this division, a person files a statement 742
under division (A)(2) of this section, the person is required to 743
file statements under division (A)(4) of this section, and 744
subsequent statements under division (A)(2), (3), or (5) of this 745
section, at the times specified in this division. In addition, if, 746
subsequent to the filing of the statement under division (A)(2) of 747
this section, the person receives any income from a source 748
described in division (A)(2)(a), (b), or (c) of this section that 749
was not listed on the statement filed under division (A)(2) of 750

this section, the person within ten days shall file a statement 751
under division (A)(2) of this section that contains the 752
information described in that division regarding the new income 753
source. 754

If, pursuant to this division, a person files a statement 755
under division (A)(3) of this section, except as otherwise 756
provided in this division, the person thereafter is not required 757
to file statements under division (A)(2), (4), or (5) of this 758
section, or to file subsequent statements under division (A)(3) of 759
this section. If, subsequent to the filing of the statement under 760
division (A)(3) of this section, the person receives any income 761
from a source described in division (A)(2)(a), (b), or (c) of this 762
section, the person within ten days shall file a statement under 763
division (A)(2) of this section that contains the information 764
described in that division regarding the new income source, and 765
the person thereafter shall file statements under division (A)(4) 766
of this section, and subsequent statements under division (A)(2) 767
or (3) of this section, at the times specified in this division. 768

(3) No fee shall be required for filing ~~an initial a~~ 769
statement under ~~division (D)(1) of this section. The~~ 770

~~person filing a statement under division (D)(2) of this~~ 771
~~section that is required to be filed on or before the last~~ 772
~~calendar day of January, May, and September shall pay a ten dollar~~ 773
~~filing fee with each such statement not to exceed thirty dollars~~ 774
~~in any calendar year. The, except that the~~ joint legislative 775
ethics committee may charge late fees in the same manner as 776
specified in division (G) of section 101.72 of the Revised Code. 777

(E) Any state elected officer or staff member who filed or 778
was required to file a disclosure statement under section 102.02 779
of the Revised Code and who leaves public service or public 780
employment shall provide a forwarding address to the officer's or 781
staff member's last employer, and the employer shall provide the 782

person's name and address to the joint legislative ethics 783
committee. The former elected state officer or staff member shall 784
provide updated forwarding addresses as necessary to the joint 785
legislative ethics committee during the twenty-four-month period 786
during which division (A)(1) of this section applies. The public 787
agency or appointing authority that was the last employer of a 788
person required to file a statement under division (A)(2) of this 789
section shall furnish to the person a copy of the form needed to 790
complete the initial statement required under division (D)(1) of 791
this section. 792

(F) During the twenty-four-month period immediately following 793
the end of the former state elected officer's or staff member's 794
service or public employment, no person required to file a 795
statement under this section shall receive from a source described 796
in division (A)(2)(a), (b), or (c) of this section, and no source 797
described in division (A)(2)(a), (b), or (c) of this section shall 798
pay to that person, any compensation that is contingent in any way 799
upon the introduction, modification, passage, or defeat of any 800
legislation or the outcome of any executive agency decision. 801

(G) As used in this section "state elected officer or staff 802
member" means any elected officer of this state, any staff, as 803
defined in section 101.70 of the Revised Code, or any staff, as 804
defined in section 121.60 of the Revised Code. 805

Sec. 103.41. (A) As used in sections 103.41 to 103.415 of the 806
Revised Code: 807

(1) "JMOC" means the joint medicaid oversight committee 808
created under this section. 809

(2) "State and local government medicaid agency" means all of 810
the following: 811

(a) The department of medicaid; 812

(b) ~~The office of health transformation;~~ 813

~~(e)~~ Each state agency and political subdivision with which 814
the department of medicaid contracts under section 5162.35 of the 815
Revised Code to have the state agency or political subdivision 816
administer one or more components of the medicaid program, or one 817
or more aspects of a component, under the department's 818
supervision; 819

~~(d)~~(c) Each agency of a political subdivision that is 820
responsible for administering one or more components of the 821
medicaid program, or one or more aspects of a component, under the 822
supervision of the department or a state agency or political 823
subdivision described in division (A)(2)~~(e)~~(b) of this section. 824

(B) There is hereby created the joint medicaid oversight 825
committee. JMOC shall consist of the following members: 826

(1) Five members of the senate appointed by the president of 827
the senate, three of whom are members of the majority party and 828
two of whom are members of the minority party; 829

(2) Five members of the house of representatives appointed by 830
the speaker of the house of representatives, three of whom are 831
members of the majority party and two of whom are members of the 832
minority party. 833

(C) The term of each JMOC member shall begin on the day of 834
appointment to JMOC and end on the last day that the member serves 835
in the house (in the case of a member appointed by the speaker) or 836
senate (in the case of a member appointed by the president) during 837
the general assembly for which the member is appointed to JMOC. 838
The president and speaker shall make the initial appointments not 839
later than fifteen days after March 20, 2014. However, if this 840
section takes effect before January 1, 2014, the president and 841
speaker shall make the initial appointments during the period 842
beginning January 1, 2014, and ending January 15, 2014. The 843

president and speaker shall make subsequent appointments not later 844
than fifteen days after the commencement of the first regular 845
session of each general assembly. JMOC members may be reappointed. 846
A vacancy on JMOC shall be filled in the same manner as the 847
original appointment. 848

(D) In odd-numbered years, the speaker shall designate one of 849
the majority members from the house as the JMOC chairperson and 850
the president shall designate one of the minority members from the 851
senate as the JMOC ranking minority member. In even-numbered 852
years, the president shall designate one of the majority members 853
from the senate as the JMOC chairperson and the speaker shall 854
designate one of the minority members from the house as the JMOC 855
ranking minority member. 856

(E) In appointing members from the minority, and in 857
designating ranking minority members, the president and speaker 858
shall consult with the minority leader of their respective houses. 859

(F) JMOC shall meet at the call of the JMOC chairperson. The 860
chairperson shall call JMOC to meet not less often than once each 861
calendar month, unless the chairperson and ranking minority member 862
agree that the chairperson should not call JMOC to meet for a 863
particular month. 864

(G) Notwithstanding section 101.26 of the Revised Code, the 865
members, when engaged in their duties as members of JMOC on days 866
when there is not a voting session of the member's house of the 867
general assembly, shall be paid at the per diem rate of one 868
hundred fifty dollars, and their necessary traveling expenses, 869
which shall be paid from the funds appropriated for the payment of 870
expenses of legislative committees. 871

(H) The JMOC chairperson may, subject to approval by the 872
speaker of the house of representatives or the speaker's designee 873
and the president of the senate or the president's designee, 874

employ professional, technical, and clerical employees as are 875
necessary for JMOC to be able successfully and efficiently to 876
perform its duties. All such employees are in the unclassified 877
service and may be terminated by the chairperson, subject to 878
approval of the speaker or the speaker's designee and president or 879
the president's designee. JMOC may contract for the services of 880
persons who are qualified by education and experience to advise, 881
consult with, or otherwise assist JMOC in the performance of its 882
duties. 883

(I) The JMOC chairperson, when authorized by JMOC and the 884
president and speaker, may issue subpoenas and subpoenas duces 885
tecum in aid of JMOC's performance of its duties. A subpoena may 886
require a witness in any part of the state to appear before JMOC 887
at a time and place designated in the subpoena to testify. A 888
subpoena duces tecum may require witnesses or other persons in any 889
part of the state to produce books, papers, records, and other 890
tangible evidence before JMOC at a time and place designated in 891
the subpoena duces tecum. A subpoena or subpoena duces tecum shall 892
be issued, served, and returned, and has consequences, as 893
specified in sections 101.41 to 101.45 of the Revised Code. 894

(J) The JMOC chairperson may administer oaths to witnesses 895
appearing before JMOC. 896

~~**Sec. 103.416.** JMOC on a quarterly basis shall monitor the 897
actions of the department of medicaid under section 5167.04 of the 898
Revised Code in preparing to implement inclusion of alcohol, drug 899
addiction, and mental health services covered by medicaid in the 900
care management system established under section 5167.03 of the 901
Revised Code. When the inclusion of the If the department of 902
medicaid includes alcohol, drug addiction, and mental health 903
services in the care management system begins to be implemented 904
established under section 5167.03 of the Revised Code, JMOC on a 905~~

periodic basis shall monitor the department's inclusion of the 906
services in the system. 907

Sec. 103.50. The joint education oversight committee shall 908
consist of the following members: 909

(A) Five members of the house of representatives appointed by 910
the speaker of the house of representatives, three of whom are 911
members of the majority party and two of whom are members of the 912
minority party; ~~and~~ 913

(B) Five members of the senate appointed by the president of 914
the senate, three of whom are members of the majority party and 915
two of whom are members of the minority party; 916

(C) Two members of the state board of education appointed by 917
the president of the state board, both of whom cannot be members 918
of the same political party. 919

The term of each member begins on the day of appointment to 920
the committee and ends on expiration or other termination of the 921
member's term as a member of the house of representatives ~~or,~~ 922
senate, or state board. The speaker and president shall make 923
subsequent appointments not later than fifteen days after the 924
commencement of the first regular session of each general 925
assembly. The president of the state board shall make appointments 926
not later than fifteen days after the organizational meeting of 927
the state board under section 3301.04 of the Revised Code. Members 928
may be reappointed. A vacancy on the committee shall be filled in 929
the same manner as the original appointment. 930

In odd-numbered years, the speaker shall designate one of the 931
majority members from the house of representatives as chairperson 932
and the president of the senate shall designate one member from 933
the senate, who is not from the same political party as the 934
chairperson, as the ranking member. In even-numbered years, the 935

president shall designate one of the majority members from the 936
senate as the chairperson and the speaker shall designate one 937
member from the house of representatives, who is not from the same 938
political party as the chairperson, as the ranking member. 939

In appointing members from the minority, and in designating 940
ranking members who are from the minority, the president of the 941
senate and speaker shall consult with the minority leader of their 942
respective houses. 943

The committee shall meet at the call of the chairperson. The 944
committee shall meet not less often than once each calendar month, 945
unless the chairperson and ranking member agree that the 946
chairperson should not call the committee to meet for a particular 947
month. 948

Notwithstanding section 101.26 of the Revised Code, the 949
members, when engaged in their duties as members of the committee 950
on days when there is not a voting session of the member's house 951
of the general assembly, shall be paid at the per diem rate of one 952
hundred fifty dollars, and their necessary traveling expenses. 953
These amounts shall be paid from the funds appropriated for the 954
payment of expenses of legislative committees. 955

The chairperson, when authorized by the committee and the 956
president of the senate and speaker, may issue subpoenas and 957
subpoenas duces tecum in aid of the committee's performance of its 958
duties. A subpoena may require a witness in any part of the state 959
to appear before the committee at a time and place designated in 960
the subpoena to testify. A subpoena duces tecum may require 961
witnesses or other persons in any part of the state to produce 962
books, papers, records, and other tangible evidence before the 963
committee at a time and place designated in the subpoena duces 964
tecum. A subpoena or subpoena duces tecum shall be issued, served, 965
and returned, and has consequences, as specified in sections 966
101.41 to 101.45 of the Revised Code. 967

The chairperson may administer oaths to witnesses appearing 968
before the committee. 969

Sec. 107.036. (A) For each business incentive tax credit, the 970
main operating appropriations act shall contain a detailed 971
estimate of the total amount of credits that may be authorized in 972
each year, an estimate of the amount of credits expected to be 973
claimed in each year, and an estimate of the amount of credits 974
expected to remain outstanding at the end of the biennium. The 975
governor shall include such estimates in the state budget 976
submitted to the general assembly pursuant to section 107.03 of 977
the Revised Code. 978

(B) As used in this section, "business incentive tax credit" 979
means all of the following: 980

(1) The job creation tax credit under section 122.17 of the 981
Revised Code; 982

(2) The job retention tax credit under section 122.171 of the 983
Revised Code; 984

(3) The historic preservation tax credit under section 985
149.311 of the Revised Code; 986

(4) The motion picture tax credit under section 122.85 of the 987
Revised Code; 988

(5) The new markets tax credit under section 5725.33 of the 989
Revised Code; 990

(6) The research and development credit under section 166.21 991
of the Revised Code; 992

(7) The small business investment credit under section 122.86 993
of the Revised Code; 994

(8) The rural growth investment credit under section 122.152 995
of the Revised Code; 996

(9) The opportunity zone investment credit under section 122.84 of the Revised Code. 997
998

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 999
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 1000
a completed form prescribed pursuant to division (C)(1) of this 1001
section, and a set of fingerprint impressions obtained in the 1002
manner described in division (C)(2) of this section, the 1003
superintendent of the bureau of criminal identification and 1004
investigation shall conduct a criminal records check in the manner 1005
described in division (B) of this section to determine whether any 1006
information exists that indicates that the person who is the 1007
subject of the request previously has been convicted of or pleaded 1008
guilty to any of the following: 1009

(a) A violation of section 2903.01, 2903.02, 2903.03, 1010
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1011
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1012
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1013
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 1014
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 1015
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 1016
2925.06, or 3716.11 of the Revised Code, felonious sexual 1017
penetration in violation of former section 2907.12 of the Revised 1018
Code, a violation of section 2905.04 of the Revised Code as it 1019
existed prior to July 1, 1996, a violation of section 2919.23 of 1020
the Revised Code that would have been a violation of section 1021
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1022
had the violation been committed prior to that date, or a 1023
violation of section 2925.11 of the Revised Code that is not a 1024
minor drug possession offense; 1025

(b) A violation of an existing or former law of this state, 1026
any other state, or the United States that is substantially 1027

equivalent to any of the offenses listed in division (A)(1)(a) of 1028
this section; 1029

(c) If the request is made pursuant to section 3319.39 of the 1030
Revised Code for an applicant who is a teacher, any offense 1031
specified in section 3319.31 of the Revised Code. 1032

(2) On receipt of a request pursuant to section 3712.09 or 1033
3721.121 of the Revised Code, a completed form prescribed pursuant 1034
to division (C)(1) of this section, and a set of fingerprint 1035
impressions obtained in the manner described in division (C)(2) of 1036
this section, the superintendent of the bureau of criminal 1037
identification and investigation shall conduct a criminal records 1038
check with respect to any person who has applied for employment in 1039
a position for which a criminal records check is required by those 1040
sections. The superintendent shall conduct the criminal records 1041
check in the manner described in division (B) of this section to 1042
determine whether any information exists that indicates that the 1043
person who is the subject of the request previously has been 1044
convicted of or pleaded guilty to any of the following: 1045

(a) A violation of section 2903.01, 2903.02, 2903.03, 1046
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1047
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1048
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1049
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1050
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1051
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1052
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1053
2925.22, 2925.23, or 3716.11 of the Revised Code; 1054

(b) An existing or former law of this state, any other state, 1055
or the United States that is substantially equivalent to any of 1056
the offenses listed in division (A)(2)(a) of this section. 1057

(3) On receipt of a request pursuant to section 173.27, 1058

173.38, 173.381, 3701.881, 5119.34, 5164.34, 5164.341, 5164.342, 1059
5123.081, or 5123.169 of the Revised Code, a completed form 1060
prescribed pursuant to division (C)(1) of this section, and a set 1061
of fingerprint impressions obtained in the manner described in 1062
division (C)(2) of this section, the superintendent of the bureau 1063
of criminal identification and investigation shall conduct a 1064
criminal records check of the person for whom the request is made. 1065
The superintendent shall conduct the criminal records check in the 1066
manner described in division (B) of this section to determine 1067
whether any information exists that indicates that the person who 1068
is the subject of the request previously has been convicted of, 1069
has pleaded guilty to, or (except in the case of a request 1070
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 1071
Code) has been found eligible for intervention in lieu of 1072
conviction for any of the following, regardless of the date of the 1073
conviction, the date of entry of the guilty plea, or (except in 1074
the case of a request pursuant to section 5164.34, 5164.341, or 1075
5164.342 of the Revised Code) the date the person was found 1076
eligible for intervention in lieu of conviction: 1077

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 1078
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 1079
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 1080
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 1081
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1082
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 1083
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 1084
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 1085
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 1086
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 1087
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 1088
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 1089
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 1090
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 1091

2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 1092
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 1093
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 1094
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 1095
2927.12, or 3716.11 of the Revised Code; 1096

(b) Felonious sexual penetration in violation of former 1097
section 2907.12 of the Revised Code; 1098

(c) A violation of section 2905.04 of the Revised Code as it 1099
existed prior to July 1, 1996; 1100

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 1101
the Revised Code when the underlying offense that is the object of 1102
the conspiracy, attempt, or complicity is one of the offenses 1103
listed in divisions (A)(3)(a) to (c) of this section; 1104

(e) A violation of an existing or former municipal ordinance 1105
or law of this state, any other state, or the United States that 1106
is substantially equivalent to any of the offenses listed in 1107
divisions (A)(3)(a) to (d) of this section. 1108

(4) On receipt of a request pursuant to section 2151.86 of 1109
the Revised Code, a completed form prescribed pursuant to division 1110
(C)(1) of this section, and a set of fingerprint impressions 1111
obtained in the manner described in division (C)(2) of this 1112
section, the superintendent of the bureau of criminal 1113
identification and investigation shall conduct a criminal records 1114
check in the manner described in division (B) of this section to 1115
determine whether any information exists that indicates that the 1116
person who is the subject of the request previously has been 1117
convicted of or pleaded guilty to any of the following: 1118

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 1119
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 1120
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 1121
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1122

2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 1123
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 1124
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 1125
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 1126
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 1127
of the Revised Code, a violation of section 2905.04 of the Revised 1128
Code as it existed prior to July 1, 1996, a violation of section 1129
2919.23 of the Revised Code that would have been a violation of 1130
section 2905.04 of the Revised Code as it existed prior to July 1, 1131
1996, had the violation been committed prior to that date, a 1132
violation of section 2925.11 of the Revised Code that is not a 1133
minor drug possession offense, two or more OVI or OVUAC violations 1134
committed within the three years immediately preceding the 1135
submission of the application or petition that is the basis of the 1136
request, or felonious sexual penetration in violation of former 1137
section 2907.12 of the Revised Code; 1138

(b) A violation of an existing or former law of this state, 1139
any other state, or the United States that is substantially 1140
equivalent to any of the offenses listed in division (A)(4)(a) of 1141
this section. 1142

(5) Upon receipt of a request pursuant to section 5104.013 of 1143
the Revised Code, a completed form prescribed pursuant to division 1144
(C)(1) of this section, and a set of fingerprint impressions 1145
obtained in the manner described in division (C)(2) of this 1146
section, the superintendent of the bureau of criminal 1147
identification and investigation shall conduct a criminal records 1148
check in the manner described in division (B) of this section to 1149
determine whether any information exists that indicates that the 1150
person who is the subject of the request has been convicted of or 1151
pleaded guilty to any of the following: 1152

(a) A violation of section 2151.421, 2903.01, 2903.02, 1153
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 1154

2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 1155
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 1156
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 1157
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 1158
2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 1159
2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 1160
2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 1161
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 1162
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 1163
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 1164
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 1165
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 1166
Revised Code, felonious sexual penetration in violation of former 1167
section 2907.12 of the Revised Code, a violation of section 1168
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 1169
violation of section 2919.23 of the Revised Code that would have 1170
been a violation of section 2905.04 of the Revised Code as it 1171
existed prior to July 1, 1996, had the violation been committed 1172
prior to that date, a violation of section 2925.11 of the Revised 1173
Code that is not a minor drug possession offense, a violation of 1174
section 2923.02 or 2923.03 of the Revised Code that relates to a 1175
crime specified in this division, or a second violation of section 1176
4511.19 of the Revised Code within five years of the date of 1177
application for licensure or certification. 1178

(b) A violation of an existing or former law of this state, 1179
any other state, or the United States that is substantially 1180
equivalent to any of the offenses or violations described in 1181
division (A)(5)(a) of this section. 1182

(6) Upon receipt of a request pursuant to section 5153.111 of 1183
the Revised Code, a completed form prescribed pursuant to division 1184
(C)(1) of this section, and a set of fingerprint impressions 1185
obtained in the manner described in division (C)(2) of this 1186

section, the superintendent of the bureau of criminal 1187
identification and investigation shall conduct a criminal records 1188
check in the manner described in division (B) of this section to 1189
determine whether any information exists that indicates that the 1190
person who is the subject of the request previously has been 1191
convicted of or pleaded guilty to any of the following: 1192

(a) A violation of section 2903.01, 2903.02, 2903.03, 1193
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1194
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1195
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1196
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1197
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1198
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1199
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 1200
felonious sexual penetration in violation of former section 1201
2907.12 of the Revised Code, a violation of section 2905.04 of the 1202
Revised Code as it existed prior to July 1, 1996, a violation of 1203
section 2919.23 of the Revised Code that would have been a 1204
violation of section 2905.04 of the Revised Code as it existed 1205
prior to July 1, 1996, had the violation been committed prior to 1206
that date, or a violation of section 2925.11 of the Revised Code 1207
that is not a minor drug possession offense; 1208

(b) A violation of an existing or former law of this state, 1209
any other state, or the United States that is substantially 1210
equivalent to any of the offenses listed in division (A)(6)(a) of 1211
this section. 1212

(7) On receipt of a request for a criminal records check from 1213
an individual pursuant to section 4749.03 or 4749.06 of the 1214
Revised Code, accompanied by a completed copy of the form 1215
prescribed in division (C)(1) of this section and a set of 1216
fingerprint impressions obtained in a manner described in division 1217
(C)(2) of this section, the superintendent of the bureau of 1218

criminal identification and investigation shall conduct a criminal 1219
records check in the manner described in division (B) of this 1220
section to determine whether any information exists indicating 1221
that the person who is the subject of the request has been 1222
convicted of or pleaded guilty to a felony in this state or in any 1223
other state. If the individual indicates that a firearm will be 1224
carried in the course of business, the superintendent shall 1225
require information from the federal bureau of investigation as 1226
described in division (B)(2) of this section. Subject to division 1227
(F) of this section, the superintendent shall report the findings 1228
of the criminal records check and any information the federal 1229
bureau of investigation provides to the director of public safety. 1230

(8) On receipt of a request pursuant to section 1321.37, 1231
1321.53, or 4763.05 of the Revised Code, a completed form 1232
prescribed pursuant to division (C)(1) of this section, and a set 1233
of fingerprint impressions obtained in the manner described in 1234
division (C)(2) of this section, the superintendent of the bureau 1235
of criminal identification and investigation shall conduct a 1236
criminal records check with respect to any person who has applied 1237
for a license, permit, or certification from the department of 1238
commerce or a division in the department. The superintendent shall 1239
conduct the criminal records check in the manner described in 1240
division (B) of this section to determine whether any information 1241
exists that indicates that the person who is the subject of the 1242
request previously has been convicted of or pleaded guilty to any 1243
of the following: a violation of section 2913.02, 2913.11, 1244
2913.31, 2913.51, or 2925.03 of the Revised Code; any other 1245
criminal offense involving theft, receiving stolen property, 1246
embezzlement, forgery, fraud, passing bad checks, money 1247
laundering, or drug trafficking, or any criminal offense involving 1248
money or securities, as set forth in Chapters 2909., 2911., 2913., 1249
2915., 2921., 2923., and 2925. of the Revised Code; or any 1250
existing or former law of this state, any other state, or the 1251

United States that is substantially equivalent to those offenses. 1252

(9) On receipt of a request for a criminal records check from 1253
the treasurer of state under section 113.041 of the Revised Code 1254
or from an individual under section 4701.08, 4715.101, 4717.061, 1255
4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 4729.92, 4730.101, 1256
4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1257
~~4731.296~~, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1258
4747.051, 4751.20, 4751.201, 4751.202, 4751.21, 4753.061, 4755.70, 1259
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 1260
4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 4779.091, 1261
or 4783.04 of the Revised Code, accompanied by a completed form 1262
prescribed under division (C)(1) of this section and a set of 1263
fingerprint impressions obtained in the manner described in 1264
division (C)(2) of this section, the superintendent of the bureau 1265
of criminal identification and investigation shall conduct a 1266
criminal records check in the manner described in division (B) of 1267
this section to determine whether any information exists that 1268
indicates that the person who is the subject of the request has 1269
been convicted of or pleaded guilty to any criminal offense in 1270
this state or any other state. Subject to division (F) of this 1271
section, the superintendent shall send the results of a check 1272
requested under section 113.041 of the Revised Code to the 1273
treasurer of state and shall send the results of a check requested 1274
under any of the other listed sections to the licensing board 1275
specified by the individual in the request. 1276

(10) On receipt of a request pursuant to section 124.74, 1277
1121.23, 1315.141, 1733.47, or 1761.26 of the Revised Code, a 1278
completed form prescribed pursuant to division (C)(1) of this 1279
section, and a set of fingerprint impressions obtained in the 1280
manner described in division (C)(2) of this section, the 1281
superintendent of the bureau of criminal identification and 1282
investigation shall conduct a criminal records check in the manner 1283

described in division (B) of this section to determine whether any 1284
information exists that indicates that the person who is the 1285
subject of the request previously has been convicted of or pleaded 1286
guilty to any criminal offense under any existing or former law of 1287
this state, any other state, or the United States. 1288

(11) On receipt of a request for a criminal records check 1289
from an appointing or licensing authority under section 3772.07 of 1290
the Revised Code, a completed form prescribed under division 1291
(C)(1) of this section, and a set of fingerprint impressions 1292
obtained in the manner prescribed in division (C)(2) of this 1293
section, the superintendent of the bureau of criminal 1294
identification and investigation shall conduct a criminal records 1295
check in the manner described in division (B) of this section to 1296
determine whether any information exists that indicates that the 1297
person who is the subject of the request previously has been 1298
convicted of or pleaded guilty or no contest to any offense under 1299
any existing or former law of this state, any other state, or the 1300
United States that is a disqualifying offense as defined in 1301
section 3772.07 of the Revised Code or substantially equivalent to 1302
such an offense. 1303

(12) On receipt of a request pursuant to section 2151.33 or 1304
2151.412 of the Revised Code, a completed form prescribed pursuant 1305
to division (C)(1) of this section, and a set of fingerprint 1306
impressions obtained in the manner described in division (C)(2) of 1307
this section, the superintendent of the bureau of criminal 1308
identification and investigation shall conduct a criminal records 1309
check with respect to any person for whom a criminal records check 1310
is required under that section. The superintendent shall conduct 1311
the criminal records check in the manner described in division (B) 1312
of this section to determine whether any information exists that 1313
indicates that the person who is the subject of the request 1314
previously has been convicted of or pleaded guilty to any of the 1315

following: 1316

(a) A violation of section 2903.01, 2903.02, 2903.03, 1317
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1318
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1319
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1320
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1321
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1322
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1323
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1324
2925.22, 2925.23, or 3716.11 of the Revised Code; 1325

(b) An existing or former law of this state, any other state, 1326
or the United States that is substantially equivalent to any of 1327
the offenses listed in division (A)(12)(a) of this section. 1328

(13) On receipt of a request pursuant to section 3796.12 of 1329
the Revised Code, a completed form prescribed pursuant to division 1330
(C)(1) of this section, and a set of fingerprint impressions 1331
obtained in a manner described in division (C)(2) of this section, 1332
the superintendent of the bureau of criminal identification and 1333
investigation shall conduct a criminal records check in the manner 1334
described in division (B) of this section to determine whether any 1335
information exists that indicates that the person who is the 1336
subject of the request previously has been convicted of or pleaded 1337
guilty to the following: 1338

(a) A disqualifying offense as specified in rules adopted 1339
under division (B)(2)(b) of section 3796.03 of the Revised Code if 1340
the person who is the subject of the request is an administrator 1341
or other person responsible for the daily operation of, or an 1342
owner or prospective owner, officer or prospective officer, or 1343
board member or prospective board member of, an entity seeking a 1344
license from the department of commerce under Chapter 3796. of the 1345
Revised Code; 1346

(b) A disqualifying offense as specified in rules adopted 1347
under division (B)(2)(b) of section 3796.04 of the Revised Code if 1348
the person who is the subject of the request is an administrator 1349
or other person responsible for the daily operation of, or an 1350
owner or prospective owner, officer or prospective officer, or 1351
board member or prospective board member of, an entity seeking a 1352
license from the state board of pharmacy under Chapter 3796. of 1353
the Revised Code. 1354

(14) On receipt of a request required by section 3796.13 of 1355
the Revised Code, a completed form prescribed pursuant to division 1356
(C)(1) of this section, and a set of fingerprint impressions 1357
obtained in a manner described in division (C)(2) of this section, 1358
the superintendent of the bureau of criminal identification and 1359
investigation shall conduct a criminal records check in the manner 1360
described in division (B) of this section to determine whether any 1361
information exists that indicates that the person who is the 1362
subject of the request previously has been convicted of or pleaded 1363
guilty to the following: 1364

(a) A disqualifying offense as specified in rules adopted 1365
under division (B)(8)(a) of section 3796.03 of the Revised Code if 1366
the person who is the subject of the request is seeking employment 1367
with an entity licensed by the department of commerce under 1368
Chapter 3796. of the Revised Code; 1369

(b) A disqualifying offense as specified in rules adopted 1370
under division (B)(14)(a) of section 3796.04 of the Revised Code 1371
if the person who is the subject of the request is seeking 1372
employment with an entity licensed by the state board of pharmacy 1373
under Chapter 3796. of the Revised Code. 1374

(15) On receipt of a request pursuant to section 4768.06 of 1375
the Revised Code, a completed form prescribed under division 1376
(C)(1) of this section, and a set of fingerprint impressions 1377
obtained in the manner described in division (C)(2) of this 1378

section, the superintendent of the bureau of criminal 1379
identification and investigation shall conduct a criminal records 1380
check in the manner described in division (B) of this section to 1381
determine whether any information exists indicating that the 1382
person who is the subject of the request has been convicted of or 1383
pleaded guilty to a felony in this state or in any other state. 1384

(16) On receipt of a request pursuant to division (B) of 1385
section 4764.07 of the Revised Code, a completed form prescribed 1386
under division (C)(1) of this section, and a set of fingerprint 1387
impressions obtained in the manner described in division (C)(2) of 1388
this section, the superintendent of the bureau of criminal 1389
identification and investigation shall conduct a criminal records 1390
check in the manner described in division (B) of this section to 1391
determine whether any information exists indicating that the 1392
person who is the subject of the request has been convicted of or 1393
pleaded guilty to any crime of moral turpitude, a felony, or an 1394
equivalent offense in any other state or the United States. 1395

(17) On receipt of a request for a criminal records check 1396
under section 147.022 of the Revised Code, a completed form 1397
prescribed under division (C)(1) of this section, and a set of 1398
fingerprint impressions obtained in the manner prescribed in 1399
division (C)(2) of this section, the superintendent of the bureau 1400
of criminal identification and investigation shall conduct a 1401
criminal records check in the manner described in division (B) of 1402
this section to determine whether any information exists that 1403
indicates that the person who is the subject of the request 1404
previously has been convicted of or pleaded guilty or no contest 1405
to any disqualifying offense, as defined in section 147.011 of the 1406
Revised Code, or to any offense under any existing or former law 1407
of this state, any other state, or the United States that is 1408
substantially equivalent to such a disqualifying offense. 1409

(B) Subject to division (F) of this section, the 1410

superintendent shall conduct any criminal records check to be 1411
conducted under this section as follows: 1412

(1) The superintendent shall review or cause to be reviewed 1413
any relevant information gathered and compiled by the bureau under 1414
division (A) of section 109.57 of the Revised Code that relates to 1415
the person who is the subject of the criminal records check, 1416
including, if the criminal records check was requested under 1417
section 113.041, 121.08, 124.74, 173.27, 173.38, 173.381, 1121.23, 1418
1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 2151.86, 3301.32, 1419
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 3796.12, 1420
3796.13, 4729.071, 4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 1421
4763.05, 4764.07, 4768.06, 5104.013, 5164.34, 5164.341, 5164.342, 1422
5123.081, 5123.169, or 5153.111 of the Revised Code, any relevant 1423
information contained in records that have been sealed under 1424
section 2953.32 of the Revised Code; 1425

(2) If the request received by the superintendent asks for 1426
information from the federal bureau of investigation, the 1427
superintendent shall request from the federal bureau of 1428
investigation any information it has with respect to the person 1429
who is the subject of the criminal records check, including 1430
fingerprint-based checks of national crime information databases 1431
as described in 42 U.S.C. 671 if the request is made pursuant to 1432
section 2151.86 or 5104.013 of the Revised Code or if any other 1433
Revised Code section requires fingerprint-based checks of that 1434
nature, and shall review or cause to be reviewed any information 1435
the superintendent receives from that bureau. If a request under 1436
section 3319.39 of the Revised Code asks only for information from 1437
the federal bureau of investigation, the superintendent shall not 1438
conduct the review prescribed by division (B)(1) of this section. 1439

(3) The superintendent or the superintendent's designee may 1440
request criminal history records from other states or the federal 1441
government pursuant to the national crime prevention and privacy 1442

compact set forth in section 109.571 of the Revised Code. 1443

(4) The superintendent shall include in the results of the 1444
criminal records check a list or description of the offenses 1445
listed or described in division (A)(1), (2), (3), (4), (5), (6), 1446
(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) 1447
of this section, whichever division requires the superintendent to 1448
conduct the criminal records check. The superintendent shall 1449
exclude from the results any information the dissemination of 1450
which is prohibited by federal law. 1451

(5) The superintendent shall send the results of the criminal 1452
records check to the person to whom it is to be sent not later 1453
than the following number of days after the date the 1454
superintendent receives the request for the criminal records 1455
check, the completed form prescribed under division (C)(1) of this 1456
section, and the set of fingerprint impressions obtained in the 1457
manner described in division (C)(2) of this section: 1458

(a) If the superintendent is required by division (A) of this 1459
section (other than division (A)(3) of this section) to conduct 1460
the criminal records check, thirty; 1461

(b) If the superintendent is required by division (A)(3) of 1462
this section to conduct the criminal records check, sixty. 1463

(C)(1) The superintendent shall prescribe a form to obtain 1464
the information necessary to conduct a criminal records check from 1465
any person for whom a criminal records check is to be conducted 1466
under this section. The form that the superintendent prescribes 1467
pursuant to this division may be in a tangible format, in an 1468
electronic format, or in both tangible and electronic formats. 1469

(2) The superintendent shall prescribe standard impression 1470
sheets to obtain the fingerprint impressions of any person for 1471
whom a criminal records check is to be conducted under this 1472
section. Any person for whom a records check is to be conducted 1473

under this section shall obtain the fingerprint impressions at a 1474
county sheriff's office, municipal police department, or any other 1475
entity with the ability to make fingerprint impressions on the 1476
standard impression sheets prescribed by the superintendent. The 1477
office, department, or entity may charge the person a reasonable 1478
fee for making the impressions. The standard impression sheets the 1479
superintendent prescribes pursuant to this division may be in a 1480
tangible format, in an electronic format, or in both tangible and 1481
electronic formats. 1482

(3) Subject to division (D) of this section, the 1483
superintendent shall prescribe and charge a reasonable fee for 1484
providing a criminal records check under this section. The person 1485
requesting the criminal records check shall pay the fee prescribed 1486
pursuant to this division. In the case of a request under section 1487
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 1488
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 1489
the manner specified in that section. 1490

(4) The superintendent of the bureau of criminal 1491
identification and investigation may prescribe methods of 1492
forwarding fingerprint impressions and information necessary to 1493
conduct a criminal records check, which methods shall include, but 1494
not be limited to, an electronic method. 1495

(D) The results of a criminal records check conducted under 1496
this section, other than a criminal records check specified in 1497
division (A)(7) of this section, are valid for the person who is 1498
the subject of the criminal records check for a period of one year 1499
from the date upon which the superintendent completes the criminal 1500
records check. If during that period the superintendent receives 1501
another request for a criminal records check to be conducted under 1502
this section for that person, the superintendent shall provide the 1503
results from the previous criminal records check of the person at 1504
a lower fee than the fee prescribed for the initial criminal 1505

records check. 1506

(E) When the superintendent receives a request for 1507
information from a registered private provider, the superintendent 1508
shall proceed as if the request was received from a school 1509
district board of education under section 3319.39 of the Revised 1510
Code. The superintendent shall apply division (A)(1)(c) of this 1511
section to any such request for an applicant who is a teacher. 1512

(F)(1) Subject to division (F)(2) of this section, all 1513
information regarding the results of a criminal records check 1514
conducted under this section that the superintendent reports or 1515
sends under division (A)(7) or (9) of this section to the director 1516
of public safety, the treasurer of state, or the person, board, or 1517
entity that made the request for the criminal records check shall 1518
relate to the conviction of the subject person, or the subject 1519
person's plea of guilty to, a criminal offense. 1520

(2) Division (F)(1) of this section does not limit, restrict, 1521
or preclude the superintendent's release of information that 1522
relates to the arrest of a person who is eighteen years of age or 1523
older, to an adjudication of a child as a delinquent child, or to 1524
a criminal conviction of a person under eighteen years of age in 1525
circumstances in which a release of that nature is authorized 1526
under division (E)(2), (3), or (4) of section 109.57 of the 1527
Revised Code pursuant to a rule adopted under division (E)(1) of 1528
that section. 1529

(G) As used in this section: 1530

(1) "Criminal records check" means any criminal records check 1531
conducted by the superintendent of the bureau of criminal 1532
identification and investigation in accordance with division (B) 1533
of this section. 1534

(2) "Minor drug possession offense" has the same meaning as 1535
in section 2925.01 of the Revised Code. 1536

(3) "OVI or OVUAC violation" means a violation of section 1537
4511.19 of the Revised Code or a violation of an existing or 1538
former law of this state, any other state, or the United States 1539
that is substantially equivalent to section 4511.19 of the Revised 1540
Code. 1541

(4) "Registered private provider" means a nonpublic school or 1542
entity registered with the superintendent of public instruction 1543
under section 3310.41 of the Revised Code to participate in the 1544
autism scholarship program or section 3310.58 of the Revised Code 1545
to participate in the Jon Peterson special needs scholarship 1546
program. 1547

Sec. 111.15. (A) As used in this section: 1548

(1) "Rule" includes any rule, regulation, bylaw, or standard 1549
having a general and uniform operation adopted by an agency under 1550
the authority of the laws governing the agency; any appendix to a 1551
rule; and any internal management rule. "Rule" does not include 1552
any guideline adopted pursuant to section 3301.0714 of the Revised 1553
Code, any order respecting the duties of employees, any finding, 1554
any determination of a question of law or fact in a matter 1555
presented to an agency, or any rule promulgated pursuant to 1556
Chapter 119. or division (C)(1) or (2) of section 5117.02 of the 1557
Revised Code. "Rule" includes any amendment or rescission of a 1558
rule. 1559

(2) "Agency" means any governmental entity of the state and 1560
includes, but is not limited to, any board, department, division, 1561
commission, bureau, society, council, institution, state college 1562
or university, community college district, technical college 1563
district, or state community college. "Agency" does not include 1564
the general assembly, the controlling board, the adjutant 1565
general's department, or any court. 1566

(3) "Internal management rule" means any rule, regulation, 1567

bylaw, or standard governing the day-to-day staff procedures and 1568
operations within an agency. 1569

(B)(1) Any rule, other than a rule of an emergency nature, 1570
adopted by any agency pursuant to this section shall be effective 1571
on the tenth day after the day on which the rule in final form and 1572
in compliance with division (B)(3) of this section is filed as 1573
follows: 1574

(a) The rule shall be filed in electronic form with both the 1575
secretary of state and the director of the legislative service 1576
commission; 1577

(b) The rule shall be filed in electronic form with the joint 1578
committee on agency rule review. Division (B)(1)(b) of this 1579
section does not apply to any rule to which division (D) of this 1580
section does not apply. 1581

An agency that adopts or amends a rule that is subject to 1582
division (D) of this section shall assign a review date to the 1583
rule that is not later than five years after its effective date. 1584
If a review date assigned to a rule exceeds the five-year maximum, 1585
the review date for the rule is five years after its effective 1586
date. A rule with a review date is subject to review under section 1587
106.03 of the Revised Code. This paragraph does not apply to a 1588
rule of a state college or university, community college district, 1589
technical college district, or state community college. 1590

If an agency in adopting a rule designates an effective date 1591
that is later than the effective date provided for by division 1592
(B)(1) of this section, the rule if filed as required by such 1593
division shall become effective on the later date designated by 1594
the agency. 1595

Any rule that is required to be filed under division (B)(1) 1596
of this section is also subject to division (D) of this section if 1597
not exempted by that division. 1598

If a rule incorporates a text or other material by reference, 1599
the agency shall comply with sections 121.71 to 121.75 of the 1600
Revised Code. 1601

(2) A rule of an emergency nature necessary for the immediate 1602
preservation of the public peace, health, or safety shall state 1603
the reasons for the necessity. The emergency rule, in final form 1604
and in compliance with division (B)(3) of this section, shall be 1605
filed in electronic form with the secretary of state, the director 1606
of the legislative service commission, and the joint committee on 1607
agency rule review. The emergency rule is effective immediately 1608
upon completion of the latest filing, except that if the agency in 1609
adopting the emergency rule designates an effective date, or date 1610
and time of day, that is later than the effective date and time 1611
provided for by division (B)(2) of this section, the emergency 1612
rule if filed as required by such division shall become effective 1613
at the later date, or later date and time of day, designated by 1614
the agency. 1615

An emergency rule becomes invalid at the end of the one 1616
hundred twentieth day it is in effect. Prior to that date, the 1617
agency may file the emergency rule as a nonemergency rule in 1618
compliance with division (B)(1) of this section. The agency may 1619
not refile the emergency rule in compliance with division (B)(2) 1620
of this section so that, upon the emergency rule becoming invalid 1621
under such division, the emergency rule will continue in effect 1622
without interruption for another one hundred twenty-day period. 1623

(3) An agency shall file a rule under division (B)(1) or (2) 1624
of this section in compliance with the following standards and 1625
procedures: 1626

(a) The rule shall be numbered in accordance with the 1627
numbering system devised by the director for the Ohio 1628
administrative code. 1629

(b) The rule shall be prepared and submitted in compliance 1630
with the rules of the legislative service commission. 1631

(c) The rule shall clearly state the date on which it is to 1632
be effective and the date on which it will expire, if known. 1633

(d) Each rule that amends or rescinds another rule shall 1634
clearly refer to the rule that is amended or rescinded. Each 1635
amendment shall fully restate the rule as amended. 1636

If the director of the legislative service commission or the 1637
director's designee gives an agency notice pursuant to section 1638
103.05 of the Revised Code that a rule filed by the agency is not 1639
in compliance with the rules of the legislative service 1640
commission, the agency shall within thirty days after receipt of 1641
the notice conform the rule to the rules of the commission as 1642
directed in the notice. 1643

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 1644
of this section shall be recorded by the secretary of state and 1645
the director under the title of the agency adopting the rule and 1646
shall be numbered according to the numbering system devised by the 1647
director. The secretary of state and the director shall preserve 1648
the rules in an accessible manner. Each such rule shall be a 1649
public record open to public inspection and may be transmitted to 1650
any law publishing company that wishes to reproduce it. 1651

(D) At least sixty-five days before a board, commission, 1652
department, division, or bureau of the government of the state 1653
files a rule under division (B)(1) of this section, it shall file 1654
the full text of the proposed rule in electronic form with the 1655
joint committee on agency rule review, and the proposed rule is 1656
subject to legislative review and invalidation under section 1657
106.021 of the Revised Code. If a state board, commission, 1658
department, division, or bureau makes a revision in a proposed 1659
rule after it is filed with the joint committee, the state board, 1660

commission, department, division, or bureau shall promptly file 1661
the full text of the proposed rule in its revised form in 1662
electronic form with the joint committee. A state board, 1663
commission, department, division, or bureau shall also file the 1664
rule summary and fiscal analysis prepared under section 106.024 of 1665
the Revised Code in electronic form along with a proposed rule, 1666
and along with a proposed rule in revised form, that is filed 1667
under this division. If a proposed rule has an adverse impact on 1668
businesses, the state board, commission, department, division, or 1669
bureau also shall file the business impact analysis, any 1670
recommendations received from the common sense initiative office, 1671
and the associated memorandum of response, if any, in electronic 1672
form along with the proposed rule, or the proposed rule in revised 1673
form, that is filed under this division. 1674

A proposed rule that is subject to legislative review under 1675
this division may not be adopted and filed in final form under 1676
division (B)(1) of this section unless the proposed rule has been 1677
filed with the joint committee on agency rule review under this 1678
division and the time for the joint committee to review the 1679
proposed rule has expired without recommendation of a concurrent 1680
resolution to invalidate the proposed rule. 1681

As used in this division, "commission" includes the public 1682
utilities commission when adopting rules under a federal or state 1683
statute. 1684

This division does not apply to any of the following: 1685

(1) A proposed rule of an emergency nature; 1686

(2) A rule proposed under section 1121.05, 1121.06, 1349.33, 1687
1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 4123.342, 4123.40, 1688
4123.411, 4123.44, or 4123.442 of the Revised Code; 1689

(3) A rule proposed by an agency other than a board, 1690
commission, department, division, or bureau of the government of 1691

the state;	1692
(4) A proposed internal management rule of a board,	1693
commission, department, division, or bureau of the government of	1694
the state;	1695
(5) Any proposed rule that must be adopted verbatim by an	1696
agency pursuant to federal law or rule, to become effective within	1697
sixty days of adoption, in order to continue the operation of a	1698
federally reimbursed program in this state, so long as the	1699
proposed rule contains both of the following:	1700
(a) A statement that it is proposed for the purpose of	1701
complying with a federal law or rule;	1702
(b) A citation to the federal law or rule that requires	1703
verbatim compliance.	1704
(6) An initial rule proposed by the director of health to	1705
impose safety standards and quality-of-care standards with respect	1706
to a health service specified in section 3702.11 of the Revised	1707
Code, or an initial rule proposed by the director to impose	1708
quality standards on a <u>health care</u> facility listed <u>as defined</u> in	1709
division (A)(4) of section 3702.30 of the Revised Code, if section	1710
3702.12 of the Revised Code requires that the rule be adopted	1711
under this section;	1712
(7) A rule of the state lottery commission pertaining to	1713
instant game rules.	1714
If a rule is exempt from legislative review under division	1715
(D)(5) of this section, and if the federal law or rule pursuant to	1716
which the rule was adopted expires, is repealed or rescinded, or	1717
otherwise terminates, the rule is thereafter subject to	1718
legislative review under division (D) of this section.	1719
Whenever a state board, commission, department, division, or	1720
bureau files a proposed rule or a proposed rule in revised form	1721

under division (D) of this section, it shall also file the full 1722
text of the same proposed rule or proposed rule in revised form in 1723
electronic form with the secretary of state and the director of 1724
the legislative service commission. A state board, commission, 1725
department, division, or bureau shall file the rule summary and 1726
fiscal analysis prepared under section 106.024 of the Revised Code 1727
in electronic form along with a proposed rule or proposed rule in 1728
revised form that is filed with the secretary of state or the 1729
director of the legislative service commission. 1730

Sec. 111.28. (A) There is hereby created in the state 1731
treasury the help America vote act (HAVA) fund. All moneys 1732
received by the secretary of state from the United States election 1733
assistance commission shall be credited to the fund. The secretary 1734
of state shall use the moneys credited to the fund for activities 1735
conducted pursuant to the "Help America Vote Act of 2002," Pub. L. 1736
No. 107-252, 116 Stat. 1666. All investment earnings of the fund 1737
shall be credited to the fund. 1738

~~(B) There is hereby created in the state treasury the 1739
election reform/health and human services fund. All moneys 1740
received by the secretary of state from the United States 1741
department of health and human services shall be credited to the 1742
fund. The secretary of state shall use the moneys credited to the 1743
fund for activities conducted pursuant to grants awarded to the 1744
state under Title II, Subtitle D, Sections 261 to 265 of the Help 1745
America Vote Act of 2002 to assure access for individuals with 1746
disabilities. All investment earnings of the fund shall be 1747
credited to the fund. 1748~~

~~(C)~~ There is hereby created in the state treasury the 1749
miscellaneous federal grants fund. All moneys the secretary of 1750
state receives as grants from federal sources that are not 1751
otherwise designated shall be credited to the fund. The secretary 1752

of state shall use the moneys credited to the fund for the 1753
purposes and activities required by the applicable federal grant 1754
agreements. All investment earnings of the fund shall be credited 1755
to the fund. 1756

Sec. 113.50. As used in sections 113.50 to 113.56 of the 1757
Revised Code: 1758

~~(A)~~ "~~ABLE account~~" means ~~an individual account opened in~~ 1759
~~accordance with the program or a similar ABLE account program~~ 1760
~~established by another state in accordance with section 529A of~~ 1761
~~the Internal Revenue Code.~~ 1762

~~(B)~~ "Account owner" means a designated beneficiary or any 1763
other person authorized to be the owner of ~~an ABLE~~ a STABLE 1764
account under federal law. 1765

~~(C)~~(B) "Designated beneficiary" means an eligible individual 1766
whose qualified disability expenses may be paid from ~~an ABLE~~ a 1767
STABLE account. 1768

~~(D)~~(C) "Eligible individual," "member of the family," 1769
"qualified disability expenses," and "qualified ABLE program" have 1770
the same meanings as in section 529A of the Internal Revenue Code. 1771

~~(E)~~(D) "Financial organization" means an insurance company, 1772
bank, or other financial institution or a broker-dealer registered 1773
with the securities and exchange commission. 1774

~~(F)~~(E) "Management contract" means a contract between the 1775
treasurer of state and a program manager under division (B) of 1776
section 113.52 of the Revised Code. 1777

~~(G)~~(F) "Maximum account value" means the dollar amount 1778
calculated by the Ohio tuition trust authority pursuant to 1779
sections 3334.01 to 3334.21 of the Revised Code as the maximum 1780
amount that may be necessary to pay for the qualified higher 1781
education expenses of a beneficiary under those sections, 1782

consistent with the maximum contributions permitted under section 1783
529 of the Internal Revenue Code. 1784

~~(H)~~(G) "Program" means the ABLE STABLE account program 1785
established under sections 113.50 to 113.56 of the Revised Code. 1786

~~(I)~~(H) "Program account" means an individual account opened 1787
in accordance with the program. 1788

~~(J)~~(I) "Program manager" means a financial organization 1789
selected by the treasurer of state to be a depository and manager 1790
of the program under section 113.52 of the Revised Code. 1791

~~(K)~~(J) "Secretary" means the secretary of the treasury of the 1792
United States. 1793

(K) "STABLE account" means an individual account opened in 1794
accordance with the program or a similar program established by 1795
another state in accordance with section 529A of the Internal 1796
Revenue Code. 1797

(L) "Internal Revenue Code" has the same meaning as in 1798
section 5747.01 of the Revised Code. 1799

Sec. 113.51. (A) The treasurer of state shall implement and 1800
administer a program under the terms and conditions established 1801
under sections 113.50 to 113.56 of the Revised Code. For that 1802
purpose, the treasurer shall do all of the following: 1803

(1) Develop and implement the program in a manner consistent 1804
with the provisions of sections 113.50 to 113.56 of the Revised 1805
Code; 1806

(2) Engage the services of consultants on a contract basis 1807
for rendering professional and technical assistance and advice; 1808

(3) Seek rulings and other guidance from the secretary and 1809
the internal revenue service relating to the program; 1810

(4) Make modifications to the program as necessary for 1811

participants in the program to qualify for the federal income tax	1812
benefits or treatment provided under section 529A of the Internal	1813
Revenue Code or rules adopted thereunder;	1814
(5) Impose and collect administrative fees and service	1815
charges in connection with any agreement or transaction relating	1816
to the program;	1817
(6) Develop marketing plans and promotional materials to	1818
publicize the program;	1819
(7) Establish the procedures by which funds held in program	1820
accounts shall be disbursed;	1821
(8) Administer the issuance of interests by the Ohio ABLE	1822
<u>STABLE</u> savings program trust fund to designated beneficiaries;	1823
(9) Establish the procedures by which funds held in program	1824
accounts shall be allocated to pay for administrative costs;	1825
(10) Take any other action necessary to implement and	1826
administer the program;	1827
(11) Adopt rules in accordance with Chapter 119. of the	1828
Revised Code necessary to implement and administer the program;	1829
(12) Notify the secretary when a program account has been	1830
opened for a designated beneficiary and submit other reports	1831
concerning the program as required by the secretary or under	1832
section 529A of the Internal Revenue Code.	1833
(B) The treasurer of state may enter into agreements with	1834
other states or agencies of, subdivisions of, or residents of	1835
those states related to the program or a similar ABLE-account	1836
program established by another state in accordance with section	1837
529A of the Internal Revenue Code.	1838
Sec. 113.53. (A) A designated beneficiary, or a trustee or	1839
guardian of a designated beneficiary who lacks capacity to enter	1840

into an agreement, may apply, on forms prescribed by the treasurer 1841
of state, to open a program account. A beneficiary may have only 1842
one ~~ABLE~~ STABLE account. The treasurer of state may impose a 1843
nonrefundable application fee. The application shall require the 1844
applicant to provide the following information: 1845

(1) The name, address, social security number, and birth date 1846
of the designated beneficiary; 1847

(2) The name, address, and social security number of the 1848
designated beneficiary's trustee or guardian, if applicable; 1849

(3) Certification by the applicant that the applicant 1850
understands the maximum account value and the consequences under 1851
division (C) of this section for excess contributions and 1852
understands how program account values exceeding the amount 1853
designated under section 103 of the "Stephen Beck, Jr., ABLE Act 1854
of 2014," 26 U.S.C. 529A note, may affect the applicant's 1855
resources for determining the applicant's eligibility for the 1856
supplemental security income program; 1857

(4) Any additional information required by the treasurer of 1858
state. 1859

(B)(1) To qualify for a program account, a designated 1860
beneficiary must be an eligible individual at the time the program 1861
account is opened. Before opening a program account, the treasurer 1862
of state or program manager shall enter into an agreement with the 1863
account owner that discloses the requirements and restrictions on 1864
contributions and withdrawals from the program account. 1865

(2) Any person may make contributions to a program account 1866
after the account is opened, subject to the limitations imposed by 1867
section 529A of the Internal Revenue Code and any rules adopted by 1868
the secretary. 1869

(C) Contributions to a program account shall be made in cash. 1870

The treasurer of state or program manager shall reject or promptly
withdraw a contribution to a program account if that contribution
would exceed the annual limits prescribed in subsection (b)(2)(B)
of section 529A of the Internal Revenue Code. The treasurer or
program manager shall reject or promptly withdraw a contribution
if the value of the program account equals or exceeds the maximum
account value or the designated beneficiary is not an eligible
individual in the current calendar year.

(D)(1) To the extent authorized by federal law, and in
accordance with rules adopted by the treasurer of state, an
account owner may change the designated beneficiary of a program
account to another individual.

(2) No account owner may use an interest in an ~~an ABLE~~ a STABLE
account as security for a loan. Any pledge of an interest in an
account shall be void and of no force and effect.

(E)(1) A distribution from a program account to any
individual or for the benefit of any individual during a calendar
year shall be reported to the internal revenue service and the
designated beneficiary or the distributee to the extent required
under state or federal law.

(2) Statements shall be provided to each account owner of a
program account at least four times each year within thirty days
after the end of the quarterly period to which a statement
relates. The statement shall identify the contributions made
during the preceding quarter, the total contributions made to the
account through the last day of that quarter, the value of the
account on the last day of that quarter, distributions made during
that quarter, and any other information that the treasurer of
state requires to be reported to the account owner.

(3) Statements and information relating to program accounts
shall be prepared and filed to the extent required under sections

113.50 to 113.56 of the Revised Code and any other state or federal law.

(F) The program shall provide separate accounting for each designated beneficiary. An annual fee may be imposed upon the account owner for the maintenance of a program account.

(G) Money in ~~an ABLE~~ a STABLE account shall be exempt from attachment, execution, or garnishment as provided in section 2329.66 of the Revised Code, and is subject to claims made under the medicaid estate recovery program instituted pursuant to section 5162.21 of the Revised Code, in accordance with subsection (f) of section 529A of the Internal Revenue Code and subject to any limitations imposed by the secretary.

(H)(1) Notwithstanding any other provision of state law, all of the following shall be disregarded for the purposes of determining an individual's eligibility for a means-tested public assistance program funded only with state, local, or state and local funds and the amount of assistance or benefits the individual is eligible to receive under the program:

(a) Any amount in ~~an ABLE~~ a STABLE account, including earnings on the account;

(b) Any contributions to ~~an ABLE~~ a STABLE account;

(c) Any distribution from ~~an ABLE~~ a STABLE account for qualified disability expenses.

(2) Division (H)(1) of this section applies only to an individual who is either of the following:

(a) The designated beneficiary of the ~~ABLE~~ STABLE account;

(b) An individual whose eligibility for the means-tested program is conditioned on the ~~ABLE~~ STABLE account's designated beneficiary disclosing the designated beneficiary's income, resources, or both to the entity administering the means-tested

public assistance program. 1932

Sec. 113.55. (A) The Ohio ~~ABLE~~ STABLE savings program trust 1933
fund is hereby created, which shall be in the custody of the 1934
treasurer of state but shall not be part of the state treasury. 1935
The fund shall be used if the treasurer of state elects to accept 1936
deposits from contributors rather than have deposits sent directly 1937
to a program manager. The fund shall consist of any moneys 1938
deposited by contributors in accordance with sections 113.50 to 1939
113.56 of the Revised Code that are not deposited directly with 1940
the program manager. Money shall be disbursed from the fund upon 1941
an order of the treasurer. All interest from the money in the fund 1942
shall be credited to the Ohio ~~ABLE~~ STABLE savings expense fund. 1943

(B)(1) The Ohio ~~ABLE~~ STABLE savings expense fund is hereby 1944
created in the state treasury. The fund shall consist of money 1945
received from program managers, governmental or private grants, or 1946
appropriations for the program. 1947

(2) All expenses incurred by the treasurer of state in 1948
developing and administering the ~~ABLE~~ STABLE account program and 1949
all expenses and reimbursements allowed for the ~~ABLE~~ STABLE 1950
account program advisory board created under section 113.56 of the 1951
Revised Code shall be payable from the Ohio ~~ABLE~~ STABLE savings 1952
expense fund. 1953

Sec. 113.56. (A) There is hereby created the ~~ABLE~~ STABLE 1954
account program advisory board, consisting of nine members, 1955
composed of the following: 1956

(1) The director of developmental disabilities or the 1957
director's designee; 1958

(2) One member of the house of representatives appointed by 1959
the speaker of the house of representatives; 1960

(3) One member of the senate appointed by the president of 1961

the senate;	1962
(4) One member appointed by the governor who is a representative of an intellectual or developmental disability advocacy organization;	1963 1964 1965
(5) One member appointed by the governor who is a representative of a service provider for individuals with disabilities;	1966 1967 1968
(6) One member appointed by the governor who is the parent of a child with a disability and who has significant experience with disability issues;	1969 1970 1971
(7) One member appointed by the governor who is a person with a disability and who has significant experience with disability issues;	1972 1973 1974
(8) Two members appointed by the governor who have significant experience in finance, accounting, investment management, or other areas that may assist the board in carrying out its duties.	1975 1976 1977 1978
(B) Terms of office of the appointed members described in divisions (A)(4) to (8) of this section are for four years, which shall end on the thirty-first day of December. Terms of office of the appointed members described in divisions (A)(2) and (3) of this section shall be for the term of the general assembly. Any member may be reappointed, provided the member continues to meet all other eligibility requirements. Vacancies shall be filled in the manner provided for original appointments. Any such member appointed to fill a vacancy before the expiration of the term for which the predecessor was appointed shall hold office as a member for the remainder of that term. Appointed members of the board serve at the pleasure of the member's appointing authority and may be removed only by that authority.	1979 1980 1981 1982 1983 1984 1985 1986 1987 1988 1989 1990 1991
(C) The member described in division (A)(1) of this section	1992

~~shall call the first meeting of the ABLE account program advisory board, which shall occur not later than sixty days after the effective date of the enactment of this section. At the board's first meeting, members of the board shall elect a chairperson. If a vacancy occurs in the office of chairperson, members shall elect a new chairperson. The board shall meet at least four times each year or more frequently at the call of the chairperson. The board is a public body for purposes of section 121.22 of the Revised Code.~~

(D) A vacancy on the board does not impair the right of the other members to exercise all the functions of the board. The presence of a majority of the members of the board constitutes a quorum for the conduct of business of the board. The concurrence of at least a majority of the members of the board is necessary for any action to be taken by the board. On request to the treasurer of state, each member of the board shall be reimbursed for the actual and necessary travel expenses incurred in the performance of the member's official duties.

(E)(1) The board shall do all of the following:

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

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

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

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

(2) The board may prepare reports of the board's activities

and recommendations in addition to the report described in 2024
division (E)(1)(d) of this section. The board shall deliver such a 2025
report to the governor, speaker of the house of representatives, 2026
and president of the senate. 2027

(F) The treasurer of state shall provide the board with the 2028
resources necessary to conduct its business. The board may accept 2029
uncompensated assistance from individuals, research organizations, 2030
and other state agencies. 2031

Sec. ~~125.66~~ 113.60. (A) As used in this section and ~~section~~ 2032
~~125.661~~ sections 113.61 and 113.62 of the Revised Code: 2033

(1) "~~Social service~~ Service intermediary" means a ~~nonprofit~~ 2034
~~organization exempt from federal income taxation under section~~ 2035
~~501(c)(3) of the "Internal Revenue Code of 1986," as amended, or a~~ 2036
~~wholly owned subsidiary of a nonprofit organization, that delivers~~ 2037
~~or contracts for the delivery of social services, raises capital~~ 2038
~~to finance the delivery of social services, and provides ongoing~~ 2039
~~project management and investor relations for these activities~~ 2040
person or entity that enters into a pay for success contract with 2041
the treasurer of state under this section and sections 113.61 and 2042
113.62 of the Revised Code. The service intermediary may act as 2043
the service provider that delivers the services specified in the 2044
contract or may contract with a separate service provider to 2045
deliver those services. 2046

(2) "State agency" ~~has~~ and "political subdivision" have the 2047
same ~~meaning~~ meanings as in section 9.23 of the Revised Code. 2048

(B) ~~There is hereby established~~ The treasurer of state shall 2049
administer the pay for success contracting program. Under the 2050
program, the ~~director of administrative services~~ treasurer of 2051
state may enter into ~~multi-year contracts~~ a pay for success 2052
contract with ~~social~~ a service intermediaries to achieve certain 2053
~~social goals in this state~~ intermediary for the delivery of 2054

specified services that benefit the state, a political 2055
subdivision, or a group of political subdivisions, such as 2056
programs addressing education, public health, criminal justice, or 2057
natural resource management. The treasurer of state may enter into 2058
a pay for success contract under any of the following 2059
circumstances: 2060

(1) Upon receiving an appropriation from the general assembly 2061
for the purpose of entering into a pay for success contract; 2062

(2) Upon receiving federal grant moneys for the purpose of 2063
entering into a pay for success contract; 2064

(3) At the request of a state agency, a political 2065
subdivision, or a group of state agencies or political 2066
subdivisions that the treasurer of state enter into a pay for 2067
success contract on behalf of the requesting state agency, 2068
political subdivision, or group. The requesting state agency, 2069
political subdivision, or group shall deposit the cost of the 2070
contract with the treasurer of state in the appropriate fund 2071
established in section 113.62 of the Revised Code. 2072

~~(C) A contract entered into under the program shall include~~ 2073
~~provisions that do all of the following:~~ 2074

~~(1) Require the department of administrative services, in~~ 2075
~~consultation with an agency of this state that administers~~ 2076
~~programs or services related to the contract's subject matter, to~~ 2077
~~specify performance targets to be met by the social service~~ 2078
~~intermediary;~~ 2079

~~(2) Specify the process or methodology that an independent~~ 2080
~~evaluator contracted by the department of administrative services~~ 2081
~~under section 125.661 of the Revised Code must use to evaluate the~~ 2082
~~social service intermediary's progress toward meeting each~~ 2083
~~performance target;~~ 2084

~~(3) Require the department of administrative services to pay~~ 2085

~~the social service intermediary in installments at times 2086
determined by the director of administrative services that are 2087
specified in the contract and are consistent with applicable state 2088
law; 2089~~

~~(4) Require the installment payments to the social service 2090
intermediary to be based on the social service intermediary's 2091
progress toward achieving each performance target, as determined 2092
by the independent evaluator contracted by the department of 2093
administrative services under section 125.661 of the Revised Code; 2094~~

~~(5) Specify the maximum amount a social service intermediary 2095
may earn for its progress toward achieving performance targets 2096
specified under division (C)(1) of this section; 2097~~

~~(6) Require the department of administrative services to 2098
ensure, in accordance with applicable state and federal laws, that 2099
the social service intermediary has access to any data in the 2100
possession of a state agency, including historical data, that the 2101
social service intermediary requests for the purpose of performing 2102
contractual duties. The treasurer of state shall adopt rules in 2103
accordance with Chapter 119. of the Revised Code to administer the 2104
pay for success contracting program, including rules concerning 2105
all of the following: 2106~~

~~(1) The procedure for a state agency, political subdivision, 2107
or group of state agencies or political subdivisions to request 2108
the treasurer of state to enter into a pay for success contract 2109
and to deposit the cost of the contract with the treasurer of 2110
state; 2111~~

~~(2) The types of services that are appropriate for a service 2112
provider to provide under a pay for success contract; 2113~~

~~(3) The processes by which the treasurer of state may award 2114
and administer a pay for success contract; 2115~~

~~(4) A requirement that for not less than seventy-five per 2116~~

cent of the pay for success contracts entered into under this 2117
section, the performance targets specified in the contract require 2118
that, based on available regional or national data, the 2119
improvement in the status of this state or the relevant area of 2120
this state with respect to the issue the contract is meant to 2121
address be greater than the average improvement in status with 2122
respect to that issue in other geographical areas during the 2123
period of the contract; 2124

(5) A process to ensure that any regional or national data 2125
used to determine whether a service provider has met its 2126
performance targets under a pay for success contract are 2127
scientifically valid. 2128

Sec. ~~125.661~~ 113.61. If (A) A pay for success contract 2129
entered into under section 113.60 of the Revised Code shall 2130
include provisions that do all of the following: 2131

(1) Require the treasurer of state, in consultation with the 2132
requesting state agency, political subdivision, or group of state 2133
agencies or political subdivisions, to specify performance targets 2134
to be met by the service provider. If scientifically valid 2135
regional or national data are available to compare the status of 2136
this state or the relevant area of this state with respect to the 2137
issue the contract is meant to address against the status of other 2138
geographical areas with respect to that issue, the performance 2139
targets shall require the improvement in the status of this state 2140
or the relevant area of this state with respect to that issue to 2141
be greater than the average improvement in status with respect to 2142
that issue in other geographical areas during the period of the 2143
contract. 2144

(2) Specify the process or methodology that an independent 2145
evaluator contracted by the treasurer of state under division (B) 2146
of this section must use to evaluate the service provider's 2147

progress toward meeting each performance target; 2148

(3) Require the treasurer of state to pay the service 2149
intermediary in installments at times determined by the treasurer 2150
that are specified in the contract and are consistent with 2151
applicable state law; 2152

(4) Require the installment payments to the service 2153
intermediary to be based on the service provider's progress toward 2154
achieving each performance target, as determined by the 2155
independent evaluator; 2156

(5) Specify the maximum amount a service intermediary may 2157
earn for the service provider's progress toward achieving the 2158
performance targets; 2159

(6) Require a state agency, political subdivision, or group 2160
that requested the treasurer of state to enter into the contract 2161
to ensure, in accordance with applicable laws, that the service 2162
intermediary has access to any data in the possession of the state 2163
agency, political subdivision, or group, including historical 2164
data, that the service intermediary requests for the purpose of 2165
fulfilling the contract. 2166

(B) When the director of administrative services treasurer of 2167
state contracts with a social service intermediary under section 2168
125.66 113.60 of the Revised Code, the director treasurer also 2169
shall contract with a person or government entity, other than a 2170
state agency, a political subdivision, or a group of state 2171
agencies or political subdivisions that requested the treasurer to 2172
enter into the contract, to evaluate the social service 2173
intermediary's provider's progress toward meeting each performance 2174
target specified in the contract pursuant to division (C)(1) of 2175
section 125.66 of the Revised Code. The director treasurer shall 2176
choose an evaluator that is independent from the social service 2177
intermediary and the service provider, ensuring that both parties 2178

de the evaluator does not have common owners or administrators, 2179
managers, or employees with the service intermediary or the 2180
service provider. 2181

Sec. 113.62. (A) There is in the state treasury the state pay 2182
for success contract fund. The fund shall consist of any moneys 2183
transferred to the treasurer of state by state agencies for the 2184
purpose of making payments to service intermediaries under pay for 2185
success contracts the treasurer of state enters into on behalf of 2186
the state agencies and any moneys appropriated to the fund. Any 2187
investment earnings on the fund shall be credited to it. The 2188
treasurer shall use the moneys in the fund for the purpose of 2189
making those payments to service intermediaries, provided that the 2190
treasurer may use any investment earnings on the fund to pay the 2191
costs of administering the pay for success contracting program. 2192
When the term of a pay for success contract expires, the treasurer 2193
of state shall transfer any remaining unencumbered funds received 2194
from a state agency or group of state agencies for the purpose of 2195
making payments under the contract to that agency or group. 2196

(B) There is in the state treasury the federal pay for 2197
success contract fund. The fund shall consist of any moneys the 2198
treasurer receives from federal agencies pursuant to grant 2199
agreements that require the treasurer to enter into pay for 2200
success contracts. Any investment earnings on the fund shall be 2201
credited to it. The treasurer shall use the moneys in the fund for 2202
the purpose of making payments to service intermediaries under pay 2203
for success contracts the treasurer enters into pursuant to those 2204
grant agreements, provided that the treasurer may use any 2205
investment earnings on the fund to pay the costs of administering 2206
the pay for success contracting program. When the term of a pay 2207
for success contract expires, the treasurer of state shall 2208
transfer any remaining unencumbered funds received from a federal 2209
agency pursuant to a grant agreement that required the treasurer 2210

of state to enter into the contract in accordance with the grant 2211
agreement. 2212

(C) There is in the state treasury the local government pay 2213
for success contract fund. The fund shall consist of any moneys 2214
paid to the treasurer of state by political subdivisions for the 2215
purpose of making payments to service intermediaries under pay for 2216
success contracts the treasurer enters into on behalf of the 2217
political subdivisions. Any investment earnings on the fund shall 2218
be credited to it. The treasurer shall use the moneys in the fund 2219
for the purpose of making those payments to service 2220
intermediaries, provided that the treasurer may use any investment 2221
earnings on the fund to pay the costs of administering the pay for 2222
success contracting program. When the term of a pay for success 2223
contract expires, the treasurer of state shall transfer any 2224
remaining unencumbered funds received from a political subdivision 2225
or group of political subdivisions for the purpose of making 2226
payments under the contract to that political subdivision or 2227
group. 2228

Sec. 117.13. (A) The total costs of audits of state agencies, 2229
both direct and indirect, shall be recovered by the auditor of 2230
state in the following manner: 2231

(1) The total costs of all audits of state agencies, both 2232
direct and indirect, shall be paid to the auditor of state on 2233
statements rendered by the auditor of state. Money so received by 2234
the auditor of state shall be paid into the state treasury to the 2235
credit of the public audit expense fund--intrastate, which is 2236
hereby created, and shall be used to pay costs related to such 2237
audits. The costs of audits of a state agency shall be charged to 2238
the state agency being audited, unless otherwise determined by the 2239
auditor of state. The costs of any assistant auditor, employee, or 2240
expert employed pursuant to section 117.09 of the Revised Code 2241

called upon to testify in any legal proceedings in regard to any 2242
audit, or called upon to review or discuss any matter related to 2243
any audit, may be charged to the state agency to which the audit 2244
relates. 2245

(2) The auditor of state shall ~~establish by rule~~ determine 2246
and publish annually rates to be charged to state agencies for 2247
recovering the costs of audits of state agencies. The rates shall 2248
take into consideration federal cost recovery guidelines 2249

(B) As used in this division, "government auditing standards" 2250
means the government auditing standards published by the 2251
comptroller general of the United States general accounting 2252
office. 2253

(1) Except as provided in divisions (B)(2) and (3) of this 2254
section, any costs of an audit of a private institution, 2255
association, board, or corporation receiving public money for its 2256
use shall be charged to the public office providing the public 2257
money in the same manner as costs of an audit of the public 2258
office. 2259

(2) If an audit of a private child placing agency or private 2260
noncustodial agency receiving public money from a public children 2261
services agency for providing child welfare or child protection 2262
services sets forth that money has been illegally expended, 2263
converted, misappropriated, or is unaccounted for, the costs of 2264
the audit shall be charged to the agency being audited in the same 2265
manner as costs of an audit of a public office, unless the 2266
findings are inconsequential, as defined by government auditing 2267
standards. 2268

(3) If such an audit does not set forth that money has been 2269
illegally expended, converted, misappropriated, or is unaccounted 2270
for or sets forth findings that are inconsequential, as defined by 2271
government auditing standards, the costs of the audit shall be 2272

charged as follows: 2273

(a) One-third of the costs to the agency being audited; 2274

(b) One-third of the costs to the public children services 2275
agency that provided the public money to the agency being audited; 2276

(c) One-third of the costs to the department of job and 2277
family services. 2278

(C) The total costs of audits of local public offices, both 2279
direct and indirect, shall be recovered by the auditor of state in 2280
the following manner: 2281

(1) ~~The total amount of compensation paid assistant auditors~~ 2282
~~of state, their expenses, the cost of employees assigned to assist~~ 2283
~~the assistant auditors of state, the cost of experts employed~~ 2284
~~pursuant to section 117.09 of the Revised Code, and the cost of~~ 2285
~~typing, reviewing, and copying reports shall be borne by the~~ 2286
~~public office to which such assistant auditors of state are so~~ 2287
~~assigned. Assistant auditors of state shall be compensated by the~~ 2288
~~taxing district or other public office audited for activities~~ 2289
~~undertaken pursuant to division (B) of section 117.18 and section~~ 2290
~~117.24 of the Revised Code.~~ costs of all audits of local public 2291
offices, both direct and indirect, shall be paid to the auditor of 2292
state on statements rendered by the auditor of state. Money so 2293
received by the auditor of state shall be paid into the state 2294
treasury to the credit of the public audit expense fund-local 2295
government, which is hereby created, and shall be used to pay 2296
costs related to such audits. The costs of audits of a local 2297
public office shall be charged to the local public office being 2298
audited, unless otherwise determined by the auditor of state. The 2299
charges billed to the local public office for the cost of audits 2300
performed shall be offset subject to the availability of resources 2301
from the local government audit support fund, the general revenue 2302
fund, or other state sources provided to the auditor of state for 2303

such purposes. The auditor of state shall establish the manner in 2304
which the offset shall be determined. The costs of any assistant 2305
auditor, employee, or expert employed pursuant to section 117.09 2306
of the Revised Code called upon to testify in any legal 2307
proceedings in regard to any audit, or called upon to review or 2308
discuss any matter related to any audit, may be charged to the 2309
public office to which the audit relates. 2310

~~(2) The auditor of state shall certify the amount of such 2311
compensation, expenses, cost of experts, reviewing, copying, and 2312
typing to the fiscal officer of the local public office audited. 2313
The fiscal officer of the local public office shall forthwith draw 2314
a warrant upon the general fund or other appropriate funds of the 2315
local public office to the order of the auditor of state; 2316
provided, that the auditor of state is authorized to negotiate 2317
with any local public office and, upon agreement between the 2318
auditor of state and the local public office, may adopt a schedule 2319
for payment of the amount due under this section. Money so 2320
received by the auditor of state shall be paid into the state 2321
treasury to the credit of the public audit expense fund local 2322
government, which is hereby created, and shall be used to pay the 2323
compensation, expense, cost of experts and employees, reviewing, 2324
copying, and typing of reports. 2325~~

~~(3) At the conclusion of each audit, or analysis and report 2326
made pursuant to section 117.24 of the Revised Code, the auditor 2327
of state shall furnish the fiscal officer of the local public 2328
office audited a statement showing may allocate the total cost of 2329
the audit, or of the audit and the analysis and report, and the 2330
percentage of the total cost chargeable to each fund audited. The 2331
fiscal officer may distribute such total cost to each fund audited 2332
in accordance with its percentage of the total cost to appropriate 2333
funds using a methodology that follows guidance provided by the 2334
auditor of state. 2335~~

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

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

(D) If the auditor of state fails to receive payment for any amount due, including, but not limited to, fines, fees, and costs, from a public office for services performed under this or any other section of the Revised Code, the auditor of state may seek payment through the office of budget and management. (Amounts due include any amount due to an independent public accountant with whom the auditor has contracted to perform services, all costs and fees associated with participation in the uniform accounting network, and all costs associated with the auditor's provision of local government services.) Upon certification by the auditor of state to the director of budget and management of any such amount due, the director shall withhold from the public office any amount available, up to and including the amount certified as due, from any funds under the director's control that belong to or are

lawfully payable or due to the public office. The director shall 2368
promptly pay the amount withheld to the auditor of state. If the 2369
director determines that no funds due and payable to the public 2370
office are available or that insufficient amounts of such funds 2371
are available to cover the amount due, the director shall withhold 2372
and pay to the auditor of state the amounts available and, in the 2373
case of a local public office, certify the remaining amount to the 2374
county auditor of the county in which the local public office is 2375
located. The county auditor shall withhold from the local public 2376
office any amount available, up to and including the amount 2377
certified as due, from any funds under the county auditor's 2378
control and belonging to or lawfully payable or due to the local 2379
public office. The county auditor shall promptly pay any such 2380
amount withheld to the auditor of state. 2381

Sec. 120.04. (A) The state public defender shall serve at the 2382
pleasure of the Ohio public defender commission and shall be an 2383
attorney with a minimum of four years of experience in the 2384
practice of law and be admitted to the practice of law in this 2385
state at least one year prior to appointment. 2386

(B) The state public defender shall do all of the following: 2387

(1) Maintain a central office in Columbus. The central office 2388
shall be provided with a library of adequate size, considering the 2389
needs of the office and the accessibility of other libraries, and 2390
other necessary facilities and equipment. 2391

(2) Appoint assistant state public defenders, all of whom 2392
shall be attorneys admitted to the practice of law in this state, 2393
and other personnel necessary for the operation of the state 2394
public defender office. Assistant state public defenders shall be 2395
appointed on a full-time basis. The state public defender, 2396
assistant state public defenders, and employees appointed by the 2397
state public defender shall not engage in the private practice of 2398

law. 2399

(3) Supervise the compliance of county public defender 2400
offices, joint county public defender offices, and county 2401
appointed counsel systems with standards established by rules of 2402
the Ohio public defender commission pursuant to division (B) of 2403
section 120.03 of the Revised Code; 2404

(4) Keep and maintain financial records of all cases handled 2405
and develop records for use in the calculation of direct and 2406
indirect costs, in the operation of the office, and report 2407
periodically, but not less than annually, to the commission on all 2408
relevant data on the operations of the office, costs, projected 2409
needs, and recommendations for legislation or amendments to court 2410
rules, as may be appropriate to improve the criminal justice 2411
system; 2412

(5) Collect all moneys due the state for reimbursement for 2413
legal services under this chapter and under section 2941.51 of the 2414
Revised Code and institute any actions in court on behalf of the 2415
state for the collection of such sums that the state public 2416
defender considers advisable. Except as provided otherwise in 2417
division (D) of section 120.06 of the Revised Code, all moneys 2418
collected by the state public defender under this chapter and 2419
section 2941.51 of the Revised Code shall be deposited in the 2420
state treasury to the credit of the client payment fund, which is 2421
hereby created. All moneys credited to the fund shall be used by 2422
the state public defender to appoint assistant state public 2423
defenders and to provide other personnel, equipment, and 2424
facilities necessary for the operation of the state public 2425
defender office, to reimburse counties for the operation of county 2426
public defender offices, joint county public defender offices, and 2427
county appointed counsel systems pursuant to sections 120.18, 2428
120.28, and 120.33 of the Revised Code, or to provide assistance 2429
to counties in the operation of county indigent defense systems. 2430

(6) With respect to funds appropriated to the commission to pay criminal costs, perform the duties imposed by sections 2949.19 and 2949.201 of the Revised Code; 2431
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(7) Establish standards and guidelines for the reimbursement, pursuant to sections 120.18, 120.28, 120.33, 2941.51, and 2949.19 of the Revised Code, of counties for the operation of county public defender offices, joint county public defender offices, and county appointed counsel systems and for other costs related to felony prosecutions; 2434
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(8) Establish maximum amounts that the state will reimburse the counties pursuant to sections 120.18, 120.28, 120.33, and 2941.51 of the Revised Code; 2440
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(9) Establish maximum amounts that the state will reimburse the counties pursuant to section 120.33 of the Revised Code for each specific type of legal service performed by a county appointed counsel system; 2443
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(10) Administer sections 120.18, 120.28, 120.33, 2941.51, and 2949.19 of the Revised Code and make reimbursements pursuant to those sections; 2447
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(11) Administer the program established pursuant to sections 120.51 to 120.55 of the Revised Code for the charitable public purpose of providing financial assistance to legal aid societies. Neither the state public defender nor any of the state public defender's employees who is responsible in any way for the administration of that program and who performs those administrative responsibilities in good faith is in any manner liable if a legal aid society that is provided financial assistance under the program uses the financial assistance other than in accordance with sections 120.51 to 120.55 of the Revised Code or fails to comply with the requirements of those sections. 2450
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(12) Establish an office for the handling of appeal and 2461

postconviction matters;	2462
(13) Provide technical aid and assistance to county public defender offices, joint county public defender offices, and other local counsel providing legal representation to indigent persons, including representation and assistance on appeals.	2463 2464 2465 2466
(C) The state public defender may do any of the following:	2467
(1) In providing legal representation, conduct investigations, obtain expert testimony, take depositions, use other discovery methods, order transcripts, and make all other preparations which are appropriate and necessary to an adequate defense or the prosecution of appeals and other legal proceedings;	2468 2469 2470 2471 2472
(2) Seek, solicit, and apply for grants for the operation of programs for the defense of indigent persons from any public or private source, and may receive donations, grants, awards, and similar funds from any lawful source. Such funds shall be deposited in the state treasury to the credit of the public defender gifts and grants fund, which is hereby created.	2473 2474 2475 2476 2477 2478
(3) Make all the necessary arrangements to coordinate the services of the office with any federal, county, or private programs established to provide legal representation to indigent persons and others, and to obtain and provide all funds allowable under any such programs;	2479 2480 2481 2482 2483
(4) Consult and cooperate with professional groups concerned with the causes of criminal conduct, the reduction of crime, the rehabilitation and correction of persons convicted of crime, the administration of criminal justice, and the administration and operation of the state public defender's office;	2484 2485 2486 2487 2488
(5) Accept the services of volunteer workers and consultants at no compensation other than reimbursement for actual and necessary expenses;	2489 2490 2491

(6) Prescribe any forms that are necessary for the uniform 2492
operation of this chapter; 2493

(7) Contract with a county public defender commission or a 2494
joint county public defender commission to provide all or any part 2495
of the services that a county public defender or joint county 2496
public defender is required or permitted to provide by this 2497
chapter, or contract with a board of county commissioners of a 2498
county that is not served by a county public defender commission 2499
or a joint county public defender commission for the provision of 2500
services in accordance with section 120.33 of the Revised Code. 2501
All money received by the state public defender pursuant to such a 2502
contract shall be credited to either the ~~multi-county~~ multicounty: 2503
county share fund or, if received as a result of a contract with 2504
Trumbull county, the Trumbull county: county share fund. 2505

(8) Authorize persons employed as criminal investigators to 2506
attend the Ohio peace officer training academy or any other peace 2507
officer training school for training; 2508

(9) Procure a policy or policies of malpractice insurance 2509
that provide coverage for the state public defender and assistant 2510
state public defenders in connection with malpractice claims that 2511
may arise from their actions or omissions related to 2512
responsibilities derived pursuant to this chapter; 2513

(10) Enter into agreements to license, lease, sell, and 2514
market for sale intellectual property owned by the office and 2515
receive payments from those agreements for use in the operation of 2516
the office and programs for the defense of indigent persons. All 2517
funds received by the state public defender pursuant to such 2518
agreements shall be deposited in the state treasury to the credit 2519
of the public defender gifts and grants fund. 2520

(D) No person employed by the state public defender as a 2521
criminal investigator shall attend the Ohio peace officer training 2522

academy or any other peace officer training school unless 2523
authorized to do so by the state public defender. 2524

Sec. 120.06. (A)(1) The state public defender, when 2525
designated by the court or requested by a county public defender 2526
or joint county public defender, may provide legal representation 2527
in all courts throughout the state to indigent adults and 2528
juveniles who are charged with the commission of an offense or act 2529
for which the penalty or any possible adjudication includes the 2530
potential loss of liberty. 2531

(2) The state public defender may provide legal 2532
representation to any indigent person who, while incarcerated in 2533
any state correctional institution, is charged with a felony 2534
offense, for which the penalty or any possible adjudication that 2535
may be imposed by a court upon conviction includes the potential 2536
loss of liberty. 2537

(3) The state public defender may provide legal 2538
representation to any person incarcerated in any correctional 2539
institution of the state, in any matter in which the person 2540
asserts the person is unlawfully imprisoned or detained. 2541

(4) The state public defender, in any case in which the state 2542
public defender has provided legal representation or is requested 2543
to do so by a county public defender or joint county public 2544
defender, may provide legal representation on appeal. 2545

(5) The state public defender, when designated by the court 2546
or requested by a county public defender, joint county public 2547
defender, or the director of rehabilitation and correction, shall 2548
provide legal representation in parole and probation revocation 2549
matters or matters relating to the revocation of community control 2550
or post-release control under a community control sanction or 2551
post-release control sanction, unless the state public defender 2552
finds that the alleged parole or probation violator or alleged 2553

violator of a community control sanction or post-release control 2554
sanction has the financial capacity to retain the alleged 2555
violator's own counsel. 2556

(6) If the state public defender contracts with a county 2557
public defender commission, a joint county public defender 2558
commission, or a board of county commissioners for the provision 2559
of services, under authority of division (C)(7) of section 120.04 2560
of the Revised Code, the state public defender shall provide legal 2561
representation in accordance with the contract. 2562

(B) The state public defender shall not be required to 2563
prosecute any appeal, postconviction remedy, or other proceeding 2564
pursuant to division (A)(3), (4), or (5) of this section, unless 2565
the state public defender first is satisfied that there is 2566
arguable merit to the proceeding. 2567

(C) A court may appoint counsel or allow an indigent person 2568
to select the indigent's own personal counsel to assist the state 2569
public defender as co-counsel when the interests of justice so 2570
require. When co-counsel is appointed to assist the state public 2571
defender, the co-counsel shall receive any compensation that the 2572
court may approve, not to exceed the amounts provided for in 2573
section 2941.51 of the Revised Code. 2574

(D)(1) When the state public defender is designated by the 2575
court or requested by a county public defender or joint county 2576
public defender to provide legal representation for an indigent 2577
person in any case, other than pursuant to a contract entered into 2578
under authority of division (C)(7) of section 120.04 of the 2579
Revised Code, the state public defender shall send to the county 2580
in which the case is filed a bill detailing the actual cost of the 2581
representation that separately itemizes legal fees and expenses. 2582
The county, upon receipt of an itemized bill from the state public 2583
defender pursuant to this division, shall pay the state public 2584
defender ~~each of the following amounts:~~ 2585

~~(a) For the amount identified as legal fees in the itemized bill, one hundred per cent of the amount identified as legal fees less the state reimbursement rate as calculated by the state public defender pursuant to section 120.34 of the Revised Code for the month the case terminated, as set forth and expenses in the itemized bill;~~ 2586
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~~(b) For the amount identified as expenses in the itemized bill, one hundred per cent.~~ 2592
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(2) Upon payment of the itemized bill under division (D)(1) of this section, the county may submit the cost of the legal fees and expenses, ~~excluding legal fees~~, to the state public defender for reimbursement pursuant to section 120.33 of the Revised Code. 2594
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(3) When the state public defender provides investigation or mitigation services to private appointed counsel or to a county or joint county public defender as approved by the appointing court, other than pursuant to a contract entered into under authority of division (C)(7) of section 120.04 of the Revised Code, the state public defender shall send to the county in which the case is filed a bill itemizing the actual cost of the services provided. The county, upon receipt of an itemized bill from the state public defender pursuant to this division, shall pay one hundred per cent of the amount as set forth in the itemized bill. Upon payment of the itemized bill received pursuant to this division, the county may submit the cost of the investigation and mitigation services to the state public defender for reimbursement pursuant to section 120.33 of the Revised Code. 2598
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(4) There is hereby created in the state treasury the county representation fund for the deposit of moneys received from counties under this division. All moneys credited to the fund shall be used by the state public defender to provide legal representation for indigent persons when designated by the court or requested by a county or joint county public defender or to 2612
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provide investigation or mitigation services, including 2618
investigation or mitigation services to private appointed counsel 2619
or a county or joint county public defender, as approved by the 2620
court. 2621

(E)(1) Notwithstanding any contrary provision of sections 2622
109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised Code 2623
that pertains to representation by the attorney general, an 2624
assistant attorney general, or special counsel of an officer or 2625
employee, as defined in section 109.36 of the Revised Code, or of 2626
an entity of state government, the state public defender may elect 2627
to contract with, and to have the state pay pursuant to division 2628
(E)(2) of this section for the services of, private legal counsel 2629
to represent the Ohio public defender commission, the state public 2630
defender, assistant state public defenders, other employees of the 2631
commission or the state public defender, and attorneys described 2632
in division (C) of section 120.41 of the Revised Code in a 2633
malpractice or other civil action or proceeding that arises from 2634
alleged actions or omissions related to responsibilities derived 2635
pursuant to this chapter, or in a civil action that is based upon 2636
alleged violations of the constitution or statutes of the United 2637
States, including section 1983 of Title 42 of the United States 2638
Code, 93 Stat. 1284 (1979), 42 U.S.C.A. 1983, as amended, and that 2639
arises from alleged actions or omissions related to 2640
responsibilities derived pursuant to this chapter, if the state 2641
public defender determines, in good faith, that the defendant in 2642
the civil action or proceeding did not act manifestly outside the 2643
scope of the defendant's employment or official responsibilities, 2644
with malicious purpose, in bad faith, or in a wanton or reckless 2645
manner. If the state public defender elects not to contract 2646
pursuant to this division for private legal counsel in a civil 2647
action or proceeding, then, in accordance with sections 109.02, 2648
109.07, 109.361 to 109.366, and 120.03 of the Revised Code, the 2649
attorney general shall represent or provide for the representation 2650

of the Ohio public defender commission, the state public defender, 2651
assistant state public defenders, other employees of the 2652
commission or the state public defender, or attorneys described in 2653
division (C) of section 120.41 of the Revised Code in the civil 2654
action or proceeding. 2655

(2)(a) Subject to division (E)(2)(b) of this section, payment 2656
from the state treasury for the services of private legal counsel 2657
with whom the state public defender has contracted pursuant to 2658
division (E)(1) of this section shall be accomplished only through 2659
the following procedure: 2660

(i) The private legal counsel shall file with the attorney 2661
general a copy of the contract; a request for an award of legal 2662
fees, court costs, and expenses earned or incurred in connection 2663
with the defense of the Ohio public defender commission, the state 2664
public defender, an assistant state public defender, an employee, 2665
or an attorney in a specified civil action or proceeding; a 2666
written itemization of those fees, costs, and expenses, including 2667
the signature of the state public defender and the state public 2668
defender's attestation that the fees, costs, and expenses were 2669
earned or incurred pursuant to division (E)(1) of this section to 2670
the best of the state public defender's knowledge and information; 2671
a written statement whether the fees, costs, and expenses are for 2672
all legal services to be rendered in connection with that defense, 2673
are only for legal services rendered to the date of the request 2674
and additional legal services likely will have to be provided in 2675
connection with that defense, or are for the final legal services 2676
rendered in connection with that defense; a written statement 2677
indicating whether the private legal counsel previously submitted 2678
a request for an award under division (E)(2) of this section in 2679
connection with that defense and, if so, the date and the amount 2680
of each award granted; and, if the fees, costs, and expenses are 2681
for all legal services to be rendered in connection with that 2682

defense or are for the final legal services rendered in connection 2683
with that defense, a certified copy of any judgment entry in the 2684
civil action or proceeding or a signed copy of any settlement 2685
agreement entered into between the parties to the civil action or 2686
proceeding. 2687

(ii) Upon receipt of a request for an award of legal fees, 2688
court costs, and expenses and the requisite supportive 2689
documentation described in division (E)(2)(a)(i) of this section, 2690
the attorney general shall review the request and documentation; 2691
determine whether any of the limitations specified in division 2692
(E)(2)(b) of this section apply to the request; and, if an award 2693
of legal fees, court costs, or expenses is permissible after 2694
applying the limitations, prepare a document awarding legal fees, 2695
court costs, or expenses to the private legal counsel. The 2696
document shall name the private legal counsel as the recipient of 2697
the award; specify the total amount of the award as determined by 2698
the attorney general; itemize the portions of the award that 2699
represent legal fees, court costs, and expenses; specify any 2700
limitation applied pursuant to division (E)(2)(b) of this section 2701
to reduce the amount of the award sought by the private legal 2702
counsel; state that the award is payable from the state treasury 2703
pursuant to division (E)(2)(a)(iii) of this section; and be 2704
approved by the inclusion of the signatures of the attorney 2705
general, the state public defender, and the private legal counsel. 2706

(iii) The attorney general shall forward a copy of the 2707
document prepared pursuant to division (E)(2)(a)(ii) of this 2708
section to the director of budget and management. The award of 2709
legal fees, court costs, or expenses shall be paid out of the 2710
state public defender's appropriations, to the extent there is a 2711
sufficient available balance in those appropriations. If the state 2712
public defender does not have a sufficient available balance in 2713
the state public defender's appropriations to pay the entire award 2714

of legal fees, court costs, or expenses, the director shall make 2715
application for a transfer of appropriations out of the emergency 2716
purposes account or any other appropriation for emergencies or 2717
contingencies in an amount equal to the portion of the award that 2718
exceeds the sufficient available balance in the state public 2719
defender's appropriations. A transfer of appropriations out of the 2720
emergency purposes account or any other appropriation for 2721
emergencies or contingencies shall be authorized if there are 2722
sufficient moneys greater than the sum total of then pending 2723
emergency purposes account requests, or requests for releases from 2724
the other appropriation. If a transfer of appropriations out of 2725
the emergency purposes account or other appropriation for 2726
emergencies or contingencies is made to pay an amount equal to the 2727
portion of the award that exceeds the sufficient available balance 2728
in the state public defender's appropriations, the director shall 2729
cause the payment to be made to the private legal counsel. If 2730
sufficient moneys do not exist in the emergency purposes account 2731
or other appropriation for emergencies or contingencies to pay an 2732
amount equal to the portion of the award that exceeds the 2733
sufficient available balance in the state public defender's 2734
appropriations, the private legal counsel shall request the 2735
general assembly to make an appropriation sufficient to pay an 2736
amount equal to the portion of the award that exceeds the 2737
sufficient available balance in the state public defender's 2738
appropriations, and no payment in that amount shall be made until 2739
the appropriation has been made. The private legal counsel shall 2740
make the request during the current biennium and during each 2741
succeeding biennium until a sufficient appropriation is made. 2742

(b) An award of legal fees, court costs, and expenses 2743
pursuant to division (E) of this section is subject to the 2744
following limitations: 2745

(i) The maximum award or maximum aggregate of a series of 2746

awards of legal fees, court costs, and expenses to the private 2747
legal counsel in connection with the defense of the Ohio public 2748
defender commission, the state public defender, an assistant state 2749
public defender, an employee, or an attorney in a specified civil 2750
action or proceeding shall not exceed fifty thousand dollars. 2751

(ii) The private legal counsel shall not be awarded legal 2752
fees, court costs, or expenses to the extent the fees, costs, or 2753
expenses are covered by a policy of malpractice or other 2754
insurance. 2755

(iii) The private legal counsel shall be awarded legal fees 2756
and expenses only to the extent that the fees and expenses are 2757
reasonable in light of the legal services rendered by the private 2758
legal counsel in connection with the defense of the Ohio public 2759
defender commission, the state public defender, an assistant state 2760
public defender, an employee, or an attorney in a specified civil 2761
action or proceeding. 2762

(c) If, pursuant to division (E)(2)(a) of this section, the 2763
attorney general denies a request for an award of legal fees, 2764
court costs, or expenses to private legal counsel because of the 2765
application of a limitation specified in division (E)(2)(b) of 2766
this section, the attorney general shall notify the private legal 2767
counsel in writing of the denial and of the limitation applied. 2768

(d) If, pursuant to division (E)(2)(c) of this section, a 2769
private legal counsel receives a denial of an award notification 2770
or if a private legal counsel refuses to approve a document under 2771
division (E)(2)(a)(ii) of this section because of the proposed 2772
application of a limitation specified in division (E)(2)(b) of 2773
this section, the private legal counsel may commence a civil 2774
action against the attorney general in the court of claims to 2775
prove the private legal counsel's entitlement to the award sought, 2776
to prove that division (E)(2)(b) of this section does not prohibit 2777
or otherwise limit the award sought, and to recover a judgment for 2778

the amount of the award sought. A civil action under division 2779
(E)(2)(d) of this section shall be commenced no later than two 2780
years after receipt of a denial of award notification or, if the 2781
private legal counsel refused to approve a document under division 2782
(E)(2)(a)(ii) of this section because of the proposed application 2783
of a limitation specified in division (E)(2)(b) of this section, 2784
no later than two years after the refusal. Any judgment of the 2785
court of claims in favor of the private legal counsel shall be 2786
paid from the state treasury in accordance with division (E)(2)(a) 2787
of this section. 2788

(F) If a court appoints the office of the state public 2789
defender to represent a petitioner in a postconviction relief 2790
proceeding under section 2953.21 of the Revised Code, the 2791
petitioner has received a sentence of death, and the proceeding 2792
relates to that sentence, all of the attorneys who represent the 2793
petitioner in the proceeding pursuant to the appointment, whether 2794
an assistant state public defender, the state public defender, or 2795
another attorney, shall be certified under Rule 20 of the Rules of 2796
Superintendence for the Courts of Ohio to represent indigent 2797
defendants charged with or convicted of an offense for which the 2798
death penalty can be or has been imposed. 2799

(G)(1) The state public defender may conduct a legal 2800
assistance referral service for children committed to the 2801
department of youth services relative to conditions of confinement 2802
claims. If the legal assistance referral service receives a 2803
request for assistance from a child confined in a facility 2804
operated, or contracted for, by the department of youth services 2805
and the state public defender determines that the child has a 2806
conditions of confinement claim that has merit, the state public 2807
defender may refer the child to a private attorney. If no private 2808
attorney who the child has been referred to by the state public 2809
defender accepts the case within a reasonable time, the state 2810

public defender may prepare, as appropriate, pro se pleadings in 2811
the form of a complaint regarding the conditions of confinement at 2812
the facility where the child is confined with a motion for 2813
appointment of counsel and other applicable pleadings necessary 2814
for sufficient pro se representation. 2815

(2) Division (G)(1) of this section does not authorize the 2816
state public defender to represent a child committed to the 2817
department of youth services in general civil matters arising 2818
solely out of state law. 2819

(3) The state public defender shall not undertake the 2820
representation of a child in court based on a conditions of 2821
confinement claim arising under this division. 2822

(H) A child's right to representation or services under this 2823
section is not affected by the child, or another person on behalf 2824
of the child, previously having paid for similar representation or 2825
services or having waived legal representation. 2826

(I) The state public defender shall have reasonable access to 2827
any child committed to the department of youth services, 2828
department of youth services institution, and department of youth 2829
services record as needed to implement this section. 2830

(J) As used in this section: 2831

(1) "Community control sanction" has the same meaning as in 2832
section 2929.01 of the Revised Code. 2833

(2) "Conditions of confinement" means any issue involving a 2834
constitutional right or other civil right related to a child's 2835
incarceration, including, but not limited to, actions cognizable 2836
under 42 U.S.C. 1983. 2837

(3) "Post-release control sanction" has the same meaning as 2838
in section 2967.01 of the Revised Code. 2839

Sec. 120.18. (A) The county public defender commission's 2840

report to the board of county commissioners shall be audited by 2841
the county auditor. The board of county commissioners, after 2842
review and approval of the audited report, may then certify it to 2843
the state public defender for reimbursement. If a request for the 2844
reimbursement of any operating expenditure incurred by a county 2845
public defender office is not received by the state public 2846
defender within sixty days after the end of the calendar month in 2847
which the expenditure is incurred, the state public defender shall 2848
not pay the requested reimbursement, unless the county has 2849
requested, and the state public defender has granted, an extension 2850
of the sixty-day time limit. Each request for reimbursement shall 2851
include a certification by the county public defender that the 2852
persons provided representation by the county public defender's 2853
office during the period covered by the report were indigent and, 2854
for each person provided representation during that period, a 2855
financial disclosure form completed by the person on a form 2856
prescribed by the state public defender. The state public defender 2857
shall also review the report and, in accordance with the 2858
standards, guidelines, and maximums established pursuant to 2859
divisions (B)(7) and (8) of section 120.04 of the Revised Code, 2860
prepare a voucher for ~~fifty per cent of~~ up to the total cost of 2861
each county public defender's office for the period of time 2862
covered by the certified report and a voucher for ~~fifty per cent~~ 2863
~~of~~ the costs and expenses that are reimbursable under section 2864
120.35 of the Revised Code, if any, ~~or, if the amount of money~~ 2865
~~appropriated by the general assembly to reimburse counties for the~~ 2866
~~operation of county public defender offices, joint county public~~ 2867
~~defender offices, and county appointed counsel systems is not~~ 2868
~~sufficient to pay fifty per cent of the total cost of all of the~~ 2869
~~offices and systems, for the lesser amount required by section~~ 2870
~~120.34 of the Revised Code.~~ For the purposes of this section, 2871
"total cost" means total expenses minus costs and expenses 2872
reimbursable under section 120.35 of the Revised Code and any 2873

funds received by the county public defender commission pursuant 2874
to a contract, except a contract entered into with a municipal 2875
corporation pursuant to division (E) of section 120.14 of the 2876
Revised Code, gift, or grant. 2877

(B) If the county public defender fails to maintain the 2878
standards for the conduct of the office established by rules of 2879
the Ohio public defender commission pursuant to divisions (B) and 2880
(C) of section 120.03 or the standards established by the state 2881
public defender pursuant to division (B)(7) of section 120.04 of 2882
the Revised Code, the Ohio public defender commission shall notify 2883
the county public defender commission and the board of county 2884
commissioners of the county that the county public defender has 2885
failed to comply with its rules or the standards of the state 2886
public defender. Unless the county public defender commission or 2887
the county public defender corrects the conduct of the county 2888
public defender's office to comply with the rules and standards 2889
within ninety days after the date of the notice, the state public 2890
defender may deny payment of all or part of the county's 2891
reimbursement from the state provided for in division (A) of this 2892
section. 2893

Sec. 120.28. (A) The joint county public defender 2894
commission's report to the joint board of county commissioners 2895
shall be audited by the fiscal officer of the district. The joint 2896
board of county commissioners, after review and approval of the 2897
audited report, may then certify it to the state public defender 2898
for reimbursement. If a request for the reimbursement of any 2899
operating expenditure incurred by a joint county public defender 2900
office is not received by the state public defender within sixty 2901
days after the end of the calendar month in which the expenditure 2902
is incurred, the state public defender shall not pay the requested 2903
reimbursement, unless the joint board of county commissioners has 2904
requested, and the state public defender has granted, an extension 2905

of the sixty-day time limit. Each request for reimbursement shall 2906
include a certification by the joint county public defender that 2907
all persons provided representation by the joint county public 2908
defender's office during the period covered by the request were 2909
indigent and, for each person provided representation during that 2910
period, a financial disclosure form completed by the person on a 2911
form prescribed by the state public defender. The state public 2912
defender shall also review the report and, in accordance with the 2913
standards, guidelines, and maximums established pursuant to 2914
divisions (B)(7) and (8) of section 120.04 of the Revised Code, 2915
prepare a voucher for ~~fifty per cent of up to~~ the total cost of 2916
each joint county public defender's office for the period of time 2917
covered by the certified report and a voucher for ~~fifty per cent~~ 2918
~~of~~ the costs and expenses that are reimbursable under section 2919
120.35 of the Revised Code, if any, ~~or, if the amount of money~~ 2920
~~appropriated by the general assembly to reimburse counties for the~~ 2921
~~operation of county public defender offices, joint county public~~ 2922
~~defender offices, and county appointed counsel systems is not~~ 2923
~~sufficient to pay fifty per cent of the total cost of all of the~~ 2924
~~offices and systems, for the lesser amount required by section~~ 2925
~~120.34 of the Revised Code.~~ For purposes of this section, "total 2926
cost" means total expenses minus costs and expenses reimbursable 2927
under section 120.35 of the Revised Code and any funds received by 2928
the joint county public defender commission pursuant to a 2929
contract, except a contract entered into with a municipal 2930
corporation pursuant to division (E) of section 120.24 of the 2931
Revised Code, gift, or grant. Each county in the district shall be 2932
entitled to a share of such state reimbursement in proportion to 2933
the percentage of the total cost it has agreed to pay. 2934

(B) If the joint county public defender fails to maintain the 2935
standards for the conduct of the office established by the rules 2936
of the Ohio public defender commission pursuant to divisions (B) 2937
and (C) of section 120.03 or the standards established by the 2938

state public defender pursuant to division (B)(7) of section 2939
120.04 of the Revised Code, the Ohio public defender commission 2940
shall notify the joint county public defender commission and the 2941
board of county commissioners of each county in the district that 2942
the joint county public defender has failed to comply with its 2943
rules or the standards of the state public defender. Unless the 2944
joint public defender commission or the joint county public 2945
defender corrects the conduct of the joint county public 2946
defender's office to comply with the rules and standards within 2947
ninety days after the date of the notice, the state public 2948
defender may deny all or part of the counties' reimbursement from 2949
the state provided for in division (A) of this section. 2950

Sec. 120.33. (A) In lieu of using a county public defender or 2951
joint county public defender to represent indigent persons in the 2952
proceedings set forth in division (A) of section 120.16 of the 2953
Revised Code, the board of county commissioners of any county may 2954
adopt a resolution to pay counsel who are either personally 2955
selected by the indigent person or appointed by the court. The 2956
resolution shall include those provisions the board of county 2957
commissioners considers necessary to provide effective 2958
representation of indigent persons in any proceeding for which 2959
counsel is provided under this section. The resolution shall 2960
include provisions for contracts with any municipal corporation 2961
under which the municipal corporation shall reimburse the county 2962
for counsel appointed to represent indigent persons charged with 2963
violations of the ordinances of the municipal corporation. 2964

(1) In a county that adopts a resolution to pay counsel, an 2965
indigent person shall have the right to do either of the 2966
following: 2967

(a) To select the person's own personal counsel to represent 2968
the person in any proceeding included within the provisions of the 2969

resolution; 2970

(b) To request the court to appoint counsel to represent the 2971
person in such a proceeding. 2972

(2) The court having jurisdiction over the proceeding in a 2973
county that adopts a resolution to pay counsel shall, after 2974
determining that the person is indigent and entitled to legal 2975
representation under this section, do either of the following: 2976

(a) By signed journal entry recorded on its docket, enter the 2977
name of the lawyer selected by the indigent person as counsel of 2978
record; 2979

(b) Appoint counsel for the indigent person if the person has 2980
requested the court to appoint counsel and, by signed journal 2981
entry recorded on its dockets, enter the name of the lawyer 2982
appointed for the indigent person as counsel of record. 2983

(3) The board of county commissioners shall establish a 2984
schedule of fees by case or on an hourly basis to be paid to 2985
counsel for legal services provided pursuant to a resolution 2986
adopted under this section. Prior to establishing the schedule, 2987
the board of county commissioners shall request the bar 2988
association or associations of the county to submit a proposed 2989
schedule for cases other than capital cases. The schedule 2990
submitted shall be subject to the review, amendment, and approval 2991
of the board of county commissioners, except with respect to 2992
capital cases. With respect to capital cases, the schedule shall 2993
provide for fees by case or on an hourly basis to be paid to 2994
counsel in the amount or at the rate set by the capital case 2995
attorney fee council pursuant to division (D) of this section, and 2996
the board of county commissioners shall approve that amount or 2997
rate. 2998

(4) Counsel selected by the indigent person or appointed by 2999
the court at the request of an indigent person in a county that 3000

adopts a resolution to pay counsel, except for counsel appointed 3001
to represent a person charged with any violation of an ordinance 3002
of a municipal corporation that has not contracted with the county 3003
commissioners for the payment of appointed counsel, shall be paid 3004
by the county and shall receive the compensation and expenses the 3005
court approves. With respect to capital cases, the court shall 3006
approve compensation and expenses in accordance with the amount or 3007
at the rate set by the capital case attorney fee council pursuant 3008
to division (D) of this section. Each request for payment shall 3009
include a financial disclosure form completed by the indigent 3010
person on a form prescribed by the state public defender. 3011
Compensation and expenses shall not exceed the amounts fixed by 3012
the board of county commissioners in the schedule adopted pursuant 3013
to division (A)(3) of this section. No court shall approve 3014
compensation and expenses that exceed the amount fixed pursuant to 3015
division (A)(3) of this section. 3016

The fees and expenses approved by the court shall not be 3017
taxed as part of the costs and shall be paid by the county. 3018
However, if the person represented has, or may reasonably be 3019
expected to have, the means to meet some part of the cost of the 3020
services rendered to the person, the person shall pay the county 3021
an amount that the person reasonably can be expected to pay. 3022
Pursuant to section 120.04 of the Revised Code, the county shall 3023
pay to the state public defender a percentage of the payment 3024
received from the person in an amount proportionate to the 3025
percentage of the costs of the person's case that were paid to the 3026
county by the state public defender pursuant to this section. The 3027
money paid to the state public defender shall be credited to the 3028
client payment fund created pursuant to division (B)(5) of section 3029
120.04 of the Revised Code. 3030

The county auditor shall draw a warrant on the county 3031
treasurer for the payment of counsel in the amount fixed by the 3032

court, plus the expenses the court fixes and certifies to the 3033
auditor. The county auditor shall report periodically, but not 3034
less than annually, to the board of county commissioners and to 3035
the state public defender the amounts paid out pursuant to the 3036
approval of the court. The board of county commissioners, after 3037
review and approval of the auditor's report, or the county 3038
auditor, with permission from and notice to the board of county 3039
commissioners, may then certify it to the state public defender 3040
for reimbursement. The state public defender may pay a requested 3041
reimbursement only if the request for reimbursement includes a 3042
financial disclosure form completed by the indigent person on a 3043
form prescribed by the state public defender or if the court 3044
certifies by electronic signature as prescribed by the state 3045
public defender that a financial disclosure form has been 3046
completed by the indigent person and is available for inspection. 3047
If a request for the reimbursement of the cost of counsel in any 3048
case is not received by the state public defender within ninety 3049
days after the end of the calendar month in which the case is 3050
finally disposed of by the court, unless the county has requested 3051
and the state public defender has granted an extension of the 3052
ninety-day limit, the state public defender shall not pay the 3053
requested reimbursement. The state public defender shall also 3054
review the report and, in accordance with the standards, 3055
guidelines, and maximums established pursuant to divisions (B)(7) 3056
and (8) of section 120.04 of the Revised Code, prepare a voucher 3057
for ~~fifty per cent of~~ up to the total cost of each county 3058
appointed counsel system in the period of time covered by the 3059
certified report and a voucher for ~~fifty per cent of~~ the costs and 3060
expenses that are reimbursable under section 120.35 of the Revised 3061
Code, if any, ~~or, if the amount of money appropriated by the~~ 3062
~~general assembly to reimburse counties for the operation of county~~ 3063
~~public defender offices, joint county public defender offices, and~~ 3064
~~county appointed counsel systems is not sufficient to pay fifty~~ 3065

~~per cent of the total cost of all of the offices and systems other 3066
than costs and expenses that are reimbursable under section 120.35 3067
of the Revised Code, for the lesser amount required by section 3068
120.34 of the Revised Code. 3069~~

(5) If any county appointed counsel system fails to maintain 3070
the standards for the conduct of the system established by the 3071
rules of the Ohio public defender commission pursuant to divisions 3072
(B) and (C) of section 120.03 or the standards established by the 3073
state public defender pursuant to division (B)(7) of section 3074
120.04 of the Revised Code, the Ohio public defender commission 3075
shall notify the board of county commissioners of the county that 3076
the county appointed counsel system has failed to comply with its 3077
rules or the standards of the state public defender. Unless the 3078
board of county commissioners corrects the conduct of its 3079
appointed counsel system to comply with the rules and standards 3080
within ninety days after the date of the notice, the state public 3081
defender may deny all or part of the county's reimbursement from 3082
the state provided for in division (A)(4) of this section. 3083

(B) In lieu of using a county public defender or joint county 3084
public defender to represent indigent persons in the proceedings 3085
set forth in division (A) of section 120.16 of the Revised Code, 3086
and in lieu of adopting the resolution and following the procedure 3087
described in division (A) of this section, the board of county 3088
commissioners of any county may contract with the state public 3089
defender for the state public defender's legal representation of 3090
indigent persons. A contract entered into pursuant to this 3091
division may provide for payment for the services provided on a 3092
per case, hourly, or fixed contract basis. 3093

(C) If a court appoints an attorney pursuant to this section 3094
to represent a petitioner in a postconviction relief proceeding 3095
under section 2953.21 of the Revised Code, the petitioner has 3096
received a sentence of death, and the proceeding relates to that 3097

sentence, the attorney who represents the petitioner in the 3098
proceeding pursuant to the appointment shall be certified under 3099
Rule 20 of the Rules of Superintendence for the Courts of Ohio to 3100
represent indigent defendants charged with or convicted of an 3101
offense for which the death penalty can be or has been imposed. 3102

(D)(1) There is hereby created the capital case attorney fee 3103
council, appointed as described in division (D)(2) of this 3104
section. The council shall set an amount by case, or a rate on an 3105
hourly basis, to be paid under this section to counsel in a 3106
capital case. 3107

(2) The capital case attorney fee council shall consist of 3108
five members, all of whom shall be active judges serving on one of 3109
the district courts of appeals in this state. Terms for council 3110
members shall be the lesser of three years or until the member 3111
ceases to be an active judge of a district court of appeals. The 3112
initial terms shall commence ninety days after September 28, 2016. 3113
The chief justice of the supreme court shall appoint the members 3114
of the council, and shall make all of the appointments not later 3115
than sixty days after September 28, 2016. When any vacancy occurs, 3116
the chief justice shall appoint an active judge of a district 3117
court of appeals in this state to fill the vacancy for the 3118
unexpired term, in the same manner as prescribed in this division. 3119
The chief justice shall designate a chairperson from the appointed 3120
members of the council. Members of the council shall receive no 3121
additional compensation for their service as a member, but may be 3122
reimbursed for expenses reasonably incurred in service to the 3123
council, to be paid by the supreme court. The supreme court may 3124
provide administrative support to the council. 3125

(3) The capital case attorney fee council initially shall 3126
meet not later than one hundred twenty days after September 28, 3127
2016. Thereafter, the council shall meet not less than annually. 3128

(4) Upon setting the amount or rate described in division 3129

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

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

Sec. 120.34. The total amount of money paid to all counties in any fiscal year pursuant to sections 120.18, 120.28, ~~and 120.33, and 120.35~~ of the Revised Code for the reimbursement of a ~~percentage of~~ the counties' cost of operating county public defender offices, joint county public defender offices, and county appointed counsel systems, and the counties' costs and expenses of conducting the defense in capital cases, shall not exceed the total amount appropriated for that fiscal year by the general assembly for the reimbursement of the counties for the operation of the offices and systems. ~~If the amount appropriated by the general assembly in any fiscal year is insufficient to pay fifty per cent of the total cost in the fiscal year of all county public defender offices, all joint county public defender offices, and all county appointed counsel systems, the amount of money paid in that fiscal year pursuant to sections 120.18, 120.28, and 120.33 of the Revised Code to each county for the fiscal year shall be reduced proportionately so that each county is paid an equal percentage of its total cost in the fiscal year for operating its~~

~~county public defender system, its joint county public defender system, and its county appointed counsel system.~~ 3162
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~~The total amount of money paid to all counties in any fiscal year pursuant to section 120.35 of the Revised Code for the reimbursement of a percentage of the counties' costs and expenses of conducting the defense in capital cases shall not exceed the total amount appropriated for that fiscal year by the general assembly for the reimbursement of the counties for conducting the defense in capital cases. If the amount appropriated by the general assembly in any fiscal year is insufficient to pay fifty per cent of the counties' total costs and expenses of conducting the defense in capital cases in the fiscal year, the amount of money paid in that fiscal year pursuant to section 120.35 of the Revised Code to each county for the fiscal year shall be reduced proportionately so that each county is paid an equal percentage of its costs and expenses of conducting the defense in capital cases in the fiscal year.~~ 3164
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~~If any county receives an amount of money pursuant to section 120.18, 120.28, 120.33, or 120.35 of the Revised Code that is in excess of the amount of reimbursement it is entitled to receive pursuant to this section, the state public defender shall request the board of county commissioners to return the excess payment and the board of county commissioners, upon receipt of the request, shall direct the appropriate county officer to return the excess payment to the state.~~ 3179
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~~Within thirty days of the end of each fiscal quarter, the state public defender shall provide to the office of budget and management and the legislative budget office of the legislative service commission an estimate of the amount of money that will be required for the balance of the fiscal year to make the payments required by sections 120.18, 120.28, 120.33, and 120.35 of the Revised Code.~~ 3187
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Sec. 120.35. The state public defender shall, pursuant to 3194
section 120.18, 120.28, 120.33, or 2941.51 of the Revised Code, 3195
reimburse ~~fifty per cent of up to the total of~~ all costs and 3196
expenses of conducting the defense in capital cases. ~~If~~ 3197
~~appropriations are insufficient to pay fifty per cent of such~~ 3198
~~costs and expenses, the state public defender shall reimburse such~~ 3199
~~costs and expenses as provided in section 120.34 of the Revised~~ 3200
~~Code.~~ 3201

Sec. 120.52. There is hereby established in the state 3202
treasury the legal aid fund, which shall be for the charitable 3203
public purpose of providing financial assistance to legal aid 3204
societies that provide civil legal services to indigents. The fund 3205
shall contain all funds credited to it by the treasurer of state 3206
pursuant to sections 1901.26, 1907.24, 2303.201, 3953.231, 3207
4705.09, and 4705.10 of the Revised Code. 3208

The treasurer of state may invest moneys contained in the 3209
legal aid fund in any manner authorized by the Revised Code for 3210
the investment of state moneys. However, no such investment shall 3211
interfere with any apportionment, allocation, or payment of moneys 3212
as required by section 120.53 of the Revised Code. 3213

The state public defender, through the Ohio ~~legal assistance~~ 3214
access to justice foundation, shall administer the payment of 3215
moneys out of the fund. Four and one-half per cent of the moneys 3216
in the fund shall be reserved for the actual, reasonable costs of 3217
administering sections 120.51 to 120.55 and sections 1901.26, 3218
1907.24, 2303.201, 3953.231, 4705.09, and 4705.10 of the Revised 3219
Code. Moneys that are reserved for administrative costs but that 3220
are not used for actual, reasonable administrative costs shall be 3221
set aside for use in the manner described in division (A) of 3222
section 120.521 of the Revised Code. The remainder of the moneys 3223
in the legal aid fund shall be distributed in accordance with 3224

section 120.53 of the Revised Code. The Ohio ~~legal assistance~~ 3225
access to justice foundation shall establish, in accordance with 3226
Chapter 119. of the Revised Code, rules governing the 3227
administration of the legal aid fund, including the programs 3228
established under sections 1901.26, 1907.24, 2303.201, 4705.09, 3229
and 4705.10 of the Revised Code regarding interest on 3230
interest-bearing trust accounts of an attorney, law firm, or legal 3231
professional association. 3232

Sec. 120.521. (A) The state public defender shall establish a 3233
charitable, tax exempt foundation, named the Ohio ~~legal assistance~~ 3234
access to justice foundation, to actively solicit and accept 3235
gifts, bequests, donations, and contributions for use in providing 3236
financial assistance to legal aid societies, enhancing or 3237
improving the delivery of civil legal services to indigents, and 3238
operating the foundation. The Ohio ~~legal assistance~~ access to 3239
justice foundation shall deposit all gifts, bequests, donations, 3240
and contributions accepted by it into the ~~legal assistance~~ access 3241
to justice foundation fund established under this section. If the 3242
state public defender, pursuant to section 120.52 of the Revised 3243
Code as it existed prior to June 30, 1995, established a 3244
charitable, tax exempt foundation named the Ohio ~~legal assistance~~ 3245
access to justice foundation and if that foundation is in 3246
existence on the day before June 30, 1995, that foundation shall 3247
continue in existence and shall serve as the Ohio ~~legal assistance~~ 3248
access to justice foundation described in this section. 3249

There is hereby established the ~~legal assistance~~ access to 3250
justice foundation fund, which shall be under the custody and 3251
control of the Ohio ~~legal assistance~~ access to justice foundation. 3252
The fund shall contain all moneys distributed to the Ohio ~~legal~~ 3253
~~assistance~~ access to justice foundation pursuant to section 120.53 3254
of the Revised Code and all gifts, bequests, donations, and 3255
contributions accepted by the Ohio ~~legal assistance~~ access to 3256

justice foundation under this section. 3257

The Ohio ~~legal assistance~~ access to justice foundation shall 3258
distribute or use all moneys in the ~~legal assistance~~ access to 3259
justice foundation fund for the charitable public purpose of 3260
providing financial assistance to legal aid societies that provide 3261
civil legal services to indigents, enhancing or improving the 3262
delivery of civil legal services to indigents, and operating the 3263
foundation. The Ohio ~~legal assistance~~ access to justice foundation 3264
shall establish rules governing the administration of the ~~legal~~ 3265
~~assistance~~ access to justice foundation fund. 3266

The Ohio ~~legal assistance~~ access to justice foundation shall 3267
include, in the annual report it is required to make to the 3268
governor, the general assembly, and the supreme court pursuant to 3269
division (G)(2) of section 120.53 of the Revised Code, an audited 3270
financial statement on the distribution and use of the ~~legal~~ 3271
~~assistance~~ access to justice foundation fund. No information 3272
contained in the statement shall identify or enable the 3273
identification of any person served by a legal aid society or in 3274
any way breach confidentiality. 3275

Membership on the board of the Ohio ~~legal assistance~~ access 3276
to justice foundation does not constitute holding another public 3277
office and does not constitute grounds for resignation from the 3278
senate or house of representatives under section 101.26 of the 3279
Revised Code. 3280

(B) A foundation is tax exempt for purposes of this section 3281
if the foundation is exempt from federal income taxation under 3282
subsection 501(a) of the "Internal Revenue Code of 1986," 100 3283
Stat. 2085, 26 U.S.C. 501(a), as amended, and if the foundation 3284
has received from the internal revenue service a determination 3285
letter that is in effect stating that the foundation is exempt 3286
from federal income taxation under that subsection. 3287

Sec. 120.53. (A) A legal aid society that operates within the 3288
state may apply to the Ohio ~~legal assistance~~ access to justice 3289
foundation for financial assistance from the legal aid fund 3290
established by section 120.52 of the Revised Code to be used for 3291
the funding of the society during the calendar year following the 3292
calendar year in which application is made. 3293

(B) An application for financial assistance made under 3294
division (A) of this section shall be submitted by the first day 3295
of November of the calendar year preceding the calendar year for 3296
which financial assistance is desired and shall include all of the 3297
following: 3298

(1) Evidence that the applicant is incorporated in this state 3299
as a nonprofit corporation; 3300

(2) A list of the trustees of the applicant; 3301

(3) The proposed budget of the applicant for these funds for 3302
the following calendar year; 3303

(4) A summary of the services to be offered by the applicant 3304
in the following calendar year; 3305

(5) A specific description of the territory or constituency 3306
served by the applicant; 3307

(6) An estimate of the number of persons to be served by the 3308
applicant during the following calendar year; 3309

(7) A general description of the additional sources of the 3310
applicant's funding; 3311

(8) The amount of the applicant's total budget for the 3312
calendar year in which the application is filed that it will 3313
expend in that calendar year for legal services in each of the 3314
counties it serves; 3315

(9) A specific description of any services, programs, 3316

training, and legal technical assistance to be delivered by the 3317
applicant or by another person pursuant to a contract with the 3318
applicant, including, but not limited to, by private attorneys or 3319
through reduced fee plans, judicare panels, organized pro bono 3320
programs, and mediation programs. 3321

(C) The Ohio ~~legal assistance~~ access to justice foundation 3322
shall determine whether each applicant that filed an application 3323
for financial assistance under division (A) of this section in a 3324
calendar year is eligible for financial assistance under this 3325
section. To be eligible for such financial assistance, an 3326
applicant shall satisfy the criteria for being a legal aid society 3327
and shall be in compliance with the provisions of sections 120.51 3328
to 120.55 of the Revised Code and with the rules and requirements 3329
the foundation establishes pursuant to section 120.52 of the 3330
Revised Code. The Ohio ~~legal assistance~~ access to justice 3331
foundation then, on or before the fifteenth day of December of the 3332
calendar year in which the application is filed, shall notify each 3333
such applicant, in writing, whether it is eligible for financial 3334
assistance under this section, and if it is eligible, estimate the 3335
amount that will be available for that applicant for each 3336
six-month distribution period, as determined under division (D) of 3337
this section. 3338

(D) The Ohio ~~legal assistance~~ access to justice foundation 3339
shall allocate moneys contained in the legal aid fund monthly for 3340
distribution to applicants that filed their applications in the 3341
previous calendar year and are determined to be eligible 3342
applicants. 3343

All moneys contained in the fund on the first day of each 3344
month shall be allocated, after deduction of the costs of 3345
administering sections 120.51 to 120.55 and sections 1901.26, 3346
1907.24, 2303.201, 3953.231, 4705.09, and 4705.10 of the Revised 3347
Code that are authorized by section 120.52 of the Revised Code, 3348

according to this section and shall be distributed accordingly not 3349
later than the last day of the month following the month the 3350
moneys were received. In making the allocations under this 3351
section, the moneys in the fund that were generated pursuant to 3352
sections 1901.26, 1907.24, 2303.201, 3953.231, 4705.09, and 3353
4705.10 of the Revised Code shall be apportioned as follows: 3354

(1) After deduction of the amount authorized and used for 3355
actual, reasonable administrative costs under section 120.52 of 3356
the Revised Code: 3357

(a) Five per cent of the moneys remaining in the fund shall 3358
be reserved for use in the manner described in division (A) of 3359
section 120.521 of the Revised Code or for distribution to legal 3360
aid societies that provide assistance to special population groups 3361
of their eligible clients, engage in special projects that have a 3362
substantial impact on their local service area or on significant 3363
segments of the state's poverty population, or provide legal 3364
training or support to other legal aid societies in the state; 3365

(b) After deduction of the amount described in division 3366
(D)(1)(a) of this section, one and three-quarters per cent of the 3367
moneys remaining in the fund shall be apportioned among entities 3368
that received financial assistance from the legal aid fund prior 3369
to July 1, 1993, but that, on and after July 1, 1993, no longer 3370
qualify as a legal aid society that is eligible for financial 3371
assistance under this section. 3372

(c) After deduction of the amounts described in divisions 3373
(D)(1)(a) and (b) of this section, fifteen per cent of the moneys 3374
remaining in the fund shall be placed in the ~~legal assistance~~ 3375
access to justice foundation fund for use in the manner described 3376
in division (A) of section 120.521 of the Revised Code. 3377

(2) After deduction of the actual, reasonable administrative 3378
costs under section 120.52 of the Revised Code and after deduction 3379

of the amounts identified in divisions (D)(1)(a), (b), and (c) of 3380
this section, the remaining moneys shall be apportioned among the 3381
counties that are served by eligible legal aid societies that have 3382
applied for financial assistance under this section so that each 3383
such county is apportioned a portion of those moneys, based upon 3384
the ratio of the number of indigents who reside in that county to 3385
the total number of indigents who reside in all counties of this 3386
state that are served by eligible legal aid societies that have 3387
applied for financial assistance under this section. Subject to 3388
division (E) of this section, the moneys apportioned to a county 3389
under this division then shall be allocated to the eligible legal 3390
aid society that serves the county and that has applied for 3391
financial assistance under this section. For purposes of this 3392
division, the source of data identifying the number of indigent 3393
persons who reside in a county shall be selected by the Ohio ~~legal~~ 3394
~~assistance~~ access to justice foundation from the best available 3395
figures maintained by the United States census bureau. 3396

(E) If the Ohio ~~legal assistance~~ access to justice 3397
foundation, in attempting to make an allocation of moneys under 3398
division (D)(2) of this section, determines that a county that has 3399
been apportioned money under that division is served by more than 3400
one eligible legal aid society that has applied for financial 3401
assistance under this section, the Ohio ~~legal assistance~~ access to 3402
justice foundation shall allocate the moneys that have been 3403
apportioned to that county under division (D)(2) of this section 3404
among all eligible legal aid societies that serve that county and 3405
that have applied for financial assistance under this section on a 3406
pro rata basis, so that each such eligible society is allocated a 3407
portion based upon the amount of its total budget expended in the 3408
prior calendar year for legal services in that county as compared 3409
to the total amount expended in the prior calendar year for legal 3410
services in that county by all eligible legal aid societies that 3411
serve that county and that have applied for financial assistance 3412

under this section. 3413

(F) Moneys allocated to eligible applicants under this 3414
section shall be paid monthly beginning the calendar year 3415
following the calendar year in which the application is filed. 3416

(G)(1) A legal aid society that receives financial assistance 3417
in any calendar year under this section shall file an annual 3418
report with the Ohio ~~legal assistance~~ access to justice foundation 3419
detailing the number and types of cases handled, and the amount 3420
and types of legal training, legal technical assistance, and other 3421
service provided, by means of that financial assistance. No 3422
information contained in the report shall identify or enable the 3423
identification of any person served by the legal aid society or in 3424
any way breach client confidentiality. 3425

(2) The Ohio ~~legal assistance~~ access to justice foundation 3426
shall make an annual report to the governor, the general assembly, 3427
and the supreme court on the distribution and use of the legal aid 3428
fund. The foundation also shall include in the annual report an 3429
audited financial statement of all gifts, bequests, donations, 3430
contributions, and other moneys the foundation receives. No 3431
information contained in the report shall identify or enable the 3432
identification of any person served by a legal aid society, or in 3433
any way breach confidentiality. 3434

(H) A legal aid society may enter into agreements for the 3435
provision of services, programs, training, or legal technical 3436
assistance for the legal aid society or to indigent persons. 3437

Sec. 121.083. (A) The superintendent of industrial compliance 3438
in the department of commerce shall do all of the following: 3439
3440

~~(A)~~(1) Administer and enforce the general laws of this state 3441
pertaining to buildings, pressure piping, boilers, bedding, 3442

upholstered furniture, and stuffed toys, steam engineering, 3443
elevators, plumbing, licensed occupations regulated by the 3444
department, and travel agents, as they apply to plans review, 3445
inspection, code enforcement, testing, licensing, registration, 3446
and certification. 3447

~~(B)~~(2) Exercise the powers and perform the duties delegated 3448
to the superintendent by the director of commerce under Chapters 3449
4109., 4111., and 4115. of the Revised Code. 3450

~~(C)~~(3) Collect and collate statistics as are necessary. 3451

~~(D)~~(4) Examine and license persons who desire to act as steam 3452
engineers, to operate steam boilers, and to act as inspectors of 3453
steam boilers, provide for the scope, conduct, and time of such 3454
examinations, provide for, regulate, and enforce the renewal and 3455
revocation of such licenses, inspect and examine steam boilers and 3456
make, publish, and enforce rules and orders for the construction, 3457
installation, inspection, and operation of steam boilers, and do, 3458
require, and enforce all things necessary to make such 3459
examination, inspection, and requirement efficient. 3460

~~(E)~~(5) Rent and furnish offices as needed in cities in this 3461
state for the conduct of its affairs. 3462

~~(F)~~(6) Oversee a chief of construction and compliance, a 3463
chief of operations and maintenance, a chief of licensing and 3464
certification, a chief of worker protection, and other designees 3465
appointed by the director to perform the duties described in this 3466
section. 3467

~~(G)~~(7) Enforce the rules the board of building standards 3468
adopts pursuant to division (A)(2) of section 4104.43 of the 3469
Revised Code under the circumstances described in division (D) of 3470
that section. 3471

~~(H)~~(8) Accept submissions, establish a fee for submissions, 3472
and review submissions of certified welding and brazing procedure 3473

specifications, procedure qualification records, and performance 3474
qualification records for building services piping as required by 3475
section 4104.44 of the Revised Code. 3476

(B) The superintendent may enter into a contract with a 3477
municipal corporation, township, or county building department 3478
certified by the board of building standards pursuant to division 3479
(E) of section 3781.10 of the Revised Code, or a municipal or 3480
county health district, to do any of the following on behalf of 3481
the building department or health district: 3482

(1) Exercise enforcement authority pursuant to section 3483
3781.03 of the Revised Code; 3484

(2) Accept and approve plans and specifications, and make 3485
inspections, pursuant to section 3791.04 of the Revised Code; 3486

(3) Enforce the rules adopted pursuant to division (A)(2) of 3487
section 4104.43 of the Revised Code. 3488

Sec. 121.22. (A) This section shall be liberally construed to 3489
require public officials to take official action and to conduct 3490
all deliberations upon official business only in open meetings 3491
unless the subject matter is specifically excepted by law. 3492

(B) As used in this section: 3493

(1) "Public body" means any of the following: 3494

(a) Any board, commission, committee, council, or similar 3495
decision-making body of a state agency, institution, or authority, 3496
and any legislative authority or board, commission, committee, 3497
council, agency, authority, or similar decision-making body of any 3498
county, township, municipal corporation, school district, or other 3499
political subdivision or local public institution; 3500

(b) Any committee or subcommittee of a body described in 3501
division (B)(1)(a) of this section; 3502

(c) A court of jurisdiction of a sanitary district organized 3503
wholly for the purpose of providing a water supply for domestic, 3504
municipal, and public use when meeting for the purpose of the 3505
appointment, removal, or reappointment of a member of the board of 3506
directors of such a district pursuant to section 6115.10 of the 3507
Revised Code, if applicable, or for any other matter related to 3508
such a district other than litigation involving the district. As 3509
used in division (B)(1)(c) of this section, "court of 3510
jurisdiction" has the same meaning as "court" in section 6115.01 3511
of the Revised Code. 3512

(2) "Meeting" means any prearranged discussion of the public 3513
business of the public body by a majority of its members. 3514

(3) "Regulated individual" means either of the following: 3515

(a) A student in a state or local public educational 3516
institution; 3517

(b) A person who is, voluntarily or involuntarily, an inmate, 3518
patient, or resident of a state or local institution because of 3519
criminal behavior, mental illness, an intellectual disability, 3520
disease, disability, age, or other condition requiring custodial 3521
care. 3522

(4) "Public office" has the same meaning as in section 3523
149.011 of the Revised Code. 3524

(C) All meetings of any public body are declared to be public 3525
meetings open to the public at all times. A member of a public 3526
body shall be present in person at a meeting open to the public to 3527
be considered present or to vote at the meeting and for purposes 3528
of determining whether a quorum is present at the meeting. 3529

The minutes of a regular or special meeting of any public 3530
body shall be promptly prepared, filed, and maintained and shall 3531
be open to public inspection. The minutes need only reflect the 3532
general subject matter of discussions in executive sessions 3533

authorized under division (G) or (J) of this section.	3534
(D) This section does not apply to any of the following:	3535
(1) A grand jury;	3536
(2) An audit conference conducted by the auditor of state or independent certified public accountants with officials of the public office that is the subject of the audit;	3537 3538 3539
(3) The adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon and the department of rehabilitation and correction when its hearings are conducted at a correctional institution for the sole purpose of making determinations under section 2967.271 of the Revised Code regarding the release or maintained incarceration of an offender to whom that section applies;	3540 3541 3542 3543 3544 3545 3546 3547
(4) The organized crime investigations commission established under section 177.01 of the Revised Code;	3548 3549
(5) Meetings of a child fatality review board established under section 307.621 of the Revised Code, meetings related to a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, and meetings conducted pursuant to sections 5153.171 to 5153.173 of the Revised Code;	3550 3551 3552 3553 3554 3555
(6) The state medical board when determining whether to suspend a <u>license or certificate</u> without a prior hearing pursuant to division (G) of either section 4730.25 or 4731.22 of the Revised Code;	3556 3557 3558 3559
(7) The board of nursing when determining whether to suspend a license or certificate without a prior hearing pursuant to division (B) of section 4723.281 of the Revised Code;	3560 3561 3562
(8) The state board of pharmacy when determining <u>utilizing a</u>	3563

<u>telephone conference call to do either of the following:</u>	3564
<u>(a) Make a determination of whether to suspend a license, certificate, or registration without a prior hearing pursuant to division (D) of section 4729.16 Chapters 3719., 3796., 4729., and 4752. of the Revised Code;</u>	3565 3566 3567 3568
<u>(b) Make a determination pursuant to division (A) or (B) of section 3719.45 of the Revised Code.</u>	3569 3570
(9) The state chiropractic board when determining whether to suspend a license without a hearing pursuant to section 4734.37 of the Revised Code;	3571 3572 3573
(10) The executive committee of the emergency response commission when determining whether to issue an enforcement order or request that a civil action, civil penalty action, or criminal action be brought to enforce Chapter 3750. of the Revised Code;	3574 3575 3576 3577
(11) The board of directors of the nonprofit corporation formed under section 187.01 of the Revised Code or any committee thereof, and the board of directors of any subsidiary of that corporation or a committee thereof;	3578 3579 3580 3581
(12) An audit conference conducted by the audit staff of the department of job and family services with officials of the public office that is the subject of that audit under section 5101.37 of the Revised Code;	3582 3583 3584 3585
(13) The occupational therapy section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license or limited permit without a hearing pursuant to division (D) of section 4755.11 of the Revised Code;	3586 3587 3588 3589 3590
(14) The physical therapy section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing	3591 3592 3593

pursuant to division (E) of section 4755.47 of the Revised Code; 3594

(15) The athletic trainers section of the occupational 3595
therapy, physical therapy, and athletic trainers board when 3596
determining whether to suspend a license without a hearing 3597
pursuant to division (D) of section 4755.64 of the Revised Code; 3598

(16) Meetings of the pregnancy-associated mortality review 3599
board established under section 3738.01 of the Revised Code. 3600

(E) The controlling board, the tax credit authority, or the 3601
minority development financing advisory board, when meeting to 3602
consider granting assistance pursuant to Chapter 122. or 166. of 3603
the Revised Code, in order to protect the interest of the 3604
applicant or the possible investment of public funds, by unanimous 3605
vote of all board or authority members present, may close the 3606
meeting during consideration of the following information 3607
confidentially received by the authority or board from the 3608
applicant: 3609

(1) Marketing plans; 3610

(2) Specific business strategy; 3611

(3) Production techniques and trade secrets; 3612

(4) Financial projections; 3613

(5) Personal financial statements of the applicant or members 3614
of the applicant's immediate family, including, but not limited 3615
to, tax records or other similar information not open to public 3616
inspection. 3617

The vote by the authority or board to accept or reject the 3618
application, as well as all proceedings of the authority or board 3619
not subject to this division, shall be open to the public and 3620
governed by this section. 3621

(F) Every public body, by rule, shall establish a reasonable 3622
method whereby any person may determine the time and place of all 3623

regularly scheduled meetings and the time, place, and purpose of 3624
all special meetings. A public body shall not hold a special 3625
meeting unless it gives at least twenty-four hours' advance notice 3626
to the news media that have requested notification, except in the 3627
event of an emergency requiring immediate official action. In the 3628
event of an emergency, the member or members calling the meeting 3629
shall notify the news media that have requested notification 3630
immediately of the time, place, and purpose of the meeting. 3631

The rule shall provide that any person, upon request and 3632
payment of a reasonable fee, may obtain reasonable advance 3633
notification of all meetings at which any specific type of public 3634
business is to be discussed. Provisions for advance notification 3635
may include, but are not limited to, mailing the agenda of 3636
meetings to all subscribers on a mailing list or mailing notices 3637
in self-addressed, stamped envelopes provided by the person. 3638

(G) Except as provided in divisions (G)(8) and (J) of this 3639
section, the members of a public body may hold an executive 3640
session only after a majority of a quorum of the public body 3641
determines, by a roll call vote, to hold an executive session and 3642
only at a regular or special meeting for the sole purpose of the 3643
consideration of any of the following matters: 3644

(1) To consider the appointment, employment, dismissal, 3645
discipline, promotion, demotion, or compensation of a public 3646
employee or official, or the investigation of charges or 3647
complaints against a public employee, official, licensee, or 3648
regulated individual, unless the public employee, official, 3649
licensee, or regulated individual requests a public hearing. 3650
Except as otherwise provided by law, no public body shall hold an 3651
executive session for the discipline of an elected official for 3652
conduct related to the performance of the elected official's 3653
official duties or for the elected official's removal from office. 3654
If a public body holds an executive session pursuant to division 3655

(G)(1) of this section, the motion and vote to hold that executive session shall state which one or more of the approved purposes listed in division (G)(1) of this section are the purposes for which the executive session is to be held, but need not include the name of any person to be considered at the meeting.

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

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

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

(4) Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their

compensation or other terms and conditions of their employment;	3688
(5) Matters required to be kept confidential by federal law	3689
or regulations or state statutes;	3690
(6) Details relative to the security arrangements and	3691
emergency response protocols for a public body or a public office,	3692
if disclosure of the matters discussed could reasonably be	3693
expected to jeopardize the security of the public body or public	3694
office;	3695
(7) In the case of a county hospital operated pursuant to	3696
Chapter 339. of the Revised Code, a joint township hospital	3697
operated pursuant to Chapter 513. of the Revised Code, or a	3698
municipal hospital operated pursuant to Chapter 749. of the	3699
Revised Code, to consider trade secrets, as defined in section	3700
1333.61 of the Revised Code;	3701
(8) To consider confidential information related to the	3702
marketing plans, specific business strategy, production	3703
techniques, trade secrets, or personal financial statements of an	3704
applicant for economic development assistance, or to negotiations	3705
with other political subdivisions respecting requests for economic	3706
development assistance, provided that both of the following	3707
conditions apply:	3708
(a) The information is directly related to a request for	3709
economic development assistance that is to be provided or	3710
administered under any provision of Chapter 715., 725., 1724., or	3711
1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43,	3712
5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of	3713
the Revised Code, or that involves public infrastructure	3714
improvements or the extension of utility services that are	3715
directly related to an economic development project.	3716
(b) A unanimous quorum of the public body determines, by a	3717
roll call vote, that the executive session is necessary to protect	3718

the interests of the applicant or the possible investment or 3719
expenditure of public funds to be made in connection with the 3720
economic development project. 3721

If a public body holds an executive session to consider any 3722
of the matters listed in divisions (G)(2) to (8) of this section, 3723
the motion and vote to hold that executive session shall state 3724
which one or more of the approved matters listed in those 3725
divisions are to be considered at the executive session. 3726

A public body specified in division (B)(1)(c) of this section 3727
shall not hold an executive session when meeting for the purposes 3728
specified in that division. 3729

(H) A resolution, rule, or formal action of any kind is 3730
invalid unless adopted in an open meeting of the public body. A 3731
resolution, rule, or formal action adopted in an open meeting that 3732
results from deliberations in a meeting not open to the public is 3733
invalid unless the deliberations were for a purpose specifically 3734
authorized in division (G) or (J) of this section and conducted at 3735
an executive session held in compliance with this section. A 3736
resolution, rule, or formal action adopted in an open meeting is 3737
invalid if the public body that adopted the resolution, rule, or 3738
formal action violated division (F) of this section. 3739

(I)(1) Any person may bring an action to enforce this 3740
section. An action under division (I)(1) of this section shall be 3741
brought within two years after the date of the alleged violation 3742
or threatened violation. Upon proof of a violation or threatened 3743
violation of this section in an action brought by any person, the 3744
court of common pleas shall issue an injunction to compel the 3745
members of the public body to comply with its provisions. 3746

(2)(a) If the court of common pleas issues an injunction 3747
pursuant to division (I)(1) of this section, the court shall order 3748
the public body that it enjoins to pay a civil forfeiture of five 3749

hundred dollars to the party that sought the injunction and shall 3750
award to that party all court costs and, subject to reduction as 3751
described in division (I)(2) of this section, reasonable 3752
attorney's fees. The court, in its discretion, may reduce an award 3753
of attorney's fees to the party that sought the injunction or not 3754
award attorney's fees to that party if the court determines both 3755
of the following: 3756

(i) That, based on the ordinary application of statutory law 3757
and case law as it existed at the time of violation or threatened 3758
violation that was the basis of the injunction, a well-informed 3759
public body reasonably would believe that the public body was not 3760
violating or threatening to violate this section; 3761

(ii) That a well-informed public body reasonably would 3762
believe that the conduct or threatened conduct that was the basis 3763
of the injunction would serve the public policy that underlies the 3764
authority that is asserted as permitting that conduct or 3765
threatened conduct. 3766

(b) If the court of common pleas does not issue an injunction 3767
pursuant to division (I)(1) of this section and the court 3768
determines at that time that the bringing of the action was 3769
frivolous conduct, as defined in division (A) of section 2323.51 3770
of the Revised Code, the court shall award to the public body all 3771
court costs and reasonable attorney's fees, as determined by the 3772
court. 3773

(3) Irreparable harm and prejudice to the party that sought 3774
the injunction shall be conclusively and irrebuttably presumed 3775
upon proof of a violation or threatened violation of this section. 3776

(4) A member of a public body who knowingly violates an 3777
injunction issued pursuant to division (I)(1) of this section may 3778
be removed from office by an action brought in the court of common 3779
pleas for that purpose by the prosecuting attorney or the attorney 3780

general. 3781

(J)(1) Pursuant to division (C) of section 5901.09 of the 3782
Revised Code, a veterans service commission shall hold an 3783
executive session for one or more of the following purposes unless 3784
an applicant requests a public hearing: 3785

(a) Interviewing an applicant for financial assistance under 3786
sections 5901.01 to 5901.15 of the Revised Code; 3787

(b) Discussing applications, statements, and other documents 3788
described in division (B) of section 5901.09 of the Revised Code; 3789

(c) Reviewing matters relating to an applicant's request for 3790
financial assistance under sections 5901.01 to 5901.15 of the 3791
Revised Code. 3792

(2) A veterans service commission shall not exclude an 3793
applicant for, recipient of, or former recipient of financial 3794
assistance under sections 5901.01 to 5901.15 of the Revised Code, 3795
and shall not exclude representatives selected by the applicant, 3796
recipient, or former recipient, from a meeting that the commission 3797
conducts as an executive session that pertains to the applicant's, 3798
recipient's, or former recipient's application for financial 3799
assistance. 3800

(3) A veterans service commission shall vote on the grant or 3801
denial of financial assistance under sections 5901.01 to 5901.15 3802
of the Revised Code only in an open meeting of the commission. The 3803
minutes of the meeting shall indicate the name, address, and 3804
occupation of the applicant, whether the assistance was granted or 3805
denied, the amount of the assistance if assistance is granted, and 3806
the votes for and against the granting of assistance. 3807

Sec. 121.37. (A)(1) There is hereby created the Ohio family 3808
and children first cabinet council. The council shall be composed 3809
of the superintendent of public instruction, the executive 3810

director of the opportunities for Ohioans with disabilities 3811
agency, the medicaid director, and the directors of youth 3812
services, job and family services, mental health and addiction 3813
services, health, developmental disabilities, aging, 3814
rehabilitation and correction, and budget and management. The 3815
chairperson of the council shall be the governor or the governor's 3816
designee and shall establish procedures for the council's internal 3817
control and management. 3818

The purpose of the cabinet council is to help families 3819
seeking government services. This section shall not be interpreted 3820
or applied to usurp the role of parents, but solely to streamline 3821
and coordinate existing government services for families seeking 3822
assistance for their children. 3823

(2) In seeking to fulfill its purpose, the council may do any 3824
of the following: 3825

(a) Advise and make recommendations to the governor and 3826
general assembly regarding the provision of services to children; 3827

(b) Advise and assess local governments on the coordination 3828
of service delivery to children; 3829

(c) Hold meetings at such times and places as may be 3830
prescribed by the council's procedures and maintain records of the 3831
meetings, except that records identifying individual children are 3832
confidential and shall be disclosed only as provided by law; 3833

(d) Develop programs and projects, including pilot projects, 3834
to encourage coordinated efforts at the state and local level to 3835
improve the state's social service delivery system; 3836

(e) Enter into contracts with and administer grants to county 3837
family and children first councils, as well as other county or 3838
multicounty organizations to plan and coordinate service delivery 3839
between state agencies and local service providers for families 3840
and children; 3841

(f) Enter into contracts with and apply for grants from federal agencies or private organizations;	3842 3843
(g) Enter into interagency agreements to encourage coordinated efforts at the state and local level to improve the state's social service delivery system. The agreements may include provisions regarding the receipt, transfer, and expenditure of funds;	3844 3845 3846 3847 3848
(h) Identify public and private funding sources for services provided to alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children, including regulations governing access to and use of the services;	3849 3850 3851 3852
(i) Collect information provided by local communities regarding successful programs for prevention, intervention, and treatment of unruly behavior, including evaluations of the programs;	3853 3854 3855 3856
(j) Identify and disseminate publications regarding alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children and regarding programs serving those types of children;	3857 3858 3859 3860
(k) Maintain an inventory of strategic planning facilitators for use by government or nonprofit entities that serve alleged or adjudicated unruly children or children who are at risk of being alleged or adjudicated unruly children.	3861 3862 3863 3864
(3) The cabinet council shall provide for the following:	3865
(a) Reviews of service and treatment plans for children for which such reviews are requested;	3866 3867
(b) Assistance as the council determines to be necessary to meet the needs of children referred by county family and children first councils;	3868 3869 3870
(c) Monitoring and supervision of a statewide, comprehensive,	3871

coordinated, multi-disciplinary, interagency system for infants 3872
and toddlers with developmental disabilities or delays and their 3873
families, as established pursuant to federal grants received and 3874
administered by the department of health for early intervention 3875
services under the "Individuals with Disabilities Education Act of 3876
2004," 118 Stat. 2744, 20 U.S.C.A. 1400, as amended. 3877

(4) The cabinet council shall develop and implement the 3878
following: 3879

(a) An interagency process to select the indicators that will 3880
be used to measure progress toward increasing child well-being in 3881
the state and to update the indicators on an annual basis. The 3882
indicators shall focus on expectant parents and newborns thriving; 3883
infants and toddlers thriving; children being ready for school; 3884
children and youth succeeding in school; youth choosing healthy 3885
behaviors; and youth successfully transitioning into adulthood. 3886

(b) An interagency system to offer guidance and monitor 3887
progress toward increasing child well-being in the state and in 3888
each county; 3889

(c) An annual plan that identifies state-level agency efforts 3890
taken to ensure progress towards increasing child well-being in 3891
the state. 3892

On an annual basis, the cabinet council shall submit to the 3893
governor and the general assembly a report on the status of 3894
efforts to increase child well-being in the state. This report 3895
shall be made available to any other person on request. 3896

(B)(1) Each board of county commissioners shall establish a 3897
county family and children first council. The board may invite any 3898
local public or private agency or group that funds, advocates, or 3899
provides services to children and families to have a 3900
representative become a permanent or temporary member of its 3901
county council. Each county council must include the following 3902

individuals: 3903

(a) At least three individuals who are not employed by an 3904
agency represented on the council and whose families are or have 3905
received services from an agency represented on the council or 3906
another county's council. Where possible, the number of members 3907
representing families shall be equal to twenty per cent of the 3908
council's membership. 3909

(b) The director of the board of alcohol, drug addiction, and 3910
mental health services that serves the county, or, in the case of 3911
a county that has a board of alcohol and drug addiction services 3912
and a community mental health board, the directors of both boards. 3913
If a board of alcohol, drug addiction, and mental health services 3914
covers more than one county, the director may designate a person 3915
to participate on the county's council. 3916

(c) The health commissioner, or the commissioner's designee, 3917
of the board of health of each city and general health district in 3918
the county. If the county has two or more health districts, the 3919
health commissioner membership may be limited to the commissioners 3920
of the two districts with the largest populations. 3921

(d) The director of the county department of job and family 3922
services; 3923

(e) The executive director of the public children services 3924
agency; 3925

(f) The superintendent of the county board of developmental 3926
disabilities or, if the superintendent serves as superintendent of 3927
more than one county board of developmental disabilities, the 3928
superintendent's designee; 3929

(g) The superintendent of the city, exempted village, or 3930
local school district with the largest number of pupils residing 3931
in the county, as determined by the department of education, which 3932
shall notify each board of county commissioners of its 3933

determination at least biennially; 3934

(h) A school superintendent representing all other school 3935
districts with territory in the county, as designated at a 3936
biennial meeting of the superintendents of those districts; 3937

(i) A representative of the municipal corporation with the 3938
largest population in the county; 3939

(j) The president of the board of county commissioners or an 3940
individual designated by the board; 3941

(k) A representative of the ~~regional office of the~~ department 3942
of youth services or an individual designated by the department; 3943

(l) A representative of the county's head start agencies, as 3944
defined in section 3301.32 of the Revised Code; 3945

(m) A representative of the county's early intervention 3946
collaborative established pursuant to the federal early 3947
intervention program operated under the "Individuals with 3948
Disabilities Education Act of 2004"; 3949

(n) A representative of a local nonprofit entity that funds, 3950
advocates, or provides services to children and families. 3951

Notwithstanding any other provision of law, the public 3952
members of a county council are not prohibited from serving on the 3953
council and making decisions regarding the duties of the council, 3954
including those involving the funding of joint projects and those 3955
outlined in the county's service coordination mechanism 3956
implemented pursuant to division (C) of this section. 3957

The cabinet council shall establish a state appeals process 3958
to resolve disputes among the members of a county council 3959
concerning whether reasonable responsibilities as members are 3960
being shared. The appeals process may be accessed only by a 3961
majority vote of the council members who are required to serve on 3962
the council. Upon appeal, the cabinet council may order that state 3963

funds for services to children and families be redirected to a county's board of county commissioners.

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

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

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

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

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

(d) Maintenance of an accountability system to monitor the

county council's progress in achieving results for families and children; 3995
3996

(e) Establishment of a mechanism to ensure ongoing input from a broad representation of families who are receiving services within the county system. 3997
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(3) A county council shall develop and implement the following: 4000
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(a) An interagency process to establish local indicators and monitor the county's progress toward increasing child well-being in the county; 4002
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(b) An interagency process to identify local priorities to increase child well-being. The local priorities shall focus on expectant parents and newborns thriving; infants and toddlers thriving; children being ready for school; children and youth succeeding in school; youth choosing healthy behaviors; and youth successfully transitioning into adulthood and take into account the indicators established by the cabinet council under division (A)(4)(a) of this section. 4005
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(c) An annual plan that identifies the county's interagency efforts to increase child well-being in the county. 4013
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On an annual basis, the county council shall submit a report on the status of efforts by the county to increase child well-being in the county to the county's board of county commissioners and the cabinet council. This report shall be made available to any other person on request. 4015
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(4)(a) Except as provided in division (B)(4)(b) of this section, a county council shall comply with the policies, procedures, and activities prescribed by the rules or interagency agreements of a state department participating on the cabinet council whenever the county council performs a function subject to those rules or agreements. 4020
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(b) On application of a county council, the cabinet council 4026
may grant an exemption from any rules or interagency agreements of 4027
a state department participating on the council if an exemption is 4028
necessary for the council to implement an alternative program or 4029
approach for service delivery to families and children. The 4030
application shall describe the proposed program or approach and 4031
specify the rules or interagency agreements from which an 4032
exemption is necessary. The cabinet council shall approve or 4033
disapprove the application in accordance with standards and 4034
procedures it shall adopt. If an application is approved, the 4035
exemption is effective only while the program or approach is being 4036
implemented, including a reasonable period during which the 4037
program or approach is being evaluated for effectiveness. 4038

(5)(a) Each county council shall designate an administrative 4039
agent for the council from among the following public entities: 4040
the board of alcohol, drug addiction, and mental health services, 4041
including a board of alcohol and drug addiction or a community 4042
mental health board if the county is served by separate boards; 4043
the board of county commissioners; any board of health of the 4044
county's city and general health districts; the county department 4045
of job and family services; the county agency responsible for the 4046
administration of children services pursuant to section 5153.15 of 4047
the Revised Code; the county board of developmental disabilities; 4048
any of the county's boards of education or governing boards of 4049
educational service centers; or the county's juvenile court. Any 4050
of the foregoing public entities, other than the board of county 4051
commissioners, may decline to serve as the council's 4052
administrative agent. 4053

A county council's administrative agent shall serve as the 4054
council's appointing authority for any employees of the council. 4055
The council shall file an annual budget with its administrative 4056
agent, with copies filed with the county auditor and with the 4057

board of county commissioners, unless the board is serving as the 4058
council's administrative agent. The council's administrative agent 4059
shall ensure that all expenditures are handled in accordance with 4060
policies, procedures, and activities prescribed by state 4061
departments in rules or interagency agreements that are applicable 4062
to the council's functions. 4063

The administrative agent of a county council shall send 4064
notice of a member's absence if a member listed in division (B)(1) 4065
of this section has been absent from either three consecutive 4066
meetings of the county council or a county council subcommittee, 4067
or from one-quarter of such meetings in a calendar year, whichever 4068
is less. The notice shall be sent to the board of county 4069
commissioners that establishes the county council and, for the 4070
members listed in divisions (B)(1)(b), (c), (e), and (l) of this 4071
section, to the governing board overseeing the respective entity; 4072
for the member listed in division (B)(1)(f) of this section, to 4073
the county board of developmental disabilities that employs the 4074
superintendent; for a member listed in division (B)(1)(g) or (h) 4075
of this section, to the school board that employs the 4076
superintendent; for the member listed in division (B)(1)(i) of 4077
this section, to the mayor of the municipal corporation; for the 4078
member listed in division (B)(1)(k) of this section, to the 4079
director of youth services; and for the member listed in division 4080
(B)(1)(n) of this section, to that member's board of trustees. 4081

The administrative agent for a county council may do any of 4082
the following on behalf of the council: 4083

(i) Enter into agreements or administer contracts with public 4084
or private entities to fulfill specific council business. Such 4085
agreements and contracts are exempt from the competitive bidding 4086
requirements of section 307.86 of the Revised Code if they have 4087
been approved by the county council and they are for the purchase 4088
of family and child welfare or child protection services or other 4089

social or job and family services for families and children. The 4090
approval of the county council is not required to exempt 4091
agreements or contracts entered into under section 5139.34, 4092
5139.41, or 5139.43 of the Revised Code from the competitive 4093
bidding requirements of section 307.86 of the Revised Code. 4094

(ii) As determined by the council, provide financial 4095
stipends, reimbursements, or both, to family representatives for 4096
expenses related to council activity; 4097

(iii) Receive by gift, grant, devise, or bequest any moneys, 4098
lands, or other property for the purposes for which the council is 4099
established. The agent shall hold, apply, and dispose of the 4100
moneys, lands, or other property according to the terms of the 4101
gift, grant, devise, or bequest. Any interest or earnings shall be 4102
treated in the same manner and are subject to the same terms as 4103
the gift, grant, devise, or bequest from which it accrues. 4104

(b)(i) If the county council designates the board of county 4105
commissioners as its administrative agent, the board may, by 4106
resolution, delegate any of its powers and duties as 4107
administrative agent to an executive committee the board 4108
establishes from the membership of the county council. The board 4109
shall name to the executive committee at least the individuals 4110
described in divisions (B)(1)(b) to (h) of this section and may 4111
appoint the president of the board or another individual as the 4112
chair of the executive committee. The executive committee must 4113
include at least one family county council representative who does 4114
not have a family member employed by an agency represented on the 4115
council. 4116

(ii) The executive committee may, with the approval of the 4117
board, hire an executive director to assist the county council in 4118
administering its powers and duties. The executive director shall 4119
serve in the unclassified civil service at the pleasure of the 4120
executive committee. The executive director may, with the approval 4121

of the executive committee, hire other employees as necessary to 4122
properly conduct the county council's business. 4123

(iii) The board may require the executive committee to submit 4124
an annual budget to the board for approval and may amend or repeal 4125
the resolution that delegated to the executive committee its 4126
authority as the county council's administrative agent. 4127

(6) Two or more county councils may enter into an agreement 4128
to administer their county councils jointly by creating a regional 4129
family and children first council. A regional council possesses 4130
the same duties and authority possessed by a county council, 4131
except that the duties and authority apply regionally rather than 4132
to individual counties. Prior to entering into an agreement to 4133
create a regional council, the members of each county council to 4134
be part of the regional council shall meet to determine whether 4135
all or part of the members of each county council will serve as 4136
members of the regional council. 4137

(7) A board of county commissioners may approve a resolution 4138
by a majority vote of the board's members that requires the county 4139
council to submit a statement to the board each time the council 4140
proposes to enter into an agreement, adopt a plan, or make a 4141
decision, other than a decision pursuant to section 121.38 of the 4142
Revised Code, that requires the expenditure of funds for two or 4143
more families. The statement shall describe the proposed 4144
agreement, plan, or decision. 4145

Not later than fifteen days after the board receives the 4146
statement, it shall, by resolution approved by a majority of its 4147
members, approve or disapprove the agreement, plan, or decision. 4148
Failure of the board to pass a resolution during that time period 4149
shall be considered approval of the agreement, plan, or decision. 4150

An agreement, plan, or decision for which a statement is 4151
required to be submitted to the board shall be implemented only if 4152

it is approved by the board. 4153

(C) Each county shall develop a county service coordination 4154
mechanism. The county service coordination mechanism shall serve 4155
as the guiding document for coordination of services in the 4156
county. For children who also receive services under the help me 4157
grow program, the service coordination mechanism shall be 4158
consistent with rules adopted by the department of health under 4159
section 3701.61 of the Revised Code. All family service 4160
coordination plans shall be developed in accordance with the 4161
county service coordination mechanism. The mechanism shall be 4162
developed and approved with the participation of the county 4163
entities representing child welfare; developmental disabilities; 4164
alcohol, drug addiction, and mental health services; health; 4165
juvenile judges; education; the county family and children first 4166
council; and the county early intervention collaborative 4167
established pursuant to the federal early intervention program 4168
operated under the "Individuals with Disabilities Education Act of 4169
2004." The county shall establish an implementation schedule for 4170
the mechanism. The cabinet council may monitor the implementation 4171
and administration of each county's service coordination 4172
mechanism. 4173

Each mechanism shall include all of the following: 4174

(1) A procedure for an agency, including a juvenile court, or 4175
a family voluntarily seeking service coordination, to refer the 4176
child and family to the county council for service coordination in 4177
accordance with the mechanism; 4178

(2) A procedure ensuring that a family and all appropriate 4179
staff from involved agencies, including a representative from the 4180
appropriate school district, are notified of and invited to 4181
participate in all family service coordination plan meetings; 4182

(3) A procedure that permits a family to initiate a meeting 4183

to develop or review the family's service coordination plan and 4184
allows the family to invite a family advocate, mentor, or support 4185
person of the family's choice to participate in any such meeting; 4186

(4) A procedure for ensuring that a family service 4187
coordination plan meeting is conducted for each child who receives 4188
service coordination under the mechanism and for whom an emergency 4189
out-of-home placement has been made or for whom a nonemergency 4190
out-of-home placement is being considered. The meeting shall be 4191
conducted within ten days of an emergency out-of-home placement. 4192
The meeting shall be conducted before a nonemergency out-of-home 4193
placement. The family service coordination plan shall outline how 4194
the county council members will jointly pay for services, where 4195
applicable, and provide services in the least restrictive 4196
environment. 4197

(5) A procedure for monitoring the progress and tracking the 4198
outcomes of each service coordination plan requested in the county 4199
including monitoring and tracking children in out-of-home 4200
placements to assure continued progress, appropriateness of 4201
placement, and continuity of care after discharge from placement 4202
with appropriate arrangements for housing, treatment, and 4203
education; 4204

(6) A procedure for protecting the confidentiality of all 4205
personal family information disclosed during service coordination 4206
meetings or contained in the comprehensive family service 4207
coordination plan; 4208

(7) A procedure for assessing the needs and strengths of any 4209
child or family that has been referred to the council for service 4210
coordination, including a child whose parent or custodian is 4211
voluntarily seeking services, and for ensuring that parents and 4212
custodians are afforded the opportunity to participate; 4213

(8) A procedure for development of a family service 4214

coordination plan described in division (D) of this section; 4215

(9) A local dispute resolution process to serve as the 4216
process that must be used first to resolve disputes among the 4217
agencies represented on the county council concerning the 4218
provision of services to children, including children who are 4219
abused, neglected, dependent, unruly, alleged unruly, or 4220
delinquent children and under the jurisdiction of the juvenile 4221
court and children whose parents or custodians are voluntarily 4222
seeking services. The local dispute resolution process shall 4223
comply with sections 121.38, 121.381, and 121.382 of the Revised 4224
Code. The local dispute resolution process shall be used to 4225
resolve disputes between a child's parents or custodians and the 4226
county council regarding service coordination. The county council 4227
shall inform the parents or custodians of their right to use the 4228
dispute resolution process. Parents or custodians shall use 4229
existing local agency grievance procedures to address disputes not 4230
involving service coordination. The dispute resolution process is 4231
in addition to and does not replace other rights or procedures 4232
that parents or custodians may have under other sections of the 4233
Revised Code. 4234

The cabinet council shall adopt rules in accordance with 4235
Chapter 119. of the Revised Code establishing an administrative 4236
review process to address problems that arise concerning the 4237
operation of a local dispute resolution process. 4238

Nothing in division (C)(4) of this section shall be 4239
interpreted as overriding or affecting decisions of a juvenile 4240
court regarding an out-of-home placement, long-term placement, or 4241
emergency out-of-home placement. 4242

(D) Each county shall develop a family service coordination 4243
plan that does all of the following: 4244

(1) Designates service responsibilities among the various 4245

state and local agencies that provide services to children and 4246
their families, including children who are abused, neglected, 4247
dependent, unruly, or delinquent children and under the 4248
jurisdiction of the juvenile court and children whose parents or 4249
custodians are voluntarily seeking services; 4250

(2) Designates an individual, approved by the family, to 4251
track the progress of the family service coordination plan, 4252
schedule reviews as necessary, and facilitate the family service 4253
coordination plan meeting process; 4254

(3) Ensures that assistance and services to be provided are 4255
responsive to the strengths and needs of the family, as well as 4256
the family's culture, race, and ethnic group, by allowing the 4257
family to offer information and suggestions and participate in 4258
decisions. Identified assistance and services shall be provided in 4259
the least restrictive environment possible. 4260

(4) Includes a process for dealing with a child who is 4261
alleged to be an unruly child. The process shall include methods 4262
to divert the child from the juvenile court system; 4263

(5) Includes timelines for completion of goals specified in 4264
the plan with regular reviews scheduled to monitor progress toward 4265
those goals; 4266

(6) Includes a plan for dealing with short-term crisis 4267
situations and safety concerns. 4268

(E)(1) The process provided for under division (D)(4) of this 4269
section may include, but is not limited to, the following: 4270

(a) Designation of the person or agency to conduct the 4271
assessment of the child and the child's family as described in 4272
division (C)(7) of this section and designation of the instrument 4273
or instruments to be used to conduct the assessment; 4274

(b) An emphasis on the personal responsibilities of the child 4275

and the parental responsibilities of the parents, guardian, or
custodian of the child; 4276
4277

(c) Involvement of local law enforcement agencies and
officials. 4278
4279

(2) The method to divert a child from the juvenile court
system that must be included in the service coordination process 4280
4281
may include, but is not limited to, the following: 4282

(a) The preparation of a complaint under section 2151.27 of
the Revised Code alleging that the child is an unruly child and 4283
4284
notifying the child and the parents, guardian, or custodian that 4285
the complaint has been prepared to encourage the child and the 4286
parents, guardian, or custodian to comply with other methods to 4287
divert the child from the juvenile court system; 4288

(b) Conducting a meeting with the child, the parents,
guardian, or custodian, and other interested parties to determine 4289
4290
the appropriate methods to divert the child from the juvenile 4291
court system; 4292

(c) A method to provide to the child and the child's family a
short-term respite from a short-term crisis situation involving a 4293
4294
confrontation between the child and the parents, guardian, or 4295
custodian; 4296

(d) A program to provide a mentor to the child or the
parents, guardian, or custodian; 4297
4298

(e) A program to provide parenting education to the parents,
guardian, or custodian; 4299
4300

(f) An alternative school program for children who are truant
from school, repeatedly disruptive in school, or suspended or 4301
4302
expelled from school; 4303

(g) Other appropriate measures, including, but not limited
to, any alternative methods to divert a child from the juvenile 4304
4305

court system that are identified by the Ohio family and children 4306
first cabinet council. 4307

(F) Each county may review and revise the service 4308
coordination process described in division (D) of this section 4309
based on the availability of funds under Title IV-A of the "Social 4310
Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, 4311
or to the extent resources are available from any other federal, 4312
state, or local funds. 4313

Sec. 121.374. (A) It is the intent of this state and the 4314
general assembly that custody relinquishment for the sole purpose 4315
of gaining access to child-specific services for multi-system 4316
children and youth shall cease. 4317

(B) The Ohio family and children first council shall develop 4318
a comprehensive multi-system youth action plan that does the 4319
following: 4320

(1) Defines and establishes shared responsibility between 4321
county and state child-serving systems for providing and funding 4322
multi-system youth services; 4323

(2) Provides recommendations for flexible spending at the 4324
state level within the cabinet council; 4325

(3) Defines the model and process by which the flexible 4326
spending may be accessed to pay for services for multi-system 4327
youth; 4328

(4) Identifies strategies to assist with reducing custody 4329
relinquishment for the sole purpose of gaining access to services 4330
for multi-system children and youth; 4331

(5) Implements the full final recommendations of the joint 4332
legislative committee for multi-system youth. 4333

(C) Not later than December 31, 2019, the cabinet council 4334
shall submit its final action plan to the general assembly. 4335

Sec. 122.075. (A) As used in this section:	4336
(1) "Alternative fuel" has the same meaning as in section 125.831 of the Revised Code.	4337 4338
(2) "Biodiesel" means a mono-alkyl ester combustible liquid fuel that is derived from vegetable oils or animal fats, or any combination of those reagents, and that meets American society for testing and materials specification D6751-03a for biodiesel fuel (B100) blend stock distillate fuels.	4339 4340 4341 4342 4343
(3) "Diesel fuel" and "gasoline" have the same meanings as in section 5735.01 of the Revised Code.	4344 4345
(4) "Ethanol" has the same meaning as in section 5733.46 of the Revised Code.	4346 4347
(5) "Blended biodiesel" means diesel fuel containing at least twenty per cent biodiesel by volume.	4348 4349
(6) "Blended gasoline" means gasoline containing at least eighty-five per cent ethanol by volume.	4350 4351
(7) "Incremental cost" means either of the following:	4352
(a) The difference in cost between blended gasoline and gasoline containing ten per cent or less ethanol at the time that the blended gasoline is purchased;	4353 4354 4355
(b) The difference in cost between blended biodiesel and diesel fuel containing two per cent or less biodiesel at the time that the blended biodiesel is purchased.	4356 4357 4358
(B) For the purpose of improving the air quality in this state, the director of development services shall establish an alternative fuel transportation program under which the director may make grants and loans to businesses, nonprofit organizations, public school systems, or local governments for the purchase and installation of alternative fuel refueling or distribution	4359 4360 4361 4362 4363 4364

facilities and terminals, for the purchase and use of alternative 4365
fuel, to pay the cost of fleet conversion, and to pay the costs of 4366
educational and promotional materials and activities intended for 4367
prospective alternative fuel consumers, fuel marketers, and others 4368
in order to increase the availability and use of alternative fuel. 4369

(C) The director, in consultation with the director of 4370
agriculture, shall adopt rules in accordance with Chapter 119. of 4371
the Revised Code that are necessary for the administration of the 4372
alternative fuel transportation program. The rules shall establish 4373
at least all of the following: 4374

(1) An application form and procedures governing the 4375
application process for receiving funds under the program; 4376

(2) A procedure for prioritizing the award of grants and 4377
loans under the program. The procedures shall give preference to 4378
all of the following: 4379

(a) Publicly accessible refueling facilities; 4380

(b) Entities applying to the program that have secured 4381
funding from other sources, including, but not limited to, private 4382
or federal incentives; 4383

(c) Entities that have presented compelling evidence of 4384
demand in the market in which the facilities or terminals will be 4385
located; 4386

(d) Entities that have committed to utilizing purchased or 4387
installed facilities or terminals for the greatest number of 4388
years; 4389

(e) Entities that will be purchasing or installing facilities 4390
or terminals for any type of alternative fuel. 4391

(3) A requirement that the maximum incentive for the purchase 4392
and installation of an alternative fuel refueling or distribution 4393
facility or terminal be eighty per cent of the cost of the 4394

facility or terminal, except that at least twenty per cent of the 4395
total cost of the facility or terminal shall be incurred by the 4396
recipient and not compensated for by any other source; 4397

(4) A requirement that the maximum incentive for the purchase 4398
of alternative fuel be eighty per cent of the cost of the fuel or, 4399
in the case of blended biodiesel or blended gasoline, eighty per 4400
cent of the incremental cost of the blended biodiesel or blended 4401
gasoline; 4402

(5) Any other criteria, procedures, or guidelines that the 4403
director determines are necessary to administer the program, 4404
including fees, charges, interest rates, and payment schedules. 4405

(D) An applicant for a grant or loan under this section that 4406
sells motor vehicle fuel at retail shall agree that if the 4407
applicant receives funding, the applicant will report to the 4408
director the gallon or gallon equivalent amounts of alternative 4409
fuel the applicant sells at retail in this state for a period of 4410
three years after the project is completed. 4411

The director shall enter into a written confidentiality 4412
agreement with the applicant regarding the gallon or gallon 4413
equivalent amounts sold as described in this division, and upon 4414
execution of the agreement this information is not a public 4415
record. 4416

(E) There is hereby created in the state treasury the 4417
alternative fuel transportation fund. The fund shall consist of 4418
money transferred to the fund under division (B) of section 4419
125.836 and under ~~division (B)(2) of section 3706.27~~ of the 4420
Revised Code, money that is appropriated to it by the general 4421
assembly, money as may be specified by the general assembly from 4422
the advanced energy fund created by section 4928.61 of the Revised 4423
Code, and all money received from the repayment of loans made from 4424
the fund or in the event of a default on any such loan. Money in 4425

the fund shall be used to make grants and loans under the 4426
alternative fuel transportation program and by the director in the 4427
administration of that program. 4428

Sec. 122.26. The rural industrial park loan fund is hereby 4429
created in the state treasury for the purposes of the program 4430
established under section 122.24 of the Revised Code. The director 4431
of development services shall deposit money received for the 4432
purposes of that section to the credit of the fund. 4433

Sec. 122.175. (A) As used in this section: 4434

(1) "Capital investment project" means a plan of investment 4435
at a project site for the acquisition, construction, renovation, 4436
expansion, replacement, or repair of a computer data center or of 4437
computer data center equipment, but does not include any of the 4438
following: 4439

(a) Project costs paid before a date determined by the tax 4440
credit authority for each capital investment project; 4441

(b) Payments made to a related member as defined in section 4442
5733.042 of the Revised Code or to a consolidated elected taxpayer 4443
or a combined taxpayer as defined in section 5751.01 of the 4444
Revised Code. 4445

(2) "Computer data center" means a facility used or to be 4446
used primarily to house computer data center equipment used or to 4447
be used in conducting one or more computer data center businesses, 4448
as determined by the tax credit authority. 4449

(3) "Computer data center business" means, as may be further 4450
determined by the tax credit authority, a business that provides 4451
electronic information services as defined in division (Y)(1)(c) 4452
of section 5739.01 of the Revised Code, or that leases a facility 4453
to one or more such businesses. "Computer data center business" 4454
does not include providing electronic publishing as defined in 4455

~~division (LLL)~~ of that section. 4456

(4) "Computer data center equipment" means tangible personal 4457
property used or to be used for any of the following: 4458

(a) To conduct a computer data center business, including 4459
equipment cooling systems to manage the performance of computer 4460
data center equipment; 4461

(b) To generate, transform, transmit, distribute, or manage 4462
electricity necessary to operate the tangible personal property 4463
used or to be used in conducting a computer data center business; 4464

(c) As building and construction materials sold to 4465
construction contractors for incorporation into a computer data 4466
center. 4467

(5) "Eligible computer data center" means a computer data 4468
center that satisfies all of the following requirements: 4469

(a) One or more taxpayers operating a computer data center 4470
business at the project site will, in the aggregate, make payments 4471
for a capital investment project of at least one hundred million 4472
dollars at the project site during one of the following cumulative 4473
periods: 4474

(i) For projects beginning in 2013, six consecutive calendar 4475
years; 4476

(ii) For projects beginning in 2014, four consecutive 4477
calendar years; 4478

(iii) For projects beginning in or after 2015, three 4479
consecutive calendar years. 4480

(b) One or more taxpayers operating a computer data center 4481
business at the project site will, in the aggregate, pay annual 4482
compensation that is subject to the withholding obligation imposed 4483
under section 5747.06 of the Revised Code of at least one million 4484
five hundred thousand dollars to employees employed at the project 4485

site for each year of the agreement beginning on or after the 4486
first day of the twenty-fifth month after the agreement was 4487
entered into under this section. 4488

(6) "Person" has the same meaning as in section 5701.01 of 4489
the Revised Code. 4490

(7) "Project site," "related member," and "tax credit 4491
authority" have the same meanings as in sections 122.17 and 4492
122.171 of the Revised Code. 4493

(8) "Taxpayer" means any person subject to the taxes imposed 4494
under Chapters 5739. and 5741. of the Revised Code. 4495

(B) The tax credit authority may completely or partially 4496
exempt from the taxes levied under Chapters 5739. and 5741. of the 4497
Revised Code the sale, storage, use, or other consumption of 4498
computer data center equipment used or to be used at an eligible 4499
computer data center. Any such exemption shall extend to charges 4500
for the delivery, installation, or repair of the computer data 4501
center equipment subject to the exemption under this section. 4502

(C) A taxpayer that proposes a capital improvement project 4503
for an eligible computer data center in this state may apply to 4504
the tax credit authority to enter into an agreement under this 4505
section authorizing a complete or partial exemption from the taxes 4506
imposed under Chapters 5739. and 5741. of the Revised Code on 4507
computer data center equipment purchased by the applicant or any 4508
other taxpayer that operates a computer data center business at 4509
the project site and used or to be used at the eligible computer 4510
data center. The director of development services shall prescribe 4511
the form of the application. After receipt of an application, the 4512
authority shall forward copies of the application to the director 4513
of budget and management and the tax commissioner, each of whom 4514
shall review the application to determine the economic impact that 4515
the proposed eligible computer data center would have on the state 4516

and any affected political subdivisions and submit to the 4517
authority a summary of their determinations. The authority shall 4518
also forward a copy of the application to the director of 4519
development services who shall review the application to determine 4520
the economic impact that the proposed eligible computer data 4521
center would have on the state and the affected political 4522
subdivisions and shall submit a summary of their determinations 4523
and recommendations to the authority. 4524

(D) Upon review and consideration of such determinations and 4525
recommendations, the tax credit authority may enter into an 4526
agreement with the applicant and any other taxpayer that operates 4527
a computer data center business at the project site for a complete 4528
or partial exemption from the taxes imposed under Chapters 5739. 4529
and 5741. of the Revised Code on computer data center equipment 4530
used or to be used at an eligible computer data center if the 4531
authority determines all of the following: 4532

(1) The capital investment project for the eligible computer 4533
data center will increase payroll and the amount of income taxes 4534
to be withheld from employee compensation pursuant to section 4535
5747.06 of the Revised Code. 4536

(2) The applicant is economically sound and has the ability 4537
to complete or effect the completion of the proposed capital 4538
investment project. 4539

(3) The applicant intends to and has the ability to maintain 4540
operations at the project site for the term of the agreement. 4541

(4) Receiving the exemption is a major factor in the 4542
applicant's decision to begin, continue with, or complete the 4543
capital investment project. 4544

(E) An agreement entered into under this section shall 4545
include all of the following: 4546

(1) A detailed description of the capital investment project 4547

that is the subject of the agreement, including the amount of the 4548
investment, the period over which the investment has been or is 4549
being made, the annual compensation to be paid by each taxpayer 4550
subject to the agreement to its employees at the project site, and 4551
the anticipated amount of income taxes to be withheld from 4552
employee compensation pursuant to section 5747.06 of the Revised 4553
Code. 4554

(2) The percentage of the exemption from the taxes imposed 4555
under Chapters 5739. and 5741. of the Revised Code for the 4556
computer data center equipment used or to be used at the eligible 4557
computer data center, the length of time the computer data center 4558
equipment will be exempted, and the first date on which the 4559
exemption applies. 4560

(3) A requirement that the computer data center remain an 4561
eligible computer data center during the term of the agreement and 4562
that the applicant maintain operations at the eligible computer 4563
data center during that term. An applicant does not violate the 4564
requirement described in division (E)(3) of this section if the 4565
applicant ceases operations at the eligible computer data center 4566
during the term of the agreement but resumes those operations 4567
within eighteen months after the date of cessation. The agreement 4568
shall provide that, in such a case, the applicant and any other 4569
taxpayer that operates a computer data center business at the 4570
project site shall not claim the tax exemption authorized in the 4571
agreement for any purchase of computer data center equipment made 4572
during the period in which the applicant did not maintain 4573
operations at the eligible computer data center. 4574

(4) A requirement that, for each year of the term of the 4575
agreement beginning on or after the first day of the twenty-fifth 4576
month after the date the agreement was entered into, one or more 4577
taxpayers operating a computer data center business at the project 4578
site will, in the aggregate, pay annual compensation that is 4579

subject to the withholding obligation imposed under section 4580
5747.06 of the Revised Code of at least one million five hundred 4581
thousand dollars to employees at the eligible computer data 4582
center. 4583

(5) A requirement that each taxpayer subject to the agreement 4584
annually report to the director of development services 4585
employment, tax withholding, capital investment, and other 4586
information required by the director to perform the director's 4587
duties under this section. 4588

(6) A requirement that the director of development services 4589
annually review the annual reports of each taxpayer subject to the 4590
agreement to verify the information reported under division (E)(5) 4591
of this section and compliance with the agreement. Upon 4592
verification, the director shall issue a certificate to each such 4593
taxpayer stating that the information has been verified and that 4594
the taxpayer remains eligible for the exemption specified in the 4595
agreement. 4596

(7) A provision providing that the taxpayers subject to the 4597
agreement may not relocate a substantial number of employment 4598
positions from elsewhere in this state to the project site unless 4599
the director of development services determines that the 4600
appropriate taxpayer notified the legislative authority of the 4601
county, township, or municipal corporation from which the 4602
employment positions would be relocated. For purposes of this 4603
paragraph, the movement of an employment position from one 4604
political subdivision to another political subdivision shall be 4605
considered a relocation of an employment position unless the 4606
movement is confined to the project site. The transfer of an 4607
employment position from one political subdivision to another 4608
political subdivision shall not be considered a relocation of an 4609
employment position if the employment position in the first 4610
political subdivision is replaced by another employment position. 4611

(8) A waiver by each taxpayer subject to the agreement of any 4612
limitations periods relating to assessments or adjustments 4613
resulting from the taxpayer's failure to comply with the 4614
agreement. 4615

(F) The term of an agreement under this section shall be 4616
determined by the tax credit authority, and the amount of the 4617
exemption shall not exceed one hundred per cent of such taxes that 4618
would otherwise be owed in respect to the exempted computer data 4619
center equipment. 4620

(G) If any taxpayer subject to an agreement under this 4621
section fails to meet or comply with any condition or requirement 4622
set forth in the agreement, the tax credit authority may amend the 4623
agreement to reduce the percentage of the exemption or term during 4624
which the exemption applies to the computer data center equipment 4625
used or to be used by the noncompliant taxpayer at an eligible 4626
computer data center. The reduction of the percentage or term may 4627
take effect in the current calendar year. 4628

(H) Financial statements and other information submitted to 4629
the department of development services or the tax credit authority 4630
by an applicant for or recipient of an exemption under this 4631
section, and any information taken for any purpose from such 4632
statements or information, are not public records subject to 4633
section 149.43 of the Revised Code. However, the chairperson of 4634
the authority may make use of the statements and other information 4635
for purposes of issuing public reports or in connection with court 4636
proceedings concerning tax exemption agreements under this 4637
section. Upon the request of the tax commissioner, the chairperson 4638
of the authority shall provide to the tax commissioner any 4639
statement or other information submitted by an applicant for or 4640
recipient of an exemption under this section. The tax commissioner 4641
shall preserve the confidentiality of the statement or other 4642
information. 4643

(I) The tax commissioner shall issue a direct payment permit 4644
under section 5739.031 of the Revised Code to each taxpayer 4645
subject to an agreement under this section. Such direct payment 4646
permit shall authorize the taxpayer to pay any sales and use taxes 4647
due on purchases of computer data center equipment used or to be 4648
used in an eligible computer data center and to pay any sales and 4649
use taxes due on purchases of tangible personal property or 4650
taxable services other than computer data center equipment used or 4651
to be used in an eligible computer data center directly to the tax 4652
commissioner. Each such taxpayer shall pay pursuant to such direct 4653
payment permit all sales tax levied on such purchases under 4654
sections 5739.02, 5739.021, 5739.023, and 5739.026 of the Revised 4655
Code and all use tax levied on such purchases under sections 4656
5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code, 4657
consistent with the terms of the agreement entered into under this 4658
section. 4659

During the term of an agreement under this section each 4660
taxpayer subject to the agreement shall submit to the tax 4661
commissioner a return that shows the amount of computer data 4662
center equipment purchased for use at the eligible computer data 4663
center, the amount of tangible personal property and taxable 4664
services other than computer data center equipment purchased for 4665
use at the eligible computer data center, the amount of tax under 4666
Chapter 5739. or 5741. of the Revised Code that would be due in 4667
the absence of the agreement under this section, the exemption 4668
percentage for computer data center equipment specified in the 4669
agreement, and the amount of tax due under Chapter 5739. or 5741. 4670
of the Revised Code as a result of the agreement under this 4671
section. Each such taxpayer shall pay the tax shown on the return 4672
to be due in the manner and at the times as may be further 4673
prescribed by the tax commissioner. Each such taxpayer shall 4674
include a copy of the director of development services' 4675
certificate of verification issued under division (E)(6) of this 4676

section. Failure to submit a copy of the certificate with the 4677
return does not invalidate the claim for exemption if the taxpayer 4678
submits a copy of the certificate to the tax commissioner within 4679
the time prescribed by section 5703.0510 of the Revised Code. 4680

(J) If the director of development services determines that 4681
one or more taxpayers received an exemption from taxes due on the 4682
purchase of computer data center equipment purchased for use at a 4683
computer data center that no longer complies with the requirement 4684
under division (E)(3) of this section, the director shall notify 4685
the tax credit authority and, if applicable, the taxpayer that 4686
applied to enter the agreement for the exemption under division 4687
(C) of this section of the noncompliance. After receiving such a 4688
notice, and after giving each taxpayer subject to the agreement an 4689
opportunity to explain the noncompliance, the authority may 4690
terminate the agreement and require each such taxpayer to pay to 4691
the state all or a portion of the taxes that would have been owed 4692
in regards to the exempt equipment in previous years, all as 4693
determined under rules adopted pursuant to division (K) of this 4694
section. In determining the portion of the taxes that would have 4695
been owed on the previously exempted equipment to be paid to this 4696
state by a taxpayer, the authority shall consider the effect of 4697
market conditions on the eligible computer data center, whether 4698
the taxpayer continues to maintain other operations in this state, 4699
and, with respect to agreements involving multiple taxpayers, the 4700
taxpayer's level of responsibility for the noncompliance. After 4701
making the determination, the authority shall certify to the tax 4702
commissioner the amount to be paid by each taxpayer subject to the 4703
agreement. The tax commissioner shall make an assessment for that 4704
amount against each such taxpayer under Chapter 5739. or 5741. of 4705
the Revised Code. The time limitations on assessments under those 4706
chapters do not apply to an assessment under this division, but 4707
the tax commissioner shall make the assessment within one year 4708
after the date the authority certifies to the tax commissioner the 4709

amount to be paid by the taxpayer. 4710

(K) The director of development services, after consultation 4711
with the tax commissioner and in accordance with Chapter 119. of 4712
the Revised Code, shall adopt rules necessary to implement this 4713
section. The rules may provide for recipients of tax exemptions 4714
under this section to be charged fees to cover administrative 4715
costs incurred in the administration of this section. The fees 4716
collected shall be credited to the tax incentives operating fund 4717
created in section 122.174 of the Revised Code. At the time the 4718
director gives public notice under division (A) of section 119.03 4719
of the Revised Code of the adoption of the rules, the director 4720
shall submit copies of the proposed rules to the chairpersons of 4721
the standing committees on economic development in the senate and 4722
the house of representatives. 4723

(L) On or before the first day of August of each year, the 4724
director of development services shall submit a report to the 4725
governor, the president of the senate, and the speaker of the 4726
house of representatives on the tax exemption authorized under 4727
this section. The report shall include information on the number 4728
of agreements that were entered into under this section during the 4729
preceding calendar year, a description of the eligible computer 4730
data center that is the subject of each such agreement, and an 4731
update on the status of eligible computer data centers under 4732
agreements entered into before the preceding calendar year. 4733

(M) A taxpayer may be made a party to an existing agreement 4734
entered into under this section by the tax credit authority and 4735
another taxpayer or group of taxpayers. In such a case, the 4736
taxpayer shall be entitled to all benefits and bound by all 4737
obligations contained in the agreement and all requirements 4738
described in this section. When an agreement includes multiple 4739
taxpayers, each taxpayer shall be entitled to a direct payment 4740
permit as authorized in division (I) of this section. 4741

Sec. 122.84. (A) As used in this section: 4742

(1) "Ohio qualified opportunity fund" means a qualified 4743
opportunity fund that holds one hundred per cent of its invested 4744
assets in qualified opportunity zone property situated in an Ohio 4745
opportunity zone. 4746

In the case of qualified opportunity zone property that is 4747
qualified opportunity zone stock or qualified opportunity zone 4748
partnership interest, the stock or interest is situated in an Ohio 4749
opportunity zone only if, during all of the qualified opportunity 4750
fund's holding period for such stock or interest, all of the use 4751
of the corporation's or partnership's tangible property was in an 4752
Ohio opportunity zone. In the case of qualified opportunity zone 4753
property that is qualified opportunity zone business property, the 4754
property is situated in an Ohio opportunity zone only if, during 4755
all of the fund's holding period for such property, all of the use 4756
of the property was in an Ohio opportunity zone. 4757

All terms used in division (A) of this section have the same 4758
meaning as in 26 U.S.C. 1400Z-2, except that "all" shall be 4759
substituted for "substantially all" wherever "substantially all" 4760
appears in the definition of those terms or in the definition of 4761
terms used in those terms. 4762

(2) "Ohio opportunity zone" means a qualified opportunity 4763
zone designated in this state under 26 U.S.C. 1400Z-1 before, on, 4764
or after the effective date of the enactment of this section by 4765
H.B. 166 of the 133rd general assembly. 4766

(3) "Taxpayer" and "taxable year" have the same meanings as 4767
in section 5747.01 of the Revised Code. 4768

(4) "Qualifying taxable year" means a taxpayer's taxable year 4769
that includes the first day of a calendar year during which an 4770
Ohio qualified opportunity fund in which the taxpayer invests 4771

makes an investment in a project located in an Ohio opportunity zone. 4772
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(B) A taxpayer that invests in one or more Ohio qualified opportunity funds may apply to the director of development services for a nonrefundable credit against the tax levied under section 5747.02 of the Revised Code. The application shall be made on forms prescribed by the director on or after the first day of January and on or before the first day of February of each year. The credit shall equal ten per cent of the amount of the taxpayer's investment in the fund that the fund invested during the preceding calendar year in projects located in Ohio opportunity zones. 4774
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The taxpayer shall include the following information with the taxpayer's application: 4784
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(1) The amount of the taxpayer's investment in Ohio qualified opportunity funds during the taxpayer's qualifying taxable year, arranged according to the amount invested in each such fund if the taxpayer invested in more than one such fund; 4786
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(2) A statement from an employee or officer of each Ohio qualified opportunity fund identified by the taxpayer under division (B)(1) of this section certifying the amount of the taxpayer's investment in the fund and the amount of that investment the fund invested in projects located in Ohio opportunity zones during the preceding calendar year. The statement shall describe each project funded by the investment and state each project's location and the portion of the taxpayer's investment invested in each such project. Unless the fund demonstrates otherwise to the director's satisfaction, the amount of a taxpayer's investment that the fund invested in a project located in an Ohio opportunity zone equals the same proportion of the amount of the fund's investment in the project as the taxpayer's investment in the fund bears to the total investment by 4790
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all investors in that fund on the date the fund makes the 4804
investment in the project. 4805

The director shall review applications in the order in which 4806
applications are received. 4807

(C)(1) Subject to division (C)(2) of this section, if the 4808
director determines that the applicant qualifies for a credit 4809
under this section, the director shall issue, within sixty days 4810
after the receipt of a complete application under division (B) of 4811
this section, a tax credit certificate to the taxpayer identified 4812
with a unique number and listing the amount of credit the director 4813
determines the taxpayer is eligible to claim. 4814

(2) The director shall not issue certificates in a total 4815
amount that would cause the tax credits claimed in any fiscal 4816
biennium to exceed fifty million dollars. The director shall not 4817
issue certificates to a single applicant in an amount that would 4818
cause the tax credits claimed in any fiscal biennium by that 4819
applicant, and any person to whom the applicant transfers the 4820
certificate under division (E) of this section, to exceed one 4821
million dollars. 4822

The director may not issue a certificate under this section 4823
on the basis of any investment for which a small business 4824
investment certificate has been issued under section 122.86 of the 4825
Revised Code. 4826

(3) The credit may be claimed for the taxpayer's qualifying 4827
taxable year or the next ensuing taxable year. The taxpayer shall 4828
claim the credit in the order prescribed by section 5747.98 of the 4829
Revised Code. Any unused amount may be carried forward for the 4830
following five taxable years. If the certificate is issued to a 4831
pass-through entity for an investment by the entity, any taxpayer 4832
that is a direct or indirect investor in the pass-through entity 4833
on the last day of the entity's qualifying taxable year may claim 4834

the taxpayer's proportionate or distributive share of the credit 4835
against the taxpayer's aggregate amount of tax levied under that 4836
section. 4837

(D) A taxpayer claiming a credit under this section shall 4838
submit a copy of the certificate with the taxpayer's return or 4839
report. 4840

(E) A taxpayer that holds an unclaimed certificate under this 4841
section may notify the tax commissioner, in writing, that the 4842
taxpayer is transferring the right to claim the credit stated on 4843
the certificate. The taxpayer shall identify in that notification 4844
the certificate's number and the name and the tax identification 4845
number of the transferee. Pursuant to division (D) of this 4846
section, the transferee may claim the credit stated on the 4847
certificate, subject to the limitations of this section. A 4848
transferee may not transfer the right to claim the credit to any 4849
other person. 4850

(F) On or before the first day of August each year, the 4851
director of development services shall submit a report to the 4852
governor, the president and minority leader of the senate, and the 4853
speaker and minority leader of the house of representatives on the 4854
tax credit program authorized under this section. The report shall 4855
include the following information: 4856

(1) The number of projects funded by investments for which a 4857
tax credit application was submitted under this section during the 4858
preceding year, the Ohio opportunity zone in which each such 4859
project is located, the number of projects funded by investments 4860
for which certificates were allocated during the preceding year, a 4861
description of each such project, and the composition of an Ohio 4862
qualified opportunity fund's investments in each project funded by 4863
investments for which a tax credit application was submitted under 4864
this section; 4865

(2) The number of taxpayers that invested in an Ohio qualified opportunity fund and applied for a tax credit based on the fund's investment in a project during the preceding year, the name of the fund in which each such investment was made, the number of taxpayers allocated a credit for such investments under this section, and the dollar amount of those credits;

(3) A map that shows the location of each Ohio opportunity zone and that indicates which zones include existing or pending projects that are, or will be, funded by tax credit-eligible investments.

Sec. 122.85. (A) As used in this section and in sections 5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code:

(1) "Tax credit-eligible production" means a motion picture production certified by the director of development services under ~~division (B) of~~ this section as qualifying the motion picture company for a tax credit under section 5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code before July 1, 2019.

(2) "Certificate owner" means a motion picture company to which a tax credit certificate is issued or a person to which the company has transferred under division ~~(H)~~(G) of this section the authority to claim all or a part of the tax credit authorized by that certificate.

(3) "Motion picture company" means an individual, corporation, partnership, limited liability company, or other form of business association producing a motion picture.

(4) "Eligible production expenditures" means expenditures made after June 30, 2009, for goods or services purchased and consumed in this state by a motion picture company directly for the production of a tax credit-eligible production.

"Eligible production expenditures" includes, but is not

limited to, expenditures for cast and crew wages, accommodations, 4896
costs of set construction and operations, editing and related 4897
services, photography, sound synchronization, lighting, wardrobe, 4898
makeup and accessories, film processing, transfer, sound mixing, 4899
special and visual effects, music, location fees, and the purchase 4900
or rental of facilities and equipment. 4901

(5) "Motion picture" means entertainment content created in 4902
whole or in part within this state for distribution or exhibition 4903
to the general public, including, but not limited to, 4904
feature-length films; documentaries; long-form, specials, 4905
miniseries, series, and interstitial television programming; 4906
interactive web sites; sound recordings; videos; music videos; 4907
interactive television; interactive games; video games; 4908
commercials; any format of digital media; and any trailer, pilot, 4909
video teaser, or demo created primarily to stimulate the sale, 4910
marketing, promotion, or exploitation of future investment in 4911
either a product or a motion picture by any means and media in any 4912
digital media format, film, or videotape, provided the motion 4913
picture qualifies as a motion picture. "Motion picture" does not 4914
include any television program created primarily as news, weather, 4915
or financial market reports, a production featuring current events 4916
or sporting events, an awards show or other gala event, a 4917
production whose sole purpose is fundraising, a long-form 4918
production that primarily markets a product or service or in-house 4919
corporate advertising or other similar productions, a production 4920
for purposes of political advocacy, or any production for which 4921
records are required to be maintained under 18 U.S.C. 2257 with 4922
respect to sexually explicit content. 4923

~~(B) For the purpose of encouraging and developing a strong 4924
film industry in this state, the director of development services 4925
may certify a motion picture produced by a motion picture company 4926
as a tax credit eligible production. In the case of a television 4927~~

~~series, the director may certify the production of each episode of
the series as a separate tax credit eligible production. A motion
picture company shall apply for certification of a motion picture
as a tax credit eligible production on a form and in the manner
prescribed by the director. Each application shall include the
following information:~~

~~(1) The name and telephone number of the motion picture
production company;~~

~~(2) The name and telephone number of the company's contact
person;~~

~~(3) A list of the first preproduction date through the last
production date in Ohio;~~

~~(4) The Ohio production office address and telephone number;~~

~~(5) The total production budget of the motion picture;~~

~~(6) The total budgeted eligible production expenditures and
the percentage that amount is of the total production budget of
the motion picture;~~

~~(7) The total percentage of the motion picture being shot in
Ohio;~~

~~(8) The level of employment of cast and crew who reside in
Ohio;~~

~~(9) A synopsis of the script;~~

~~(10) The shooting script;~~

~~(11) A creative elements list that includes the names of the
principal cast and crew and the producer and director;~~

~~(12) Documentation of financial ability to undertake and
complete the motion picture, including documentation that shows
that the company has secured funding equal to at least fifty per
cent of the total production budget of the motion picture;~~

~~(13) Estimated value of the tax credit based upon total budgeted eligible production expenditures;~~ 4957
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~~(14) Any other information considered necessary by the director.~~ 4959
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~~Within ninety days after certification of a motion picture as a tax credit eligible production, and any time thereafter upon the request of the director of development services, the motion picture company shall present to the director sufficient evidence of reviewable progress. If the motion picture company fails to present sufficient evidence, the director may rescind the certification. Upon rescission, the director shall notify the applicant that the certification has been rescinded. Nothing in this section prohibits an applicant whose tax credit eligible production certification has been rescinded from submitting a subsequent application for certification.~~ 4961
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~~(C)(1) A motion picture company whose motion picture has been certified as a tax credit-eligible production before July 1, 2019, may apply to the director of development services ~~on or after July 1, 2009,~~ for a refundable credit against the tax imposed by section 5726.02, 5733.06, 5747.02, or 5751.02 of the Revised Code. The director in consultation with the tax commissioner shall prescribe the form and manner of the application and the information or documentation required to be submitted with the application.~~ 4972
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The credit is determined as follows: 4981

(a) If the total budgeted eligible production expenditures stated in the application submitted under ~~division (B) of this section or the actual eligible production expenditures as finally determined under division (D) of this section,~~ whichever is least, is less than or equal to three hundred thousand dollars, no credit is allowed; 4982
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(b) If the total budgeted eligible production expenditures 4988
stated in the application submitted under ~~division (B)~~ of this 4989
section or the actual eligible production expenditures as finally 4990
determined under ~~division (D)~~ of this section, whichever is least, 4991
is greater than three hundred thousand dollars, the credit equals 4992
thirty per cent of the least of such budgeted or actual eligible 4993
expenditure amounts. 4994

(2) Except as provided in division ~~(C)~~(B)(4) of this section, 4995
if the director of development services approves a motion picture 4996
company's application for a credit, the director shall issue a tax 4997
credit certificate to the company. The director in consultation 4998
with the tax commissioner shall prescribe the form and manner of 4999
issuing certificates. The director shall assign a unique 5000
identifying number to each tax credit certificate and shall record 5001
the certificate in a register devised and maintained by the 5002
director for that purpose. The certificate shall state the amount 5003
of the eligible production expenditures on which the credit is 5004
based and the amount of the credit. Upon the issuance of a 5005
certificate, the director shall certify to the tax commissioner 5006
the name of the applicant, the amount of eligible production 5007
expenditures shown on the certificate, and any other information 5008
required by the rules adopted to administer this section. 5009

(3) The amount of eligible production expenditures for which 5010
a tax credit may be claimed is subject to inspection and 5011
examination by the tax commissioner or employees of the 5012
commissioner under section 5703.19 of the Revised Code and any 5013
other applicable law. Once the eligible production expenditures 5014
are finally determined under section 5703.19 of the Revised Code 5015
and ~~division (D)~~ of this section, the credit amount is not subject 5016
to adjustment unless the director determines an error was 5017
committed in the computation of the credit amount. 5018

(4) No tax credit certificate may be issued before the 5019

completion of the tax credit-eligible production. Not more than 5020
forty million dollars of tax credit may be allowed per fiscal year 5021
beginning July 1, 2016, and before July 1, 2019, provided that, 5022
for any fiscal year in which the amount of tax credits allowed 5023
under this section is less than that maximum annual amount, the 5024
amount not allowed for that fiscal year shall be added to the 5025
maximum annual amount that may be allowed for the following fiscal 5026
year. 5027

(5) In approving applications for tax credits under this 5028
section, the director shall give priority to tax-credit eligible 5029
productions that are television series or miniseries. 5030

~~(D)~~(C) A motion picture company whose motion picture has been 5031
certified as a tax credit-eligible production shall engage, at the 5032
company's expense, an independent certified public accountant to 5033
examine the company's production expenditures to identify the 5034
expenditures that qualify as eligible production expenditures. The 5035
certified public accountant shall issue a report to the company 5036
and to the director of development services certifying the 5037
company's eligible production expenditures and any other 5038
information required by the director. Upon receiving and examining 5039
the report, the director may disallow any expenditure the director 5040
determines is not an eligible production expenditure. If the 5041
director disallows an expenditure, the director shall issue a 5042
written notice to the motion picture production company stating 5043
that the expenditure is disallowed and the reason for the 5044
disallowance. Upon examination of the report and disallowance of 5045
any expenditures, the director shall determine finally the lesser 5046
of the total budgeted eligible production expenditures stated in 5047
the application submitted under ~~division (B)~~ of this section or 5048
the actual eligible production expenditures for the purpose of 5049
computing the amount of the credit. 5050

~~(E)~~(D) No credit shall be allowed under section 5726.55, 5051

5733.59, 5747.66, or 5751.54 of the Revised Code unless the 5052
director has reviewed the report and made the determination 5053
prescribed by division ~~(D)~~(C) of this section. 5054

~~(F)~~(E) This state reserves the right to refuse the use of 5055
this state's name in the credits of any tax credit-eligible motion 5056
picture production. 5057

~~(G)~~(F)(1) The director of development services in 5058
consultation with the tax commissioner shall adopt rules for the 5059
administration of this section, including rules setting forth and 5060
governing the criteria for determining whether a motion picture 5061
production is a tax credit-eligible production; activities that 5062
constitute the production of a motion picture; reporting 5063
sufficient evidence of reviewable progress; expenditures that 5064
qualify as eligible production expenditures; a competitive process 5065
for approving credits; consideration of geographic distribution of 5066
credits; and implementation of the program described in division 5067
~~(I)~~(H) of this section. The rules shall be adopted under Chapter 5068
119. of the Revised Code. 5069

(2) To cover the administrative costs of the program, the 5070
director shall require each applicant to pay an application fee 5071
equal to the lesser of ten thousand dollars or one per cent of the 5072
estimated value of the tax credit as stated in the application. 5073
The fees collected shall be credited to the tax incentives 5074
operating fund created in section 122.174 of the Revised Code. All 5075
grants, gifts, fees, and contributions made to the director for 5076
marketing and promotion of the motion picture industry within this 5077
state shall also be credited to the fund. 5078

~~(H)~~(G)(1) After the director of development services makes 5079
the determination required under division ~~(D)~~(C) of this section, 5080
a motion picture company to which a tax credit certificate is 5081
issued may transfer the authority to claim all or a portion of the 5082
amount of the tax credit the motion picture company is authorized 5083

to claim pursuant to that certificate under section 5726.55, 5084
5733.59, 5747.66, or 5751.54 of the Revised Code to one or more 5085
other persons. Within thirty days after a transfer under this 5086
division, the motion picture company shall submit the following 5087
information to the director, on a form prescribed by the director: 5088

(a) Information necessary for the director to identify the 5089
certificate that is the basis for the transfer; 5090

(b) The portion or amount of the tax credit transferred to 5091
each transferee; 5092

(c) The portion or amount of the tax credit that the motion 5093
picture company retains the authority to claim; 5094

(d) The tax identification number of each transferee; 5095

(e) The date of the transfer; 5096

(f) Any other information required by the director; 5097

(g) Any information required by the tax commissioner. 5098

The director shall deliver a copy of any submission received 5099
under division ~~(H)~~(G)(1) of this section to the tax commissioner. 5100

(2) A transferee may not claim a credit under section 5101
5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code unless 5102
and until the transferring motion picture company complies with 5103
division ~~(H)~~(G)(1) of this section. A transferee may claim the 5104
transferred amount of any credit or portion of a credit for the 5105
same taxable year or tax period for which the transferring motion 5106
picture company was authorized to claim the credit or portion of a 5107
credit pursuant to the certificate. A motion picture company shall 5108
make no transfer under division ~~(H)~~(G)(1) of this section after 5109
the last day of the tax period or taxable year for which the 5110
motion picture company is required to claim the credit pursuant to 5111
the certificate. 5112

A motion picture company may make not more than one transfer 5113

under division ~~(H)~~(G)(1) of this section for each tax credit 5114
certificate, but pursuant to that transaction, may allocate the 5115
authority to claim a portion of the credit to more than one 5116
transferee. A motion picture company may not authorize more than 5117
one transferee to claim the same portion of a credit. 5118

~~(I)~~(H) The director of development services shall establish a 5119
program for the training of Ohio residents who are or wish to be 5120
employed in the film or multimedia industry. Under the program, 5121
the director shall: 5122

(1) Certify individuals as film and multimedia trainees. In 5123
order to receive such a certification, an individual must be an 5124
Ohio resident, have participated in relevant on-the-job training 5125
or have completed a relevant training course approved by the 5126
director, and have met any other requirements established by the 5127
director. 5128

(2) Accept applications from motion picture companies that 5129
intend to hire and provide on-the-job training to one or more 5130
certified film and multimedia trainees who will be employed in the 5131
company's tax credit-eligible production. 5132

(3) Upon completion of a tax-credit eligible production, and 5133
upon the receipt of any salary information and other documentation 5134
required by the director, authorize a reimbursement payment to 5135
each motion picture company whose application was approved under 5136
division ~~(I)~~(H)(2) of this section. The payment shall equal fifty 5137
per cent of the salaries paid to film and multimedia trainees 5138
employed in the production. 5139

Sec. 122.86. (A) As used in this section and section 5747.81 5140
of the Revised Code: 5141

(1) "Small business enterprise" means a corporation, 5142
pass-through entity, or other person satisfying all of the 5143

following:	5144
(a) At the time of a qualifying investment, the enterprise	5145
meets all of the following requirements:	5146
(i) Has no outstanding tax or other liabilities owed to the	5147
state;	5148
(ii) Is in good standing with the secretary of state, if the	5149
enterprise is required to be registered with the secretary;	5150
(iii) Is current with any court-ordered payments;	5151
(iv) Is not engaged in any illegal activity.	5152
(b) At the time of a qualifying investment, the enterprise's	5153
assets according to generally accepted accounting principles do	5154
not exceed fifty million dollars, or its annual sales do not	5155
exceed ten million dollars. When making this determination, the	5156
assets and annual sales of all of the enterprise's related or	5157
affiliated entities shall be included in the calculation.	5158
(c) The <u>At the time of a qualifying investment and for the</u>	5159
<u>two-year period immediately preceding the qualifying investment,</u>	5160
<u>the</u> enterprise employs at least fifty full-time equivalent	5161
employees in this state for whom the enterprise is required to	5162
withhold income tax under section 5747.06 of the Revised Code, or	5163
more than one-half the enterprise's total number of full-time	5164
equivalent employees employed anywhere in the United States are	5165
employed in this state and are subject to that withholding	5166
requirement.	5167
(d) The enterprise, within six months after an eligible	5168
investor's qualifying investment is made, invests in or incurs	5169
cost for one or more of the following in an amount at least equal	5170
to the amount of the qualifying investment:	5171
(i) Tangible personal property, other than motor vehicles	5172
operated on public roads and highways, used in business and	5173

physically located in this state from the time of its acquisition 5174
by the enterprise until the end of the investor's holding period, 5175
including the installation of such tangible personal property; 5176

(ii) Motor vehicles operated on public roads and highways if, 5177
from the time of acquisition by the enterprise until the end of 5178
the investor's holding period, the motor vehicles are purchased in 5179
this state, registered in this state under Chapter 4503. of the 5180
Revised Code, are used primarily for business purposes, and are 5181
necessary for the operation of the enterprise's business; 5182

(iii) Real property located in this state that is used in the 5183
business from the time of its acquisition by the enterprise until 5184
the end of the holding period; 5185

(iv) ~~Intangible personal property, including patents,~~ 5186
~~copyrights, trademarks, service marks, or licenses used in~~ 5187
~~business primarily in this state from the time of its acquisition~~ 5188
~~by the enterprise until the end of the holding period~~ Leasehold 5189
improvements and construction costs for property located in this 5190
state that is used in the business from the time its improvement 5191
or construction was completed until the end of the holding period; 5192

(v) Compensation for new employees of the enterprise hired 5193
after the date the qualifying investment is made for whom the 5194
enterprise is required to withhold income tax under section 5195
5747.06 of the Revised Code, ~~not including increased compensation~~ 5196
~~for owners, officers, or managers of the enterprise. For this~~ 5197
~~purpose compensation for new employees includes compensation for~~ 5198
~~newly hired or retained employees.~~ 5199

(2) "Qualifying investment" means an investment of money made 5200
on or after July 1, ~~2011~~ 2019, to acquire capital stock or other 5201
equity interest in a small business enterprise. "Qualifying 5202
investment" does not include either of the following: 5203

(a) Any investment of money an eligible investor derives, 5204

directly or indirectly, from a grant or loan from the federal 5205
government or the state or a political subdivision, including the 5206
third frontier program under Chapter 184. of the Revised Code; 5207

(b) Any investment of money which is the basis of a tax 5208
credit granted under any other section of the Revised Code. 5209

(3) "Eligible investor" means an individual, estate, or trust 5210
subject to the tax imposed by section 5747.02 of the Revised Code, 5211
or a pass-through entity in which such an individual, estate, or 5212
trust holds a direct or indirect ownership or other equity 5213
interest. To qualify as an eligible investor, the individual, 5214
estate, trust, or pass-through entity shall not owe any 5215
outstanding tax or other liability to the state at the time of a 5216
qualifying investment. 5217

(4) "Holding period" means the two-year period beginning on 5218
the day a qualifying investment is made. 5219

(5) "Pass-through entity" has the same meaning as in section 5220
5733.04 of the Revised Code. 5221

(B) ~~Any~~ An eligible investor that makes a qualifying 5222
investment in a small business enterprise on or after July 1, ~~2011~~ 5223
2019, may apply to the director of development services to obtain 5224
an allocation for a small business investment certificate from the 5225
director. Alternatively, a small business enterprise may apply on 5226
behalf of eligible investors to obtain the ~~certificates~~ allocation 5227
for those investors. The application must be submitted to the 5228
director within sixty days after the date of the qualifying 5229
investment, but within the same biennium as the qualifying 5230
investment. The director, in consultation with the tax 5231
commissioner, shall prescribe the form or manner in which an 5232
applicant shall apply for the certificate, devise the form of the 5233
certificate, and prescribe any records or other information an 5234
applicant shall furnish with the application to evidence the 5235

qualifying investment. ~~The applicant shall state the amount of the~~ 5236
~~intended investment.~~ The applicant shall pay an application fee 5237
equal to the greater of one-tenth of one per cent of the amount of 5238
the intended investment or one hundred dollars. 5239

~~A small business investment certificate entitles the~~ 5240
~~certificate holder to receive a tax credit under section 5747.81~~ 5241
~~of the Revised Code if the certificate holder qualifies for the~~ 5242
~~credit as otherwise provided in this section. If the certificate~~ 5243
~~holder is a pass through entity, the certificate entitles the~~ 5244
~~entity's equity owners to receive their distributive or~~ 5245
~~proportionate shares of the credit. In any fiscal biennium, an~~ 5246
~~eligible investor may not apply for small business investment~~ 5247
~~certificates representing intended investment amounts in excess of~~ 5248
~~ten million dollars. Such certificates are not transferable.~~ 5249

The director of development services may reserve small 5250
business investment ~~certificates~~ allocations to qualifying 5251
applicants in the order in which the director receives 5252
applications, ~~but may issue the certificates as the applications~~ 5253
~~are completed.~~ An application is completed when the director has 5254
validated that an eligible investor has made a qualified 5255
investment and receives all required documentation needed to 5256
demonstrate the small business enterprise ~~has made the appropriate~~ 5257
~~reinvestment of the qualified investment pursuant to~~ satisfies the 5258
requirements of division (A)(1)~~(d)~~ of this section. To qualify for 5259
~~a certificate~~ an allocation, an eligible investor must satisfy 5260
both of the following, subject to the limitation on the amount of 5261
qualifying investments for which ~~certificates~~ allocations may be 5262
issued under division (C) of this section: 5263

(1) The eligible investor makes a qualifying investment on or 5264
after July 1, ~~2011~~ 2019. 5265

(2) The eligible investor pledges not to sell or otherwise 5266
dispose of the qualifying investment before the conclusion of the 5267

applicable holding period. 5268

(C)(1) The amount of any eligible investor's qualifying 5269
investments for which small business investment ~~certificates~~ 5270
allocations may be issued for a fiscal biennium shall not exceed 5271
ten million dollars. 5272

(2) The director of development services shall not issue a 5273
small business investment ~~certificate~~ allocation to an eligible 5274
investor representing an amount of qualifying investment in excess 5275
of the amount of the ~~intended~~ investment indicated on the 5276
investor's application ~~for the certificate~~. 5277

(3) ~~The~~ For any fiscal biennium beginning before July 1, 5278
2019, the director of development services shall not issue small 5279
business investment ~~certificates~~ allocations in a total amount 5280
that would cause the tax credits claimed in ~~any fiscal~~ that 5281
biennium to exceed one hundred million dollars. For any fiscal 5282
biennium beginning on or after July 1, 2019, the director shall 5283
not issue small business investment allocations in a total amount 5284
that would cause the tax credits claimed in that biennium to 5285
exceed fifty million dollars. 5286

(4) The director of development services may issue a small 5287
business investment ~~certificate~~ allocation only if both of the 5288
following apply at the time of issuance: 5289

(a) The small business enterprise meets all the requirements 5290
listed in divisions (A)(1)(a)(i) to (iv) of this section; 5291

(b) The eligible investor does not owe any outstanding tax or 5292
other liability to the state. 5293

(5) The director shall not issue a small business investment 5294
allocation on the basis of any investment for which an Ohio 5295
opportunity zone investment certificate has been issued under 5296
section 122.84 of the Revised Code. 5297

(D) Before the end of the applicable holding period of a 5298
qualifying investment, each enterprise in which a qualifying 5299
investment was made for which a small business investment 5300
~~certificate allocation~~ allocation has been issued, upon the request of the 5301
director of development services, shall provide to the director 5302
records or other evidence satisfactory to the director that the 5303
enterprise is a small business enterprise for the purposes of this 5304
section. Each enterprise shall also provide annually to the 5305
director records or evidence regarding the number of jobs created 5306
or retained in the state. ~~No credit may be claimed under this~~ 5307
~~section and section 5747.81 of the Revised Code if the director~~ 5308
~~finds that an enterprise is not a small business enterprise for~~ 5309
~~the purposes of this section.~~ The director shall compile and 5310
maintain a register of small business enterprises qualifying under 5311
this section and shall certify the register to the tax 5312
commissioner. The director shall also compile and maintain a 5313
record of the number of jobs created or retained as a result of 5314
qualifying investments made pursuant to this section. 5315

(E) After the conclusion of the applicable holding period for 5316
a qualifying investment, a person to whom a small business 5317
investment ~~certificate allocation~~ allocation has been issued under this 5318
section ~~may~~ shall receive a small business investment 5319
certification, which entitles the person to claim a credit as 5320
provided under section 5747.81 of the Revised Code. However, no 5321
certificate may be issued if the director finds that any 5322
requirement under this section is not met. 5323

(F) The director of development services, in consultation 5324
with the tax commissioner, may adopt rules for the administration 5325
of this section, including rules governing the following: 5326

(1) Documents, records, or other information eligible 5327
investors shall provide to the director; 5328

(2) Any information a small business enterprise shall provide 5329

for the purposes of this section and section 5747.81 of the Revised Code;

(3) Determination of the number of full-time equivalent employees of a small business enterprise;

(4) Verification of a small business enterprise's investment ~~in tangible personal property and intangible personal property under division (A)(1)(d) of this section, including when such investments have been made and where the property is used in~~ business;

(5) Circumstances under which small business enterprises or eligible investors may be subverting the purposes of this section and section 5747.81 of the Revised Code.

(G) Application fees paid under division (B) of this section shall be credited to the tax incentives operating fund created in section 122.174 of the Revised Code.

Sec. 123.21. (A) The Ohio facilities construction commission may perform any act and ensure the performance of any function necessary or appropriate to carry out the purposes of, and exercise the powers granted under this chapter or any other provision of the Revised Code, including any of the following:

(1) Except as otherwise provided in section 123.211 of the Revised Code, prepare, or contract to be prepared, by licensed engineers or architects, surveys, general and detailed plans, specifications, bills of materials, and estimates of cost for any projects, improvements, or public buildings to be constructed by state agencies that may be authorized by legislative appropriations or any other funds made available therefor, provided that the construction of the projects, improvements, or public buildings is a statutory duty of the commission. This section does not require the independent employment of an

architect or engineer as provided by section 153.01 of the Revised Code in the cases to which section 153.01 of the Revised Code applies. This section does not affect or alter the existing powers of the director of transportation.

(2) Except as otherwise provided in section 123.211 of the Revised Code, have general supervision over the construction of any projects, improvements, or public buildings constructed for a state agency and over the inspection of materials prior to their incorporation into those projects, improvements, or buildings.

(3) Except as otherwise provided in section 123.211 of the Revised Code, make contracts for and supervise the design and construction of any projects and improvements or the construction and repair of buildings under the control of a state agency. All such contracts may be based in whole or in part on the unit price or maximum estimated cost, with payment computed and made upon actual quantities or units.

(4) Adopt, amend, and rescind rules pertaining to the administration of the construction of the public works of the state as required by law, in accordance with Chapter 119. of the Revised Code.

(5) Contract with, retain the services of, or designate, and fix the compensation of, such agents, accountants, consultants, advisers, and other independent contractors as may be necessary or desirable to carry out the programs authorized under this chapter, or authorize the executive director to perform such powers and duties.

(6) Receive and accept any gifts, grants, donations, and pledges, and receipts therefrom, to be used for the programs authorized under this chapter.

(7) Make and enter into all contracts, commitments, and agreements, and execute all instruments, necessary or incidental

to the performance of its duties and the execution of its rights 5391
and powers under this chapter, or authorize the executive director 5392
to perform such powers and duties. 5393

(8) Debar a contractor as provided in section 153.02 of the 5394
Revised Code. 5395

(9) Enter into and administer cooperative agreements for 5396
cultural projects, as provided in sections 123.28 and 123.281 of 5397
the Revised Code. 5398

(B) The commission shall appoint and fix the compensation of 5399
an executive director who shall serve at the pleasure of the 5400
commission. The executive director shall ~~exercise all powers that~~ 5401
~~the commission possesses,~~ supervise the operations of the 5402
commission, and perform such other duties as delegated by the 5403
commission. The executive director also shall employ and fix the 5404
compensation of such employees as will facilitate the activities 5405
and purposes of the commission, who shall serve at the pleasure of 5406
the executive director. The employees of the commission are exempt 5407
from Chapter 4117. of the Revised Code and are not considered 5408
public employees as defined in section 4117.01 of the Revised 5409
Code. Any agreement entered into prior to July 1, 2012, between 5410
the office of collective bargaining and the exclusive 5411
representative for employees of the commission is binding and 5412
shall continue to have effect. 5413

(C) The attorney general shall serve as the legal 5414
representative for the commission and may appoint other counsel as 5415
necessary for that purpose in accordance with section 109.07 of 5416
the Revised Code. 5417

(D) Purchases for, and the custody and repair of, buildings 5418
under the management and control of the capitol square review and 5419
advisory board are not subject to the control and jurisdiction of 5420
the Ohio facilities construction commission. 5421

Sec. 124.132. A state employee who is a certified disaster 5422
service volunteer of the American red cross or who is a verified 5423
team rubicon volunteer may be granted leave from ~~his~~ work with pay 5424
for not to exceed thirty work days in each year to participate in 5425
specialized disaster relief services ~~for the American red cross,~~ 5426
upon the request of the American red cross or of team rubicon for 5427
the services of that employee and upon the approval of that 5428
employee's appointing authority. The appointing authority shall 5429
compensate an employee granted leave under this section at ~~his~~ the 5430
employee's regular rate of pay for those regular work hours during 5431
which the employee is absent from ~~his~~ work. 5432

Sec. 124.82. (A) Except as provided in division (D) of this 5433
section, the department of administrative services, in 5434
consultation with the superintendent of insurance, shall, in 5435
accordance with competitive selection procedures of Chapter 125. 5436
of the Revised Code, contract with an insurance company or a 5437
health plan in combination with an insurance company, authorized 5438
to do business in this state, for the issuance of a policy or 5439
contract of health, medical, hospital, dental, vision, or surgical 5440
benefits, or any combination of those benefits, covering state 5441
employees who are paid directly by warrant of the director of 5442
budget and management, including elected state officials. The 5443
department may fulfill its obligation under this division by 5444
exercising its authority under division (A)(2) of section 124.81 5445
of the Revised Code. 5446

(B) Except as provided in division (D) of this section, the 5447
department may, in addition, in consultation with the 5448
superintendent of insurance, negotiate and contract with health 5449
insuring corporations holding a certificate of authority under 5450
Chapter 1751. of the Revised Code, in their approved service areas 5451
only, for issuance of a contract or contracts of health care 5452

services, covering state employees who are paid directly by 5453
warrant of the director of budget and management, including 5454
elected state officials. The department may enter into contracts 5455
with one or more insurance carriers or health plans to provide the 5456
same plan of benefits, provided that: 5457

(1) The employee be permitted to exercise the option as to 5458
which plan the employee will select under division (A) or (B) of 5459
this section, at a time that shall be determined by the 5460
department; 5461

(2) The health insuring corporations do not refuse to accept 5462
the employee, or the employee and the employee's family, if the 5463
employee exercises the option to select care provided by the 5464
corporations; 5465

(3) The employee may choose participation in only one of the 5466
plans sponsored by the department; 5467

(4) The director of health examines and certifies to the 5468
department that the quality and adequacy of care rendered by the 5469
health insuring corporations meet at least the standards of care 5470
provided by hospitals and physicians in that employee's community, 5471
who would be providing such care as would be covered by a contract 5472
awarded under division (A) of this section. 5473

(C) All or any portion of the cost, premium, or charge for 5474
the coverage in divisions (A) and (B) of this section may be paid 5475
in such manner or combination of manners as the department 5476
determines and may include the proration of health care costs, 5477
premiums, or charges for part-time employees. 5478

(D) Notwithstanding divisions (A) and (B) of this section, 5479
the department may provide benefits equivalent to those that may 5480
be paid under a policy or contract issued by an insurance company 5481
or a health plan pursuant to division (A) or (B) of this section. 5482

(E) This section does not prohibit the state office of 5483

collective bargaining from entering into an agreement with an 5484
employee representative for the purposes of providing fringe 5485
benefits, including, but not limited to, hospitalization, surgical 5486
care, major medical care, disability, dental care, vision care, 5487
medical care, hearing aids, prescription drugs, group life 5488
insurance, sickness and accident insurance, group legal services 5489
or other benefits, or any combination of those benefits, to 5490
employees paid directly by warrant of the director of budget and 5491
management through a jointly administered trust fund. The 5492
employer's contribution for the cost of the benefit care shall be 5493
mutually agreed to in the collectively bargained agreement. The 5494
amount, type, and structure of fringe benefits provided under this 5495
division is subject to the determination of the board of trustees 5496
of the jointly administered trust fund. Notwithstanding any other 5497
provision of the Revised Code, competitive bidding does not apply 5498
to the purchase of fringe benefits for employees under this 5499
division when those benefits are provided through a jointly 5500
administered trust fund. 5501

(F) Members of state boards or commissions may be covered by 5502
any policy, contract, or plan of benefits or services described in 5503
division (A) or (B) of this section. Board or commission members 5504
who are appointed for a fixed term and who are compensated on a 5505
per meeting basis, or paid only for expenses, or receive a 5506
combination of per diem payments and expenses shall pay the entire 5507
amount of the premiums, costs, or charges for that coverage. 5508

Sec. 124.824. (A) As used in this section, "death benefit 5509
fund recipient" means any recipient of a death benefit paid under 5510
section 742.63 of the Revised Code except a parent who receives a 5511
death benefit paid under division (E) of that section. 5512

(B)(1) Except as otherwise provided under division (B)(3) of 5513
this section, a death benefit fund recipient may elect to 5514

participate in any health, medical, hospital, dental, surgical, or 5515
vision benefit the department of administrative services contracts 5516
for under section 124.82 of the Revised Code or otherwise provides 5517
for the benefit of state employees who are paid directly by 5518
warrant of the director of budget and management. Receiving 5519
benefits under this section does not make the death benefit fund 5520
recipient a state employee. A death benefit fund recipient who 5521
elects to participate in a benefit under this section shall ~~do~~ 5522
~~both of the following:~~ 5523

~~(a) File a notice~~ file the election form developed by the 5524
director of administrative services under division (D) of this 5525
section with the ~~department of the death benefit fund recipient's~~ 5526
~~election to participate that specifies the benefits or combination~~ 5527
~~of benefits in which the recipient elects to participate~~ board of 5528
trustees of the Ohio police and fire pension fund, which serves as 5529
the trustees of the Ohio public safety officers death benefit fund 5530
pursuant to section 742.62 of the Revised Code. 5531

~~(b) Pay to the department the percentage of the premium or~~ 5532
~~cost for the applicable benefits that would be paid by a state~~ 5533
~~employee who elects that coverage.~~ The board of trustees shall 5534
forward the election form to the department after the board has 5535
approved an application for benefits under section 742.63 of the 5536
Revised Code. 5537

(2) A parent, guardian, custodian, or other person 5538
responsible for the care of a death benefit fund recipient who is 5539
under eighteen years of age or who is a surviving child entitled 5540
to extended benefits under division (H)(3) of section 742.63 of 5541
the Revised Code due to disability may file the election form 5542
required by division (B)(1) of this section on the death benefit 5543
fund recipient's behalf. 5544

(3) A death benefit fund recipient is ineligible to 5545
participate in a health, medical, hospital, dental, surgical, or 5546

vision benefit under division (B)(1) of this section if the 5547
recipient is eligible either of the following: 5548

(a) An employee paid directly by warrant of the director of 5549
budget and management who is eligible to participate in those 5550
benefits pursuant to section 124.82 of the Revised Code; 5551

(b) Eligible to enroll in the medicare program established by 5552
Title XVIII of the "Social Security Act," 79 Stat. 291 (1965), 42 5553
U.S.C. 1395c, as amended. 5554

(C) For each death benefit fund recipient who ~~participates~~ 5555
~~elects to participate~~ in health, medical, hospital, dental, 5556
surgical, or vision benefits under division (B) of this section, 5557
the department shall ~~pay the percentage~~ notify the board of 5558
trustees of the ~~premium or~~ amount of the cost for the applicable 5559
benefits that would be paid by a state employer for a state 5560
employee who elects that coverage that shall be withheld from 5561
benefits paid to a death benefit fund recipient under section 5562
742.63 of the Revised Code and forwarded to the department. The 5563
amount withheld from the death benefit fund recipient shall be the 5564
percentage of the cost of those benefits that would be paid by a 5565
state employee. The board of trustees shall pay the department the 5566
remaining cost of those benefits plus any applicable 5567
administrative costs from appropriations made for that purpose. 5568

(D) The director of administrative services shall prescribe 5569
procedures for the administration of benefits for death benefit 5570
fund recipients under this section, including the development of 5571
required forms for death benefit fund recipients to enroll, 5572
disenroll, or re-enroll in benefits under this section. The 5573
director shall provide the required election forms developed under 5574
this division to the board of trustees and shall notify the board 5575
of trustees of a death benefit recipient's enrollment, 5576
disenrollment, or re-enrollment in benefits under this section. 5577
The director shall notify the board of trustees when the 5578

department terminates the benefits a death benefit fund recipient 5579
has elected under division (B) of this section. 5580

(E) The board of trustees ~~of the Ohio police and fire pension~~ 5581
~~fund~~ shall provide any information ~~to the department~~ that the 5582
department requires to provide benefits under this section to the 5583
department, a designated third-party administrator, or both, 5584
including information regarding the identities, ages, and family 5585
relationships of death benefit fund recipients. 5586

Sec. 124.91. The director of administrative services annually 5587
shall conduct a survey on diversity within each state agency's 5588
workforce at the time of the survey. Not later than December 31, 5589
2020, and not later than the thirty-first day of December of each 5590
year thereafter, the director shall issue a report on the results 5591
of the surveys with the governor and the general assembly in 5592
accordance with section 101.68 of the Revised Code. 5593
5594

Sec. 125.01. As used in this chapter: 5595

(A) "Order" means a copy of a contract or a statement of the 5596
nature of a contemplated expenditure, a description of the 5597
property or supplies to be purchased or service to be performed, 5598
other than a service performed by officers and regular employees 5599
of the state, and per diem of the national guard, and the total 5600
sum of the expenditure to be made therefor, if the sum is fixed 5601
and ascertained, otherwise the estimated sum thereof, and an 5602
authorization to pay for the contemplated expenditure, signed by 5603
the person instructed and authorized to pay upon receipt of a 5604
proper invoice. 5605

(B) "Invoice" means an itemized listing showing delivery of 5606
the supplies or performance of the service described in the order, 5607
~~and the~~ including all of the following: 5608

<u>(1) The</u> date of the purchase or rendering of the service, or	5609
<u>an</u> i	5610
<u>(2) An</u> itemization of the things done, material supplied, or	5611
labor furnished, and the <u>i</u>	5612
<u>(3) The</u> sum due pursuant to the contract or obligation.	5613
(C) "Products" means materials, manufacturer's supplies,	5614
merchandise, goods, wares, and foodstuffs.	5615
(D) "Produced" means the manufacturing, processing, mining,	5616
developing, and making of a thing into a new article with a	5617
distinct character in use through the application of input, within	5618
the state, of Ohio products, labor, skill, or other services.	5619
"Produced" does not include the mere assembling or putting	5620
together of non-Ohio products or materials.	5621
(E) "Ohio products" means products that are mined, excavated,	5622
produced, manufactured, raised, or grown in the state by a person	5623
where the input of Ohio products, labor, skill, or other services	5624
constitutes no less than twenty-five per cent of the manufactured	5625
cost. With respect to mined products, such products shall be mined	5626
or excavated in this state.	5627
(F) "Purchase" means to buy, rent, lease, lease purchase, or	5628
otherwise acquire supplies or services. "Purchase" also includes	5629
all functions that pertain to the obtaining of supplies or	5630
services, including description of requirements, selection and	5631
solicitation of sources, preparation and award of contracts, all	5632
phases of contract administration, and receipt and acceptance of	5633
the supplies and services and payment for them.	5634
(G) "Services" means the furnishing of labor, time, or effort	5635
by a person, not involving the delivery of a specific end product	5636
other than a report which, if provided, is merely incidental to	5637
the required performance. "Services" does not include services	5638
furnished pursuant to employment agreements or collective	5639

bargaining agreements. 5640

(H) "Supplies" means all property, including, but not limited 5641
to, equipment, materials, other tangible assets, and insurance, 5642
but excluding real property or an interest in real property. 5643

(I) "Competitive selection" means any of the following 5644
procedures for making purchases: 5645

(1) Competitive sealed bidding under section 125.07 of the 5646
Revised Code; 5647

(2) Competitive sealed proposals under section 125.071 of the 5648
Revised Code; 5649

(3) Reverse auctions under section 125.072 of the Revised 5650
Code. 5651

Sec. 125.14. (A) The director of administrative services 5652
shall allocate any proceeds from the transfer, sale, or lease of 5653
excess and surplus supplies in the following manner: 5654

(1) Except as otherwise provided in division (A)(2) of this 5655
section, the proceeds of such a transfer, sale, or lease shall be 5656
paid into the state treasury to the credit of the investment 5657
recovery fund, which is hereby created. 5658

(2) Except as otherwise provided in division (A)(2) of this 5659
section, when supplies originally were purchased with funds from 5660
nongeneral revenue fund sources, the director shall determine what 5661
fund or account originally was used to purchase the supplies, and 5662
the credit for the proceeds from any transfer, sale, or lease of 5663
those supplies shall be transferred to that fund or account. If 5664
the director cannot determine which fund or account originally was 5665
used to purchase the supplies, if the fund or account is no longer 5666
active, or if the proceeds from the transfer, sale, or lease of a 5667
unit of supplies are less than one hundred dollars or any larger 5668
amount the director may establish with the approval of the 5669

director of budget and management, then the proceeds from the 5670
transfer, sale, or lease of such supplies shall be paid into the 5671
state treasury to the credit of the investment recovery fund. 5672

(B) The investment recovery fund shall be used to pay for the 5673
operating expenses of the state surplus property program and of 5674
the federal surplus property program described in sections 125.84 5675
to 125.90 of the Revised Code. Any amounts in excess of these 5676
operating expenses shall periodically be transferred to the 5677
general revenue fund of the state. If proceeds paid into the 5678
investment recovery fund are insufficient to pay for the program's 5679
operating expenses, a service fee may be charged to state agencies 5680
to eliminate the deficit. 5681

(C) Proceeds from the sale of recyclable goods and materials 5682
shall be paid into the state treasury to the credit of the 5683
recycled materials fund, which is hereby created, except that the 5684
director of environmental protection, upon request, may grant an 5685
exemption from this requirement. The director shall administer the 5686
fund for the benefit of recycling programs in state agencies. 5687

Sec. 125.18. (A) There is hereby established the office of 5688
information technology within the department of administrative 5689
services. The office shall be under the supervision of a state 5690
chief information officer to be appointed by the director of 5691
administrative services and subject to removal at the pleasure of 5692
the director. The chief information officer is an assistant 5693
director of administrative services. 5694

(B) Under the direction of the director of administrative 5695
services, the state chief information officer shall lead, oversee, 5696
and direct state agency activities related to information 5697
technology development and use. In that regard, the state chief 5698
information officer shall do all of the following: 5699

(1) Coordinate and superintend statewide efforts to promote 5700

common use and development of technology by state agencies. The 5701
office of information technology shall establish policies and 5702
standards that govern and direct state agency participation in 5703
statewide programs and initiatives. 5704

(2) Establish policies and standards for the acquisition and 5705
use of common information technology by state agencies, including, 5706
but not limited to, hardware, software, technology services, and 5707
security, and the extension of the service life of information 5708
technology systems, with which state agencies shall comply; 5709

(3) Establish criteria and review processes to identify state 5710
agency information technology projects or purchases that require 5711
alignment or oversight. As appropriate, the department of 5712
administrative services shall provide the governor and the 5713
director of budget and management with notice and advice regarding 5714
the appropriate allocation of resources for those projects. The 5715
state chief information officer may require state agencies to 5716
provide, and may prescribe the form and manner by which they must 5717
provide, information to fulfill the state chief information 5718
officer's alignment and oversight role; 5719

(4) Establish policies and procedures for the security of 5720
personal information that is maintained and destroyed by state 5721
agencies; 5722

(5) Employ a chief information security officer who is 5723
responsible for the implementation of the policies and procedures 5724
described in division (B)(4) of this section and for coordinating 5725
the implementation of those policies and procedures in all of the 5726
state agencies; 5727

(6) Employ a chief privacy officer who is responsible for 5728
advising state agencies when establishing policies and procedures 5729
for the security of personal information and developing education 5730
and training programs regarding the state's security procedures; 5731

(7) Establish policies on the purchasing, use, and reimbursement for use of handheld computing and telecommunications devices by state agency employees;	5732 5733 5734
(8) Establish policies for the reduction of printing and the use of electronic records by state agencies;	5735 5736
(9) Establish policies for the reduction of energy consumption by state agencies;	5737 5738
(10) Compute the amount of revenue attributable to the amortization of all equipment purchases and capitalized systems from information technology service delivery and major information technology purchases, <u>MARCS administration, enterprise applications, and the professions licensing system</u> operating appropriation items and major computer purchases capital appropriation items that is recovered as part of the information technology services rates the department of administrative services charges and deposits into the information technology fund created in section 125.15 of the Revised Code+, <u>the user fees the department of administrative services charges and deposits in the MARCS administration fund created in section 4501.29 of the Revised Code, the rates the department of administrative services charges to benefiting agencies for the operation and management of information technology applications and deposits in the enterprise applications fund, and the rates the department of administrative services charges for the cost of ongoing maintenance of the professions licensing system and deposits in the professions licensing system fund. The enterprise applications fund is hereby created in the state treasury.</u>	5739 5740 5741 5742 5743 5744 5745 5746 5747 5748 5749 5750 5751 5752 5753 5754 5755 5756 5757 5758
(11) Regularly review and make recommendations regarding improving the infrastructure of the state's cybersecurity operations with existing resources and through partnerships between government, business, and institutions of higher education;	5759 5760 5761 5762 5763

(12) Assist, as needed, with general state efforts to grow the cybersecurity industry in this state.

(C)(1) The chief information security officer shall assist each state agency with the development of an information technology security strategic plan and review that plan, and each state agency shall submit that plan to the state chief information officer. The chief information security officer may require that each state agency update its information technology security strategic plan annually as determined by the state chief information officer.

(2) Prior to the implementation of any information technology data system, a state agency shall prepare or have prepared a privacy impact statement for that system.

(D) When a state agency requests a purchase of information technology supplies or services under Chapter 125. of the Revised Code, the state chief information officer may review and reject the requested purchase for noncompliance with information technology direction, plans, policies, standards, or project-alignment criteria.

(E) The office of information technology may operate technology services for state agencies in accordance with this chapter.

Notwithstanding any provision of the Revised Code to the contrary, the office of information technology may assess a transaction fee on each license or registration issued as part of an electronic licensing system operated by the office in an amount determined by the office not to exceed three dollars and fifty cents. The transaction fee shall apply to all transactions, regardless of form, that immediately precede the issuance, renewal, reinstatement, reactivation of, or other activity that results in, a license or registration to operate as a regulated

professional or entity. Each license or registration is a separate 5795
transaction to which a fee under this division applies. 5796
Notwithstanding any provision of the Revised Code to the contrary, 5797
if a fee is assessed under this section, no agency, board, or 5798
commission shall issue a license or registration unless a fee 5799
required by this division has been received. The director of 5800
administrative services may collect the fee or require a state 5801
agency, board, or commission for which the system is being 5802
operated to collect the fee. Amounts received under this division 5803
shall be deposited in or transferred to the professions licensing 5804
system fund created in division (I) of this section. 5805

(F) With the approval of the director of administrative 5806
services, the office of information technology may establish 5807
cooperative agreements with federal and local government agencies 5808
and state agencies that are not under the authority of the 5809
governor for the provision of technology services and the 5810
development of technology projects. 5811

(G) The office of information technology may operate a 5812
program to make information technology purchases. The director of 5813
administrative services may recover the cost of operating the 5814
program from all participating government entities by issuing 5815
intrastate transfer voucher billings for the procured technology 5816
or through any pass-through billing method agreed to by the 5817
director of administrative services, the director of budget and 5818
management, and the participating government entities that will 5819
receive the procured technology. 5820

If the director of administrative services chooses to recover 5821
the program costs through intrastate transfer voucher billings, 5822
the participating government entities shall process the intrastate 5823
transfer vouchers to pay for the cost. Amounts received under this 5824
section for the information technology purchase program shall be 5825
deposited to the credit of the information technology governance 5826

fund created in section 125.15 of the Revised Code. 5827

(H) Upon request from the director of administrative 5828
services, the director of budget and management may transfer cash 5829
from the information technology fund created in section 125.15 of 5830
the Revised Code, the MARCS administration fund created in section 5831
4501.29 of the Revised Code, the enterprise applications fund 5832
created in division (B)(10) of this section, or the professions 5833
licensing system fund created in division (I) of this section to 5834
the major information technology purchases fund in an amount not 5835
to exceed the amount computed under division (B)(10) of this 5836
section. The major information technology purchases fund is hereby 5837
created in the state treasury. 5838

(I) There is hereby created in the state treasury the 5839
professions licensing system fund. The fund shall be used to 5840
operate the electronic licensing system referenced in division (E) 5841
of this section. 5842

(J) As used in this section: 5843

(1) "Personal information" has the same meaning as in section 5844
149.45 of the Revised Code. 5845

(2) "State agency" means every organized body, office, or 5846
agency established by the laws of the state for the exercise of 5847
any function of state government, other than any state-supported 5848
institution of higher education, the office of the auditor of 5849
state, treasurer of state, secretary of state, or attorney 5850
general, the adjutant general's department, the bureau of workers' 5851
compensation, the industrial commission, the public employees 5852
retirement system, the Ohio police and fire pension fund, the 5853
state teachers retirement system, the school employees retirement 5854
system, the state highway patrol retirement system, the general 5855
assembly or any legislative agency, the capitol square review 5856
advisory board, or the courts or any judicial agency. 5857

Sec. 125.25. (A) The director of administrative services may 5858
debar a vendor from consideration for contract awards upon a 5859
finding based upon a reasonable belief that the vendor has done 5860
any of the following: 5861

(1) Abused the selection process by repeatedly withdrawing 5862
bids or proposals before purchase orders or contracts are issued 5863
or failing to accept orders based upon firm bids; 5864

(2) Failed to substantially perform a contract according to 5865
its terms, conditions, and specifications within specified time 5866
limits; 5867

(3) Failed to cooperate in monitoring contract performance by 5868
refusing to provide information or documents required in a 5869
contract, failed to respond to complaints to the vendor, or 5870
accumulated repeated justified complaints regarding performance of 5871
a contract; 5872

(4) Attempted to influence a public employee to breach 5873
ethical conduct standards or to influence a contract award; 5874

(5) Colluded to restrain competition by any means; 5875

(6) Been convicted of a criminal offense related to the 5876
application for or performance of any public or private contract, 5877
including, but not limited to, embezzlement, theft, forgery, 5878
bribery, falsification or destruction of records, receiving stolen 5879
property, and any other offense that directly reflects on the 5880
vendor's business integrity; 5881

(7) Been convicted under state or federal antitrust laws; 5882

(8) Deliberately or willfully submitted false or misleading 5883
information in connection with the application for or performance 5884
of a public contract; 5885

(9) Violated any other responsible business practice or 5886
performed in an unsatisfactory manner as determined by the 5887

director; 5888

(10) Through the default of a contract or through other means 5889
had a determination of unresolved finding for recovery by the 5890
auditor of state under section 9.24 of the Revised Code; 5891

(11) Acted in such a manner as to be debarred from 5892
participating in a contract with any governmental agency. 5893

(B) When the director reasonably believes that grounds for 5894
debarment exist, the director shall send the vendor a notice of 5895
proposed debarment indicating the grounds for the proposed 5896
debarment and the procedure for requesting a hearing on the 5897
proposed debarment. The hearing shall be conducted in accordance 5898
with Chapter 119. of the Revised Code. If the vendor does not 5899
respond with a request for a hearing in the manner specified in 5900
Chapter 119. of the Revised Code, the director shall issue the 5901
debarment decision without a hearing and shall notify the vendor 5902
of the decision by certified mail, return receipt requested. 5903

(C) The director shall determine the length of the debarment 5904
period and may rescind the debarment at any time upon notification 5905
to the vendor. During the period of debarment, the vendor is not 5906
eligible to participate in any state contract. After the debarment 5907
period expires, the vendor ~~shall~~ may be eligible to be awarded 5908
contracts by state agencies if the vendor is not otherwise 5909
debarred. 5910

(D) The director, through the office of procurement services, 5911
shall maintain a list of all vendors currently debarred under this 5912
section. 5913

Sec. 125.93. (A) As used in this section and section 125.931 5914
of the Revised Code: 5915

(1) "Affiliated company" means an entity, including a 5916
third-party payer or specialty pharmacy, with common ownership, 5917

members of a board of directors, or managers, or that is a parent 5918
company, subsidiary company, jointly held company, or holding 5919
company with respect to the other entity. 5920

(2) "Care management system," "medicaid managed care 5921
organization," and "prescribed drug" have the same meanings as in 5922
section 5167.01 of the Revised Code. 5923

(3) "Pharmacy benefit manager" has the same meaning as in 5924
section 3959.01 of the Revised Code. 5925

(4) "Third-party administrator" means any person who adjusts 5926
or settles claims on behalf of an insuring entity in connection 5927
with life, dental, health, prescription drugs, or disability 5928
insurance or self-insurance programs and includes a pharmacy 5929
benefit manager. 5930

(B) Not later than July 1, 2020, if the department of 5931
medicaid includes prescribed drugs in the care management system 5932
as authorized under section 5167.05 of the Revised Code and the 5933
department contracts with medicaid managed care organizations 5934
under section 5167.10 of the Revised Code, the director of 5935
administrative services, in consultation with the medicaid 5936
director and through a procurement process, shall select a 5937
third-party administrator to serve as the single pharmacy benefit 5938
manager used by medicaid managed care organizations under the care 5939
management system. The state pharmacy benefit manager shall be 5940
responsible for processing all pharmacy claims under the care 5941
management system. The department of medicaid also shall be a 5942
party to the contract and is responsible for enforcing the 5943
contract after the procurement process. 5944

(C) As part of the procurement process, the department of 5945
administrative services shall do all of the following: 5946

(1) Accept applications from entities seeking to become the 5947
state pharmacy benefit manager; 5948

<u>(2) Establish eligibility criteria an entity must meet in</u>	5949
<u>order to become the state pharmacy benefit manager;</u>	5950
<u>(3) Select and contract with a single state pharmacy benefit</u>	5951
<u>manager;</u>	5952
<u>(4) Develop a master contract to be used by the director when</u>	5953
<u>contracting with the state pharmacy benefit manager, which shall</u>	5954
<u>prohibit the state pharmacy benefit manager from requiring a</u>	5955
<u>medicaid recipient to obtain a specialty drug from a specialty</u>	5956
<u>pharmacy owned or otherwise associated with the state pharmacy</u>	5957
<u>benefit manager.</u>	5958
<u>(D) A prospective state pharmacy benefit manager shall</u>	5959
<u>disclose to the director all of the following during the</u>	5960
<u>procurement process:</u>	5961
<u>(1) Any activity, policy, practice, contract or arrangement</u>	5962
<u>of the state pharmacy benefit manager that may directly or</u>	5963
<u>indirectly present any conflict of interest with the pharmacy</u>	5964
<u>benefit manager's relationship with or obligation to the</u>	5965
<u>department of administrative services, the department of medicaid,</u>	5966
<u>or a medicaid managed care organization;</u>	5967
<u>(2) All common ownership, members of a board of directors,</u>	5968
<u>managers, or other control of the pharmacy benefit manager (or any</u>	5969
<u>of the pharmacy benefit manager's affiliated companies) with any</u>	5970
<u>of the following:</u>	5971
<u>(a) A medicaid managed care organization and its affiliated</u>	5972
<u>companies;</u>	5973
<u>(b) An entity that contracts on behalf of a pharmacy or any</u>	5974
<u>pharmacy services administration organization and its affiliated</u>	5975
<u>companies;</u>	5976
<u>(c) A drug wholesaler or distributor and its affiliated</u>	5977
<u>companies;</u>	5978

<u>(d) A third-party payer and its affiliated companies;</u>	5979
<u>(e) A pharmacy and its affiliated companies.</u>	5980
<u>(3) Any direct or indirect fees, charges, or any kind of</u>	5981
<u>assessments imposed by the pharmacy benefit manager on pharmacies</u>	5982
<u>licensed in this state with which the pharmacy benefit manager</u>	5983
<u>shares common ownership, management, or control; or that are</u>	5984
<u>owned, managed, or controlled by any of the pharmacy benefit</u>	5985
<u>manager's affiliated companies;</u>	5986
<u>(4) Any direct or indirect fees, charges, or any kind of</u>	5987
<u>assessments imposed by the pharmacy benefit manager on pharmacies</u>	5988
<u>licensed in this state that operate more than eleven locations;</u>	5989
<u>(5) Any direct or indirect fees, charges, or any kind of</u>	5990
<u>assessments imposed by the pharmacy benefit manager on pharmacies</u>	5991
<u>licensed in this state that operate eleven or fewer locations.</u>	5992
<u>(6) Any financial terms and arrangements between the pharmacy</u>	5993
<u>benefit manager and a prescription drug manufacturer or labeler,</u>	5994
<u>including formulary management, drug substitution programs,</u>	5995
<u>educational support claims processing, or data sales fees.</u>	5996
<u>(E) The medicaid director shall review the state pharmacy</u>	5997
<u>benefit manager contract every six months and shall make</u>	5998
<u>recommendations for changes to the director of administrative</u>	5999
<u>services. By contract amendment or renewal, the director of</u>	6000
<u>administrative services shall effect the changes recommended by</u>	6001
<u>the medicaid director.</u>	6002
<u>(F) Every four years, the director of administrative services</u>	6003
<u>shall reprocure the state pharmacy benefit manager contract under</u>	6004
<u>division (C) of this section.</u>	6005
<u>Sec. 125.931.</u> (A) <u>The affiliated companies of the state</u>	6006
<u>pharmacy benefit manager selected under section 125.93 of the</u>	6007
<u>Revised Code may conduct pharmacy benefit manager business in</u>	6008

their own names with medicaid managed care organizations. 6009

(B) The state pharmacy benefit manager owes to the department 6010
of administrative services and the department of medicaid a 6011
fiduciary duty and must perform its duties with care, skill, 6012
prudence, and diligence. This duty includes negotiating the lowest 6013
prices for prescription drugs and pricing drugs at those lowest 6014
prices on the prescription drug formulary established under 6015
section 5167.241 of the Revised Code to maximize the health of 6016
medicaid recipients and promote the efficiency of the medicaid 6017
program. It also includes cooperating with audits conducted by a 6018
state entity. 6019

Sec. 126.48. (A) Except as provided in division (B) of this 6020
section, any ~~preliminary or final~~ internal audit report ~~of an~~ 6021
~~internal audit's findings and recommendations which is~~ produced by 6022
the office of internal audit in the office of budget and 6023
management and all work papers of the internal audit are 6024
confidential and are not public records under section 149.43 of 6025
the Revised Code until the final report of an internal audit's 6026
findings and recommendations is submitted to the state audit 6027
committee, the governor, and the director of the state agency 6028
involved. 6029

(B) The following are not public records under section 149.43 6030
of the Revised Code: 6031

(1) An internal audit report or work paper that meets the 6032
definition of a security record or infrastructure record under 6033
section 149.433 of the Revised Code; 6034

(2) Any information derived from a state tax return or state 6035
tax return information as permitted to be used by the office of 6036
internal audit under section 5703.21 of the Revised Code. 6037

(3) Any record or document necessary for the performance of 6038

an internal audit received by the office of internal audit under 6039
division (C) of section 126.45 of the Revised Code, that is 6040
otherwise exempt from disclosure under state or federal law. 6041

Sec. 126.60. (A) There is hereby created in the state 6042
treasury the H2Ohio fund consisting of money credited to it and 6043
any donations, gifts, bequests, and other money received for 6044
deposit in the fund. All investment earnings of the fund shall be 6045
credited to the fund. All money credited or deposited in the fund 6046
shall be used for any of the following purposes: 6047

(1) Awarding or allocating grants or money, issuing loans, or 6048
making purchases for the development and implementation of 6049
projects and programs, including remediation projects, that are 6050
designed to address water quality priorities; 6051

(2) Funding cooperative research, data gathering and 6052
monitoring, and demonstration projects related to water quality 6053
priorities; 6054

(3) Encouraging cooperation with and among leaders from state 6055
legislatures, state agencies, political subdivisions, business and 6056
industry, labor, agriculture, environmental organizations, 6057
institutions of higher education, and water conservation 6058
districts; 6059

(4) Other purposes, policies, programs, and priorities 6060
identified by the Ohio Lake Erie commission in coordination with 6061
state agencies or boards responsible for water protection and 6062
water management, provided that the purposes, policies, programs, 6063
and priorities align with a statewide strategic vision and 6064
comprehensive periodic water protection and restoration strategy. 6065

(B)(1) The directors of agriculture, natural resources, and 6066
environmental protection shall each prepare an annual plan that, 6067
at a minimum, describes the following: 6068

<u>(a) Funding priorities;</u>	6069
<u>(b) The specific programs, projects, or entities proposed to receive funding;</u>	6070 6071
<u>(c) The internal controls and external accountability measures that will be put in place to ensure that the funding is properly used.</u>	6072 6073 6074
<u>(2) Not later than the first day of March of each year, the directors shall deliver their respective annual plans to the H2Ohio advisory council created under section 126.61 of the Revised Code.</u>	6075 6076 6077 6078
<u>(C) The H2Ohio advisory council shall review and shall approve or disapprove each annual plan in accordance with the council's policies and procedures adopted in accordance with section 126.62 of the Revised Code. An agency shall not expend money appropriated from the fund unless the council approves the plan submitted by the agency.</u>	6079 6080 6081 6082 6083 6084
<u>Sec. 126.61. (A) There is hereby created the H2Ohio advisory council consisting of the following members:</u>	6085 6086
<u>(1) The director of agriculture or the director's designee;</u>	6087
<u>(2) The director of environmental protection or the director's designee;</u>	6088 6089
<u>(3) The director of natural resources or the director's designee;</u>	6090 6091
<u>(4) The executive director of the Ohio Lake Erie commission who shall serve as a nonvoting, ex officio member;</u>	6092 6093
<u>(5) Two members appointed by the president of the senate, one member of the majority party and one member of the minority party;</u>	6094 6095
<u>(6) Two members appointed by the speaker of the house of representatives, one member of the majority party and one member</u>	6096 6097

of the minority party; 6098

(7) One member appointed by the governor with the advice and consent of the senate who represents the interests of counties; 6099
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(8) One member appointed by the governor with the advice and consent of the senate who represents the interests of townships; 6101
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(9) One member appointed by the governor with the advice and consent of the senate who represents the interests of municipal corporations; 6103
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(10) One member appointed by the governor with the advice and consent of the senate who represents the interests of public health; 6106
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(11) Two members appointed by the governor with the advice and consent of the senate who represent the interests of business or tourism; 6109
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(12) Two members appointed by the governor with the advice and consent of the senate who represent agricultural interests; 6112
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(13) Two members appointed by the governor with the advice and consent of the senate who represent statewide environmental advocacy organizations. 6114
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All appointments to the council shall be made not later than one hundred twenty days after the effective date of this section. 6117
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(B)(1) The members appointed by the president of the senate and speaker of the house of representatives shall serve at the pleasure of their appointing authorities. Of the initial members appointed by the governor, five shall be appointed for two years and four shall be appointed for one year. Thereafter, terms of office for members appointed by the governor shall be for two years, with each term ending on the same day of the same month as did the term that it succeeds. The members appointed by the governor shall reflect the demographic and economic diversity of 6119
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the population of the state. Additionally, the governor's 6128
appointments shall be from geographically diverse areas of the 6129
state so that all areas of the state have representation on the 6130
council. The governor may remove a member appointed by the 6131
governor for misfeasance, nonfeasance, or malfeasance in office. 6132

(2) Each appointed member shall hold office from the date of 6133
appointment until the end of the term for which the member is 6134
appointed. Members may be reappointed. Vacancies shall be filled 6135
in the same manner as provided for original appointments. Any 6136
member appointed to fill a vacancy occurring prior to the 6137
expiration date of the term for which the member was appointed 6138
shall hold office for the remainder of that term. A member shall 6139
continue in office after the expiration date of the member's term 6140
until the member's successor takes office or until a period of 6141
sixty days has elapsed, whichever occurs first. 6142

(C) The governor shall appoint a member of the council to 6143
serve as the chairperson of the council. The executive director of 6144
the Ohio Lake Erie commission shall serve as the vice-chairperson 6145
of the council unless the governor appoints the executive director 6146
as the chairperson. If the executive director is appointed 6147
chairperson, the council annually shall select a person from among 6148
its members to serve as vice-chairperson while the director is 6149
chairperson. The council annually shall select from among its 6150
members a secretary to keep a record of its proceedings. A 6151
majority vote of a quorum of the members of the council is 6152
necessary to take action on any matter. 6153

(D)(1) Members of the council are public officials or 6154
officers only for the purposes of section 9.86 and Chapters 102. 6155
and 2921. of the Revised Code. Serving as a member of the council 6156
does not constitute holding a public office or position of 6157
employment so as to constitute grounds for removal of public 6158
officers or employees serving as members of the council from their 6159

offices or positions of employment. 6160

(2) Members of the council shall file with the Ohio ethics commission the disclosure statement described in division (A) of section 102.02 of the Revised Code on the form prescribed by the commission. Members are subject to divisions (C) and (D) of that section. 6161
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(3) Members of the council shall serve without compensation for attending council meetings, but shall receive their actual and necessary traveling and other expenses incurred in the performance of their official duties in accordance with the rules of the office of budget and management. 6166
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(E) Members appointed by the governor to represent the interests of counties, townships, and municipal corporations do not have a conflict of interest by virtue of their service on the council. For the purposes of this division, "conflict of interest" means the taking of any action as a member of the council that affects a public agency the person serves as an officer or employee. 6171
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(F) The Ohio Lake Erie commission, department of agriculture, and environmental protection agency shall provide administrative support to the council. The Ohio Lake Erie commission, in addition to providing administrative support, shall provide the location for council meetings. 6178
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(G) Sections 101.82 to 101.87 of the Revised Code do not apply to the council. 6183
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Sec. 126.62. (A) The H2Ohio advisory council created in section 126.61 of the Revised Code shall adopt bylaws governing its operation, including bylaws that establish all of the following: 6185
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(1) The frequency of meetings; 6189

(2) Procedures for reviewing annual plans submitted by the directors of agriculture, natural resources, and environmental protection under section 126.60 of the Revised Code; 6190
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(3) Procedures for approving or disapproving annual plans submitted by the directors of agriculture, natural resources, and environmental protection under section 126.60 of the Revised Code. The procedures shall include a process for resubmitting disapproved plans. 6193
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(4) Any other policy or procedure that the council determines is necessary to carry out its duties and for the administration and oversight of the H2Ohio fund. 6198
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(B) Not later than August 31, 2020, and annually thereafter, the H2Ohio advisory council, in coordination with the Ohio Lake Erie commission, shall do both of the following: 6201
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(1) Prepare a report of the activities that were undertaken with respect to the fund during the immediately preceding fiscal year, including the revenues and expenses of the fund for the preceding fiscal year; 6204
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(2) Submit the report to the general assembly and to the governor. 6208
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Sec. 131.02. (A) Except as otherwise provided in section 4123.37, section 5703.061, and division (K) of section 4123.511 of the Revised Code, whenever any amount is payable to the state, the officer, employee, or agent responsible for administering the law under which the amount is payable shall immediately proceed to collect the amount or cause the amount to be collected and shall pay the amount into the state treasury or into the appropriate custodial fund in the manner set forth pursuant to section 113.08 of the Revised Code. Except as otherwise provided in this division, if the amount is not paid within forty-five days after 6210
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payment is due, the officer, employee, or agent shall certify the 6220
amount due to the attorney general, in the form and manner 6221
prescribed by the attorney general, and notify the director of 6222
budget and management thereof. In the case of an amount payable by 6223
a student enrolled in a state institution of higher education, the 6224
amount shall be certified ~~within~~ not less than the later of 6225
forty-five days after the amount is due or the tenth day after the 6226
beginning of the next academic semester, quarter, or other session 6227
following the session for which the payment is payable; 6228
thereafter, the amount shall be certified within fifteen days. The 6229
attorney general may assess the collection cost to the amount 6230
certified in such manner and amount as prescribed by the attorney 6231
general. If an amount payable to a political subdivision is past 6232
due, the political subdivision may, with the approval of the 6233
attorney general, certify the amount to the attorney general 6234
pursuant to this section. 6235

For the purposes of this section, the attorney general and 6236
the officer, employee, or agent responsible for administering the 6237
law under which the amount is payable shall agree on the time a 6238
payment is due, and that agreed upon time shall be one of the 6239
following times: 6240

(1) If a law, including an administrative rule, of this state 6241
prescribes the time a payment is required to be made or reported, 6242
when the payment is required by that law to be paid or reported. 6243

(2) If the payment is for services rendered, when the 6244
rendering of the services is completed. 6245

(3) If the payment is reimbursement for a loss, when the loss 6246
is incurred. 6247

(4) In the case of a fine or penalty for which a law or 6248
administrative rule does not prescribe a time for payment, when 6249
the fine or penalty is first assessed. 6250

(5) If the payment arises from a legal finding, judgment, or adjudication order, when the finding, judgment, or order is rendered or issued.

(6) If the payment arises from an overpayment of money by the state to another person, when the overpayment is discovered.

(7) The date on which the amount for which an individual is personally liable under section 5735.35, section 5739.33, or division (G) of section 5747.07 of the Revised Code is determined.

(8) Upon proof of claim being filed in a bankruptcy case.

(9) Any other appropriate time determined by the attorney general and the officer, employee, or agent responsible for administering the law under which the amount is payable on the basis of statutory requirements or ordinary business processes of the state agency to which the payment is owed.

(B)(1) The attorney general shall give immediate notice by mail or otherwise to the party indebted of the nature and amount of the indebtedness.

(2) If the amount payable to this state arises from a tax levied under Chapter 5733., 5739., 5741., 5747., or 5751. of the Revised Code, the notice also shall specify all of the following:

(a) The assessment or case number;

(b) The tax pursuant to which the assessment is made;

(c) The reason for the liability, including, if applicable, that a penalty or interest is due;

(d) An explanation of how and when interest will be added to the amount assessed;

(e) That the attorney general and tax commissioner, acting together, have the authority, but are not required, to compromise the claim and accept payment over a reasonable time, if such actions are in the best interest of the state.

(C) The attorney general shall collect the claim or secure a judgment and issue an execution for its collection.

(D) Each claim shall bear interest, from the day on which the claim became due, at the rate per annum required by section 5703.47 of the Revised Code.

(E) The attorney general and the chief officer of the agency reporting a claim, acting together, may do any of the following if such action is in the best interests of the state:

(1) Compromise the claim;

(2) Extend for a reasonable period the time for payment of the claim by agreeing to accept monthly or other periodic payments. The agreement may require security for payment of the claim.

(3) Add fees to recover the cost of processing checks or other draft instruments returned for insufficient funds and the cost of providing electronic payment options.

(F)(1) Except as provided in division (F)(2) of this section, if the attorney general finds, after investigation, that any claim due and owing to the state is uncollectible, the attorney general, with the consent of the chief officer of the agency reporting the claim, may do the following:

(a) Sell, convey, or otherwise transfer the claim to one or more private entities for collection;

(b) Cancel the claim or cause it to be canceled.

(2) The attorney general shall cancel or cause to be canceled an unsatisfied claim on the date that is forty years after the date the claim is certified.

(3) No initial action shall be commenced to collect any tax payable to the state that is administered by the tax commissioner, whether or not such tax is subject to division (B) of this

section, or any penalty, interest, or additional charge on such 6311
tax, after the expiration of the period ending on the later of the 6312
dates specified in divisions (F)(3)(a) and (b) of this section, 6313
provided that such period shall be extended by the period of any 6314
stay to such collection or by any other period to which the 6315
parties mutually agree. If the initial action in aid of execution 6316
is commenced before the later of the dates specified in divisions 6317
(F)(3)(a) and (b) of this section, any and all subsequent actions 6318
may be pursued in aid of execution of judgment for as long as the 6319
debt exists. 6320

(a) Seven years after the assessment of the tax, penalty, 6321
interest, or additional charge is issued. 6322

(b) Four years after the assessment of the tax, penalty, 6323
interest, or additional charge becomes final. For the purposes of 6324
division (F)(3)(b) of this section, the assessment becomes final 6325
at the latest of the following: upon expiration of the period to 6326
petition for reassessment, or if applicable, to appeal a final 6327
determination of the commissioner or decision of the board of tax 6328
appeals or a court, or, if applicable, upon decision of the United 6329
States supreme court. 6330

For the purposes of division (F)(3) of this section, an 6331
initial action to collect a tax debt is commenced at the time when 6332
any action, including any action in aid of execution on a 6333
judgment, commences after a certified copy of the tax 6334
commissioner's entry making an assessment final has been filed in 6335
the office of the clerk of court of common pleas in the county in 6336
which the taxpayer resides or has its principal place of business 6337
in this state, or in the office of the clerk of court of common 6338
pleas of Franklin county, as provided in section 5739.13, 5741.14, 6339
5747.13, or 5751.09 of the Revised Code or in any other applicable 6340
law requiring such a filing. If an assessment has not been issued 6341
and there is no time limitation on the issuance of an assessment 6342

under applicable law, an action to collect a tax debt commences 6343
when the action is filed in the courts of this state to collect 6344
the liability. 6345

(4) If information contained in a claim that is sold, 6346
conveyed, or transferred to a private entity pursuant to this 6347
section is confidential pursuant to federal law or a section of 6348
the Revised Code that implements a federal law governing 6349
confidentiality, such information remains subject to that law 6350
during and following the sale, conveyance, or transfer. 6351

Sec. 131.35. (A) With respect to ~~the federal funds revenue~~ 6352
received into any fund of the state ~~from which transfers may be~~ 6353
~~made under~~, except for those funds listed in division (D) of 6354
section 127.14 of the Revised Code: 6355

(1) No state agency may make expenditures of any federal 6356
~~funds revenue~~, whether ~~such funds are the revenue is~~ advanced 6357
prior to expenditure or as reimbursement, unless such expenditures 6358
are made pursuant to specific appropriations of the general 6359
assembly, are authorized by the controlling board pursuant to 6360
division (A)(5) of this section, or are authorized by an executive 6361
order issued in accordance with section 107.17 of the Revised 6362
Code, and until an allotment has been approved by the director of 6363
budget and management. All federal ~~funds revenue~~ received by a 6364
state agency shall be reported to the director within fifteen days 6365
of the receipt of ~~such funds the revenue~~ or the notification of 6366
award, whichever occurs first. The director shall prescribe the 6367
forms and procedures to be used when reporting the receipt of 6368
federal ~~funds revenue~~. 6369

(2) If the federal ~~funds revenue~~ received ~~are is~~ greater than 6370
the amount of ~~such funds the revenue~~ appropriated by the general 6371
assembly for a specific purpose, the total appropriation of 6372
federal and state funds for such purpose shall remain at the 6373

amount designated by the general assembly, except that the 6374
expenditure of federal ~~funds~~ revenue received in excess of such 6375
specific appropriation may be authorized by the controlling board, 6376
subject to division (D) of this section. 6377

(3) To the extent that the expenditure of excess federal 6378
~~funds~~ revenue is authorized, the controlling board may transfer a 6379
like amount of general revenue fund appropriation authority from 6380
the affected agency to the emergency purposes appropriation of the 6381
controlling board, if such action is permitted under federal 6382
regulations. 6383

(4) Additional funds may be created by the controlling board 6384
to receive revenues not anticipated in an appropriations act for 6385
the biennium in which such new revenues are received. Subject to 6386
division (D) of this section, expenditures from such additional 6387
funds may be authorized by the controlling board, but such 6388
authorization shall not extend beyond the end of the biennium in 6389
which such funds are created. 6390

(5) Controlling board authorization for a state agency to 6391
make an expenditure of federal ~~funds~~ revenue constitutes authority 6392
for the agency to participate in the federal program providing the 6393
~~funds~~ revenue, and the agency is not required to obtain an 6394
executive order under section 107.17 of the Revised Code to 6395
participate in the federal program. 6396

(B) With respect to nonfederal ~~funds~~ revenue received into 6397
~~the waterways safety fund, the wildlife fund, and any fund of the~~ 6398
~~state from which transfers may be made under,~~ except for any other 6399
fund listed in division (D) of section 127.14 of the Revised Code: 6400

(1) No state agency may make expenditures of any ~~such funds~~ 6401
of the revenue unless the expenditures are made pursuant to 6402
specific appropriations of the general assembly. 6403

(2) If the ~~receipts~~ revenue received into any fund ~~are~~ is 6404

greater than the amount appropriated, the appropriation for that 6405
fund shall remain at the amount designated by the general assembly 6406
or, subject to division (D) of this section, as increased and 6407
approved by the controlling board. 6408

(3) Additional funds may be created by the controlling board 6409
to receive revenues not anticipated in an appropriations act for 6410
the biennium in which such new revenues are received. Subject to 6411
division (D) of this section, expenditures from such additional 6412
funds may be authorized by the controlling board, but such 6413
authorization shall not extend beyond the end of the biennium in 6414
which such funds are created. 6415

(C) The controlling board shall not authorize more than ten 6416
per cent of additional spending from the occupational licensing 6417
and regulatory fund, created in section 4743.05 of the Revised 6418
Code, in excess of any appropriation made by the general assembly 6419
to a licensing agency except an appropriation for costs related to 6420
the examination or reexamination of applicants for a license. As 6421
used in this division, "licensing agency" and "license" have the 6422
same meanings as in section 4745.01 of the Revised Code. 6423

(D) If federal revenue is received in the waterways safety 6424
fund or wildlife fund, the controlling board, at the request of 6425
the director of natural resources, may approve the expenditure of 6426
the federal revenue for purposes for which the federal revenue was 6427
granted. 6428

(E) The amount of any expenditure authorized under division 6429
(A)(2) or (4) or (B)(2) or (3) of this section for a specific or 6430
related purpose or item in any fiscal year shall not exceed an 6431
amount greater than one-half of one per cent of the general 6432
revenue fund appropriations for that fiscal year. 6433

Sec. 131.511. (A) In addition to the amounts credited to the 6434
local government fund under section 131.51 of the Revised Code, 6435

the director of the office of budget and management shall credit 6436
monthly to the local government audit support fund a portion of 6437
total tax revenue credited to the general revenue fund equal to 6438
one-twelfth of the annual fiscal year appropriation from the local 6439
government audit support fund. 6440

(B) The director of budget and management shall develop a 6441
schedule identifying the specific tax revenue sources to be used 6442
to make the monthly transfers required under division (A) of this 6443
section. The director may, from time to time, revise the schedule 6444
of revenue sources as the director considers necessary. 6445

Sec. 133.06. (A) A school district shall not incur, without a 6446
vote of the electors, net indebtedness that exceeds an amount 6447
equal to one-tenth of one per cent of its tax valuation, except as 6448
provided in divisions (G) and (H) of this section and in division 6449
(D) of section 3313.372 of the Revised Code, or as prescribed in 6450
section 3318.052 or 3318.44 of the Revised Code, or as provided in 6451
division (J) of this section. 6452

(B) Except as provided in divisions (E), (F), and (I) of this 6453
section, a school district shall not incur net indebtedness that 6454
exceeds an amount equal to nine per cent of its tax valuation. 6455

(C) A school district shall not submit to a vote of the 6456
electors the question of the issuance of securities in an amount 6457
that will make the district's net indebtedness after the issuance 6458
of the securities exceed an amount equal to four per cent of its 6459
tax valuation, unless the superintendent of public instruction, 6460
acting under policies adopted by the state board of education, and 6461
the tax commissioner, acting under written policies of the 6462
commissioner, consent to the submission. A request for the 6463
consents shall be made at least one hundred twenty days prior to 6464
the election at which the question is to be submitted. 6465

The superintendent of public instruction shall certify to the district the superintendent's and the tax commissioner's decisions within thirty days after receipt of the request for consents.

If the electors do not approve the issuance of securities at the election for which the superintendent of public instruction and tax commissioner consented to the submission of the question, the school district may submit the same question to the electors on the date that the next special election may be held under section 3501.01 of the Revised Code without submitting a new request for consent. If the school district seeks to submit the same question at any other subsequent election, the district shall first submit a new request for consent in accordance with this division.

(D) In calculating the net indebtedness of a school district, none of the following shall be considered:

(1) Securities issued to acquire school buses and other equipment used in transporting pupils or issued pursuant to division (D) of section 133.10 of the Revised Code;

(2) Securities issued under division (F) of this section, under section 133.301 of the Revised Code, and, to the extent in excess of the limitation stated in division (B) of this section, under division (E) of this section;

(3) Indebtedness resulting from the dissolution of a joint vocational school district under section 3311.217 of the Revised Code, evidenced by outstanding securities of that joint vocational school district;

(4) Loans, evidenced by any securities, received under sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code;

(5) Debt incurred under section 3313.374 of the Revised Code;

(6) Debt incurred pursuant to division (B)(5) of section

3313.37 of the Revised Code to acquire computers and related hardware;	6496 6497
(7) Debt incurred under section 3318.042 of the Revised Code;	6498
(8) Debt incurred under section 5705.2112 or 5705.2113 of the Revised Code by the fiscal board of a qualifying partnership of which the school district is a participating school district.	6499 6500 6501
(E) A school district may become a special needs district as to certain securities as provided in division (E) of this section.	6502 6503
(1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following:	6504 6505 6506
(a) The student population is not being adequately serviced by the existing permanent improvements of the district.	6507 6508
(b) The district cannot obtain sufficient funds by the issuance of securities within the limitation of division (B) of this section to provide additional or improved needed permanent improvements in time to meet the needs.	6509 6510 6511 6512
(2) The board of education shall certify a copy of that resolution to the superintendent of public instruction with a statistical report showing all of the following:	6513 6514 6515
(a) The history of and a projection of the growth of the tax valuation;	6516 6517
(b) The projected needs;	6518
(c) The estimated cost of permanent improvements proposed to meet such projected needs.	6519 6520
(3) The superintendent of public instruction shall certify the district as an approved special needs district if the superintendent finds both of the following:	6521 6522 6523
(a) The district does not have available sufficient	6524

additional funds from state or federal sources to meet the 6525
projected needs. 6526

(b) The projection of the potential average growth of tax 6527
valuation during the next five years, according to the information 6528
certified to the superintendent and any other information the 6529
superintendent obtains, indicates a likelihood of potential 6530
average growth of tax valuation of the district during the next 6531
five years of an average of not less than one and one-half per 6532
cent per year. The findings and certification of the 6533
superintendent shall be conclusive. 6534

(4) An approved special needs district may incur net 6535
indebtedness by the issuance of securities in accordance with the 6536
provisions of this chapter in an amount that does not exceed an 6537
amount equal to the greater of the following: 6538

(a) Twelve per cent of the sum of its tax valuation plus an 6539
amount that is the product of multiplying that tax valuation by 6540
the percentage by which the tax valuation has increased over the 6541
tax valuation on the first day of the sixtieth month preceding the 6542
month in which its board determines to submit to the electors the 6543
question of issuing the proposed securities; 6544

(b) Twelve per cent of the sum of its tax valuation plus an 6545
amount that is the product of multiplying that tax valuation by 6546
the percentage, determined by the superintendent of public 6547
instruction, by which that tax valuation is projected to increase 6548
during the next ten years. 6549

(F) A school district may issue securities for emergency 6550
purposes, in a principal amount that does not exceed an amount 6551
equal to three per cent of its tax valuation, as provided in this 6552
division. 6553

(1) A board of education, by resolution, may declare an 6554
emergency if it determines both of the following: 6555

(a) School buildings or other necessary school facilities in 6556
the district have been wholly or partially destroyed, or condemned 6557
by a constituted public authority, or that such buildings or 6558
facilities are partially constructed, or so constructed or planned 6559
as to require additions and improvements to them before the 6560
buildings or facilities are usable for their intended purpose, or 6561
that corrections to permanent improvements are necessary to remove 6562
or prevent health or safety hazards. 6563

(b) Existing fiscal and net indebtedness limitations make 6564
adequate replacement, additions, or improvements impossible. 6565

(2) Upon the declaration of an emergency, the board of 6566
education may, by resolution, submit to the electors of the 6567
district pursuant to section 133.18 of the Revised Code the 6568
question of issuing securities for the purpose of paying the cost, 6569
in excess of any insurance or condemnation proceeds received by 6570
the district, of permanent improvements to respond to the 6571
emergency need. 6572

(3) The procedures for the election shall be as provided in 6573
section 133.18 of the Revised Code, except that: 6574

(a) The form of the ballot shall describe the emergency 6575
existing, refer to this division as the authority under which the 6576
emergency is declared, and state that the amount of the proposed 6577
securities exceeds the limitations prescribed by division (B) of 6578
this section; 6579

(b) The resolution required by division (B) of section 133.18 6580
of the Revised Code shall be certified to the county auditor and 6581
the board of elections at least one hundred days prior to the 6582
election; 6583

(c) The county auditor shall advise and, not later than 6584
ninety-five days before the election, confirm that advice by 6585
certification to, the board of education of the information 6586

required by division (C) of section 133.18 of the Revised Code; 6587

(d) The board of education shall then certify its resolution 6588
and the information required by division (D) of section 133.18 of 6589
the Revised Code to the board of elections not less than ninety 6590
days prior to the election. 6591

(4) Notwithstanding division (B) of section 133.21 of the 6592
Revised Code, the first principal payment of securities issued 6593
under this division may be set at any date not later than sixty 6594
months after the earliest possible principal payment otherwise 6595
provided for in that division. 6596

(G)(1) The board of education may contract with an architect, 6597
professional engineer, or other person experienced in the design 6598
and implementation of energy conservation measures for an analysis 6599
and recommendations pertaining to installations, modifications of 6600
installations, or remodeling that would significantly reduce 6601
energy consumption in buildings owned by the district. The report 6602
shall include estimates of all costs of such installations, 6603
modifications, or remodeling, including costs of design, 6604
engineering, installation, maintenance, repairs, measurement and 6605
verification of energy savings, and debt service, forgone residual 6606
value of materials or equipment replaced by the energy 6607
conservation measure, as defined by the Ohio facilities 6608
construction commission, a baseline analysis of actual energy 6609
consumption data for the preceding three years with the utility 6610
baseline based on only the actual energy consumption data for the 6611
preceding twelve months, and estimates of the amounts by which 6612
energy consumption and resultant operational and maintenance 6613
costs, as defined by the commission, would be reduced. 6614

If the board finds after receiving the report that the amount 6615
of money the district would spend on such installations, 6616
modifications, or remodeling is not likely to exceed the amount of 6617
money it would save in energy and resultant operational and 6618

maintenance costs over the ensuing fifteen years, the board may 6619
submit to the commission a copy of its findings and a request for 6620
approval to incur indebtedness to finance the making or 6621
modification of installations or the remodeling of buildings for 6622
the purpose of significantly reducing energy consumption. 6623

The facilities construction commission, in consultation with 6624
the auditor of state, may deny a request under division (G)(1) of 6625
this section by the board of education of any school district that 6626
is in a state of fiscal watch pursuant to division (A) of section 6627
3316.03 of the Revised Code, if it determines that the expenditure 6628
of funds is not in the best interest of the school district. 6629

No district board of education of a school district that is 6630
in a state of fiscal emergency pursuant to division (B) of section 6631
3316.03 of the Revised Code shall submit a request without 6632
submitting evidence that the installations, modifications, or 6633
remodeling have been approved by the district's financial planning 6634
and supervision commission established under section 3316.05 of 6635
the Revised Code. 6636

~~No board of education of a school district for which an 6637
academic distress commission has been established under section 6638
3302.10 of the Revised Code shall submit a request without first 6639
receiving approval to incur indebtedness from the district's 6640
academic distress commission established under that section, for 6641
so long as such commission continues to be required for the 6642
district. 6643~~

(2) The board of education may contract with a person 6644
experienced in the implementation of student transportation to 6645
produce a report that includes an analysis of and recommendations 6646
for the use of alternative fuel vehicles by school districts. The 6647
report shall include cost estimates detailing the return on 6648
investment over the life of the alternative fuel vehicles and 6649
environmental impact of alternative fuel vehicles. The report also 6650

shall include estimates of all costs associated with alternative 6651
fuel transportation, including facility modifications and vehicle 6652
purchase costs or conversion costs. 6653

If the board finds after receiving the report that the amount 6654
of money the district would spend on purchasing alternative fuel 6655
vehicles or vehicle conversion is not likely to exceed the amount 6656
of money it would save in fuel and resultant operational and 6657
maintenance costs over the ensuing five years, the board may 6658
submit to the commission a copy of its findings and a request for 6659
approval to incur indebtedness to finance the purchase of new 6660
alternative fuel vehicles or vehicle conversions for the purpose 6661
of reducing fuel costs. 6662

The facilities construction commission, in consultation with 6663
the auditor of state, may deny a request under division (G)(2) of 6664
this section by the board of education of any school district that 6665
is in a state of fiscal watch pursuant to division (A) of section 6666
3316.03 of the Revised Code, if it determines that the expenditure 6667
of funds is not in the best interest of the school district. 6668

No district board of education of a school district that is 6669
in a state of fiscal emergency pursuant to division (B) of section 6670
3316.03 of the Revised Code shall submit a request without 6671
submitting evidence that the purchase or conversion of alternative 6672
fuel vehicles has been approved by the district's financial 6673
planning and supervision commission established under section 6674
3316.05 of the Revised Code. 6675

~~No board of education of a school district for which an 6676
academic distress commission has been established under section 6677
3302.10 of the Revised Code shall submit a request without first 6678
receiving approval to incur indebtedness from the district's 6679
academic distress commission established under that section, for 6680
so long as such commission continues to be required for the 6681
district. 6682~~

(3) The facilities construction commission shall approve the board's request provided that the following conditions are satisfied:

(a) The commission determines that the board's findings are reasonable.

(b) The request for approval is complete.

(c) If the request was submitted under division (G)(1) of this section, the installations, modifications, or remodeling are consistent with any project to construct or acquire classroom facilities, or to reconstruct or make additions to existing classroom facilities under sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised Code.

Upon receipt of the commission's approval, the district may issue securities without a vote of the electors in a principal amount not to exceed nine-tenths of one per cent of its tax valuation for the purpose specified in division (G)(1) or (2) of this section, but the total net indebtedness of the district without a vote of the electors incurred under this and all other sections of the Revised Code, except section 3318.052 of the Revised Code, shall not exceed one per cent of the district's tax valuation.

(4)(a) So long as any securities issued under division (G)(1) of this section remain outstanding, the board of education shall monitor the energy consumption and resultant operational and maintenance costs of buildings in which installations or modifications have been made or remodeling has been done pursuant to that division. Except as provided in division (G)(4)(b) of this section, the board shall maintain and annually update a report in a form and manner prescribed by the facilities construction commission documenting the reductions in energy consumption and resultant operational and maintenance cost savings attributable to

such installations, modifications, or remodeling. The resultant 6714
operational and maintenance cost savings shall be certified by the 6715
school district treasurer. The report shall be submitted annually 6716
to the commission. 6717

(b) If the facilities construction commission verifies that 6718
the certified annual reports submitted to the commission by a 6719
board of education under division (G)(4)(a) of this section 6720
fulfill the guarantee required under division (B) of section 6721
3313.372 of the Revised Code for three consecutive years, the 6722
board of education shall no longer be subject to the annual 6723
reporting requirements of division (G)(4)(a) of this section. 6724

(5) So long as any securities issued under division (G)(2) of 6725
this section remain outstanding, the board of education shall 6726
monitor the purchase of new alternative fuel vehicles or vehicle 6727
conversions pursuant to that division. The board shall maintain 6728
and annually update a report in a form and manner prescribed by 6729
the facilities construction commission documenting the purchase of 6730
new alternative fuel vehicles or vehicle conversions, the 6731
associated environmental impact, and return on investment. The 6732
resultant fuel and operational and maintenance cost savings shall 6733
be certified by the school district treasurer. The report shall be 6734
submitted annually to the commission. 6735

(H) With the consent of the superintendent of public 6736
instruction, a school district may incur without a vote of the 6737
electors net indebtedness that exceeds the amounts stated in 6738
divisions (A) and (G) of this section for the purpose of paying 6739
costs of permanent improvements, if and to the extent that both of 6740
the following conditions are satisfied: 6741

(1) The fiscal officer of the school district estimates that 6742
receipts of the school district from payments made under or 6743
pursuant to agreements entered into pursuant to section 725.02, 6744
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.45, 6745

5709.57, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 6746
of the Revised Code, or distributions under division (C) of 6747
section 5709.43 or division (B) of section 5709.47 of the Revised 6748
Code, or any combination thereof, are, after accounting for any 6749
appropriate coverage requirements, sufficient in time and amount, 6750
and are committed by the proceedings, to pay the debt charges on 6751
the securities issued to evidence that indebtedness and payable 6752
from those receipts, and the taxing authority of the district 6753
confirms the fiscal officer's estimate, which confirmation is 6754
approved by the superintendent of public instruction; 6755

(2) The fiscal officer of the school district certifies, and 6756
the taxing authority of the district confirms, that the district, 6757
at the time of the certification and confirmation, reasonably 6758
expects to have sufficient revenue available for the purpose of 6759
operating such permanent improvements for their intended purpose 6760
upon acquisition or completion thereof, and the superintendent of 6761
public instruction approves the taxing authority's confirmation. 6762

The maximum maturity of securities issued under division (H) 6763
of this section shall be the lesser of twenty years or the maximum 6764
maturity calculated under section 133.20 of the Revised Code. 6765

(I) A school district may incur net indebtedness by the 6766
issuance of securities in accordance with the provisions of this 6767
chapter in excess of the limit specified in division (B) or (C) of 6768
this section when necessary to raise the school district portion 6769
of the basic project cost and any additional funds necessary to 6770
participate in a project under Chapter 3318. of the Revised Code, 6771
including the cost of items designated by the facilities 6772
construction commission as required locally funded initiatives, 6773
the cost of other locally funded initiatives in an amount that 6774
does not exceed fifty per cent of the district's portion of the 6775
basic project cost, and the cost for site acquisition. The 6776
commission shall notify the superintendent of public instruction 6777

whenever a school district will exceed either limit pursuant to 6778
this division. 6779

(J) A school district whose portion of the basic project cost 6780
of its classroom facilities project under sections 3318.01 to 6781
3318.20 of the Revised Code is greater than or equal to one 6782
hundred million dollars may incur without a vote of the electors 6783
net indebtedness in an amount up to two per cent of its tax 6784
valuation through the issuance of general obligation securities in 6785
order to generate all or part of the amount of its portion of the 6786
basic project cost if the controlling board has approved the 6787
facilities construction commission's conditional approval of the 6788
project under section 3318.04 of the Revised Code. The school 6789
district board and the Ohio facilities construction commission 6790
shall include the dedication of the proceeds of such securities in 6791
the agreement entered into under section 3318.08 of the Revised 6792
Code. No state moneys shall be released for a project to which 6793
this section applies until the proceeds of any bonds issued under 6794
this section that are dedicated for the payment of the school 6795
district portion of the project are first deposited into the 6796
school district's project construction fund. 6797

Sec. 141.04. (A) The annual salaries of the chief justice of 6798
the supreme court and of the justices and judges named in this 6799
section payable from the state treasury are as follows: 6800

(1) For the chief justice of the supreme court, the following 6801
amounts effective in the following years: 6802

(a) Beginning January 1, 2018, one hundred seventy-four 6803
thousand seven hundred dollars; 6804

(b) Beginning January 1, 2019, one hundred eighty-three 6805
thousand four hundred fifty dollars; 6806

(c) Beginning January 1, 2020, and in each calendar year 6807

thereafter through calendar year 2028 beginning on the first day 6808
of January, the annual compensation amount shall be increased by 6809
one and three-quarters per cent. 6810

(2) For the justices of the supreme court, the following 6811
amounts effective in the following years: 6812

(a) Beginning January 1, 2018, one hundred sixty-four 6813
thousand dollars; 6814

(b) Beginning January 1, 2019, one hundred seventy-two 6815
thousand two hundred dollars; 6816

(c) Beginning January 1, 2020, and in each calendar year 6817
thereafter through calendar year 2028 beginning on the first day 6818
of January, the annual compensation amount shall be increased by 6819
one and three-quarters per cent. 6820

(3) For the judges of the courts of appeals, the following 6821
amounts effective in the following years: 6822

(a) Beginning January 1, 2018, one hundred fifty-two thousand 6823
eight hundred fifty dollars; 6824

(b) Beginning January 1, 2019, one hundred sixty thousand 6825
five hundred dollars; 6826

(c) Beginning January 1, 2020, and in each calendar year 6827
thereafter through calendar year 2028 beginning on the first day 6828
of January, the annual compensation amount shall be increased by 6829
one and three-quarters per cent. 6830

(4) For the judges of the courts of common pleas, the 6831
following amounts effective in the following years, reduced by an 6832
amount equal to the annual compensation paid to that judge from 6833
the county treasury pursuant to section 141.05 of the Revised 6834
Code: 6835

(a) Beginning January 1, 2018, one hundred forty thousand 6836
five hundred fifty dollars; 6837

(b) Beginning January 1, 2019, one hundred forty-seven 6838
thousand six hundred dollars; 6839

(c) Beginning January 1, 2020, and in each calendar year 6840
thereafter through calendar year 2028 beginning on the first day 6841
of January, the annual compensation amount shall be increased by 6842
one and three-quarters per cent. 6843

(5) For the full-time judges of a municipal court or the 6844
part-time judges of a municipal court of a territory having a 6845
population of more than fifty thousand, the following amounts 6846
effective in the following years, reduced by an amount equal to 6847
the annual compensation paid to that judge pursuant to division 6848
(B)(1)(a) of section 1901.11 of the Revised Code from municipal 6849
corporations and counties: 6850

(a) Beginning January 1, 2018, one hundred thirty-two 6851
thousand one hundred fifty dollars; 6852

(b) Beginning January 1, 2019, one hundred thirty-eight 6853
thousand eight hundred dollars; 6854

(c) Beginning January 1, 2020, and in each calendar year 6855
thereafter through calendar year 2028 beginning on the first day 6856
of January, the annual compensation amount shall be increased by 6857
one and three-quarters per cent. 6858

(6) For judges of a municipal court designated as part-time 6859
judges by section 1901.08 of the Revised Code, other than 6860
part-time judges to whom division (A)(5) of this section applies, 6861
and for judges of a county court, the following amounts effective 6862
in the following years, reduced by an amount equal to the annual 6863
compensation paid to that judge pursuant to division (A) of 6864
section 1901.11 of the Revised Code from municipal corporations 6865
and counties or pursuant to division (A) of section 1907.16 of the 6866
Revised Code from counties: 6867

(a) Beginning January 1, 2018, seventy-six thousand fifty 6868

dollars; 6869

(b) Beginning January 1, 2019, seventy-nine thousand nine 6870
hundred dollars; 6871

(c) Beginning January 1, 2020, and in each calendar year 6872
thereafter through calendar year 2028 beginning on the first day 6873
of January, the annual compensation amount shall be increased by 6874
one and three-quarters per cent. 6875

(B) Except as provided in sections 1901.122 and 1901.123 of 6876
the Revised Code, except as otherwise provided in this division, 6877
and except for the compensation to which the judges described in 6878
division (A)(5) of this section are entitled pursuant to divisions 6879
(B)(1)(a) and (2) of section 1901.11 of the Revised Code, the 6880
annual salary of the chief justice of the supreme court and of 6881
each justice or judge listed in division (A) of this section shall 6882
be paid in equal monthly installments from the state treasury. If 6883
the chief justice of the supreme court or any justice or judge 6884
listed in division (A)(2), (3), or (4) of this section delivers a 6885
written request to be paid biweekly to the administrative director 6886
of the supreme court prior to the first day of January of any 6887
year, the annual salary of the chief justice or the justice or 6888
judge that is listed in division (A)(2), (3), or (4) of this 6889
section shall be paid, during the year immediately following the 6890
year in which the request is delivered to the administrative 6891
director of the supreme court, biweekly from the state treasury. 6892

(C) Upon the death of the chief justice or a justice of the 6893
supreme court during that person's term of office, an amount shall 6894
be paid in accordance with section 2113.04 of the Revised Code, or 6895
to that person's estate. The amount shall equal the amount of the 6896
salary that the chief justice or justice would have received 6897
during the remainder of the unexpired term or an amount equal to 6898
the salary of office for two years, whichever is less. 6899

(D) Neither the chief justice of the supreme court nor any justice or judge of the supreme court, the court of appeals, the court of common pleas, or the probate court shall hold any other office of trust or profit under the authority of this state or the United States.

(E) In addition to the salaries payable pursuant to this section, the chief justice of the supreme court and the justices of the supreme court shall be entitled to a vehicle allowance of five hundred dollars per month, payable from the state treasury. The allowance shall be increased on the first day of January of each odd-numbered year by an amount equal to the percentage increase, if any, in the consumer price index for the immediately preceding twenty-four month period for which information is available.

~~(F) On or before the first day of December of each year, the Ohio supreme court, through its chief administrator, shall notify the administrative judge of the Montgomery county municipal court, the board of county commissioners of Montgomery county, and the treasurer of the state of the yearly salary cost of five part time county court judges as of that date. If the total yearly salary costs of all of the judges of the Montgomery county municipal court as of the first day of December of that same year exceeds that amount, the administrative judge of the Montgomery county municipal court shall cause payment of the excess between those two amounts less any reduced amount paid for the health care costs of the Montgomery county municipal court judges in comparison to the health care costs of five part time county court judges from the general special projects fund or the fund for a specific special project created pursuant to section 1901.26 of the Revised Code to the treasurer of Montgomery county and to the treasurer of the state in amounts proportional to the percentage of the salaries of the municipal court judges paid by the county and by~~

~~the state.~~ 6932

(G) As used in this section: 6933

(1) "Consumer price index" has the same meaning as in section 6934
101.27 of the Revised Code. 6935

(2) "Salary" does not include any portion of the cost, 6936
premium, or charge for health, medical, hospital, dental, or 6937
surgical benefits, or any combination of those benefits, covering 6938
the chief justice of the supreme court or a justice or judge named 6939
in this section and paid on the chief justice's or the justice's 6940
or judge's behalf by a governmental entity. 6941

Sec. 141.16. (A) Any voluntarily retired judge, or any judge 6942
who is retired under Section 6 of Article IV, Ohio Constitution, 6943
may be assigned with the judge's consent, by the chief justice or 6944
acting chief justice of the supreme court, to active duty as a 6945
judge. While so serving, the judge shall be paid, from money 6946
appropriated for this purpose, the established compensation for 6947
such office, computed on a per diem basis, in addition to any 6948
retirement benefits to which the judge may be entitled. 6949

(B) Annually, on the first day of August, the administrative 6950
director of the ~~Ohio courts~~ supreme court shall issue a billing to 6951
the county treasurer of any county to which such a judge is 6952
assigned for reimbursement of the county's portion of the 6953
compensation previously paid by the state for the twelve-month 6954
period preceding the last day of June. The county's portion of the 6955
compensation shall be that part of each per diem paid by the state 6956
which is proportional to the county's share of the total 6957
compensation of a resident judge of such court. The county 6958
treasurer shall forward the payment within thirty days. 6959

(C)~~(1)~~ A retired assigned judge is eligible to receive a 6960
retired assigned judge payment if the retired assigned judge 6961

completes not less than one hundred hours of service in the 6962
preceding quarter as assigned by the chief justice or acting chief 6963
justice. The payment shall be seven hundred fifty dollars per 6964
quarter and shall be paid from money appropriated for this 6965
purpose. The payment is subject to any and all applicable taxes 6966
under local, state, and federal law. 6967

~~(2) Except as provided in division (C)(3) of this section,~~ 6968
the The payment shall be paid within thirty days after the end of 6969
the quarter in which the one hundred hours is served. 6970

~~(3) In the case of a county operated municipal court, other 6971
municipal court, or county court to which a judge was assigned,~~ 6972
~~payment shall be made within thirty days after receipt of the 6973
quarterly request for reimbursement as required in division (B) of 6974
section 1901.123 of the Revised Code.~~ 6975

(D) Division (C) of this section does not affect any right of 6976
a retired assigned judge to receive any allowance, annuity, 6977
pension, or other benefit vested pursuant to Chapter 145. of the 6978
Revised Code or other eligible retirement system pursuant to Ohio 6979
law. 6980

(E) As used in this section: 6981

(1) "Retired assigned judge" is a judge that is described in 6982
division (A) of this section. 6983

(2) "Quarter" is the preceding three-month period ending on 6984
the last day of the month of March, June, September, or December 6985
of each year. 6986

Sec. 145.114. (A) As used in this section and in section 6987
145.116 of the Revised Code: 6988

(1) "Agent" means a dealer, as defined in section 1707.01 of 6989
the Revised Code, who is licensed under sections 1707.01 to 6990
~~1707.45~~ 1707.50 of the Revised Code or under comparable laws of 6991

another state or of the United States. 6992

(2) "Minority business enterprise" has the same meaning as in 6993
section 122.71 of the Revised Code. 6994

(3) "Ohio-qualified agent" means an agent designated as such 6995
by the public employees retirement board. 6996

(4) "Ohio-qualified investment manager" means an investment 6997
manager designated as such by the public employees retirement 6998
board. 6999

(5) "Principal place of business" means an office in which 7000
the agent regularly provides securities or investment advisory 7001
services and solicits, meets with, or otherwise communicates with 7002
clients. 7003

(B) The public employees retirement board shall, for the 7004
purposes of this section, designate an agent as an Ohio-qualified 7005
agent if the agent meets all of the following requirements: 7006

(1) The agent is subject to taxation under Chapter 5725., 7007
5726., 5733., 5747., or 5751. of the Revised Code; 7008

(2) The agent is authorized to conduct business in this 7009
state; 7010

(3) The agent maintains a principal place of business in this 7011
state and employs at least five residents of this state. 7012

(C) The public employees retirement board shall adopt and 7013
implement a written policy to establish criteria and procedures 7014
used to select agents to execute securities transactions on behalf 7015
of the retirement system. The policy shall address each of the 7016
following: 7017

(1) Commissions charged by the agent, both in the aggregate 7018
and on a per share basis; 7019

(2) The execution speed and trade settlement capabilities of 7020
the agent; 7021

(3) The responsiveness, reliability, and integrity of the agent; 7022
7023

(4) The nature and value of research provided by the agent; 7024

(5) Any special capabilities of the agent. 7025

(D)(1) The board shall, at least annually, establish a policy with the goal to increase utilization by the board of Ohio-qualified agents for the execution of domestic equity and fixed income trades on behalf of the retirement system, when an Ohio-qualified agent offers quality, services, and safety comparable to other agents otherwise available to the board and meets the criteria established under division (C) of this section. 7026
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(2) The board shall review, at least annually, the performance of the agents that execute securities transactions on behalf of the board. 7033
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(3) The board shall determine whether an agent is an Ohio-qualified agent, meets the criteria established by the board pursuant to division (C) of this section, and offers quality, services, and safety comparable to other agents otherwise available to the board. The board's determination shall be final. 7036
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Sec. 147.591. (A) As used in this section, "electronic document," "electronic seal," "electronic signature," and "online notarization" have the same meanings as in section 147.60 of the Revised Code. 7041
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(B)(1) An electronic document that is signed in the physical presence of the notary public with an electronic signature and notarized with an electronic seal shall be considered an original document. 7045
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(2) Notwithstanding any other provision of the Revised Code to the contrary, a ~~printed~~ digital copy of a document executed electronically by the parties and acknowledged or sworn before a 7049
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7051

notary acting pursuant to this section shall be accepted by county 7052
auditors, engineers, and recorders for purposes of approval, 7053
transfer, and recording to the same extent as any other document 7054
that is submitted by an electronic recording method and shall not 7055
be rejected solely by reason of containing electronic signatures 7056
or an electronic notarization, including an online notarization, 7057
~~if that document contains the certificate required under division~~ 7058
~~(C) of section 147.542 of the Revised Code, including the~~ 7059
~~notification required under division (C)(7) of that section.~~ 7060

(3) A county auditor, engineer, and recorder shall accept a 7061
printed document that was executed electronically for purposes of 7062
approval, transfer, and recording if that document contains an 7063
attached certificate in the following, or a substantially similar, 7064
format: 7065

"AUTHENTICATOR CERTIFICATE 7066

I certify and warrant that the foregoing and annexed paper 7067
document being presented for record, to which this certification 7068
is attached, represents a true, exact, complete, and unaltered 7069
copy of the original electronic document. The county offices of 7070
the auditor, treasurer, recorder, and others necessary to 7071
effectuate the transfer and recording of the instrument shall be 7072
entitled to rely on such certification and warranty for all 7073
purposes. 7074

.....[signature of authenticator] 7075

.....[printed name of authenticator] 7076

.....[street address of authenticator] 7077

.....[city, state, zip code of 7078
authenticator] 7079

.....[telephone number of authenticator] 7080

State of) 7081

) :ss 7082

County of) 7083

The foregoing authenticator certificate was subscribed and 7084

sworn to in my presence by [printed name 7085

of authenticator] on this day of, 20... 7086

..... 7087

Notary Public" 7088

(C) Any notary public may obtain an electronic seal and an 7089

electronic signature for the purposes of notarizing documents 7090

under this section. 7091

(D) A notary public shall comply with the provisions of 7092

section 147.66 of the Revised Code pertaining to the electronic 7093

seal and electronic signature. 7094

Sec. 149.11. (A) Any department, division, bureau, board, or 7095

commission of the state government issuing a report, pamphlet, 7096

document, or other publication intended for general public use and 7097

distribution, which publication is reproduced by duplicating 7098

processes ~~such as mimeograph, multigraph, planograph, rotaprint,~~ 7099

~~or multilith, or printed internally or~~ in print whether through a 7100

contract awarded to any person, company, or the state printing 7101

division of the department of administrative services, shall cause 7102

to be delivered to the state library ~~one hundred~~ fifty copies of 7103

the publication, subject to the provisions of section 125.42 of 7104

the Revised Code. 7105

(B) The state library board shall distribute the print 7106

publications so received as follows: 7107

~~(A)~~ (1) Retain two copies in the state library; 7108

~~(B)~~ (2) Send two copies to the document division of the 7109

library of congress; 7110

~~(C)~~ (3) Send one copy to the Ohio history connection and to 7111

each public or college library in the state designated by the 7112
state library board to be a depository for state publications. In 7113
designating which libraries shall be depositories, the board shall 7114
select those libraries that can best preserve those publications 7115
and that are so located geographically as will make the 7116
publications conveniently accessible to residents in all areas of 7117
the state. 7118

~~(D)~~(4) Send one copy to each state in exchange for like 7119
publications of that state. 7120

(C) A department, division, bureau, board, or commission of 7121
the state government shall notify the state library of the 7122
availability of documents or other publications, intended for 7123
general public use and distribution, which are made available 7124
electronically on its internet web site. The state library shall 7125
retain electronic publications in the state library digital 7126
archive and provide permanent access and records to each public or 7127
college library in the state designated by the state library board 7128
to be a depository for state publications. 7129

(D) The print publications described in division (A) of this 7130
section and the electronic publications described in division (C) 7131
of this section shall be considered already prepared and available 7132
for inspection, and, subject to applicable copyright protections, 7133
reproduction by any person at all reasonable times during regular 7134
business hours at the state library and each library designated as 7135
a depository for state publications. 7136

(E) The provisions of this section do not apply to any 7137
publication of the general assembly or to the publications 7138
described in sections 149.07, 149.08, 149.091, and 149.17 of the 7139
Revised Code, except that the secretary of state shall forward to 7140
the document division of the library of congress two copies of all 7141
journals, two copies of the session laws as provided for in 7142
section 149.091 of the Revised Code, and two copies of all 7143

appropriation laws in separate form. 7144

Sec. 149.43. (A) As used in this section: 7145

(1) "Public record" means records kept by any public office, 7146
including, but not limited to, state, county, city, village, 7147
township, and school district units, and records pertaining to the 7148
delivery of educational services by an alternative school in this 7149
state kept by the nonprofit or for-profit entity operating the 7150
alternative school pursuant to section 3313.533 of the Revised 7151
Code. "Public record" does not mean any of the following: 7152

(a) Medical records; 7153

(b) Records pertaining to probation and parole proceedings, 7154
to proceedings related to the imposition of community control 7155
sanctions and post-release control sanctions, or to proceedings 7156
related to determinations under section 2967.271 of the Revised 7157
Code regarding the release or maintained incarceration of an 7158
offender to whom that section applies; 7159

(c) Records pertaining to actions under section 2151.85 and 7160
division (C) of section 2919.121 of the Revised Code and to 7161
appeals of actions arising under those sections; 7162

(d) Records pertaining to adoption proceedings, including the 7163
contents of an adoption file maintained by the department of 7164
health under sections 3705.12 to 3705.124 of the Revised Code; 7165

(e) Information in a record contained in the putative father 7166
registry established by section 3107.062 of the Revised Code, 7167
regardless of whether the information is held by the department of 7168
job and family services or, pursuant to section 3111.69 of the 7169
Revised Code, the office of child support in the department or a 7170
child support enforcement agency; 7171

(f) Records specified in division (A) of section 3107.52 of 7172
the Revised Code; 7173

(g) Trial preparation records;	7174
(h) Confidential law enforcement investigatory records;	7175
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	7176 7177
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	7178 7179
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	7180 7181 7182 7183
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	7184 7185 7186 7187
(m) Intellectual property records;	7188
(n) Donor profile records;	7189
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	7190 7191
(p) Designated public service worker residential and familial information;	7192 7193
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	7194 7195 7196 7197 7198
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	7199 7200
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review	7201 7202

conducted pursuant to guidelines established by the director of 7203
health under section 3701.70 of the Revised Code, records provided 7204
to the board or director, statements made by board members during 7205
meetings of the board or by persons participating in the 7206
director's review, and all work products of the board or director, 7207
and in the case of a child fatality review board, child fatality 7208
review data submitted by the board to the department of health or 7209
a national child death review database, other than the report 7210
prepared pursuant to division (A) of section 307.626 of the 7211
Revised Code; 7212

(t) Records provided to and statements made by the executive 7213
director of a public children services agency or a prosecuting 7214
attorney acting pursuant to section 5153.171 of the Revised Code 7215
other than the information released under that section; 7216

(u) Test materials, examinations, or evaluation tools used in 7217
an examination for licensure as a nursing home administrator that 7218
the board of executives of long-term services and supports 7219
administers under section ~~4751.04~~ 4751.15 of the Revised Code or 7220
contracts under that section with a private or government entity 7221
to administer; 7222

(v) Records the release of which is prohibited by state or 7223
federal law; 7224

(w) Proprietary information of or relating to any person that 7225
is submitted to or compiled by the Ohio venture capital authority 7226
created under section 150.01 of the Revised Code; 7227

(x) Financial statements and data any person submits for any 7228
purpose to the Ohio housing finance agency or the controlling 7229
board in connection with applying for, receiving, or accounting 7230
for financial assistance from the agency, and information that 7231
identifies any individual who benefits directly or indirectly from 7232
financial assistance from the agency; 7233

(y) Records listed in section 5101.29 of the Revised Code;	7234
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B)(2) of that section;	7235 7236 7237
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	7238 7239 7240
(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division;	7241 7242 7243
(cc) Information and records that are made confidential, privileged, and not subject to disclosure under divisions (B) and (C) of section 2949.221 of the Revised Code;	7244 7245 7246
(dd) Personal information, as defined in section 149.45 of the Revised Code;	7247 7248
(ee) The confidential name, address, and other personally identifiable information of a program participant in the address confidentiality program established under sections 111.41 to 111.47 of the Revised Code, including the contents of any application for absent voter's ballots, absent voter's ballot identification envelope statement of voter, or provisional ballot affirmation completed by a program participant who has a confidential voter registration record, and records or portions of records pertaining to that program that identify the number of program participants that reside within a precinct, ward, township, municipal corporation, county, or any other geographic area smaller than the state. As used in this division, "confidential address" and "program participant" have the meaning defined in section 111.41 of the Revised Code.	7249 7250 7251 7252 7253 7254 7255 7256 7257 7258 7259 7260 7261 7262
(ff) Orders for active military service of an individual serving or with previous service in the armed forces of the United	7263 7264

States, including a reserve component, or the Ohio organized militia, except that, such order becomes a public record on the day that is fifteen years after the published date or effective date of the call to order;

(gg) The name, address, contact information, or other personal information of an individual who is less than eighteen years of age that is included in any record related to a traffic accident involving a school vehicle in which the individual was an occupant at the time of the accident;

(hh) Protected health information, as defined in 45 C.F.R. 160.103, that is in a claim for payment for a health care product, service, or procedure, as well as any other health claims data in another document that reveals the identity of an individual who is the subject of the data or could be used to reveal that individual's identity;

(ii) Any depiction by photograph, film, videotape, or printed or digital image under either of the following circumstances:

(i) The depiction is that of a victim of an offense the release of which would be, to a reasonable person of ordinary sensibilities, an offensive and objectionable intrusion into the victim's expectation of bodily privacy and integrity.

(ii) The depiction captures or depicts the victim of a sexually oriented offense, as defined in section 2950.01 of the Revised Code, at the actual occurrence of that offense.

(jj) Restricted portions of a body-worn camera or dashboard camera recording;

(kk) Telephone numbers for a victim, as defined in section 2930.01 of the Revised Code, a witness to a crime, or a party to a motor vehicle accident subject to the requirements of section 5502.11 of the Revised Code that are listed on any law enforcement record or report.

A record that is not a public record under division (A)(1) of this section and that, under law, is permanently retained becomes a public record on the day that is seventy-five years after the day on which the record was created, except for any record protected by the attorney-client privilege, a trial preparation record as defined in this section, a statement prohibiting the release of identifying information signed under section 3107.083 of the Revised Code, a denial of release form filed pursuant to section 3107.46 of the Revised Code, or any record that is exempt from release or disclosure under section 149.433 of the Revised Code. If the record is a birth certificate and a biological parent's name redaction request form has been accepted under section 3107.391 of the Revised Code, the name of that parent shall be redacted from the birth certificate before it is released under this paragraph. If any other section of the Revised Code establishes a time period for disclosure of a record that conflicts with the time period specified in this section, the time period in the other section prevails.

(2) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:

(a) The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably promised;

(b) Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity;

(c) Specific confidential investigatory techniques or

procedures or specific investigatory work product; 7328

(d) Information that would endanger the life or physical 7329
safety of law enforcement personnel, a crime victim, a witness, or 7330
a confidential information source. 7331

(3) "Medical record" means any document or combination of 7332
documents, except births, deaths, and the fact of admission to or 7333
discharge from a hospital, that pertains to the medical history, 7334
diagnosis, prognosis, or medical condition of a patient and that 7335
is generated and maintained in the process of medical treatment. 7336

(4) "Trial preparation record" means any record that contains 7337
information that is specifically compiled in reasonable 7338
anticipation of, or in defense of, a civil or criminal action or 7339
proceeding, including the independent thought processes and 7340
personal trial preparation of an attorney. 7341

(5) "Intellectual property record" means a record, other than 7342
a financial or administrative record, that is produced or 7343
collected by or for faculty or staff of a state institution of 7344
higher learning in the conduct of or as a result of study or 7345
research on an educational, commercial, scientific, artistic, 7346
technical, or scholarly issue, regardless of whether the study or 7347
research was sponsored by the institution alone or in conjunction 7348
with a governmental body or private concern, and that has not been 7349
publicly released, published, or patented. 7350

(6) "Donor profile record" means all records about donors or 7351
potential donors to a public institution of higher education 7352
except the names and reported addresses of the actual donors and 7353
the date, amount, and conditions of the actual donation. 7354

(7) "Designated public service worker" means a peace officer, 7355
parole officer, probation officer, bailiff, prosecuting attorney, 7356
assistant prosecuting attorney, correctional employee, county or 7357
multicounty corrections officer, community-based correctional 7358

facility employee, youth services employee, firefighter, EMT, 7359
medical director or member of a cooperating physician advisory 7360
board of an emergency medical service organization, state board of 7361
pharmacy employee, investigator of the bureau of criminal 7362
identification and investigation, judge, magistrate, or federal 7363
law enforcement officer. 7364

(8) "Designated public service worker residential and 7365
familial information" means any information that discloses any of 7366
the following about a designated public service worker: 7367

(a) The address of the actual personal residence of a 7368
designated public service worker, except for the following 7369
information: 7370

(i) The address of the actual personal residence of a 7371
prosecuting attorney or judge; and 7372

(ii) The state or political subdivision in which a designated 7373
public service worker resides. 7374

(b) Information compiled from referral to or participation in 7375
an employee assistance program; 7376

(c) The social security number, the residential telephone 7377
number, any bank account, debit card, charge card, or credit card 7378
number, or the emergency telephone number of, or any medical 7379
information pertaining to, a designated public service worker; 7380

(d) The name of any beneficiary of employment benefits, 7381
including, but not limited to, life insurance benefits, provided 7382
to a designated public service worker by the designated public 7383
service worker's employer; 7384

(e) The identity and amount of any charitable or employment 7385
benefit deduction made by the designated public service worker's 7386
employer from the designated public service worker's compensation, 7387
unless the amount of the deduction is required by state or federal 7388

law; 7389

(f) The name, the residential address, the name of the 7390
employer, the address of the employer, the social security number, 7391
the residential telephone number, any bank account, debit card, 7392
charge card, or credit card number, or the emergency telephone 7393
number of the spouse, a former spouse, or any child of a 7394
designated public service worker; 7395

(g) A photograph of a peace officer who holds a position or 7396
has an assignment that may include undercover or plain clothes 7397
positions or assignments as determined by the peace officer's 7398
appointing authority. 7399

(9) As used in divisions (A)(7) and (15) to (17) of this 7400
section: 7401

"Peace officer" has the meaning defined in section 109.71 of 7402
the Revised Code and also includes the superintendent and troopers 7403
of the state highway patrol; it does not include the sheriff of a 7404
county or a supervisory employee who, in the absence of the 7405
sheriff, is authorized to stand in for, exercise the authority of, 7406
and perform the duties of the sheriff. 7407

"Correctional employee" means any employee of the department 7408
of rehabilitation and correction who in the course of performing 7409
the employee's job duties has or has had contact with inmates and 7410
persons under supervision. 7411

"County or multicounty corrections officer" means any 7412
corrections officer employed by any county or multicounty 7413
correctional facility. 7414

"Youth services employee" means any employee of the 7415
department of youth services who in the course of performing the 7416
employee's job duties has or has had contact with children 7417
committed to the custody of the department of youth services. 7418

"Firefighter" means any regular, paid or volunteer, member of a lawfully constituted fire department of a municipal corporation, township, fire district, or village.

"EMT" means EMTs-basic, EMTs-I, and paramedics that provide emergency medical services for a public emergency medical service organization. "Emergency medical service organization," "EMT-basic," "EMT-I," and "paramedic" have the meanings defined in section 4765.01 of the Revised Code.

"Investigator of the bureau of criminal identification and investigation" has the meaning defined in section 2903.11 of the Revised Code.

"Federal law enforcement officer" has the meaning defined in section 9.88 of the Revised Code.

(10) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:

(a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;

(b) The social security number, birth date, or photographic image of a person under the age of eighteen;

(c) Any medical record, history, or information pertaining to a person under the age of eighteen;

(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a

public office. 7449

(11) "Community control sanction" has the meaning defined in 7450
section 2929.01 of the Revised Code. 7451

(12) "Post-release control sanction" has the meaning defined 7452
in section 2967.01 of the Revised Code. 7453

(13) "Redaction" means obscuring or deleting any information 7454
that is exempt from the duty to permit public inspection or 7455
copying from an item that otherwise meets the definition of a 7456
"record" in section 149.011 of the Revised Code. 7457

(14) "Designee," "elected official," and "future official" 7458
have the meanings defined in section 109.43 of the Revised Code. 7459

(15) "Body-worn camera" means a visual and audio recording 7460
device worn on the person of a peace officer while the peace 7461
officer is engaged in the performance of the peace officer's 7462
duties. 7463

(16) "Dashboard camera" means a visual and audio recording 7464
device mounted on a peace officer's vehicle or vessel that is used 7465
while the peace officer is engaged in the performance of the peace 7466
officer's duties. 7467

(17) "Restricted portions of a body-worn camera or dashboard 7468
camera recording" means any visual or audio portion of a body-worn 7469
camera or dashboard camera recording that shows, communicates, or 7470
discloses any of the following: 7471

(a) The image or identity of a child or information that 7472
could lead to the identification of a child who is a primary 7473
subject of the recording when the law enforcement agency knows or 7474
has reason to know the person is a child based on the law 7475
enforcement agency's records or the content of the recording; 7476

(b) The death of a person or a deceased person's body, unless 7477
the death was caused by a peace officer or, subject to division 7478

(H)(1) of this section, the consent of the decedent's executor or administrator has been obtained; 7479
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(c) The death of a peace officer, firefighter, paramedic, or other first responder, occurring while the decedent was engaged in the performance of official duties, unless, subject to division (H)(1) of this section, the consent of the decedent's executor or administrator has been obtained; 7481
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(d) Grievous bodily harm, unless the injury was effected by a peace officer or, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained; 7486
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(e) An act of severe violence against a person that results in serious physical harm to the person, unless the act and injury was effected by a peace officer or, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained; 7490
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(f) Grievous bodily harm to a peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained; 7495
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(g) An act of severe violence resulting in serious physical harm against a peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained; 7500
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(h) A person's nude body, unless, subject to division (H)(1) of this section, the person's consent has been obtained; 7506
7507

(i) Protected health information, the identity of a person in a health care facility who is not the subject of a law enforcement 7508
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encounter, or any other information in a health care facility that 7510
could identify a person who is not the subject of a law 7511
enforcement encounter; 7512

(j) Information that could identify the alleged victim of a 7513
sex offense, menacing by stalking, or domestic violence; 7514

(k) Information, that does not constitute a confidential law 7515
enforcement investigatory record, that could identify a person who 7516
provides sensitive or confidential information to a law 7517
enforcement agency when the disclosure of the person's identity or 7518
the information provided could reasonably be expected to threaten 7519
or endanger the safety or property of the person or another 7520
person; 7521

(l) Personal information of a person who is not arrested, 7522
cited, charged, or issued a written warning by a peace officer; 7523

(m) Proprietary police contingency plans or tactics that are 7524
intended to prevent crime and maintain public order and safety; 7525

(n) A personal conversation unrelated to work between peace 7526
officers or between a peace officer and an employee of a law 7527
enforcement agency; 7528

(o) A conversation between a peace officer and a member of 7529
the public that does not concern law enforcement activities; 7530

(p) The interior of a residence, unless the interior of a 7531
residence is the location of an adversarial encounter with, or a 7532
use of force by, a peace officer; 7533

(q) Any portion of the interior of a private business that is 7534
not open to the public, unless an adversarial encounter with, or a 7535
use of force by, a peace officer occurs in that location. 7536

As used in division (A)(17) of this section: 7537

"Grievous bodily harm" has the same meaning as in section 7538
5924.120 of the Revised Code. 7539

"Health care facility" has the same meaning as in section 7540
1337.11 of the Revised Code. 7541

"Protected health information" has the same meaning as in 45 7542
C.F.R. 160.103. 7543

"Law enforcement agency" has the same meaning as in section 7544
2925.61 of the Revised Code. 7545

"Personal information" means any government-issued 7546
identification number, date of birth, address, financial 7547
information, or criminal justice information from the law 7548
enforcement automated data system or similar databases. 7549

"Sex offense" has the same meaning as in section 2907.10 of 7550
the Revised Code. 7551

"Firefighter," "paramedic," and "first responder" have the 7552
same meanings as in section 4765.01 of the Revised Code. 7553

(B)(1) Upon request and subject to division (B)(8) of this 7554
section, all public records responsive to the request shall be 7555
promptly prepared and made available for inspection to any person 7556
at all reasonable times during regular business hours. Subject to 7557
division (B)(8) of this section, upon request by any person, a 7558
public office or person responsible for public records shall make 7559
copies of the requested public record available to the requester 7560
at cost and within a reasonable period of time. If a public record 7561
contains information that is exempt from the duty to permit public 7562
inspection or to copy the public record, the public office or the 7563
person responsible for the public record shall make available all 7564
of the information within the public record that is not exempt. 7565
When making that public record available for public inspection or 7566
copying that public record, the public office or the person 7567
responsible for the public record shall notify the requester of 7568
any redaction or make the redaction plainly visible. A redaction 7569
shall be deemed a denial of a request to inspect or copy the 7570

redacted information, except if federal or state law authorizes or 7571
requires a public office to make the redaction. 7572

(2) To facilitate broader access to public records, a public 7573
office or the person responsible for public records shall organize 7574
and maintain public records in a manner that they can be made 7575
available for inspection or copying in accordance with division 7576
(B) of this section. A public office also shall have available a 7577
copy of its current records retention schedule at a location 7578
readily available to the public. If a requester makes an ambiguous 7579
or overly broad request or has difficulty in making a request for 7580
copies or inspection of public records under this section such 7581
that the public office or the person responsible for the requested 7582
public record cannot reasonably identify what public records are 7583
being requested, the public office or the person responsible for 7584
the requested public record may deny the request but shall provide 7585
the requester with an opportunity to revise the request by 7586
informing the requester of the manner in which records are 7587
maintained by the public office and accessed in the ordinary 7588
course of the public office's or person's duties. 7589

(3) If a request is ultimately denied, in part or in whole, 7590
the public office or the person responsible for the requested 7591
public record shall provide the requester with an explanation, 7592
including legal authority, setting forth why the request was 7593
denied. If the initial request was provided in writing, the 7594
explanation also shall be provided to the requester in writing. 7595
The explanation shall not preclude the public office or the person 7596
responsible for the requested public record from relying upon 7597
additional reasons or legal authority in defending an action 7598
commenced under division (C) of this section. 7599

(4) Unless specifically required or authorized by state or 7600
federal law or in accordance with division (B) of this section, no 7601
public office or person responsible for public records may limit 7602

or condition the availability of public records by requiring 7603
disclosure of the requester's identity or the intended use of the 7604
requested public record. Any requirement that the requester 7605
disclose the requester's identity or the intended use of the 7606
requested public record constitutes a denial of the request. 7607

(5) A public office or person responsible for public records 7608
may ask a requester to make the request in writing, may ask for 7609
the requester's identity, and may inquire about the intended use 7610
of the information requested, but may do so only after disclosing 7611
to the requester that a written request is not mandatory, that the 7612
requester may decline to reveal the requester's identity or the 7613
intended use, and when a written request or disclosure of the 7614
identity or intended use would benefit the requester by enhancing 7615
the ability of the public office or person responsible for public 7616
records to identify, locate, or deliver the public records sought 7617
by the requester. 7618

(6) If any person requests a copy of a public record in 7619
accordance with division (B) of this section, the public office or 7620
person responsible for the public record may require that person 7621
to pay in advance the cost involved in providing the copy of the 7622
public record in accordance with the choice made by the person 7623
requesting the copy under this division. The public office or the 7624
person responsible for the public record shall permit that person 7625
to choose to have the public record duplicated upon paper, upon 7626
the same medium upon which the public office or person responsible 7627
for the public record keeps it, or upon any other medium upon 7628
which the public office or person responsible for the public 7629
record determines that it reasonably can be duplicated as an 7630
integral part of the normal operations of the public office or 7631
person responsible for the public record. When the person 7632
requesting the copy makes a choice under this division, the public 7633
office or person responsible for the public record shall provide a 7634

copy of it in accordance with the choice made by that person. 7635
Nothing in this section requires a public office or person 7636
responsible for the public record to allow the person requesting a 7637
copy of the public record to make the copies of the public record. 7638

(7)(a) Upon a request made in accordance with division (B) of 7639
this section and subject to division (B)(6) of this section, a 7640
public office or person responsible for public records shall 7641
transmit a copy of a public record to any person by United States 7642
mail or by any other means of delivery or transmission within a 7643
reasonable period of time after receiving the request for the 7644
copy. The public office or person responsible for the public 7645
record may require the person making the request to pay in advance 7646
the cost of postage if the copy is transmitted by United States 7647
mail or the cost of delivery if the copy is transmitted other than 7648
by United States mail, and to pay in advance the costs incurred 7649
for other supplies used in the mailing, delivery, or transmission. 7650

(b) Any public office may adopt a policy and procedures that 7651
it will follow in transmitting, within a reasonable period of time 7652
after receiving a request, copies of public records by United 7653
States mail or by any other means of delivery or transmission 7654
pursuant to division (B)(7) of this section. A public office that 7655
adopts a policy and procedures under division (B)(7) of this 7656
section shall comply with them in performing its duties under that 7657
division. 7658

(c) In any policy and procedures adopted under division 7659
(B)(7) of this section: 7660

(i) A public office may limit the number of records requested 7661
by a person that the office will physically deliver by United 7662
States mail or by another delivery service to ten per month, 7663
unless the person certifies to the office in writing that the 7664
person does not intend to use or forward the requested records, or 7665
the information contained in them, for commercial purposes; 7666

(ii) A public office that chooses to provide some or all of its public records on a web site that is fully accessible to and searchable by members of the public at all times, other than during acts of God outside the public office's control or maintenance, and that charges no fee to search, access, download, or otherwise receive records provided on the web site, may limit to ten per month the number of records requested by a person that the office will deliver in a digital format, unless the requested records are not provided on the web site and unless the person certifies to the office in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes.

(iii) For purposes of division (B)(7) of this section, "commercial" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

(8)(a) A public office or person responsible for public records is not required to permit a person who is incarcerated pursuant to a criminal conviction or a juvenile adjudication to inspect or to obtain a copy of any public record concerning a criminal investigation or prosecution or concerning what would be a criminal investigation or prosecution if the subject of the investigation or prosecution were an adult, unless the request to inspect or to obtain a copy of the record is for the purpose of acquiring information that is subject to release as a public record under this section and the judge who imposed the sentence or made the adjudication with respect to the person, or the judge's successor in office, finds that the information sought in the public record is necessary to support what appears to be a justiciable claim of the person.

(b) A public office or person responsible for public records

is not required to permit a person who is subject to an order 7699
finding the person to be a vexatious litigator under section 7700
2323.52 of the Revised Code to inspect or to obtain a copy of any 7701
public record, except pursuant to a court order issued under 7702
division (J) of that section. 7703

(9)(a) Upon written request made and signed by a journalist, 7704
a public office, or person responsible for public records, having 7705
custody of the records of the agency employing a specified 7706
designated public service worker shall disclose to the journalist 7707
the address of the actual personal residence of the designated 7708
public service worker and, if the designated public service 7709
worker's spouse, former spouse, or child is employed by a public 7710
office, the name and address of the employer of the designated 7711
public service worker's spouse, former spouse, or child. The 7712
request shall include the journalist's name and title and the name 7713
and address of the journalist's employer and shall state that 7714
disclosure of the information sought would be in the public 7715
interest. 7716

(b) Division (B)(9)(a) of this section also applies to 7717
journalist requests for: 7718

(i) Customer information maintained by a municipally owned or 7719
operated public utility, other than social security numbers and 7720
any private financial information such as credit reports, payment 7721
methods, credit card numbers, and bank account information; 7722

(ii) Information about minors involved in a school vehicle 7723
accident as provided in division (A)(1)(gg) of this section, other 7724
than personal information as defined in section 149.45 of the 7725
Revised Code. 7726

(c) As used in division (B)(9) of this section, "journalist" 7727
means a person engaged in, connected with, or employed by any news 7728
medium, including a newspaper, magazine, press association, news 7729

agency, or wire service, a radio or television station, or a 7730
similar medium, for the purpose of gathering, processing, 7731
transmitting, compiling, editing, or disseminating information for 7732
the general public. 7733

(10) Upon a request made by a victim, victim's attorney, or 7734
victim's representative, as that term is used in section 2930.02 7735
of the Revised Code, a public office or person responsible for 7736
public records shall transmit a copy of a depiction of the victim 7737
as described in division (A)(1)(gg) of this section to the victim, 7738
victim's attorney, or victim's representative. 7739

(C)(1) If a person allegedly is aggrieved by the failure of a 7740
public office or the person responsible for public records to 7741
promptly prepare a public record and to make it available to the 7742
person for inspection in accordance with division (B) of this 7743
section or by any other failure of a public office or the person 7744
responsible for public records to comply with an obligation in 7745
accordance with division (B) of this section, the person allegedly 7746
aggrieved may do only one of the following, and not both: 7747

(a) File a complaint with the clerk of the court of claims or 7748
the clerk of the court of common pleas under section 2743.75 of 7749
the Revised Code; 7750

(b) Commence a mandamus action to obtain a judgment that 7751
orders the public office or the person responsible for the public 7752
record to comply with division (B) of this section, that awards 7753
court costs and reasonable attorney's fees to the person that 7754
instituted the mandamus action, and, if applicable, that includes 7755
an order fixing statutory damages under division (C)(2) of this 7756
section. The mandamus action may be commenced in the court of 7757
common pleas of the county in which division (B) of this section 7758
allegedly was not complied with, in the supreme court pursuant to 7759
its original jurisdiction under Section 2 of Article IV, Ohio 7760
Constitution, or in the court of appeals for the appellate 7761

district in which division (B) of this section allegedly was not 7762
complied with pursuant to its original jurisdiction under Section 7763
3 of Article IV, Ohio Constitution. 7764

(2) If a requester transmits a written request by hand 7765
delivery, electronic submission, or certified mail to inspect or 7766
receive copies of any public record in a manner that fairly 7767
describes the public record or class of public records to the 7768
public office or person responsible for the requested public 7769
records, except as otherwise provided in this section, the 7770
requester shall be entitled to recover the amount of statutory 7771
damages set forth in this division if a court determines that the 7772
public office or the person responsible for public records failed 7773
to comply with an obligation in accordance with division (B) of 7774
this section. 7775

The amount of statutory damages shall be fixed at one hundred 7776
dollars for each business day during which the public office or 7777
person responsible for the requested public records failed to 7778
comply with an obligation in accordance with division (B) of this 7779
section, beginning with the day on which the requester files a 7780
mandamus action to recover statutory damages, up to a maximum of 7781
one thousand dollars. The award of statutory damages shall not be 7782
construed as a penalty, but as compensation for injury arising 7783
from lost use of the requested information. The existence of this 7784
injury shall be conclusively presumed. The award of statutory 7785
damages shall be in addition to all other remedies authorized by 7786
this section. 7787

The court may reduce an award of statutory damages or not 7788
award statutory damages if the court determines both of the 7789
following: 7790

(a) That, based on the ordinary application of statutory law 7791
and case law as it existed at the time of the conduct or 7792
threatened conduct of the public office or person responsible for 7793

the requested public records that allegedly constitutes a failure 7794
to comply with an obligation in accordance with division (B) of 7795
this section and that was the basis of the mandamus action, a 7796
well-informed public office or person responsible for the 7797
requested public records reasonably would believe that the conduct 7798
or threatened conduct of the public office or person responsible 7799
for the requested public records did not constitute a failure to 7800
comply with an obligation in accordance with division (B) of this 7801
section; 7802

(b) That a well-informed public office or person responsible 7803
for the requested public records reasonably would believe that the 7804
conduct or threatened conduct of the public office or person 7805
responsible for the requested public records would serve the 7806
public policy that underlies the authority that is asserted as 7807
permitting that conduct or threatened conduct. 7808

(3) In a mandamus action filed under division (C)(1) of this 7809
section, the following apply: 7810

(a)(i) If the court orders the public office or the person 7811
responsible for the public record to comply with division (B) of 7812
this section, the court shall determine and award to the relator 7813
all court costs, which shall be construed as remedial and not 7814
punitive. 7815

(ii) If the court makes a determination described in division 7816
(C)(3)(b)(iii) of this section, the court shall determine and 7817
award to the relator all court costs, which shall be construed as 7818
remedial and not punitive. 7819

(b) If the court renders a judgment that orders the public 7820
office or the person responsible for the public record to comply 7821
with division (B) of this section or if the court determines any 7822
of the following, the court may award reasonable attorney's fees 7823
to the relator, subject to division (C)(4) of this section: 7824

(i) The public office or the person responsible for the 7825
public records failed to respond affirmatively or negatively to 7826
the public records request in accordance with the time allowed 7827
under division (B) of this section. 7828

(ii) The public office or the person responsible for the 7829
public records promised to permit the relator to inspect or 7830
receive copies of the public records requested within a specified 7831
period of time but failed to fulfill that promise within that 7832
specified period of time. 7833

(iii) The public office or the person responsible for the 7834
public records acted in bad faith when the office or person 7835
voluntarily made the public records available to the relator for 7836
the first time after the relator commenced the mandamus action, 7837
but before the court issued any order concluding whether or not 7838
the public office or person was required to comply with division 7839
(B) of this section. No discovery may be conducted on the issue of 7840
the alleged bad faith of the public office or person responsible 7841
for the public records. This division shall not be construed as 7842
creating a presumption that the public office or the person 7843
responsible for the public records acted in bad faith when the 7844
office or person voluntarily made the public records available to 7845
the relator for the first time after the relator commenced the 7846
mandamus action, but before the court issued any order described 7847
in this division. 7848

(c) The court shall not award attorney's fees to the relator 7849
if the court determines both of the following: 7850

(i) That, based on the ordinary application of statutory law 7851
and case law as it existed at the time of the conduct or 7852
threatened conduct of the public office or person responsible for 7853
the requested public records that allegedly constitutes a failure 7854
to comply with an obligation in accordance with division (B) of 7855
this section and that was the basis of the mandamus action, a 7856

well-informed public office or person responsible for the 7857
requested public records reasonably would believe that the conduct 7858
or threatened conduct of the public office or person responsible 7859
for the requested public records did not constitute a failure to 7860
comply with an obligation in accordance with division (B) of this 7861
section; 7862

(ii) That a well-informed public office or person responsible 7863
for the requested public records reasonably would believe that the 7864
conduct or threatened conduct of the public office or person 7865
responsible for the requested public records would serve the 7866
public policy that underlies the authority that is asserted as 7867
permitting that conduct or threatened conduct. 7868

(4) All of the following apply to any award of reasonable 7869
attorney's fees awarded under division (C)(3)(b) of this section: 7870

(a) The fees shall be construed as remedial and not punitive. 7871

(b) The fees awarded shall not exceed the total of the 7872
reasonable attorney's fees incurred before the public record was 7873
made available to the relator and the fees described in division 7874
(C)(4)(c) of this section. 7875

(c) Reasonable attorney's fees shall include reasonable fees 7876
incurred to produce proof of the reasonableness and amount of the 7877
fees and to otherwise litigate entitlement to the fees. 7878

(d) The court may reduce the amount of fees awarded if the 7879
court determines that, given the factual circumstances involved 7880
with the specific public records request, an alternative means 7881
should have been pursued to more effectively and efficiently 7882
resolve the dispute that was subject to the mandamus action filed 7883
under division (C)(1) of this section. 7884

(5) If the court does not issue a writ of mandamus under 7885
division (C) of this section and the court determines at that time 7886
that the bringing of the mandamus action was frivolous conduct as 7887

defined in division (A) of section 2323.51 of the Revised Code, 7888
the court may award to the public office all court costs, 7889
expenses, and reasonable attorney's fees, as determined by the 7890
court. 7891

(D) Chapter 1347. of the Revised Code does not limit the 7892
provisions of this section. 7893

(E)(1) To ensure that all employees of public offices are 7894
appropriately educated about a public office's obligations under 7895
division (B) of this section, all elected officials or their 7896
appropriate designees shall attend training approved by the 7897
attorney general as provided in section 109.43 of the Revised 7898
Code. A future official may satisfy the requirements of this 7899
division by attending the training before taking office, provided 7900
that the future official may not send a designee in the future 7901
official's place. 7902

(2) All public offices shall adopt a public records policy in 7903
compliance with this section for responding to public records 7904
requests. In adopting a public records policy under this division, 7905
a public office may obtain guidance from the model public records 7906
policy developed and provided to the public office by the attorney 7907
general under section 109.43 of the Revised Code. Except as 7908
otherwise provided in this section, the policy may not limit the 7909
number of public records that the public office will make 7910
available to a single person, may not limit the number of public 7911
records that it will make available during a fixed period of time, 7912
and may not establish a fixed period of time before it will 7913
respond to a request for inspection or copying of public records, 7914
unless that period is less than eight hours. 7915

The public office shall distribute the public records policy 7916
adopted by the public office under this division to the employee 7917
of the public office who is the records custodian or records 7918
manager or otherwise has custody of the records of that office. 7919

The public office shall require that employee to acknowledge 7920
receipt of the copy of the public records policy. The public 7921
office shall create a poster that describes its public records 7922
policy and shall post the poster in a conspicuous place in the 7923
public office and in all locations where the public office has 7924
branch offices. The public office may post its public records 7925
policy on the internet web site of the public office if the public 7926
office maintains an internet web site. A public office that has 7927
established a manual or handbook of its general policies and 7928
procedures for all employees of the public office shall include 7929
the public records policy of the public office in the manual or 7930
handbook. 7931

(F)(1) The bureau of motor vehicles may adopt rules pursuant 7932
to Chapter 119. of the Revised Code to reasonably limit the number 7933
of bulk commercial special extraction requests made by a person 7934
for the same records or for updated records during a calendar 7935
year. The rules may include provisions for charges to be made for 7936
bulk commercial special extraction requests for the actual cost of 7937
the bureau, plus special extraction costs, plus ten per cent. The 7938
bureau may charge for expenses for redacting information, the 7939
release of which is prohibited by law. 7940

(2) As used in division (F)(1) of this section: 7941

(a) "Actual cost" means the cost of depleted supplies, 7942
records storage media costs, actual mailing and alternative 7943
delivery costs, or other transmitting costs, and any direct 7944
equipment operating and maintenance costs, including actual costs 7945
paid to private contractors for copying services. 7946

(b) "Bulk commercial special extraction request" means a 7947
request for copies of a record for information in a format other 7948
than the format already available, or information that cannot be 7949
extracted without examination of all items in a records series, 7950
class of records, or database by a person who intends to use or 7951

forward the copies for surveys, marketing, solicitation, or resale 7952
for commercial purposes. "Bulk commercial special extraction 7953
request" does not include a request by a person who gives 7954
assurance to the bureau that the person making the request does 7955
not intend to use or forward the requested copies for surveys, 7956
marketing, solicitation, or resale for commercial purposes. 7957

(c) "Commercial" means profit-seeking production, buying, or 7958
selling of any good, service, or other product. 7959

(d) "Special extraction costs" means the cost of the time 7960
spent by the lowest paid employee competent to perform the task, 7961
the actual amount paid to outside private contractors employed by 7962
the bureau, or the actual cost incurred to create computer 7963
programs to make the special extraction. "Special extraction 7964
costs" include any charges paid to a public agency for computer or 7965
records services. 7966

(3) For purposes of divisions (F)(1) and (2) of this section, 7967
"surveys, marketing, solicitation, or resale for commercial 7968
purposes" shall be narrowly construed and does not include 7969
reporting or gathering news, reporting or gathering information to 7970
assist citizen oversight or understanding of the operation or 7971
activities of government, or nonprofit educational research. 7972

(G) A request by a defendant, counsel of a defendant, or any 7973
agent of a defendant in a criminal action that public records 7974
related to that action be made available under this section shall 7975
be considered a demand for discovery pursuant to the Criminal 7976
Rules, except to the extent that the Criminal Rules plainly 7977
indicate a contrary intent. The defendant, counsel of the 7978
defendant, or agent of the defendant making a request under this 7979
division shall serve a copy of the request on the prosecuting 7980
attorney, director of law, or other chief legal officer 7981
responsible for prosecuting the action. 7982

(H)(1) Any portion of a body-worn camera or dashboard camera 7983
recording described in divisions (A)(17)(b) to (h) of this section 7984
may be released by consent of the subject of the recording or a 7985
representative of that person, as specified in those divisions, 7986
only if either of the following applies: 7987

(a) The recording will not be used in connection with any 7988
probable or pending criminal proceedings; 7989

(b) The recording has been used in connection with a criminal 7990
proceeding that was dismissed or for which a judgment has been 7991
entered pursuant to Rule 32 of the Rules of Criminal Procedure, 7992
and will not be used again in connection with any probable or 7993
pending criminal proceedings. 7994

(2) If a public office denies a request to release a 7995
restricted portion of a body-worn camera or dashboard camera 7996
recording, as defined in division (A)(17) of this section, any 7997
person may file a mandamus action pursuant to this section or a 7998
complaint with the clerk of the court of claims pursuant to 7999
section 2743.75 of the Revised Code, requesting the court to order 8000
the release of all or portions of the recording. If the court 8001
considering the request determines that the filing articulates by 8002
clear and convincing evidence that the public interest in the 8003
recording substantially outweighs privacy interests and other 8004
interests asserted to deny release, the court shall order the 8005
public office to release the recording. 8006

Sec. 153.02. (A) The executive director of the Ohio 8007
facilities construction commission, may debar a contractor from 8008
contract awards for public improvements as referred to in section 8009
153.01 of the Revised Code or for projects as defined in section 8010
3318.01 of the Revised Code, upon proof that the contractor has 8011
done any of the following: 8012

(1) Defaulted on a contract requiring the execution of a 8013

takeover agreement as set forth in division (B) of section 153.17 8014
of the Revised Code; 8015

(2) Knowingly failed during the course of a contract to 8016
maintain the coverage required by the bureau of workers' 8017
compensation; 8018

(3) Knowingly failed during the course of a contract to 8019
maintain the contractor's drug-free workplace program as required 8020
by the contract; 8021

(4) Knowingly failed during the course of a contract to 8022
maintain insurance required by the contract or otherwise by law, 8023
resulting in a substantial loss to the owner, as owner is referred 8024
to in section 153.01 of the Revised Code, or to the commission and 8025
school district board, as provided in division (F) of section 8026
3318.08 of the Revised Code; 8027

(5) Misrepresented the firm's qualifications in the selection 8028
process set forth in sections 153.65 to 153.71 or section 3318.10 8029
of the Revised Code; 8030

(6) Been convicted of a criminal offense related to the 8031
application for or performance of any public or private contract, 8032
including, but not limited to, embezzlement, theft, forgery, 8033
bribery, falsification or destruction of records, receiving stolen 8034
property, and any other offense that directly reflects on the 8035
contractor's business integrity; 8036

(7) Been convicted of a criminal offense under state or 8037
federal antitrust laws; 8038

(8) Deliberately or willfully submitted false or misleading 8039
information in connection with the application for or performance 8040
of a public contract; 8041

(9) Been debarred from bidding on or participating in a 8042
contract with any state or federal agency. 8043

(B) When the executive director debar a contractor that is a partnership, association, or corporation, the executive director also may debar any partner of the partnership or any officer or director of the association or corporation, as applicable.

(C) When the executive director reasonably believes that grounds for debarment exist, the executive director shall send the contractor a notice of proposed debarment indicating the grounds for the proposed debarment and the procedure for requesting a hearing on the proposed debarment. The hearing shall be conducted in accordance with Chapter 119. of the Revised Code. If the contractor does not respond with a request for a hearing in the manner specified in Chapter 119. of the Revised Code, the executive director shall issue the debarment decision without a hearing and shall notify the contractor of the decision by certified mail, return receipt requested.

(D) The executive director shall determine the length of the debarment period and may rescind the debarment at any time upon notification to the contractor. During the period of debarment, the contractor is not eligible to bid for or participate in any contract for a public improvement as referred to in section 153.01 of the Revised Code or for a project as defined in section 3318.01 of the Revised Code. After the debarment period expires, the contractor ~~shall~~ may be eligible to bid for and participate in such contracts if the vendor is not otherwise debarred.

(E) The executive director shall maintain a list of all contractors currently debarred under this section. Any governmental entity awarding a contract for construction of a public improvement or project may use a contractor's presence on the debarment list to determine whether a contractor is responsible or best under section 9.312 or any other section of the Revised Code in the award of a contract.

(F) As used in this section, "contractor" means a

construction contracting business, a subcontractor of a 8076
construction contracting business, a supplier of materials, or a 8077
manufacturer of materials. 8078

Sec. 166.01. As used in this chapter: 8079

(A) "Allowable costs" means all or part of the costs of 8080
project facilities, eligible projects, eligible innovation 8081
projects, eligible research and development projects, eligible 8082
advanced energy projects, or eligible logistics and distribution 8083
projects, including costs of acquiring, constructing, 8084
reconstructing, rehabilitating, renovating, enlarging, improving, 8085
equipping, or furnishing project facilities, eligible projects, 8086
eligible innovation projects, eligible research and development 8087
projects, eligible advanced energy projects, or eligible logistics 8088
and distribution projects, site clearance and preparation, 8089
supplementing and relocating public capital improvements or 8090
utility facilities, designs, plans, specifications, surveys, 8091
studies, and estimates of costs, expenses necessary or incident to 8092
determining the feasibility or practicability of assisting an 8093
eligible project, an eligible innovation project, an eligible 8094
research and development project, an eligible advanced energy 8095
project, or an eligible logistics and distribution project, or 8096
providing project facilities or facilities related to an eligible 8097
project, an eligible innovation project, an eligible research and 8098
development project, an eligible advanced energy project, or an 8099
eligible logistics and distribution project, architectural, 8100
engineering, and legal services fees and expenses, the costs of 8101
conducting any other activities as part of a voluntary action, and 8102
such other expenses as may be necessary or incidental to the 8103
establishment or development of an eligible project, an eligible 8104
innovation project, an eligible research and development project, 8105
an eligible advanced energy project, or an eligible logistics and 8106
distribution project, and reimbursement of moneys advanced or 8107

applied by any governmental agency or other person for allowable 8108
costs. 8109

(B) "Allowable innovation costs" includes allowable costs of 8110
eligible innovation projects and, in addition, includes the costs 8111
of research and development of eligible innovation projects; 8112
obtaining or creating any requisite software or computer hardware 8113
related to an eligible innovation project or the products or 8114
services associated therewith; testing (including, without 8115
limitation, quality control activities necessary for initial 8116
production), perfecting, and marketing of such products and 8117
services; creating and protecting intellectual property related to 8118
an eligible innovation project or any products or services related 8119
thereto, including costs of securing appropriate patent, 8120
trademark, trade secret, trade dress, copyright, or other form of 8121
intellectual property protection for an eligible innovation 8122
project or related products and services; all to the extent that 8123
such expenditures could be capitalized under then-applicable 8124
generally accepted accounting principles; and the reimbursement of 8125
moneys advanced or applied by any governmental agency or other 8126
person for allowable innovation costs. 8127

(C) "Eligible innovation project" includes an eligible 8128
project, including any project facilities associated with an 8129
eligible innovation project and, in addition, includes all 8130
tangible and intangible property related to a new product or 8131
process based on new technology or the creative application of 8132
existing technology, including research and development, product 8133
or process testing, quality control, market research, and related 8134
activities, that is to be acquired, established, expanded, 8135
remodeled, rehabilitated, or modernized for industry, commerce, 8136
distribution, or research, or any combination thereof, the 8137
operation of which, alone or in conjunction with other eligible 8138
projects, eligible innovation projects, or innovation property, 8139

will create new jobs or preserve existing jobs and employment 8140
opportunities and improve the economic welfare of the people of 8141
the state. 8142

(D) "Eligible project" means project facilities to be 8143
acquired, established, expanded, remodeled, rehabilitated, or 8144
modernized for industry, commerce, distribution, or research, or 8145
any combination thereof, the operation of which, alone or in 8146
conjunction with other facilities, will create new jobs or 8147
preserve existing jobs and employment opportunities and improve 8148
the economic welfare of the people of the state. "Eligible 8149
project" includes, without limitation, a voluntary action. For 8150
purposes of this division, "new jobs" does not include existing 8151
jobs transferred from another facility within the state, and 8152
"existing jobs" includes only those existing jobs with work places 8153
within the municipal corporation or unincorporated area of the 8154
county in which the eligible project is located. 8155

"Eligible project" does not include project facilities to be 8156
acquired, established, expanded, remodeled, rehabilitated, or 8157
modernized for industry, commerce, distribution, or research, or 8158
any combination of industry, commerce, distribution, or research, 8159
if the project facilities consist solely of 8160
point-of-final-purchase retail facilities. If the project 8161
facilities consist of both point-of-final-purchase retail 8162
facilities and nonretail facilities, only the portion of the 8163
project facilities consisting of nonretail facilities is an 8164
eligible project. If a warehouse facility is part of a 8165
point-of-final-purchase retail facility and supplies only that 8166
facility, the warehouse facility is not an eligible project. 8167
Catalog distribution facilities are not considered 8168
point-of-final-purchase retail facilities for purposes of this 8169
paragraph, and are eligible projects. 8170

(E) "Eligible research and development project" means an 8171

eligible project, including project facilities, comprising, 8172
within, or related to, a facility or portion of a facility at 8173
which research is undertaken for the purpose of discovering 8174
information that is technological in nature and the application of 8175
which is intended to be useful in the development of a new or 8176
improved product, process, technique, formula, or invention, a new 8177
product or process based on new technology, or the creative 8178
application of existing technology. 8179

(F) "Financial assistance" means inducements under division 8180
(B) of section 166.02 of the Revised Code, loan guarantees under 8181
section 166.06 of the Revised Code, and direct loans under section 8182
166.07 of the Revised Code. 8183

(G) "Governmental action" means any action by a governmental 8184
agency relating to the establishment, development, or operation of 8185
an eligible project, eligible innovation project, eligible 8186
research and development project, eligible advanced energy 8187
project, or eligible logistics and distribution project, and 8188
project facilities that the governmental agency acting has 8189
authority to take or provide for the purpose under law, including, 8190
but not limited to, actions relating to contracts and agreements, 8191
zoning, building, permits, acquisition and disposition of 8192
property, public capital improvements, utility and transportation 8193
service, taxation, employee recruitment and training, and liaison 8194
and coordination with and among governmental agencies. 8195

(H) "Governmental agency" means the state and any state 8196
department, division, commission, institution or authority; a 8197
municipal corporation, county, or township, and any agency 8198
thereof, and any other political subdivision or public corporation 8199
or the United States or any agency thereof; any agency, 8200
commission, or authority established pursuant to an interstate 8201
compact or agreement; and any combination of the above. 8202

(I) "Innovation financial assistance" means inducements under 8203

division (B) of section 166.12 of the Revised Code, innovation 8204
Ohio loan guarantees under section 166.15 of the Revised Code, and 8205
innovation Ohio loans under section 166.16 of the Revised Code. 8206

(J) "Innovation Ohio loan guarantee reserve requirement" 8207
means, at any time, with respect to innovation loan guarantees 8208
made under section 166.15 of the Revised Code, a balance in the 8209
innovation Ohio loan guarantee fund equal to the greater of twenty 8210
per cent of the then-outstanding principal amount of all 8211
outstanding innovation loan guarantees made pursuant to section 8212
166.15 of the Revised Code or fifty per cent of the principal 8213
amount of the largest outstanding guarantee made pursuant to 8214
section 166.15 of the Revised Code. 8215

(K) "Innovation property" includes property and also includes 8216
software, inventory, licenses, contract rights, goodwill, 8217
intellectual property, including without limitation, patents, 8218
patent applications, trademarks and service marks, and trade 8219
secrets, and other tangible and intangible property, and any 8220
rights and interests in or connected to the foregoing. 8221

(L) "Loan guarantee reserve requirement" means, at any time, 8222
with respect to loan guarantees made under section 166.06 of the 8223
Revised Code, a balance in the loan guarantee fund equal to the 8224
greater of twenty per cent of the then-outstanding principal 8225
amount of all outstanding guarantees made pursuant to section 8226
166.06 of the Revised Code or fifty per cent of the principal 8227
amount of the largest outstanding guarantee made pursuant to 8228
section 166.06 of the Revised Code. 8229

(M) "Person" means any individual, firm, partnership, 8230
association, corporation, or governmental agency, and any 8231
combination thereof. 8232

(N) "Project facilities" means buildings, structures, and 8233
other improvements, and equipment and other property, excluding 8234

small tools, supplies, and inventory, and any one, part of, or 8235
combination of the above, comprising all or part of, or serving or 8236
being incidental to, an eligible project, an eligible innovation 8237
project, an eligible research and development project, an eligible 8238
advanced energy project, or an eligible logistics and distribution 8239
project, including, but not limited to, public capital 8240
improvements. 8241

(O) "Property" means real and personal property and interests 8242
therein. 8243

(P) "Public capital improvements" means capital improvements 8244
or facilities that any governmental agency has authority to 8245
acquire, pay the costs of, own, maintain, or operate, or to 8246
contract with other persons to have the same done, including, but 8247
not limited to, highways, roads, streets, water and sewer 8248
facilities, railroad and other transportation facilities, and air 8249
and water pollution control and solid waste disposal facilities. 8250
For purposes of this division, "air pollution control facilities" 8251
includes, without limitation, solar, geothermal, biofuel, biomass, 8252
wind, hydro, wave, and other advanced energy projects as defined 8253
in section 3706.25 of the Revised Code. 8254

(Q) "Research and development financial assistance" means 8255
inducements under section 166.17 of the Revised Code, research and 8256
development loans under section 166.21 of the Revised Code, and 8257
research and development tax credits under sections 5733.352 and 8258
5747.331 of the Revised Code. 8259

(R) "Targeted innovation industry sectors" means industry 8260
sectors involving the production or use of advanced materials, 8261
instruments, controls and electronics, power and propulsion, 8262
biosciences, and information technology, or such other sectors as 8263
may be designated by the director of development services. 8264

(S) "Voluntary action" means a voluntary action, as defined 8265

in section 3746.01 of the Revised Code, that is conducted under 8266
the voluntary action program established in Chapter 3746. of the 8267
Revised Code. 8268

(T) "Project financing obligations" means obligations issued 8269
pursuant to section 166.08 of the Revised Code other than 8270
obligations for which the bond proceedings provide that bond 8271
service charges shall be paid from receipts of the state 8272
representing gross profit on the sale of spirituous liquor as 8273
referred to in division (B)(4) of section 4310.10 of the Revised 8274
Code. 8275

(U) "Regional economic development entity" means an entity 8276
that is under contract with the director to administer a loan 8277
program under this chapter in a particular area of this state. 8278

~~(V) "Advanced energy research and development fund" means the 8279
advanced energy research and development fund created in section 8280
3706.27 of the Revised Code. 8281~~

~~(W) "Advanced energy research and development taxable fund" 8282
means the advanced energy research and development taxable fund 8283
created in section 3706.27 of the Revised Code. 8284~~

~~(X)~~ "Eligible advanced energy project" means an eligible 8285
project that is an "advanced energy project" as defined in section 8286
3706.25 of the Revised Code. 8287

~~(Y)~~(W) "Eligible logistics and distribution project" means an 8288
eligible project, including project facilities, to be acquired, 8289
established, expanded, remodeled, rehabilitated, or modernized for 8290
transportation logistics and distribution infrastructure purposes. 8291
As used in this division, "transportation logistics and 8292
distribution infrastructure purposes" means promoting, providing 8293
for, and enabling improvements to the ground, air, and water 8294
transportation infrastructure comprising the transportation system 8295
in this state, including, without limitation, highways, streets, 8296

roads, bridges, railroads carrying freight, and air and water 8297
ports and port facilities, and all related supporting facilities. 8298

~~(Z)~~(X) "Department of development" means the development 8299
services agency and "director of development" means the director 8300
of development services. 8301

Sec. 167.03. (A) The council shall have the power to: 8302

(1) Study such area governmental problems common to two or 8303
more members of the council as it deems appropriate, including but 8304
not limited to matters affecting health, safety, welfare, 8305
education, economic conditions, and regional development; 8306

(2) Promote cooperative arrangements and coordinate action 8307
among its members, and between its members and other agencies of 8308
local or state governments, whether or not within Ohio, and the 8309
federal government; 8310

(3) Make recommendations for review and action to the members 8311
and other public agencies that perform functions within the 8312
region; 8313

(4) Promote cooperative agreements and contracts among its 8314
members or other governmental agencies and private persons, 8315
corporations, or agencies; 8316

(5) Operate a public safety answering point in accordance 8317
with Chapter 128. of the Revised Code; 8318

(6) Perform planning directly by personnel of the council, or 8319
under contracts between the council and other public or private 8320
planning agencies. 8321

(B) The council may: 8322

(1) Review, evaluate, comment upon, and make recommendations, 8323
relative to the planning and programming, and the location, 8324
financing, and scheduling of public facility projects within the 8325

region and affecting the development of the area; 8326

(2) Act as an areawide agency to perform comprehensive 8327
planning for the programming, locating, financing, and scheduling 8328
of public facility projects within the region and affecting the 8329
development of the area and for other proposed land development or 8330
uses, which projects or uses have public metropolitan wide or 8331
interjurisdictional significance; 8332

(3) Act as an agency for coordinating, based on metropolitan 8333
wide comprehensive planning and programming, local public 8334
policies, and activities affecting the development of the region 8335
or area. 8336

(C) The council may, by appropriate action of the governing 8337
bodies of the members, perform such other functions and duties as 8338
are performed or capable of performance by the members and 8339
necessary or desirable for dealing with problems of mutual 8340
concern. 8341

(D) The authority granted to the council by this section or 8342
in any agreement by the members thereof shall not displace any 8343
existing municipal, county, regional, or other planning commission 8344
or planning agency in the exercise of its statutory powers. 8345

(E) A council, with an educational service center as its 8346
fiscal agent, that is established to provide health care benefits 8347
to the council members' officers and employees and their 8348
dependents may contract to administer and coordinate a self-funded 8349
health benefit program of a nonprofit corporation organized under 8350
Chapter 1702. of the Revised Code. Operating a program under this 8351
division does not constitute engaging in the business of insurance 8352
or the business of an administrator under section 3959.01 of the 8353
Revised Code and is not subject to the insurance laws of this 8354
state. 8355

Sec. 169.06. (A) Before the first day of November of each 8356
year immediately following the calendar year in which the filing 8357
of reports is required by section 169.03 of the Revised Code, the 8358
director of commerce shall cause notice to be published once in an 8359
English language newspaper of general circulation in the county in 8360
this state in which is located the last known address of any 8361
person to be named in the notice required by this section. The 8362
notice may be published in print or electronic format. If no 8363
address is listed, the notice shall be published in the county in 8364
which the holder of the unclaimed funds has its principal place of 8365
business within this state; or if the holder has no principal 8366
place of business within this state, publication shall be made as 8367
the director determines most effective. If the address is outside 8368
this state, notice shall be published in a newspaper of general 8369
circulation in the county or parish of any state in the United 8370
States in which such last known address is located. If the last 8371
known address is in a foreign country, publication shall be made 8372
as the director determines most effective. 8373

If the name of the owner is not available, the director may 8374
publish notice by class, identifying number, or as the director 8375
determines most effective. 8376

(B) The published notice shall be entitled "Notice of Names 8377
of Persons Appearing to be Owners of Unclaimed Funds," and shall 8378
contain: 8379

(1) The names in alphabetical order and last known addresses, 8380
if any, of each person appearing from the records of the holder to 8381
be the owner of unclaimed funds of a value of fifty dollars or 8382
more and entitled to notice as specified in division (A) of this 8383
section; 8384

(2) A statement that information concerning the amount of the 8385
funds and any necessary information concerning the presentment of 8386

a claim therefor may be obtained by any persons possessing a 8387
property interest in the unclaimed funds by addressing an inquiry 8388
to the director. 8389

(C) With respect to items of unclaimed funds each having a 8390
value of ten dollars or more, the director shall have available in 8391
~~his~~ the director's office during business hours an alphabetical 8392
list of owners and where a holder is a person providing life 8393
insurance coverage, beneficiaries, and their last known addresses, 8394
if any, whose funds are being held by the state pursuant to this 8395
chapter. 8396

(D) The director may give any additional notice ~~he~~ using any 8397
electronic or print medium that the director deems necessary to 8398
inform the owner of the whereabouts of ~~his~~ the owner's funds. 8399

Sec. 173.04. (A) As used in this section, ~~"respite:~~ 8400

(1) "Respite care" means short-term, temporary care or 8401
supervision provided to a person who has ~~Alzheimer's disease~~ 8402
dementia in the absence of the person who normally provides that 8403
care or supervision. 8404

(2) "Dementia" includes Alzheimer's disease or other 8405
dementia. 8406

(B) Through the internet web site maintained by the 8407
department of aging, the director of aging shall disseminate 8408
~~Alzheimer's disease~~ dementia training materials for licensed 8409
physicians, registered nurses, licensed practical nurses, 8410
administrators of health care programs, social workers, and other 8411
health care and social service personnel who participate or assist 8412
in the care or treatment of persons who have ~~Alzheimer's disease~~ 8413
dementia. The training materials disseminated through the web site 8414
may be developed by the director or obtained from other sources. 8415

(C) To the extent funds are available, the director shall 8416

administer respite care programs and other supportive services for 8417
persons who have ~~Alzheimer's disease~~ dementia and their families 8418
or care givers. Respite care programs shall be approved by the 8419
director and shall be provided for the following purposes: 8420

(1) Giving persons who normally provide care or supervision 8421
for a person who has ~~Alzheimer's disease~~ dementia relief from the 8422
stresses and responsibilities that result from providing such 8423
care; 8424

(2) Preventing or reducing inappropriate institutional care 8425
and enabling persons who have ~~Alzheimer's disease~~ dementia to 8426
remain at home as long as possible. 8427

(D) The director may provide services under this section to 8428
persons with ~~Alzheimer's disease~~ dementia and their families 8429
regardless of the age of the persons with ~~Alzheimer's disease~~ 8430
dementia. 8431

(E) The director may adopt rules in accordance with Chapter 8432
119. of the Revised Code governing respite care programs and other 8433
supportive services, the distribution of funds, and the purpose 8434
for which funds may be utilized under this section. 8435

Sec. 173.27. (A) As used in this section: 8436

(1) "Applicant" means a person who is under final 8437
consideration for employment by a responsible party in a 8438
full-time, part-time, or temporary position that involves 8439
providing ombudsman services to residents and recipients. 8440
"Applicant" includes a person who is under final consideration for 8441
employment as the state long-term care ombudsman or the head of a 8442
regional long-term care ombudsman program. "Applicant" does not 8443
include a person seeking to provide ombudsman services to 8444
residents and recipients as a volunteer without receiving or 8445
expecting to receive any form of remuneration other than 8446

reimbursement for actual expenses. 8447

(2) "Criminal records check" has the same meaning as in 8448
section 109.572 of the Revised Code. 8449

(3) "Disqualifying offense" means any of the offenses listed 8450
or described in divisions (A)(3)(a) to (e) of section 109.572 of 8451
the Revised Code. 8452

(4) "Employee" means a person employed by a responsible party 8453
in a full-time, part-time, or temporary position that involves 8454
providing ombudsman services to residents and recipients. 8455
"Employee" includes the person employed as the state long-term 8456
care ombudsman and a person employed as the head of a regional 8457
long-term care ombudsman program. "Employee" does not include a 8458
person who provides ombudsman services to residents and recipients 8459
as a volunteer without receiving or expecting to receive any form 8460
of remuneration other than reimbursement for actual expenses. 8461

(5) "Responsible party" means the following: 8462

(a) In the case of an applicant who is under final 8463
consideration for employment as the state long-term care ombudsman 8464
or the person employed as the state long-term care ombudsman, the 8465
director of aging; 8466

(b) In the case of any other applicant who is under final 8467
consideration for employment with the state long-term care 8468
ombudsman program or any other employee of the state long-term 8469
care ombudsman program, the state long-term care ombudsman; 8470

(c) In the case of an applicant who is under final 8471
consideration for employment with a regional long-term care 8472
ombudsman program (including as the head of the regional program) 8473
or an employee of a regional long-term care ombudsman program 8474
(including the head of a regional program), the regional long-term 8475
care ombudsman program. 8476

(B) A responsible party may not employ an applicant or 8477
continue to employ an employee in a position that involves 8478
providing ombudsman services to residents and recipients if any of 8479
the following apply: 8480

(1) A review of the databases listed in division (D) of this 8481
section reveals any of the following: 8482

(a) That the applicant or employee is included in one or more 8483
of the databases listed in divisions (D)(1) to (5) of this 8484
section; 8485

(b) That there is in the state nurse aide registry 8486
established under section 3721.32 of the Revised Code a statement 8487
detailing findings by the director of health that the applicant or 8488
employee abused, neglected, or exploited a long-term care facility 8489
or residential care facility resident or misappropriated property 8490
of such a resident; 8491

(c) That the applicant or employee is included in one or more 8492
of the databases, if any, specified in rules adopted under this 8493
section and the rules prohibit the responsible party from 8494
employing an applicant or continuing to employ an employee 8495
included in such a database in a position that involves providing 8496
ombudsman services to residents and recipients. 8497

(2) After the applicant or employee is provided, pursuant to 8498
division (E)(2)(a) of this section, a copy of the form prescribed 8499
pursuant to division (C)(1) of section 109.572 of the Revised Code 8500
and the standard impression sheet prescribed pursuant to division 8501
(C)(2) of that section, the applicant or employee fails to 8502
complete the form or provide the applicant's or employee's 8503
fingerprint impressions on the standard impression sheet. 8504

(3) Unless the applicant or employee meets standards 8505
specified in rules adopted under this section, the applicant or 8506
employee is found by a criminal records check required by this 8507

section to have been convicted of, pleaded guilty to, or been 8508
found eligible for intervention in lieu of conviction for a 8509
disqualifying offense. 8510

(C) A responsible party or a responsible party's designee 8511
shall inform each applicant of both of the following at the time 8512
of the applicant's initial application for employment in a 8513
position that involves providing ombudsman services to residents 8514
and recipients: 8515

(1) That a review of the databases listed in division (D) of 8516
this section will be conducted to determine whether the 8517
responsible party is prohibited by division (B)(1) of this section 8518
from employing the applicant in the position; 8519

(2) That, unless the database review reveals that the 8520
applicant may not be employed in the position, a criminal records 8521
check of the applicant will be conducted and the applicant is 8522
required to provide a set of the applicant's fingerprint 8523
impressions as part of the criminal records check. 8524

(D) As a condition of any applicant's being employed by a 8525
responsible party in a position that involves providing ombudsman 8526
services to residents and recipients, the responsible party or 8527
designee shall conduct a database review of the applicant in 8528
accordance with rules adopted under this section. If rules adopted 8529
under this section so require, the responsible party or designee 8530
shall conduct a database review of an employee in accordance with 8531
the rules as a condition of the responsible party continuing to 8532
employ the employee in a position that involves providing 8533
ombudsman services to residents and recipients. A database review 8534
shall determine whether the applicant or employee is included in 8535
any of the following: 8536

(1) The excluded parties list system that is maintained by 8537
the United States general services administration pursuant to 8538

subpart 9.4 of the federal acquisition regulation and available at 8539
the federal web site known as the system for award management; 8540

(2) The list of excluded individuals and entities maintained 8541
by the office of inspector general in the United States department 8542
of health and human services pursuant to section 1128 of the 8543
"Social Security Act," 94 Stat. 2619 (1980), 42 U.S.C. 1320a-7, as 8544
amended, and section 1156 of the "Social Security Act," 96 Stat. 8545
388 (1982), 42 U.S.C. 1320c-5, as amended; 8546

(3) The registry of developmental disabilities employees 8547
established under section 5123.52 of the Revised Code; 8548

(4) The internet-based sex offender and child-victim offender 8549
database established under division (A)(11) of section 2950.13 of 8550
the Revised Code; 8551

(5) The internet-based database of inmates established under 8552
section 5120.66 of the Revised Code; 8553

(6) The state nurse aide registry established under section 8554
3721.32 of the Revised Code; 8555

(7) Any other database, if any, specified in rules adopted 8556
under this section. 8557

(E)(1) As a condition of any applicant's being employed by a 8558
responsible party in a position that involves providing ombudsman 8559
services to residents and recipients, the responsible party or 8560
designee shall request that the superintendent of the bureau of 8561
criminal identification and investigation conduct a criminal 8562
records check of the applicant. If rules adopted under this 8563
section so require, the responsible party or designee shall 8564
request that the superintendent conduct a criminal records check 8565
of an employee at times specified in the rules as a condition of 8566
the responsible party continuing to employ the employee in a 8567
position that involves providing ombudsman services to residents 8568
and recipients. However, the responsible party or designee is not 8569

required to request the criminal records check of the applicant or 8570
employee if the responsible party is prohibited by division (B)(1) 8571
of this section from employing the applicant or continuing to 8572
employ the employee in a position that involves providing 8573
ombudsman services to residents and recipients. If an applicant or 8574
employee for whom a criminal records check request is required by 8575
this section does not present proof of having been a resident of 8576
this state for the five-year period immediately prior to the date 8577
the criminal records check is requested or provide evidence that 8578
within that five-year period the superintendent has requested 8579
information about the applicant or employee from the federal 8580
bureau of investigation in a criminal records check, the 8581
responsible party or designee shall request that the 8582
superintendent obtain information from the federal bureau of 8583
investigation as part of the criminal records check. Even if an 8584
applicant or employee for whom a criminal records check request is 8585
required by this section presents proof of having been a resident 8586
of this state for the five-year period, the responsible party or 8587
designee may request that the superintendent include information 8588
from the federal bureau of investigation in the criminal records 8589
check. 8590

(2) A responsible party or designee shall do all of the 8591
following: 8592

(a) Provide to each applicant and employee for whom a 8593
criminal records check request is required by this section a copy 8594
of the form prescribed pursuant to division (C)(1) of section 8595
109.572 of the Revised Code and a standard impression sheet 8596
prescribed pursuant to division (C)(2) of that section; 8597

(b) Obtain the completed form and standard impression sheet 8598
from the applicant or employee; 8599

(c) Forward the completed form and standard impression sheet 8600
to the superintendent. 8601

(3) A responsible party shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check the responsible party or the responsible party's designee requests under this section. The responsible party may charge an applicant a fee not exceeding the amount the responsible party pays to the bureau under this section if the responsible party or designee notifies the applicant at the time of initial application for employment of the amount of the fee.

(F)(1) A responsible party may employ conditionally an applicant for whom a criminal records check is required by this section prior to obtaining the results of the criminal records check if both of the following apply:

(a) The responsible party is not prohibited by division (B)(1) of this section from employing the applicant in a position that involves providing ombudsman services to residents and recipients;

(b) The responsible party or designee requests the criminal records check in accordance with division (E) of this section ~~not later than five business days after~~ before conditionally employing the applicant ~~begins conditional employment.~~

(2) A responsible party shall terminate the employment of an applicant employed conditionally under division (F)(1) of this section if the results of the criminal records check, other than the results of any request for information from the federal bureau of investigation, are not obtained within the period ending sixty days after the date the request for the criminal records check is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the applicant has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense, the responsible party shall terminate the applicant's employment

unless the applicant meets standards specified in rules adopted 8634
under this section that permit the responsible party to employ the 8635
applicant and the responsible party chooses to employ the 8636
applicant. Termination of employment under this division shall be 8637
considered just cause for discharge for purposes of division 8638
(D)(2) of section 4141.29 of the Revised Code if the applicant 8639
makes any attempt to deceive the responsible party or designee 8640
about the applicant's criminal record. 8641

(G) The report of any criminal records check conducted 8642
pursuant to a request made under this section is not a public 8643
record for the purposes of section 149.43 of the Revised Code and 8644
shall not be made available to any person other than the 8645
following: 8646

(1) The applicant or employee who is the subject of the 8647
criminal records check or the applicant's or employee's 8648
representative; 8649

(2) The responsible party or designee; 8650

(3) In the case of a criminal records check conducted for an 8651
applicant who is under final consideration for employment with a 8652
regional long-term care ombudsman program (including as the head 8653
of the regional program) or an employee of a regional long-term 8654
care ombudsman program (including the head of a regional program), 8655
the state long-term care ombudsman or a representative of the 8656
office of the state long-term care ombudsman program who is 8657
responsible for monitoring the regional program's compliance with 8658
this section; 8659

(4) A court, hearing officer, or other necessary individual 8660
involved in a case dealing with any of the following: 8661

(a) A denial of employment of the applicant or employee; 8662

(b) Employment or unemployment benefits of the applicant or 8663
employee; 8664

(c) A civil or criminal action regarding the medicaid program 8665
or a program the department of aging administers. 8666

(H) In a tort or other civil action for damages that is 8667
brought as the result of an injury, death, or loss to person or 8668
property caused by an applicant or employee who a responsible 8669
party employs in a position that involves providing ombudsman 8670
services to residents and recipients, all of the following shall 8671
apply: 8672

(1) If the responsible party employed the applicant or 8673
employee in good faith and reasonable reliance on the report of a 8674
criminal records check requested under this section, the 8675
responsible party shall not be found negligent solely because of 8676
its reliance on the report, even if the information in the report 8677
is determined later to have been incomplete or inaccurate. 8678

(2) If the responsible party employed the applicant in good 8679
faith on a conditional basis pursuant to division (F) of this 8680
section, the responsible party shall not be found negligent solely 8681
because it employed the applicant prior to receiving the report of 8682
a criminal records check requested under this section. 8683

(3) If the responsible party in good faith employed the 8684
applicant or employee because the applicant or employee meets 8685
standards specified in rules adopted under this section, the 8686
responsible party shall not be found negligent solely because the 8687
applicant or employee has been convicted of, pleaded guilty to, or 8688
been found eligible for intervention in lieu of conviction for a 8689
disqualifying offense. 8690

(I) The state long-term care ombudsman may not act as the 8691
director of aging's designee for the purpose of this section. The 8692
head of a regional long-term care ombudsman program may not act as 8693
the regional program's designee for the purpose of this section if 8694
the head is the employee for whom a database review or criminal 8695

records check is being conducted. 8696

(J) The director of aging shall adopt rules in accordance 8697
with Chapter 119. of the Revised Code to implement this section. 8698

(1) The rules may do the following: 8699

(a) Require employees to undergo database reviews and 8700
criminal records checks under this section; 8701

(b) If the rules require employees to undergo database 8702
reviews and criminal records checks under this section, exempt one 8703
or more classes of employees from the requirements; 8704

(c) For the purpose of division (D)(7) of this section, 8705
specify other databases that are to be checked as part of a 8706
database review conducted under this section. 8707

(2) The rules shall specify all of the following: 8708

(a) The procedures for conducting database reviews under this 8709
section; 8710

(b) If the rules require employees to undergo database 8711
reviews and criminal records checks under this section, the times 8712
at which the database reviews and criminal records checks are to 8713
be conducted; 8714

(c) If the rules specify other databases to be checked as 8715
part of the database reviews, the circumstances under which a 8716
responsible party is prohibited from employing an applicant or 8717
continuing to employ an employee who is found by a database review 8718
to be included in one or more of those databases; 8719

(d) Standards that an applicant or employee must meet for a 8720
responsible party to be permitted to employ the applicant or 8721
continue to employ the employee in a position that involves 8722
providing ombudsman services to residents and recipients if the 8723
applicant or employee is found by a criminal records check 8724
required by this section to have been convicted of, pleaded guilty 8725

to, or been found eligible for intervention in lieu of conviction 8726
for a disqualifying offense. 8727

Sec. 173.30. (A) As used in this section, "snack" means 8728
either of the following that is usually consumed before or after a 8729
breakfast, lunch, or dinner meal: 8730

(1) A small portion of food or drink; 8731

(2) A light meal. 8732

(B) The department of aging shall not award a grant under 8733
Title III of the "Older Americans Act of 1965," 42 U.S.C. 3021 et 8734
seq., to a provider of home-delivered meals if the provider offers 8735
snacks in addition to the breakfast, lunch, or dinner meals 8736
provided to recipients unless the provider does all of the 8737
following: 8738

(1) Offers a recipient not more than five snack choices at a 8739
time; 8740

(2) Provides a recipient with the amount of calories in, and 8741
the sugar and sodium contents of, each snack offered to the 8742
recipient; 8743

(3) Provides a recipient not more than one snack per each 8744
breakfast, lunch, and dinner meal that is provided to the 8745
recipient at the same time as the snacks. 8746

Sec. 173.38. (A) As used in this section: 8747

(1) "Applicant" means a person who is under final 8748
consideration for employment with a responsible party in a 8749
full-time, part-time, or temporary direct-care position or is 8750
referred to a responsible party by an employment service for such 8751
a position. "Applicant" does not include a person being considered 8752
for a direct-care position as a volunteer. 8753

(2) "Area agency on aging" has the same meaning as in section 8754

173.14 of the Revised Code. 8755

(3) "Chief administrator of a responsible party" includes a 8756
consumer when the consumer is a responsible party. 8757

(4) "Community-based long-term care services" means 8758
community-based long-term care services, as defined in section 8759
173.14 of the Revised Code, that are provided under a program the 8760
department of aging administers. 8761

(5) "Consumer" means an individual who receives 8762
community-based long-term care services. 8763

(6) "Criminal records check" has the same meaning as in 8764
section 109.572 of the Revised Code. 8765

(7)(a) "Direct-care position" means an employment position in 8766
which an employee has either or both of the following: 8767

(i) In-person contact with one or more consumers; 8768

(ii) Access to one or more consumers' personal property or 8769
records. 8770

(b) "Direct-care position" does not include a person whose 8771
sole duties are transporting individuals under Chapter 306. of the 8772
Revised Code. 8773

(8) "Disqualifying offense" means any of the offenses listed 8774
or described in divisions (A)(3)(a) to (e) of section 109.572 of 8775
the Revised Code. 8776

(9) "Employee" means a person employed by a responsible party 8777
in a full-time, part-time, or temporary direct-care position and a 8778
person who works in such a position due to being referred to a 8779
responsible party by an employment service. "Employee" does not 8780
include a person who works in a direct-care position as a 8781
volunteer. 8782

(10) "PASSPORT administrative agency" has the same meaning as 8783
in section 173.42 of the Revised Code. 8784

(11) "Provider" has the same meaning as in section 173.39 of the Revised Code. 8785
8786

(12) "Responsible party" means the following: 8787

(a) An area agency on aging in the case of either of the following: 8788
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(i) A person who is an applicant because the person is under final consideration for employment with the agency in a full-time, part-time, or temporary direct-care position or is referred to the agency by an employment service for such a position; 8790
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(ii) A person who is an employee because the person is employed by the agency in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the agency by an employment service. 8794
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(b) A PASSPORT administrative agency in the case of either of the following: 8798
8799

(i) A person who is an applicant because the person is under final consideration for employment with the agency in a full-time, part-time, or temporary direct-care position or is referred to the agency by an employment service for such a position; 8800
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(ii) A person who is an employee because the person is employed by the agency in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the agency by an employment service. 8804
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(c) A provider in the case of either of the following: 8808

(i) A person who is an applicant because the person is under final consideration for employment with the provider in a full-time, part-time, or temporary direct-care position or is referred to the provider by an employment service for such a position; 8809
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(ii) A person who is an employee because the person is 8814

employed by the provider in a full-time, part-time, or temporary 8815
direct-care position or works in such a position due to being 8816
referred to the provider by an employment service. 8817

(d) A subcontractor in the case of either of the following: 8818

(i) A person who is an applicant because the person is under 8819
final consideration for employment with the subcontractor in a 8820
full-time, part-time, or temporary direct-care position or is 8821
referred to the subcontractor by an employment service for such a 8822
position; 8823

(ii) A person who is an employee because the person is 8824
employed by the subcontractor in a full-time, part-time, or 8825
temporary direct-care position or works in such a position due to 8826
being referred to the subcontractor by an employment service. 8827

(e) A consumer in the case of either of the following: 8828

(i) A person who is an applicant because the person is under 8829
final consideration for employment with the consumer in a 8830
full-time, part-time, or temporary direct-care position for which 8831
the consumer, as the employer of record, is to direct the person 8832
in the provision of community-based long-term care services the 8833
person is to provide the consumer or is referred to the consumer 8834
by an employment service for such a position; 8835

(ii) A person who is an employee because the person is 8836
employed by the consumer in a full-time, part-time, or temporary 8837
direct-care position for which the consumer, as the employer of 8838
record, directs the person in the provision of community-based 8839
long-term care services the person provides to the consumer or who 8840
works in such a position due to being referred to the consumer by 8841
an employment service. 8842

(13) "Subcontractor" has the meaning specified in rules 8843
adopted under this section. 8844

(14) "Volunteer" means a person who serves in a direct-care position without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses.

(15) "Waiver agency" has the same meaning as in section 5164.342 of the Revised Code.

(B) This section does not apply to any individual who is subject to a database review or criminal records check under section 173.381 or 3701.881 of the Revised Code or to any individual who is subject to a criminal records check under section 3721.121 of the Revised Code. ~~If a provider or subcontractor also is a waiver agency, the provider or subcontractor may provide for applicants and employees to undergo database reviews and criminal records checks in accordance with section 5164.342 of the Revised Code rather than this section.~~

(C) No responsible party shall employ an applicant or continue to employ an employee in a direct-care position if any of the following apply:

(1) A review of the databases listed in division (E) of this section reveals any of the following:

(a) That the applicant or employee is included in one or more of the databases listed in divisions (E)(1) to (5) of this section;

(b) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the applicant or employee abused, neglected, or exploited a long-term care facility or residential care facility resident or misappropriated property of such a resident;

(c) That the applicant or employee is included in one or more of the databases, if any, specified in rules adopted under this section and the rules prohibit the responsible party from

employing an applicant or continuing to employ an employee 8876
included in such a database in a direct-care position. 8877

(2) After the applicant or employee is provided, pursuant to 8878
division (F)(2)(a) of this section, a copy of the form prescribed 8879
pursuant to division (C)(1) of section 109.572 of the Revised Code 8880
and the standard impression sheet prescribed pursuant to division 8881
(C)(2) of that section, the applicant or employee fails to 8882
complete the form or provide the applicant's or employee's 8883
fingerprint impressions on the standard impression sheet. 8884

(3) Unless the applicant or employee meets standards 8885
specified in rules adopted under this section, the applicant or 8886
employee is found by a criminal records check required by this 8887
section to have been convicted of, pleaded guilty to, or been 8888
found eligible for intervention in lieu of conviction for a 8889
disqualifying offense. 8890

(D) Except as provided by division (G) of this section, the 8891
chief administrator of a responsible party shall inform each 8892
applicant of both of the following at the time of the applicant's 8893
initial application for employment or referral to the responsible 8894
party by an employment service for a direct-care position: 8895

(1) That a review of the databases listed in division (E) of 8896
this section will be conducted to determine whether the 8897
responsible party is prohibited by division (C)(1) of this section 8898
from employing the applicant in the direct-care position; 8899

(2) That, unless the database review reveals that the 8900
applicant may not be employed in the direct-care position, a 8901
criminal records check of the applicant will be conducted and the 8902
applicant is required to provide a set of the applicant's 8903
fingerprint impressions as part of the criminal records check. 8904

(E) As a condition of employing any applicant in a 8905
direct-care position, the chief administrator of a responsible 8906

party shall conduct a database review of the applicant in 8907
accordance with rules adopted under this section. If rules adopted 8908
under this section so require, the chief administrator of a 8909
responsible party shall conduct a database review of an employee 8910
in accordance with the rules as a condition of continuing to 8911
employ the employee in a direct-care position. However, a chief 8912
administrator is not required to conduct a database review of an 8913
applicant or employee if division (G) of this section applies. A 8914
database review shall determine whether the applicant or employee 8915
is included in any of the following: 8916

(1) The excluded parties list system that is maintained by 8917
the United States general services administration pursuant to 8918
subpart 9.4 of the federal acquisition regulation and available at 8919
the federal web site known as the system for award management; 8920

(2) The list of excluded individuals and entities maintained 8921
by the office of inspector general in the United States department 8922
of health and human services pursuant to the "Social Security 8923
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 8924

(3) The registry of developmental disabilities employees 8925
established under section 5123.52 of the Revised Code; 8926

(4) The internet-based sex offender and child-victim offender 8927
database established under division (A)(11) of section 2950.13 of 8928
the Revised Code; 8929

(5) The internet-based database of inmates established under 8930
section 5120.66 of the Revised Code; 8931

(6) The state nurse aide registry established under section 8932
3721.32 of the Revised Code; 8933

(7) Any other database, if any, specified in rules adopted 8934
under this section. 8935

(F)(1) As a condition of employing any applicant in a 8936

direct-care position, the chief administrator of a responsible 8937
party shall request that the superintendent of the bureau of 8938
criminal identification and investigation conduct a criminal 8939
records check of the applicant. If rules adopted under this 8940
section so require, the chief administrator of a responsible party 8941
shall request that the superintendent conduct a criminal records 8942
check of an employee at times specified in the rules as a 8943
condition of continuing to employ the employee in a direct-care 8944
position. However, the chief administrator is not required to 8945
request the criminal records check of the applicant or employee if 8946
division (G) of this section applies or the responsible party is 8947
prohibited by division (C)(1) of this section from employing the 8948
applicant or continuing to employ the employee in a direct-care 8949
position. If an applicant or employee for whom a criminal records 8950
check request is required by this section does not present proof 8951
of having been a resident of this state for the five-year period 8952
immediately prior to the date the criminal records check is 8953
requested or provide evidence that within that five-year period 8954
the superintendent has requested information about the applicant 8955
or employee from the federal bureau of investigation in a criminal 8956
records check, the chief administrator shall request that the 8957
superintendent obtain information from the federal bureau of 8958
investigation as part of the criminal records check. Even if an 8959
applicant or employee for whom a criminal records check request is 8960
required by this section presents proof of having been a resident 8961
of this state for the five-year period, the chief administrator 8962
may request that the superintendent include information from the 8963
federal bureau of investigation in the criminal records check. 8964

(2) The chief administrator shall do all of the following: 8965

(a) Provide to each applicant and employee for whom a 8966
criminal records check request is required by this section a copy 8967
of the form prescribed pursuant to division (C)(1) of section 8968

109.572 of the Revised Code and a standard impression sheet	8969
prescribed pursuant to division (C)(2) of that section;	8970
(b) Obtain the completed form and standard impression sheet	8971
from the applicant or employee;	8972
(c) Forward the completed form and standard impression sheet	8973
to the superintendent.	8974
(3) A responsible party shall pay to the bureau of criminal	8975
identification and investigation the fee prescribed pursuant to	8976
division (C)(3) of section 109.572 of the Revised Code for each	8977
criminal records check the responsible party requests under this	8978
section. A responsible party may charge an applicant a fee not	8979
exceeding the amount the responsible party pays to the bureau	8980
under this section if both of the following apply:	8981
(a) The responsible party notifies the applicant at the time	8982
of initial application for employment of the amount of the fee and	8983
that, unless the fee is paid, the applicant will not be considered	8984
for employment.	8985
(b) The medicaid program does not pay the responsible party	8986
for the fee it pays to the bureau under this section.	8987
(G) Divisions (D) to (F) of this section do not apply with	8988
regard to an applicant or employee if the applicant or employee is	8989
referred to a responsible party by an employment service that	8990
supplies full-time, part-time, or temporary staff for direct-care	8991
positions and both of the following apply:	8992
(1) The chief administrator of the responsible party receives	8993
from the employment service confirmation that a review of the	8994
databases listed in division (E) of this section was conducted of	8995
the applicant or employee.	8996
(2) The chief administrator of the responsible party receives	8997
from the employment service, applicant, or employee a report of	8998

the results of a criminal records check of the applicant or 8999
employee that has been conducted by the superintendent within the 9000
one-year period immediately preceding the following: 9001

(a) In the case of an applicant, the date of the applicant's 9002
referral by the employment service to the responsible party; 9003

(b) In the case of an employee, the date by which the 9004
responsible party would otherwise have to request a criminal 9005
records check of the employee under division (F) of this section. 9006

(H)(1) A responsible party may employ conditionally an 9007
applicant for whom a criminal records check request is required by 9008
this section prior to obtaining the results of the criminal 9009
records check if the responsible party is not prohibited by 9010
division (C)(1) of this section from employing the applicant in a 9011
direct-care position and either of the following applies: 9012

(a) The chief administrator of the responsible party requests 9013
the criminal records check in accordance with division (F) of this 9014
section ~~not later than five business days after~~ before 9015
conditionally employing the applicant ~~begins conditional~~ 9016
employment. 9017

(b) The applicant is referred to the responsible party by an 9018
employment service, the employment service or the applicant 9019
provides the chief administrator of the responsible party a letter 9020
that is on the letterhead of the employment service, the letter is 9021
dated and signed by a supervisor or another designated official of 9022
the employment service, and the letter states all of the 9023
following: 9024

(i) That the employment service has requested the 9025
superintendent to conduct a criminal records check regarding the 9026
applicant; 9027

(ii) That the requested criminal records check is to include 9028
a determination of whether the applicant has been convicted of, 9029

pleaded guilty to, or been found eligible for intervention in lieu 9030
of conviction for a disqualifying offense; 9031

(iii) That the employment service has not received the 9032
results of the criminal records check as of the date set forth on 9033
the letter; 9034

(iv) That the employment service promptly will send a copy of 9035
the results of the criminal records check to the chief 9036
administrator of the responsible party when the employment service 9037
receives the results. 9038

(2) If a responsible party employs an applicant conditionally 9039
pursuant to division (H)(1)(b) of this section, the employment 9040
service, on its receipt of the results of the criminal records 9041
check, promptly shall send a copy of the results to the chief 9042
administrator of the responsible party. 9043

(3) A responsible party that employs an applicant 9044
conditionally pursuant to division (H)(1)(a) or (b) of this 9045
section shall terminate the applicant's employment if the results 9046
of the criminal records check, other than the results of any 9047
request for information from the federal bureau of investigation, 9048
are not obtained within the period ending sixty days after the 9049
date the request for the criminal records check is made. 9050
Regardless of when the results of the criminal records check are 9051
obtained, if the results indicate that the applicant has been 9052
convicted of, pleaded guilty to, or been found eligible for 9053
intervention in lieu of conviction for a disqualifying offense, 9054
the responsible party shall terminate the applicant's employment 9055
unless the applicant meets standards specified in rules adopted 9056
under this section that permit the responsible party to employ the 9057
applicant and the responsible party chooses to employ the 9058
applicant. Termination of employment under this division shall be 9059
considered just cause for discharge for purposes of division 9060
(D)(2) of section 4141.29 of the Revised Code if the applicant 9061

makes any attempt to deceive the responsible party about the 9062
applicant's criminal record. 9063

(I) The report of any criminal records check conducted 9064
pursuant to a request made under this section is not a public 9065
record for the purposes of section 149.43 of the Revised Code and 9066
shall not be made available to any person other than the 9067
following: 9068

(1) The applicant or employee who is the subject of the 9069
criminal records check or the applicant's or employee's 9070
representative; 9071

(2) The chief administrator of the responsible party 9072
requesting the criminal records check or the administrator's 9073
representative; 9074

(3) The administrator of any other facility, agency, or 9075
program that provides community-based long-term care services that 9076
is owned or operated by the same entity that owns or operates the 9077
responsible party that requested the criminal records check; 9078

(4) The employment service that requested the criminal 9079
records check; 9080

(5) The director of aging or a person authorized by the 9081
director to monitor a responsible party's compliance with this 9082
section; 9083

(6) The medicaid director and the staff of the department of 9084
medicaid who are involved in the administration of the medicaid 9085
program if any of the following apply: 9086

(a) In the case of a criminal records check requested by a 9087
provider or subcontractor, the provider or subcontractor also is a 9088
waiver agency; 9089

(b) In the case of a criminal records check requested by an 9090
employment service, the employment service makes the request for 9091

an applicant or employee the employment service refers to a 9092
provider or subcontractor that also is a waiver agency; 9093

(c) The criminal records check is requested by a consumer who 9094
is acting as a responsible party. 9095

(7) A court, hearing officer, or other necessary individual 9096
involved in a case dealing with any of the following: 9097

(a) A denial of employment of the applicant or employee; 9098

(b) Employment or unemployment benefits of the applicant or 9099
employee; 9100

(c) A civil or criminal action regarding the medicaid program 9101
or a program the department of aging administers. 9102

(J) In a tort or other civil action for damages that is 9103
brought as the result of an injury, death, or loss to person or 9104
property caused by an applicant or employee who a responsible 9105
party employs in a direct-care position, all of the following 9106
shall apply: 9107

(1) If the responsible party employed the applicant or 9108
employee in good faith and reasonable reliance on the report of a 9109
criminal records check requested under this section, the 9110
responsible party shall not be found negligent solely because of 9111
its reliance on the report, even if the information in the report 9112
is determined later to have been incomplete or inaccurate. 9113

(2) If the responsible party employed the applicant in good 9114
faith on a conditional basis pursuant to division (H) of this 9115
section, the responsible party shall not be found negligent solely 9116
because it employed the applicant prior to receiving the report of 9117
a criminal records check requested under this section. 9118

(3) If the responsible party in good faith employed the 9119
applicant or employee because the applicant or employee meets 9120
standards specified in rules adopted under this section, the 9121

responsible party shall not be found negligent solely because the 9122
applicant or employee has been convicted of, pleaded guilty to, or 9123
been found eligible for intervention in lieu of conviction for a 9124
disqualifying offense. 9125

(K) The director of aging shall adopt rules in accordance 9126
with Chapter 119. of the Revised Code to implement this section. 9127

(1) The rules may do the following: 9128

(a) Require employees to undergo database reviews and 9129
criminal records checks under this section; 9130

(b) If the rules require employees to undergo database 9131
reviews and criminal records checks under this section, exempt one 9132
or more classes of employees from the requirements; 9133

(c) For the purpose of division (E)(7) of this section, 9134
specify other databases that are to be checked as part of a 9135
database review conducted under this section. 9136

(2) The rules shall specify all of the following: 9137

(a) The meaning of the term "subcontractor"; 9138

(b) The procedures for conducting database reviews under this 9139
section; 9140

(c) If the rules require employees to undergo database 9141
reviews and criminal records checks under this section, the times 9142
at which the database reviews and criminal records checks are to 9143
be conducted; 9144

(d) If the rules specify other databases to be checked as 9145
part of the database reviews, the circumstances under which a 9146
responsible party is prohibited from employing an applicant or 9147
continuing to employ an employee who is found by a database review 9148
to be included in one or more of those databases; 9149

(e) Standards that an applicant or employee must meet for a 9150
responsible party to be permitted to employ the applicant or 9151

continue to employ the employee in a direct-care position if the 9152
applicant or employee is found by a criminal records check 9153
required by this section to have been convicted of, pleaded guilty 9154
to, or been found eligible for intervention in lieu of conviction 9155
for a disqualifying offense. 9156

Sec. 173.391. (A) Subject to section 173.381 of the Revised 9157
Code, the department of aging or its designee shall do all of the 9158
following in accordance with Chapter 119. of the Revised Code: 9159

(1) Certify a provider to provide community-based long-term 9160
care services under a program the department administers if the 9161
provider satisfies the requirements for certification established 9162
by rules adopted under division (B) of this section and pays the 9163
fee, if any, established by rules adopted under division (G) of 9164
this section; 9165

(2) When required to do so by rules adopted under division 9166
(B) of this section, take one or more of the following 9167
disciplinary actions against a provider certified under division 9168
(A)(1) of this section: 9169

(a) Issue a written warning; 9170

(b) Require the submission of a plan of correction or 9171
evidence of compliance with requirements identified by the 9172
department; 9173

(c) Suspend referrals; 9174

(d) Remove clients; 9175

(e) Impose a fiscal sanction such as a civil monetary penalty 9176
or an order that unearned funds be repaid; 9177

(f) Suspend the certification; 9178

(g) Revoke the certification; 9179

(h) Impose another sanction. 9180

(3) Except as provided in division (E) of this section, hold 9181
hearings when there is a dispute between the department or its 9182
designee and a provider concerning actions the department or its 9183
designee takes regarding a decision not to certify the provider 9184
under division (A)(1) of this section or a disciplinary action 9185
under divisions (A)(2)(e) to (h) of this section. 9186

(B) The director of aging shall adopt rules in accordance 9187
with Chapter 119. of the Revised Code establishing certification 9188
requirements and standards for determining which type of 9189
disciplinary action to take under division (A)(2) of this section 9190
in individual situations. The rules shall establish procedures for 9191
all of the following: 9192

(1) Ensuring that providers comply with sections 173.38 and 9193
173.381 of the Revised Code; 9194

(2) Evaluating the services provided by the providers to 9195
ensure that the services are provided in a quality manner 9196
advantageous to the individual receiving the services; 9197

(3) In a manner consistent with section 173.381 of the 9198
Revised Code, determining when to take disciplinary action under 9199
division (A)(2) of this section and which disciplinary action to 9200
take; 9201

(4) Determining what constitutes another sanction for 9202
purposes of division (A)(2)(h) of this section. 9203

(C) The procedures established in rules adopted under 9204
division (B)(2) of this section shall require that all of the 9205
following be considered as part of an evaluation described in 9206
division (B)(2) of this section: 9207

(1) The provider's experience and financial responsibility; 9208

(2) The provider's ability to comply with standards for the 9209
community-based long-term care services that the provider provides 9210

under a program the department administers; 9211

(3) The provider's ability to meet the needs of the 9212
individuals served; 9213

(4) Any other factor the director considers relevant. 9214

(D) The rules adopted under division (B)(3) of this section 9215
shall specify that the reasons disciplinary action may be taken 9216
under division (A)(2) of this section include good cause, 9217
including misfeasance, malfeasance, nonfeasance, confirmed abuse 9218
or neglect, financial irresponsibility, or other conduct the 9219
director determines is injurious, or poses a threat, to the health 9220
or safety of individuals being served. 9221

(E) Subject to division (F) of this section, the department 9222
is not required to hold hearings under division (A)(3) of this 9223
section if any of the following conditions apply: 9224

(1) Rules adopted by the director of aging pursuant to this 9225
chapter require the provider to be a party to a provider 9226
agreement; hold a license, certificate, or permit; or maintain a 9227
certification, any of which is required or issued by a state or 9228
federal government entity other than the department of aging, and 9229
either of the following is the case: 9230

(a) The provider agreement has not been entered into or the 9231
license, certificate, permit, or certification has not been 9232
obtained or maintained. 9233

(b) The provider agreement, license, certificate, permit, or 9234
certification has been denied, revoked, not renewed, or suspended 9235
or has been otherwise restricted. 9236

(2) The provider's certification under this section has been 9237
denied, suspended, or revoked for any of the following reasons: 9238

(a) A government entity of this state, other than the 9239
department of aging, has terminated or refused to renew any of the 9240

following held by, or has denied any of the following sought by, a 9241
provider: a provider agreement, license, certificate, permit, or 9242
certification. Division (E)(2)(a) of this section applies 9243
regardless of whether the provider has entered into a provider 9244
agreement in, or holds a license, certificate, permit, or 9245
certification issued by, another state. 9246

(b) The provider or a principal owner or manager of the 9247
provider who provides direct care has entered a guilty plea for, 9248
or has been convicted of, an offense materially related to the 9249
medicaid program. 9250

(c) A principal owner or manager of the provider who provides 9251
direct care has entered a guilty plea for, been convicted of, or 9252
been found eligible for intervention in lieu of conviction for an 9253
offense listed or described in divisions (A)(3)(a) to (e) of 9254
section 109.572 of the Revised Code, but only if the provider, 9255
principal owner, or manager does not meet standards specified by 9256
the director in rules adopted under section 173.38 of the Revised 9257
Code. 9258

(d) The department or its designee is required by section 9259
173.381 of the Revised Code to deny or revoke the provider's 9260
certification. 9261

(e) The United States department of health and human services 9262
has taken adverse action against the provider and that action 9263
impacts the provider's participation in the medicaid program. 9264

(f) The provider has failed to enter into or renew a provider 9265
agreement with the PASSPORT administrative agency, as that term is 9266
defined in section 173.42 of the Revised Code, that administers 9267
programs on behalf of the department of aging in the region of the 9268
state in which the provider is certified to provide services. 9269

(g) The provider has not billed or otherwise submitted a 9270
claim to the department for payment under the medicaid program in 9271

at least two years. 9272

(h) The provider denied or failed to provide the department 9273
or its designee access to the provider's facilities during the 9274
provider's normal business hours for purposes of conducting an 9275
audit or structural compliance review. 9276

(i) The provider has ceased doing business. 9277

(j) The provider has voluntarily relinquished its 9278
certification for any reason. 9279

(3) The provider's provider agreement with the department of 9280
medicaid has been suspended under ~~division (C) of section 5164.37~~ 9281
5164.36 of the Revised Code. 9282

(4) The provider's provider agreement with the department of 9283
medicaid is denied or revoked because the provider or its owner, 9284
officer, authorized agent, associate, manager, or employee has 9285
been convicted of an offense that caused the provider agreement to 9286
be suspended under section ~~5164.37~~ 5164.36 of the Revised Code. 9287

(F) If the department does not hold hearings when any 9288
condition described in division (E) of this section applies, the 9289
department ~~may~~ shall send a notice to the provider describing a 9290
decision not to certify the provider under division (A)(1) of this 9291
section or the disciplinary action the department ~~proposes to take~~ 9292
is taking under ~~division~~ divisions (A)(2)(e) to (h) of this 9293
section. The notice shall be sent to the provider's address that 9294
is on record with the department and may be sent by regular mail. 9295

(G) The director of aging may adopt rules in accordance with 9296
Chapter 119. of the Revised Code establishing a fee to be charged 9297
by the department of aging or its designee for certification 9298
issued under this section. 9299

~~All fees~~ (H) Any amounts collected by the department or its 9300
designee under this section shall be deposited in the state 9301

treasury to the credit of the provider certification fund, which 9302
is hereby created. Money credited to the fund shall be used to pay 9303
for community-based long-term care services, administrative costs 9304
associated with provider certification under this section, and 9305
administrative costs related to the publication of the Ohio 9306
long-term care consumer guide. 9307

Sec. 173.525. (A) As used in this section, "snack" has the 9308
same meaning as in section 173.30 of the Revised Code. 9309

(B) An entity that provides home-delivered meals under the 9310
PASSPORT program shall not offer snacks in addition to the 9311
breakfast, lunch, or dinner meals provided to PASSPORT program 9312
enrollees unless the entity does all of the following: 9313

(1) Offers an enrollee not more than five snack choices at a 9314
time; 9315

(2) Provides an enrollee with the amount of calories in, and 9316
the sugar and sodium contents of, each snack offered to the 9317
enrollee; 9318

(3) Provides an enrollee not more than one snack per each 9319
breakfast, lunch, and dinner meal that is provided to the enrollee 9320
at the same time as the snacks. 9321

Sec. 177.02. (A) Any person may file with the organized crime 9322
investigations commission a complaint that alleges that organized 9323
criminal activity has occurred in a county. A person who files a 9324
complaint under this division also may file with the commission 9325
information relative to the complaint. 9326

(B) Upon the filing of a complaint under division (A) of this 9327
section or upon its own initiative, the commission may establish 9328
an organized crime task force to investigate organized criminal 9329
activity in a single county or in two or more counties if it 9330
determines, based upon the complaint filed and the information 9331

relative to it or based upon any information that it may have 9332
received, that there is reason to believe that organized criminal 9333
activity has occurred and continues to occur in that county or in 9334
each of those counties. The commission shall not establish an 9335
organized crime task force to investigate organized criminal 9336
activity in any single county unless it makes the determination 9337
required under this division relative to that county and shall not 9338
establish an organized crime task force to investigate organized 9339
criminal activity in two or more counties unless it makes the 9340
determination required under this division relative to each of 9341
those counties. The commission, at any time, may terminate an 9342
organized crime task force it has established under this section. 9343

(C)(1) If the commission establishes an organized crime task 9344
force to investigate organized criminal activity in a single 9345
county or in two or more counties pursuant to division (B) of this 9346
section, the commission initially shall appoint a task force 9347
director to directly supervise the investigation. The task force 9348
director shall be either the sheriff or a deputy sheriff of any 9349
county in the state, the chief law enforcement officer or a member 9350
of a law enforcement agency of any municipal corporation or 9351
township in the state, or an agent of the bureau of criminal 9352
identification and investigation. No person shall be appointed as 9353
task force director without the person's consent and, if 9354
applicable, the consent of the person's employing sheriff or law 9355
enforcement agency or of the superintendent of the bureau of 9356
criminal identification and investigation if the person is an 9357
employee of the bureau. Upon appointment of a task force director, 9358
the commission shall meet with the director and establish the 9359
scope and limits of the investigation to be conducted by the task 9360
force and the size of the task force investigatory staff to be 9361
appointed by the task force director. The commission, at any time, 9362
may remove a task force director appointed under this division and 9363
may replace any director so removed according to the guidelines 9364

for the initial appointment of a director. 9365

(2) A task force director appointed under this section shall 9366
assemble a task force investigatory staff, of a size determined by 9367
the commission and the director, to conduct the investigation. 9368
Unless it appears to the commission and the director, based upon 9369
the complaint filed and any information relative to it or based 9370
upon any information that the commission may have received, that 9371
there is reason to believe that the office of the prosecuting 9372
attorney of the county or one of the counties served by the task 9373
force is implicated in the organized criminal activity to be 9374
investigated, one member of the investigatory staff shall be the 9375
prosecuting attorney or an assistant prosecuting attorney of the 9376
county or one of the counties served by the task force. If a 9377
prosecuting attorney or assistant prosecuting attorney is not a 9378
participating member of the task force, the office of the attorney 9379
general shall provide legal assistance to the task force upon 9380
request. Each of the other members of the investigatory staff 9381
shall be either the sheriff or a deputy sheriff of any county in 9382
the state, the chief law enforcement officer or a member of a law 9383
enforcement agency of any municipal corporation or township in the 9384
state, or an agent of the bureau of criminal identification and 9385
investigation. No person shall be appointed to the investigatory 9386
staff without the person's consent and, if applicable, the consent 9387
of the person's employing sheriff or law enforcement agency or the 9388
superintendent of the bureau of criminal identification and 9389
investigation if the person is an employee of the bureau. To the 9390
extent possible, the investigatory staff shall be composed of 9391
persons familiar with investigatory techniques that generally 9392
would be utilized in an investigation of organized criminal 9393
activity. To the extent practicable, the investigatory staff shall 9394
be assembled in such a manner that numerous law enforcement 9395
agencies within the county or the counties served by the task 9396
force are represented on the investigatory staff. The 9397

investigatory staff shall be assembled in such a manner that at 9398
least one sheriff, deputy sheriff, municipal corporation law 9399
enforcement officer, or township law enforcement officer from each 9400
of the counties served by the task force is represented on the 9401
investigatory staff. A task force director, at any time, may 9402
remove any member of the investigatory staff the task force 9403
director has assembled under this division and may replace any 9404
member so removed according to the guidelines for the initial 9405
assembly of the investigatory staff. 9406

(3) The commission may provide an organized crime task force 9407
established under this section with technical and clerical 9408
employees and with equipment necessary to efficiently conduct its 9409
investigation into organized criminal activity. 9410

(4) Upon the establishment of a task force, the commission 9411
shall issue to the task force director and each member of the task 9412
force investigatory staff appropriate credentials stating the 9413
person's identity, position, and authority. 9414

(D)(1) A task force investigatory staff, during the period of 9415
the investigation for which it is assembled, is responsible only 9416
to the task force director and shall operate under the direction 9417
and control of the task force director. Any necessary and actual 9418
expenses incurred by a task force director or investigatory staff, 9419
including any such expenses incurred for food, lodging, or travel, 9420
and any other necessary and actual expenses of an investigation 9421
into organized criminal activity conducted by a task force, shall 9422
be paid by the commission. ~~For~~ 9423

(2) For purposes of workers' compensation and the allocation 9424
of liability for any death, injury, or damage they may cause in 9425
the performance of their duties, a task force director and 9426
investigatory staff, during the period of the investigation for 9427
which the task force is assembled, shall be considered to be 9428
employees of the commission and of the state. ~~However, for~~ 9429

(3) For purposes of compensation, pension or indemnity fund 9430
rights, and other rights and benefits to which they may be 9431
entitled, a task force director and investigatory staff, during 9432
the period of the performance of their duties as director and 9433
investigatory staff, shall be considered to be performing their 9434
duties in their normal capacity as prosecuting attorney, assistant 9435
prosecuting attorney, sheriff, deputy sheriff, chief law 9436
enforcement officer or member of a law enforcement agency of a 9437
municipal corporation or township, or agent of the bureau of 9438
criminal identification and investigation. 9439

The commission may reimburse a political subdivision for any 9440
costs incurred under division (D)(3) of this section resulting 9441
from the payment of any compensation, rights, or benefits as 9442
described in that division from the organized crime commission 9443
fund created in section 177.011 of the Revised Code. 9444

(E) Except as provided in this division, upon the 9445
establishment of a task force, the commission shall provide the 9446
prosecuting attorney of each of the counties served by the task 9447
force with written notice that the task force has been established 9448
to investigate organized criminal activity in that county. Such 9449
notice shall not be provided to a prosecuting attorney if it 9450
appears to the commission, based upon the complaint filed and any 9451
information relative to it or based upon any information that the 9452
commission may have received, that there is reason to believe that 9453
the office of that prosecuting attorney is implicated in the 9454
organized criminal activity to be investigated. 9455

(F) The filing of a complaint alleging organized criminal 9456
activity, the establishment of an organized crime task force, the 9457
appointment of a task force director and the identity of the task 9458
force director, the assembly of an investigatory staff and the 9459
identity of its members, the conduct of an investigation into 9460
organized criminal activity, and the identity of any person who is 9461

being or is expected to be investigated by the task force shall be 9462
kept confidential by the commission and its director and 9463
employees, and by the task force and its director, investigatory 9464
staff, and employees until an indictment is returned or a criminal 9465
action or proceeding is initiated in a court of proper 9466
jurisdiction. 9467

(G) For purposes of divisions (C) and (E) of this section, 9468
the office of a prosecuting attorney shall be considered as being 9469
implicated in organized criminal activity only if the prosecuting 9470
attorney, one or more of the prosecuting attorney's assistants, or 9471
one or more of the prosecuting attorney's employees has committed 9472
or attempted or conspired to commit, is committing or attempting 9473
or conspiring to commit, or has engaged in or is engaging in 9474
complicity in the commission of, organized criminal activity. 9475

Sec. 183.18. (A) Ohio's public health priorities trust fund 9476
is hereby created in the state treasury. All investment earnings 9477
of the fund shall be credited to the fund. Notwithstanding any 9478
conflicting provision of the Revised Code, the director of budget 9479
and management may credit to the fund any money received by the 9480
state, director of health, or department of health as part of a 9481
settlement agreement relating to a pressing public health issue. 9482

(B) Money credited to the fund shall be used by the director 9483
of health for the following purposes: 9484

~~(A) Minority health programs, on which not less than~~ 9485
~~twenty five per cent of the annual appropriations from the trust~~ 9486
~~fund shall be expended;~~ 9487

~~(B) Enforcing section 2927.02 of the Revised Code;~~ 9488

~~(C) Alcohol and drug abuse treatment and prevention programs,~~ 9489
~~including programs for adult and juvenile offenders in state~~ 9490
~~institutions and aftercare programs;~~ 9491

~~(D) A non-entitlement program funded through the department of health to provide emergency assistance consisting of medication, oxygen, or both to seniors whose health has been adversely affected by tobacco use and whose income does not exceed one hundred per cent of the federal poverty guidelines, on which five per cent of the annual appropriations from the trust fund shall be expended. However, if federal funding becomes available for this purpose, the department shall utilize the federal funding and the appropriations from the trust fund shall be used for the other purposes authorized by this section. If the federal program requires seniors described by this division to pay a premium or copayment to obtain medication or oxygen, the director of health shall recommend to the general assembly whether this division's set-aside of five per cent of the appropriations from the trust fund should be used to pay such premiums or copayments. As used in this division, "federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code.~~

~~(E) Partial reimbursement, on a county basis, of hospitals, free medical clinics, and similar organizations or programs that provide free, uncompensated care to the general public, and of counties that pay private entities to provide such care using revenue from a property tax levied at least in part for that purpose~~ (1) To conduct public health awareness and educational campaigns;

(2) To address any pressing public health issue identified by the director or described in the state health improvement plan or a successor document prepared for the department of health;

(3) To implement and administer innovative public health programs and prevention strategies;

(4) To improve the population health of Ohio.

The director may collaborate with one or more nonprofit

entities, including a public health foundation, to meet the 9523
requirements of division (B) of this section. 9524

~~All investment earnings of the fund shall be credited to the~~ 9525
~~fund.~~ 9526

Sec. 183.33. No money shall be appropriated or transferred 9527
from the general revenue fund to the law enforcement improvements 9528
trust fund, southern Ohio agricultural and community development 9529
foundation endowment fund, ~~Ohio's public health priorities trust~~ 9530
~~fund,~~ biomedical research and technology transfer trust fund, 9531
~~education facilities trust fund,~~ or education technology trust 9532
fund. 9533

Sec. 307.622. (A) The health commissioner of the board of 9534
health of a city or a general health district who is appointed 9535
under section 307.621 of the Revised Code to establish the child 9536
fatality review board shall select six members to serve on the 9537
child fatality review board along with the commissioner. The 9538
review board shall consist of the following: 9539

(1) A county coroner or designee; 9540

(2) The chief of police of a police department or the sheriff 9541
that serves the greatest population in the county or region or a 9542
designee of the chief or sheriff; 9543

(3) The executive director of a public children services 9544
agency or designee; 9545

(4) A public health official or designee; 9546

(5) The executive director of a board of alcohol, drug 9547
addiction, and mental health services or designee; 9548

(6) A physician who holds a ~~certificate~~ license issued 9549
pursuant to Chapter 4731. of the Revised Code authorizing the 9550
practice of medicine and surgery or osteopathic medicine and 9551

surgery, specializes in pediatric or family medicine, and 9552
currently practices pediatric or family medicine. 9553

(B) The majority of the members of a review board may invite 9554
additional members to serve on the board. The additional members 9555
invited under this division shall serve for a period of time 9556
determined by a majority of the members described in division (A) 9557
of this section. An additional member shall have the same 9558
authority, duties, and responsibilities as members described in 9559
division (A) of this section. 9560

(C) A vacancy in a child fatality review board shall be 9561
filled in the same manner as the original appointment. 9562

(D) A child fatality review board member shall not receive 9563
any compensation for, and shall not be paid for any expenses 9564
incurred pursuant to, fulfilling the member's duties on the board 9565
unless compensation for, or payment for expenses incurred pursuant 9566
to, those duties is received pursuant to a member's regular 9567
employment. 9568

Sec. 319.16. The county auditor shall issue warrants, 9569
including electronic warrants authorizing direct deposit for 9570
payment of county obligations in accordance with division (F) of 9571
section 9.37 of the Revised Code, on the county treasurer for all 9572
moneys payable from the county treasury, upon presentation of 9573
either of the ~~proper~~ following: 9574

(A) The proper court order asserting the expenditure is a 9575
proper public purpose, redacted as required by law or to maintain 9576
attorney-client confidentiality. When such a court order is 9577
presented, the auditor shall have no liability for that 9578
expenditure; or 9579

(B) The proper order or a voucher and evidentiary matter for 9580
the moneys, ~~and keep.~~ 9581

The county auditor shall keep a record of all such warrants 9582
showing the number, date of issue, amount for which drawn, in 9583
whose favor, for what purpose, and on what fund. The auditor shall 9584
not issue a warrant for the payment of any claim against the 9585
county, unless it is allowed by the board of county commissioners, 9586
except where the amount due is fixed by law or is allowed by an 9587
officer or tribunal, including a county board of mental health or 9588
county board of developmental disabilities, so authorized by law. 9589
If the auditor questions the validity of an expenditure that is 9590
within available appropriations and for which a proper order or 9591
voucher and evidentiary matter is presented, the auditor shall 9592
notify the board, officer, or tribunal who presented the voucher. 9593
If the board, officer, or tribunal determines that the expenditure 9594
is valid and the auditor continues to refuse to issue the 9595
appropriate warrant on the county treasury, a writ of mandamus may 9596
be sought. The court shall issue a writ of mandamus for issuance 9597
of the warrant if the court determines that the claim is valid. 9598

Evidentiary matter includes original invoices, receipts, 9599
bills and checks, and legible copies of contracts. 9600

Sec. 319.302. (A)(1) Real property that is not intended 9601
primarily for use in a business activity shall qualify for a 9602
partial exemption from real property taxation. For purposes of 9603
this partial exemption, "business activity" includes all uses of 9604
real property, except farming; leasing property for farming; 9605
occupying or holding property improved with single-family, 9606
two-family, or three-family dwellings; leasing property improved 9607
with single-family, two-family, or three-family dwellings; or 9608
holding vacant land that the county auditor determines will be 9609
used for farming or to develop single-family, two-family, or 9610
three-family dwellings. For purposes of this partial exemption, 9611
"farming" does not include land used for the commercial production 9612
of timber that is receiving the tax benefit under section 5713.23 9613

or 5713.31 of the Revised Code and all improvements connected with 9614
such commercial production of timber. 9615

(2) Each year, the county auditor shall review each parcel of 9616
real property to determine whether it qualifies for the partial 9617
exemption provided for by this section as of the first day of 9618
January of the current tax year. 9619

(B) After complying with section 319.301 of the Revised Code, 9620
the county auditor shall reduce the remaining sums to be levied by 9621
qualifying levies against each parcel of real property that is 9622
listed on the general tax list and duplicate of real and public 9623
utility property for the current tax year and that qualifies for 9624
partial exemption under division (A) of this section, and against 9625
each manufactured and mobile home that is taxed pursuant to 9626
division (D)(2) of section 4503.06 of the Revised Code and that is 9627
on the manufactured home tax list for the current tax year, by ten 9628
per cent, to provide a partial exemption for that parcel or home. 9629
For the purposes of this division: 9630

(1) "Qualifying levy" means a levy approved at an election 9631
held before September 29, 2013; a levy within the ten-mill 9632
limitation; a levy provided for by the charter of a municipal 9633
corporation that was levied on the tax list for tax year 2013; a 9634
subsequent renewal of any such levy; or a subsequent substitute 9635
for such a levy under section 5705.199 of the Revised Code. 9636

(2) "Qualifying levy" does not include any replacement 9637
imposed under section 5705.192 of the Revised Code of any levy 9638
described in division (B)(1) of this section. 9639

(C) Except as otherwise provided in sections 323.152, 9640
323.158, 323.16, 505.06, and 715.263 of the Revised Code, the 9641
amount of the taxes remaining after any such reduction shall be 9642
the real and public utility property taxes charged and payable on 9643
each parcel of real property, including property that does not 9644

qualify for partial exemption under division (A) of this section, 9645
and the manufactured home tax charged and payable on each 9646
manufactured or mobile home, and shall be the amounts certified to 9647
the county treasurer for collection. Upon receipt of the real and 9648
public utility property tax duplicate, the treasurer shall certify 9649
to the tax commissioner the total amount by which the real 9650
property taxes were reduced under this section, as shown on the 9651
duplicate. Such reduction shall not directly or indirectly affect 9652
the determination of the principal amount of notes that may be 9653
issued in anticipation of any tax levies or the amount of bonds or 9654
notes for any planned improvements. If after application of 9655
sections 5705.31 and 5705.32 of the Revised Code and other 9656
applicable provisions of law, including divisions (F) and (I) of 9657
section 321.24 of the Revised Code, there would be insufficient 9658
funds for payment of debt charges on bonds or notes payable from 9659
taxes reduced by this section, the reduction of taxes provided for 9660
in this section shall be adjusted to the extent necessary to 9661
provide funds from such taxes. 9662

(D) The tax commissioner may adopt rules governing the 9663
administration of the partial exemption provided for by this 9664
section. 9665

(E) The determination of whether property qualifies for 9666
partial exemption under division (A) of this section is solely for 9667
the purpose of allowing the partial exemption under division (B) 9668
of this section. 9669

Sec. 321.24. (A) On or before the fifteenth day of February, 9670
in each year, the county treasurer shall settle with the county 9671
auditor for all taxes and assessments that the treasurer has 9672
collected on the general duplicate of real and public utility 9673
property at the time of making the settlement. If the county 9674
treasurer has made or will make advance payments to the several 9675

taxing districts of current year unpaid taxes under section 9676
321.341 of the Revised Code before collecting them, the county 9677
treasurer shall take the advance payments into account for 9678
purposes of the settlement with the county auditor under this 9679
division. 9680

(B) On or before the thirtieth day of June, in each year, the 9681
treasurer shall settle with the auditor for all advance payments 9682
of general personal and classified property taxes that the 9683
treasurer has received at the time of making the settlement. 9684

(C) On or before the tenth day of August, in each year, the 9685
treasurer shall settle with the auditor for all taxes and 9686
assessments that the treasurer has collected on the general 9687
duplicates of real and public utility property at the time of 9688
making such settlement, not included in the preceding February 9689
settlement. If the county treasurer has made or will make advance 9690
payments to the several taxing districts of the current year 9691
delinquent taxes under section 321.341 of the Revised Code before 9692
collecting them, the county treasurer shall take the advance 9693
payments into account for purposes of the settlement with the 9694
county auditor under this division. 9695

(D) On or before the thirty-first day of October, in each 9696
year, the treasurer shall settle with the auditor for all taxes 9697
that the treasurer has collected on the general personal and 9698
classified property duplicates, and for all advance payments of 9699
general personal and classified property taxes, not included in 9700
the preceding June settlement, that the treasurer has received at 9701
the time of making such settlement. 9702

(E) In the event the time for the payment of taxes is 9703
extended, pursuant to section 323.17 of the Revised Code, the date 9704
on or before which settlement for the taxes so extended must be 9705
made, as herein prescribed, shall be deemed to be extended for a 9706

like period of time. At each such settlement, the auditor shall 9707
allow to the treasurer, on the moneys received or collected and 9708
accounted for by the treasurer, the treasurer's fees, at the rate 9709
or percentage allowed by law, at a full settlement of the 9710
treasurer. 9711

(F) Within thirty days after the day of each settlement of 9712
taxes required under divisions (A) and (C) of this section, the 9713
treasurer shall certify to the tax commissioner any adjustments 9714
that have been made to the amount certified previously pursuant to 9715
section 319.302 of the Revised Code and that the settlement has 9716
been completed. Upon receipt of such certification, the 9717
commissioner shall provide for payment to the county treasurer 9718
from the general revenue fund of an amount equal to one-half of 9719
the amount certified by the treasurer in the preceding tax year 9720
under section 319.302 of the Revised Code, less the sum of (1) 9721
one-half of the amount computed for all taxing districts in that 9722
county for the current fiscal year under section 5703.80 of the 9723
Revised Code for crediting to the property tax administration fund 9724
and (2) any reduction required by the commissioner under division 9725
(D) of section 718.83 of the Revised Code. Such payment shall be 9726
credited upon receipt to the county's undivided income tax fund, 9727
and the county auditor shall transfer to the county general fund 9728
from the amount thereof the total amount of all fees and charges 9729
which the auditor and treasurer would have been authorized to 9730
receive had such section not been in effect and that amount had 9731
been levied and collected as taxes. The county auditor shall 9732
distribute the amount remaining among the various taxing districts 9733
in the county as if it had been levied, collected, and settled as 9734
real property taxes. The amount distributed to each taxing 9735
district shall be reduced by the total of the amounts computed for 9736
the district under section 5703.80 of the Revised Code, but the 9737
reduction shall not exceed the amount that otherwise would be 9738
distributed to the taxing district under this division. The amount 9739

distributed to a taxing district shall account for any reduction 9740
required by the commissioner under division (D) of section 718.83 9741
of the Revised Code. The tax commissioner shall make available to 9742
taxing districts such information as is sufficient for a taxing 9743
district to be able to determine the amount of the reduction in 9744
its distribution under this section. 9745

(G)(1) Within thirty days after the day of the settlement 9746
required in division (D) of this section, the county treasurer 9747
shall notify the tax commissioner that the settlement has been 9748
completed. Upon receipt of that notification, the commissioner 9749
shall provide for payment to the county treasurer from the general 9750
revenue fund of an amount equal to the amount certified under 9751
former section 319.311 of the Revised Code and paid in the state's 9752
fiscal year 2003 multiplied by the percentage specified in 9753
division (G)(2) of this section. The payment shall be credited 9754
upon receipt to the county's undivided income tax fund, and the 9755
county auditor shall distribute the amount thereof among the 9756
various taxing districts of the county as if it had been levied, 9757
collected, and settled as personal property taxes. The amount 9758
received by a taxing district under this division shall be 9759
apportioned among its funds in the same proportion as the current 9760
year's personal property taxes are apportioned. 9761

(2) Payments required under division (G)(1) of this section 9762
shall be made at the following percentages of the amount certified 9763
under former section 319.311 of the Revised Code and paid under 9764
division (G)(1) of this section in the state's fiscal year 2003: 9765

(a) In fiscal year 2004, ninety per cent; 9766

(b) In fiscal year 2005, eighty per cent; 9767

(c) In fiscal year 2006, sixty-four per cent; 9768

(d) In fiscal year 2007, forty per cent; 9769

(e) In fiscal year 2008, thirty-two per cent; 9770

(f) In fiscal year 2009, sixteen per cent. 9771

After fiscal year 2009, no payments shall be made under 9772
division (G)(1) of this section. 9773

(H)(1) On or before the fifteenth day of April each year, the 9774
county treasurer shall settle with the county auditor for all 9775
manufactured home taxes that the county treasurer has collected on 9776
the manufactured home tax duplicate at the time of making the 9777
settlement. 9778

(2) On or before the fifteenth day of September each year, 9779
the county treasurer shall settle with the county auditor for all 9780
remaining manufactured home taxes that the county treasurer has 9781
collected on the manufactured home tax duplicate at the time of 9782
making the settlement. 9783

(3) If the time for payment of such taxes is extended under 9784
section 4503.06 of the Revised Code, the time for making the 9785
settlement as prescribed by divisions (H)(1) and (2) of this 9786
section is extended for a like period of time. 9787

(I) On or before the second Monday in September of each year, 9788
the county treasurer shall certify to the tax commissioner the 9789
total amount by which the manufactured home taxes levied in that 9790
year were reduced pursuant to section 319.302 of the Revised Code. 9791
Within ninety days after the receipt of such certification, the 9792
commissioner shall provide for payment to the county treasurer 9793
from the general revenue fund of an amount equal to the amount 9794
certified by the treasurer. Such payment shall be credited upon 9795
receipt to the county's undivided income tax fund, and the county 9796
auditor shall transfer to the county general fund from the amount 9797
thereof the total amount of all fees and charges that the auditor 9798
and treasurer would have been authorized to receive had such 9799
section not been in effect and that amount had been levied and 9800
collected as manufactured home taxes. The county auditor shall 9801

distribute the amount remaining among the various taxing districts 9802
in the county as if it had been levied, collected, and settled as 9803
manufactured home taxes. 9804

Sec. 323.151. As used in sections 323.151 to 323.159 of the 9805
Revised Code: 9806

(A)(1) "Homestead" means either of the following: 9807

(a) A dwelling, including a unit in a multiple-unit dwelling 9808
and a manufactured home or mobile home taxed as real property 9809
pursuant to division (B) of section 4503.06 of the Revised Code, 9810
owned and occupied as a home by an individual whose domicile is in 9811
this state and who has not acquired ownership from a person, other 9812
than the individual's spouse, related by consanguinity or affinity 9813
for the purpose of qualifying for the real property tax reduction 9814
provided in section 323.152 of the Revised Code. 9815

(b) A unit in a housing cooperative that is occupied as a 9816
home, but not owned, by an individual whose domicile is in this 9817
state. 9818

(2) The homestead shall include so much of the land 9819
surrounding it, not exceeding one acre, as is reasonably necessary 9820
for the use of the dwelling or unit as a home. An owner includes a 9821
holder of one of the several estates in fee, a vendee in 9822
possession under a purchase agreement or a land contract, a 9823
mortgagor, a life tenant, one or more tenants with a right of 9824
survivorship, tenants in common, and a settlor of a revocable or 9825
irrevocable inter vivos trust holding the title to a homestead 9826
occupied by the settlor as of right under the trust. The tax 9827
commissioner shall adopt rules for the uniform classification and 9828
valuation of real property or portions of real property as 9829
homesteads. 9830

(B) "Sixty-five years of age or older" means a person who has 9831

attained age sixty-four prior to the first day of January of the 9832
year of application for reduction in real estate taxes. 9833

(C) "Total income" means ~~Ohio~~ modified adjusted gross income, 9834
as that term is defined in section 5747.01 of the Revised Code, of 9835
the owner and the owner's spouse for the year preceding the year 9836
in which application for a reduction in taxes is made, ~~as~~ 9837
~~determined under division (A) of section 5747.01 of the Revised~~ 9838
~~Code.~~ 9839

(D) "Permanently and totally disabled" means that a person 9840
other than a disabled veteran has, on the first day of January of 9841
the year of application for reduction in real estate taxes, some 9842
impairment in body or mind that makes the person unable to work at 9843
any substantially remunerative employment that the person is 9844
reasonably able to perform and that will, with reasonable 9845
probability, continue for an indefinite period of at least twelve 9846
months without any present indication of recovery therefrom or has 9847
been certified as permanently and totally disabled by a state or 9848
federal agency having the function of so classifying persons. 9849

(E) "Housing cooperative" means a housing complex of at least 9850
two units that is owned and operated by a nonprofit corporation 9851
that issues a share of the corporation's stock to an individual, 9852
entitling the individual to live in a unit of the complex, and 9853
collects a monthly maintenance fee from the individual to 9854
maintain, operate, and pay the taxes of the complex. 9855

(F) "Disabled veteran" means a person who is a veteran of the 9856
armed forces of the United States, including reserve components 9857
thereof, or of the national guard, who has been discharged or 9858
released from active duty in the armed forces under honorable 9859
conditions, and who has received a total disability rating or a 9860
total disability rating for compensation based on individual 9861
unemployability for a service-connected disability or combination 9862
of service-connected disabilities as prescribed in Title 38, Part 9863

4 of the Code of Federal Regulations, as amended. 9864

Sec. 323.155. The tax bill prescribed under section 323.131 9865
of the Revised Code shall indicate the net amount of taxes due 9866
following the reductions in taxes under sections 319.301, 319.302, 9867
~~and~~ 323.152, and 323.16 of the Revised Code. 9868

Any reduction in taxes under section 323.152 of the Revised 9869
Code shall be disregarded as income or resources in determining 9870
eligibility for any program or calculating any payment under Title 9871
LI of the Revised Code. 9872

Sec. 323.16. (A) As used in this section: 9873

(1) "Qualifying child care center" means real property on 9874
which a licensed child care program operates. For purposes of this 9875
division, "licensed child care program" means a licensed child 9876
care program, as defined in section 5104.01 of the Revised Code, 9877
that meets all of the following requirements: 9878

(a) The program only serves children under six years of age; 9879

(b) At least twenty-five per cent of the children in the 9880
program reside in a household that receives public assistance; 9881

(c) The program is not operated from the permanent residence 9882
of the licensee or administrator or from a location that is also 9883
used for a separate commercial purpose. 9884

(2) "Public assistance" means benefits or assistance provided 9885
under any of the following government programs: 9886

(a) The publicly funded child care program authorized by 9887
Chapter 5104. of the Revised Code; 9888

(b) Medicaid. 9889

(3) The Ohio works first program established by Chapter 5107. 9890
of the Revised Code; 9891

(4) The supplemental nutrition assistance program 9892
administered by the department of job and family services under 9893
section 5101.54 of the Revised Code; 9894

(5) The special supplemental nutrition program for women, 9895
infants, and children administered by the department of health 9896
under section 3701.132 of the Revised Code. 9897

(B) A partial real property tax exemption is allowed to a 9898
qualifying child care center for each tax year for which an 9899
application for the partial exemption has been approved. The 9900
partial exemption shall take the form of a percentage reduction in 9901
the real property taxes levied on the qualifying child care 9902
center. That percentage shall equal one of the following: 9903

(1) Twenty-five per cent, if at least twenty-five per cent, 9904
but less than fifty per cent, of the children that attend the 9905
qualifying child care center reside in a household that receives 9906
public assistance; 9907

(2) Seventy-five per cent, if at least fifty per cent of the 9908
children that attend the qualifying child care center reside in a 9909
household that receives public assistance. 9910

After complying with section 319.301 of the Revised Code, the 9911
county auditor shall reduce the remaining sum to be levied against 9912
a qualifying child care center by the applicable percentage. The 9913
auditor shall certify the amount of taxes remaining after the 9914
reduction to the county treasurer for collection as the real 9915
property taxes charged and payable on the qualifying child care 9916
center. 9917

(C)(1) To obtain the partial exemption, the owner of a 9918
qualifying child care center shall file an application each year 9919
with the county auditor of the county in which the center is 9920
located. The application shall be filed on or before the 9921
thirty-first day of December of the year for which the partial 9922

exemption is sought. The tax commissioner shall prescribe the form 9923
of the application, which shall contain a statement that 9924
conviction of willfully falsifying information to obtain the 9925
partial exemption results in the revocation of the right to the 9926
partial exemption for a period of three years. 9927

(2) The county auditor shall approve or deny an application 9928
for the partial exemption within thirty days after receiving the 9929
application. Notification shall be provided on a form prescribed 9930
by the tax commissioner. If the application is approved, upon 9931
issuance of the notification the county auditor shall record the 9932
partial exemption in the appropriate column on the general tax 9933
list and duplicate of real and public utility property. If the 9934
application is denied, the notification shall inform the applicant 9935
of the reasons for the denial. 9936

If an applicant believes that the application for the partial 9937
exemption has been improperly denied for a tax year, the applicant 9938
may file an appeal with the county board of revision on or before 9939
the last day of March of the ensuing tax year. The appeal shall be 9940
treated in the same manner as a complaint relating to the 9941
valuation or assessment of real property under Chapter 5715. of 9942
the Revised Code. 9943

Sec. 341.34. (A) As used in this section, "building or 9944
structure" includes, but is not limited to, a modular unit, 9945
building, or structure and a movable unit, building, or structure. 9946

(B)(1) The board of county commissioners of any county, by 9947
resolution, may dedicate and permit the use, as a minimum security 9948
jail, of any vacant or abandoned public building or structure 9949
owned by the county that has not been dedicated to or is not then 9950
in use for any county or other public purpose, or any building or 9951
structure rented or leased by the county. The board of county 9952
commissioners of any county, by resolution, also may dedicate and 9953

permit the use, as a minimum security jail, of any building or structure purchased by or constructed by or for the county. Subject to divisions (B)(3) and (C) of this section, upon the effective date of such a resolution, the specified building or structure shall be used, in accordance with this section, for the confinement of persons who meet one of the following conditions:

(a) The person is sentenced to a term of imprisonment for a traffic violation or a misdemeanor or is sentenced to a residential sanction in the jail for a felony of the fourth or fifth degree pursuant to sections 2929.11 to 2929.19 of the Revised Code, and the jail administrator or the jail administrator's designee has classified the person as a minimal security risk. In determining the person's classification under this division, the administrator or designee shall consider all relevant factors, including, but not limited to, the person's escape risk and propensity for assaultive or violent behavior, based upon the person's prior and current behavior.

(b) The person is charged with a traffic violation, a misdemeanor, or a felony of the fourth or fifth degree and has had bail set and has not been released on bail and is confined in a county or municipal jail pending trial, and the jail administrator or the jail administrator's designee has classified the person as a minimal security risk. In determining the person's classification under this division, the administrator or designee shall consider all relevant factors, including, but not limited to, the person's escape risk and propensity for assaultive or violent behavior, based upon the person's prior and current behavior. Nothing in this division authorizes the operation or management of a minimum security jail by a private entity.

(c) The person is an inmate transferred by order of a judge of the sentencing court upon the request of the sheriff, administrator, jailer, or other person responsible for operating

the jail other than a contractor as defined in section 9.06 of the Revised Code, who is named in the request as being suitable for confinement in a minimum security facility.

(2) The board of county commissioners of any county, by resolution, may affiliate with one or more adjacent counties, or with one or more municipal corporations located within the county or within an adjacent county, and dedicate and permit the use, as a minimum security jail, of any vacant or abandoned public building or structure owned by any of the affiliating counties or municipal corporations that has not been dedicated to or is not then in use for any public purpose, or any building or structure rented or leased by any of the affiliating counties or municipal corporations. The board of county commissioners of any county, by resolution, also may affiliate with one or more adjacent counties or with one or more municipal corporations located within the county or within an adjacent county and dedicate and permit the use, as a minimum security jail, of any building or structure purchased by or constructed by or for any of the affiliating counties or municipal corporations. Any counties and municipal corporations that affiliate for purposes of this division shall enter into an agreement that establishes the responsibilities for the operation and for the cost of operation of the minimum security jail. Subject to divisions (B)(3) and (C) of this section, upon the effective date of a resolution adopted under this division, the specified building or structure shall be used, in accordance with this section, for the confinement of persons who meet one of the following conditions:

(a) The person is sentenced to a term of imprisonment for a traffic violation, a misdemeanor, or a violation of an ordinance of any municipal corporation, or is sentenced to a residential sanction in the jail for a felony of the fourth or fifth degree pursuant to sections 2929.11 to 2929.19 of the Revised Code, and

the jail administrator or the jail administrator's designee has 10018
classified the person as a minimal security risk. In determining 10019
the person's classification under this division, the administrator 10020
or designee shall consider all relevant factors, including, but 10021
not limited to, the person's escape risk and propensity for 10022
assaultive or violent behavior, based upon the person's prior and 10023
current behavior. 10024

(b) The person is charged with a traffic violation, a 10025
misdemeanor, or a felony of the fourth or fifth degree and has had 10026
bail set and has not been released on bail and is confined in a 10027
county jail pending trial, and the jail administrator or the jail 10028
administrator's designee has classified the person as a minimal 10029
security risk. In determining the person's classification under 10030
this division, the administrator or designee shall consider all 10031
relevant factors, including, but not limited to, the person's 10032
escape risk and propensity for assaultive or violent behavior, 10033
based upon the person's prior and current behavior. Nothing in 10034
this division authorizes the operation or management of a minimum 10035
security jail by a private entity. 10036

(c) The person is an inmate transferred by order of a judge 10037
of the sentencing court upon the request of the sheriff, 10038
administrator, jailer, or other person responsible for operating 10039
the jail other than a contractor as defined in section 9.06 of the 10040
Revised Code, who is named in the request as being suitable for 10041
confinement in a minimum security facility. 10042

(3) No person shall be confined in a building or structure 10043
dedicated as a minimum security jail under division (B)(1) or (2) 10044
of this section unless the judge who sentenced the person to the 10045
term of imprisonment for the traffic violation or the misdemeanor 10046
specifies that the term of imprisonment is to be served in that 10047
jail, and division (B)(1) or (2) of this section permits the 10048
confinement of the person in that jail or unless the judge who 10049

sentenced the person to the residential sanction for the felony 10050
specifies that the residential sanction is to be served in a jail, 10051
and division (B)(1) or (2) of this section permits the confinement 10052
of the person in that jail. If a rented or leased building or 10053
structure is so dedicated, the building or structure may be used 10054
as a minimum security jail only during the period that it is 10055
rented or leased by the county or by an affiliated county or 10056
municipal corporation. If a person convicted of a misdemeanor is 10057
confined to a building or structure dedicated as a minimum 10058
security jail under division (B)(1) or (2) of this section and the 10059
sheriff, administrator, jailer, or other person responsible for 10060
operating the jail other than a contractor as defined in section 10061
9.06 of the Revised Code determines that it would be more 10062
appropriate for the person so confined to be confined in another 10063
jail or workhouse facility, the sheriff, administrator, jailer, or 10064
other person may transfer the person so confined to a more 10065
appropriate jail or workhouse facility. 10066

(C) All of the following apply to a building or structure 10067
that is dedicated pursuant to division (B)(1) or (2) of this 10068
section for use as a minimum security jail: 10069

(1) To the extent that the use of the building or structure 10070
as a minimum security jail requires a variance from any county, 10071
municipal corporation, or township zoning regulations or 10072
ordinances, the variance shall be granted. 10073

(2) Except as provided in this section, the building or 10074
structure shall not be used to confine any person unless it is in 10075
substantial compliance with any applicable housing, fire 10076
prevention, sanitation, health, and safety codes, regulations, or 10077
standards. 10078

(3) Unless such satisfaction or compliance is required under 10079
the standards described in division (C)(4) of this section, and 10080
notwithstanding any other provision of state or local law to the 10081

contrary, the building or structure need not satisfy or comply 10082
with any state or local building standard or code in order to be 10083
used to confine a person for the purposes specified in division 10084
(B) of this section. 10085

(4) The building or structure shall not be used to confine 10086
any person unless it is in compliance with all minimum standards 10087
and minimum renovation, modification, and construction criteria 10088
for ~~minimum security~~ jails that have been proposed by the 10089
department of rehabilitation and correction, through its bureau of 10090
adult detention, under section 5120.10 of the Revised Code. 10091

(5) The building or structure need not be renovated or 10092
modified into a secure detention facility in order to be used 10093
solely to confine a person for the purposes specified in divisions 10094
(B)(1)(a) or (b) and (B)(2)(a) or (b) of this section. 10095

(6) The building or structure shall be used, equipped, 10096
furnished, and staffed in the manner necessary to provide adequate 10097
and suitable living, sleeping, food service or preparation, 10098
drinking, bathing and toilet, sanitation, and other necessary 10099
facilities, furnishings, and equipment. 10100

(D) Except as provided in this section, a minimum security 10101
jail dedicated and used under this section shall be considered to 10102
be part of the jail, workhouse, or other correctional facilities 10103
of the county or the affiliated counties and municipal 10104
corporations for all purposes under the law. All persons confined 10105
in such a minimum security jail shall be and shall remain, in all 10106
respects, under the control of the county authority that has 10107
responsibility for the management and operation of the jail, 10108
workhouse, or other correctional facilities of the county or, if 10109
it is operated by any affiliation of counties or municipal 10110
corporations, under the control of the specified county or 10111
municipal corporation with that authority, provided that, if the 10112
person was convicted of a felony and is serving a residential 10113

sanction in the facility, all provisions of law that pertain to 10114
persons convicted of a felony that would not by their nature 10115
clearly be inapplicable apply regarding the person. A minimum 10116
security jail dedicated and used under this section shall be 10117
managed and maintained in accordance with policies and procedures 10118
adopted by the board of county commissioners or the affiliated 10119
counties and municipal corporations governing the safe and 10120
healthful operation of the jail, the confinement and supervision 10121
of the persons sentenced to it, and their participation in work 10122
release or similar rehabilitation programs. In addition to other 10123
rules of conduct and discipline, the rights of ingress and egress 10124
of persons confined in a minimum security jail dedicated and used 10125
under this section shall be subject to reasonable restrictions. 10126
Every person confined in a minimum security jail dedicated and 10127
used under this section shall be given verbal and written 10128
notification, at the time of the person's admission to the jail, 10129
that purposely leaving, or purposely failing to return to, the 10130
jail without proper authority or permission constitutes the felony 10131
offense of escape. 10132

(E) If a person who has been convicted of or pleaded guilty 10133
to an offense is sentenced to a term of imprisonment or a 10134
residential sanction in a minimum security jail as described in 10135
division (B)(1)(a) or (B)(2)(a) of this section, or if a person is 10136
an inmate transferred to a minimum security jail by order of a 10137
judge of the sentencing court as described in division (B)(1)(c) 10138
or (B)(2)(c) of this section, at the time of reception and at 10139
other times the person in charge of the operation of the jail 10140
determines to be appropriate, the sheriff or other person in 10141
charge of the operation of the jail may cause the convicted 10142
offender to be examined and tested for tuberculosis, HIV 10143
infection, hepatitis, including but not limited to hepatitis A, B, 10144
and C, and other contagious diseases. The person in charge of the 10145
operation of the jail may cause a convicted offender in the jail 10146

who refuses to be tested or treated for tuberculosis, HIV 10147
infection, hepatitis, including but not limited to hepatitis A, B, 10148
and C, or another contagious disease to be tested and treated 10149
involuntarily. 10150

Sec. 351.021. (A) The resolution of the county commissioners 10151
creating a convention facilities authority, or any amendment or 10152
supplement to that resolution, may authorize the authority to levy 10153
one or both of the excise taxes authorized by division (B) of this 10154
section to pay the cost of one or more facilities; to pay 10155
principal, interest, and premium on convention facilities 10156
authority tax anticipation bonds issued to pay those costs; to pay 10157
the operating costs of the authority; to pay operating and 10158
maintenance costs of those facilities; and to pay the costs of 10159
administering the excise tax. 10160

(B) The board of directors of a convention facilities 10161
authority that has been authorized pursuant to resolution adopted, 10162
amended, or supplemented by the board of county commissioners 10163
pursuant to division (A) of this section may levy, by resolution 10164
adopted on or before December 31, 1988, either or both of the 10165
following: 10166

(1) Within the territory of the authority, an additional 10167
excise tax not to exceed four per cent on each transaction. The 10168
excise tax authorized by division (B)(1) of this section shall be 10169
in addition to any excise tax levied pursuant to section 5739.08 10170
or 5739.09 of the Revised Code, or division (B)(2) of this 10171
section. 10172

(2) Within that portion of any municipal corporation that is 10173
located within the territory of the authority or within the 10174
boundaries of any township that is located within the territory of 10175
the authority, which municipal corporation or township is levying 10176
any portion of the excise tax authorized by division (A) of 10177

section 5739.08 of the Revised Code, and with the approval, by 10178
ordinance or resolution, of the legislative authority of that 10179
municipal corporation or township, an additional excise tax not to 10180
exceed nine-tenths of one per cent on each transaction. The excise 10181
tax authorized by division (B)(2) of this section may be levied 10182
only if, on the effective date of the levy specified in the 10183
resolution making the levy, the amount being levied pursuant to 10184
division (A) of section 5739.08 of the Revised Code by each 10185
municipal corporation or township in which the tax authorized by 10186
division (B)(2) of this section will be levied, when added to the 10187
amount levied under division (B)(2) of this section, does not 10188
exceed three per cent on each transaction. The excise tax 10189
authorized by division (B)(2) of this section shall be in addition 10190
to any excise tax that is levied pursuant to section 5739.08 or 10191
5739.09 of the Revised Code, or division (B)(1) of this section. 10192

(C)(1) The board of directors of a convention facilities 10193
authority that is located in an eligible Appalachian county; that 10194
has been authorized pursuant to resolution adopted, amended, or 10195
supplemented by the board of county commissioners pursuant to 10196
division (A) of this section; and that is not levying a tax under 10197
division (B)(1) or (2) of this section may levy within the 10198
territory of the authority, by resolution adopted on or before 10199
December 31, 2005, an additional excise tax not to exceed three 10200
per cent on each transaction. The excise tax authorized under 10201
division (C)(1) of this section shall be in addition to any excise 10202
tax levied pursuant to section 5739.08 or 5739.09 of the Revised 10203
Code. 10204

As used in division (C)(1) of this section, "eligible 10205
Appalachian county" means a county in this state designated as 10206
being in the "Appalachian region" under the "Appalachian Regional 10207
Development Act of 1965," 79 Stat. 4, 40 U.S.C. App. 403, and 10208
having a population less than eighty thousand according to the 10209

most recent federal decennial census. 10210

(2) Division (C)(2) of this section applies only to a 10211
convention facilities authority located in a county with a 10212
population, according to the 2000 federal decennial census, of at 10213
least one hundred thirty-five thousand and not more than one 10214
hundred fifty thousand and containing entirely within its 10215
boundaries the territory of a municipal corporation with a 10216
population according to that census of more than fifty thousand. 10217
The board of directors of such a convention facilities authority, 10218
by resolution adopted on or before November 1, 2009, may levy 10219
within the territory of the authority an excise tax on 10220
transactions by which lodging by a hotel is or is to be furnished 10221
to transient guests at a rate not to exceed three per cent on such 10222
transactions for the same purposes for which a tax may be levied 10223
under division (B) of this section. The resolution may be adopted 10224
only if the board of county commissioners of the county, by 10225
resolution, authorizes the levy of the tax. The resolution of the 10226
board of county commissioners is subject to referendum as 10227
prescribed by sections 305.31 to 305.41 of the Revised Code. If, 10228
pursuant to those procedures, a referendum is to be held, the 10229
board's resolution does not take effect until approved by a 10230
majority of electors voting on the question. The convention 10231
facilities authority may adopt the resolution authorized by 10232
division (C)(2) of this section before the election, but the 10233
authority's resolution shall not take effect if the board of 10234
commissioners' resolution is not approved at the election. A tax 10235
levied under division (C)(2) of this section is in addition to any 10236
tax levied under section 5739.09 of the Revised Code. 10237

(D) The authority shall provide for the administration and 10238
allocation of an excise tax levied pursuant to division (B) or (C) 10239
of this section. All receipts arising from those excise taxes 10240
shall be expended for the purposes provided in, and in accordance 10241

with this section and section 351.141 of the Revised Code. An 10242
excise tax levied under division (B) or (C) of this section shall 10243
remain in effect at the rate at which it is levied for at least 10244
the duration of the period for which the receipts from the tax 10245
have been anticipated and pledged pursuant to section 351.141 of 10246
the Revised Code. 10247

(E) Except as provided in division (B)(2) of this section, 10248
the levy of an excise tax on each transaction pursuant to sections 10249
5739.08 and 5739.09 of the Revised Code does not prevent a 10250
convention facilities authority from levying an excise tax 10251
pursuant to division (B) or (C) of this section. 10252

(F) A convention facilities authority located in a county 10253
with a population greater than eighty thousand but less than 10254
ninety thousand according to the 2010 federal decennial census 10255
that levies a tax under division (B) of this section may amend the 10256
resolution levying the tax to allocate a portion of the revenue 10257
from the tax for support of tourism-related sites or facilities 10258
and programs operated by the county or a municipal corporation 10259
within the county in which the authority is located or for the 10260
purpose of leasing lands for county fairs, erecting buildings for 10261
county fair purposes, making improvements on a county fairground, 10262
or for any purpose connected with the use of a county fairground 10263
or with the management thereof by the county in which the 10264
authority is located. The revenue allocated by the authority for 10265
such purposes in a calendar year shall not exceed fifteen per cent 10266
of the total revenue from the tax in the preceding calendar year. 10267

(G) A tax levied by a convention facilities authority under 10268
this section on transactions by which lodging by a hotel is or is 10269
to be furnished to transient guests, if the transaction is 10270
conducted through a hotel intermediary, shall be levied on the 10271
basis of the lodging's fair market value. The hotel intermediary 10272
shall collect the tax due from the purchaser and remit it to the 10273

convention facilities authority. As used in this division, 10274
"lodging's fair market value" and "hotel intermediary" have the 10275
same meanings as in section 5739.01 of the Revised Code. 10276

Sec. 353.06. As used in this section, "hotel," "lodging's 10277
fair market value," "hotel intermediary," and "transient guests" 10278
have the same meanings as in section 5739.01 of the Revised Code. 10279

A resolution creating a lake facilities authority under 10280
section 353.02 of the Revised Code, or any amendments or 10281
supplements thereto, may authorize the authority to levy an excise 10282
tax on transactions by which lodging in a hotel is or is to be 10283
furnished to transient guests to pay any costs authorized under 10284
this chapter; to pay principal, interest, and premium on lake 10285
facilities authority tax anticipation bonds issued to pay those 10286
costs; to pay the operating costs of the authority; and to pay the 10287
costs of administering the tax. 10288

Upon the affirmative vote of at least a majority of the 10289
qualified electors in a primary or general election within the 10290
impacted lake district voting at an election held for the purpose 10291
of authorizing the tax, the board of directors of a lake 10292
facilities authority authorized to levy a tax under this section 10293
may, by resolution, levy an additional excise tax within the 10294
territory of the impacted lake district on all transactions by 10295
which lodging in a hotel is or is to be furnished to transient 10296
guests. The rate of the tax, when added to the aggregate rate of 10297
excise taxes levied in the impacted lake district pursuant to 10298
section 351.021, 5739.08, or 5739.09 of the Revised Code, shall 10299
not cause the total aggregate rate to exceed five per cent on any 10300
such transaction. 10301

The lake facilities authority shall provide for the 10302
administration and allocation of a tax levied pursuant to this 10303
section. All receipts arising from the tax shall be expended for 10304

the purposes provided in, and in accordance with, this section. An 10305
excise tax levied under this section shall remain in effect at the 10306
rate at which it is levied for at least the duration of the period 10307
for which the receipts from the tax have been anticipated and 10308
pledged pursuant to section 353.08 of the Revised Code. 10309

The form of the ballot in an election held on the question of 10310
levying a tax proposed pursuant to this section shall be as 10311
follows or in any other form acceptable to the secretary of state: 10312

"An excise tax on all transactions by which lodging in a 10313
hotel is or is to be furnished to transient guests within the 10314
territory of the (name of impacted lake district) for 10315
the purpose of at a rate of for 10316
(number of years the tax is to be levied). 10317

	For the Excise Tax
	Against the Excise Tax

"

A tax levied by a lake facilities authority under this 10321
section on transactions by which lodging by a hotel is or is to be 10322
furnished to transient guests, if the transaction is conducted 10323
through a hotel intermediary, shall be levied on the basis of the 10324
lodging's fair market value. The hotel intermediary shall collect 10325
the tax due from the purchaser and remit it to the lake facilities 10326
authority. 10327

Sec. 505.262. (A) Notwithstanding division (D) of section 10328
505.37 of the Revised Code or any other statute of this state and 10329
subject to division (C) of this section, the board of township 10330
trustees of any township, by unanimous vote, may adopt a 10331
resolution allowing the township to contract for the purchase of 10332
equipment, buildings, and sites, or for the construction of 10333
buildings, for any lawful township purpose. The board may issue, 10334
by resolution adopted by unanimous vote, securities of the 10335

township to finance purchases and construction made pursuant to 10336
this division. The securities shall be signed by the board and 10337
attested by the signature of the township fiscal officer, and the 10338
maximum maturity of those securities is subject to the limitations 10339
in section 133.20 of the Revised Code. The securities shall bear 10340
interest not to exceed the rate determined as provided in section 10341
9.95 of the Revised Code and shall not be subject to Chapter 133. 10342
of the Revised Code. The resolution authorizing the issuance of 10343
the securities shall provide for levying and collecting annually 10344
by taxation, amounts sufficient to pay the interest on and 10345
principal of the securities. The securities may contain a clause 10346
permitting prepayment at the option of the board. Securities shall 10347
be offered for sale on the open market or given to the vendor or 10348
contractor if no sale is made. 10349

(B) No purchase or construction pursuant to division (A) of 10350
this section shall be undertaken unless the county auditor 10351
certifies that, if the purchase or construction is undertaken, the 10352
debt service charge for the purchase or construction in the first 10353
year, together with the debt service charge for that same year for 10354
any other purchase or construction already undertaken pursuant to 10355
division (A) of this section, does not exceed one-tenth of the 10356
township's total revenue from all sources. If the county auditor 10357
so certifies, in every year of the debt after the first year, the 10358
county budget commission shall include a debt charge in the 10359
township's annual tax budget submitted pursuant to sections 10360
5705.01 to 5705.47 of the Revised Code sufficient to meet the 10361
annual debt incurred pursuant to division (A) of this section, if 10362
the debt charge is omitted from the budget. 10363

(C) A board of township trustees of an urban township as 10364
defined in section 504.01 of the Revised Code may adopt a 10365
resolution to require a majority vote rather than a unanimous vote 10366
for the purposes of contracting for or issuing securities for the 10367

construction of buildings under division (A) of this section. 10368

Sec. 505.37. (A) The board of township trustees may establish 10369
all necessary rules to guard against the occurrence of fires and 10370
to protect the property and lives of the citizens against damage 10371
and accidents, and may, with the approval of the specifications by 10372
the prosecuting attorney or, if the township has adopted limited 10373
home rule government under Chapter 504. of the Revised Code, with 10374
the approval of the specifications by the township's law director, 10375
purchase, lease, lease with an option to purchase, or otherwise 10376
provide any fire apparatus, mechanical resuscitators, underwater 10377
rescue and recovery equipment, or other fire equipment, 10378
appliances, materials, fire hydrants, and water supply for 10379
fire-fighting and fire and rescue purposes that seems advisable to 10380
the board. The board shall provide for the care and maintenance of 10381
such fire equipment, and, for these purposes, may purchase, lease, 10382
lease with an option to purchase, or construct and maintain 10383
necessary buildings, and it may establish and maintain lines of 10384
fire-alarm communications within the limits of the township. The 10385
board may employ one or more persons to maintain and operate such 10386
fire equipment, or it may enter into an agreement with a volunteer 10387
fire company for the use and operation of the equipment. The board 10388
may compensate the members of a volunteer fire company on any 10389
basis and in any amount that it considers equitable. 10390

10391

When the estimated cost to purchase fire apparatus, 10392
mechanical resuscitators, underwater rescue and recovery 10393
equipment, or other fire equipment, appliances, materials, fire 10394
hydrants, buildings, or fire-alarm communications equipment or 10395
services exceeds fifty thousand dollars, the contract shall be let 10396
by competitive bidding. When competitive bidding is required, the 10397
board shall advertise once a week for not less than two 10398
consecutive weeks in a newspaper of general circulation within the 10399

township. The board may also cause notice to be inserted in trade 10400
papers or other publications designated by it or to be distributed 10401
by electronic means, including posting the notice on the board's 10402
internet web site. If the board posts the notice on its web site, 10403
it may eliminate the second notice otherwise required to be 10404
published in a newspaper of general circulation within the 10405
township, provided that the first notice published in such 10406
newspaper meets all of the following requirements: 10407

(1) It is published at least two weeks before the opening of 10408
bids. 10409

(2) It includes a statement that the notice is posted on the 10410
board's internet web site. 10411

(3) It includes the internet address of the board's internet 10412
web site. 10413

(4) It includes instructions describing how the notice may be 10414
accessed on the board's internet web site. 10415

The advertisement shall include the time, date, and place 10416
where the clerk of the township, or the clerk's designee, will 10417
read bids publicly. The time, date, and place of bid openings may 10418
be extended to a later date by the board of township trustees, 10419
provided that written or oral notice of the change shall be given 10420
to all persons who have received or requested specifications not 10421
later than ninety-six hours prior to the original time and date 10422
fixed for the opening. The board may reject all the bids or accept 10423
the lowest and best bid, provided that the successful bidder meets 10424
the requirements of section 153.54 of the Revised Code when the 10425
contract is for the construction, demolition, alteration, repair, 10426
or reconstruction of an improvement. 10427

(B) The boards of township trustees of any two or more 10428
townships, or the legislative authorities of any two or more 10429
political subdivisions, or any combination of these, may, through 10430

joint action, unite in the joint purchase, lease, lease with an 10431
option to purchase, maintenance, use, and operation of fire 10432
equipment described in division (A) of this section, or for any 10433
other purpose designated in sections 505.37 to 505.42 of the 10434
Revised Code, and may prorate the expense of the joint action on 10435
any terms that are mutually agreed upon. 10436

(C) The board of township trustees of any township may, by 10437
resolution, whenever it is expedient and necessary to guard 10438
against the occurrence of fires or to protect the property and 10439
lives of the citizens against damages resulting from their 10440
occurrence, create a fire district of any portions of the township 10441
that it considers necessary. The board may purchase, lease, lease 10442
with an option to purchase, or otherwise provide any fire 10443
apparatus, mechanical resuscitators, underwater rescue and 10444
recovery equipment, or other fire equipment, appliances, 10445
materials, fire hydrants, and water supply for fire-fighting and 10446
fire and rescue purposes, or may contract for the fire protection 10447
for the fire district as provided in section 9.60 of the Revised 10448
Code. The fire district so created shall be given a separate name 10449
by which it shall be known. 10450

Additional unincorporated territory of the township may be 10451
added to a fire district upon the board's adoption of a resolution 10452
authorizing the addition. A municipal corporation, or a portion of 10453
a municipal corporation, that is within or adjoining the township 10454
may be added to a fire district upon the board's adoption of a 10455
resolution authorizing the addition and the municipal legislative 10456
authority's adoption of a resolution or ordinance requesting the 10457
addition of the municipal corporation or a portion of the 10458
municipal corporation to the fire district. 10459

If the township fire district imposes a tax, additional 10460
unincorporated territory of the township or a municipal 10461
corporation or a portion of a municipal corporation that is within 10462

or adjoining the township shall become part of the fire district 10463
only after all of the following have occurred: 10464

(1) Adoption by the board of township trustees of a 10465
resolution approving the expansion of the territorial limits of 10466
the district and, if the resolution proposes to add a municipal 10467
corporation or a portion of a municipal corporation, adoption by 10468
the municipal legislative authority of a resolution or ordinance 10469
requesting the addition of the municipal corporation or a portion 10470
of the municipal corporation to the district; 10471

(2) Adoption by the board of township trustees of a 10472
resolution recommending the extension of the tax to the additional 10473
territory; 10474

(3) Approval of the tax by the electors of the territory 10475
proposed for addition to the district. 10476

Each resolution of the board adopted under division (C)(2) of 10477
this section shall state the name of the fire district, a 10478
description of the territory to be added, and the rate and 10479
termination date of the tax, which shall be the rate and 10480
termination date of the tax currently in effect in the fire 10481
district. 10482

The board of trustees shall certify each resolution adopted 10483
under division (C)(2) of this section to the board of elections in 10484
accordance with section 5705.19 of the Revised Code. The election 10485
required under division (C)(3) of this section shall be held, 10486
canvassed, and certified in the manner provided for the submission 10487
of tax levies under section 5705.25 of the Revised Code, except 10488
that the question appearing on the ballot shall read: 10489

"Shall the territory within 10490
(description of the proposed territory to be added) be added to 10491
..... (name) fire district, and a property tax 10492
at a rate of taxation not exceeding (here insert tax rate) 10493

be in effect for (here insert the number of years the tax is to be in effect or "a continuing period of time," as applicable)?"

If the question is approved by at least a majority of the electors voting on it, the joinder shall be effective as of the first day of July of the year following approval, and on that date, the township fire district tax shall be extended to the taxable property within the territory that has been added. If the territory that has been added is a municipal corporation or portion thereof and if it had adopted a tax levy for fire purposes, the levy is terminated on the effective date of the joinder in the area of the municipal corporation added to the district.

Any municipal corporation may withdraw from a township fire district created under division (C) of this section by the adoption by the municipal legislative authority of a resolution or ordinance ordering withdrawal. On the first day of July of the year following the adoption of the resolution or ordinance of withdrawal, the withdrawing municipal corporation ~~withdrawing~~ or the portion thereof ceases to be a part of the district, and the power of the fire district to levy a tax upon taxable property in the withdrawing municipal corporation or the portion thereof terminates, except that the fire district shall continue to levy and collect taxes for the payment of indebtedness within the territory of the fire district as it was composed at the time the indebtedness was incurred.

Upon the withdrawal of any municipal corporation from a township fire district created under division (C) of this section, the county auditor shall ascertain, apportion, and order a division of the funds on hand, moneys and taxes in the process of collection except for taxes levied for the payment of indebtedness, credits, and real and personal property, either in

money or in kind, on the basis of the valuation of the respective 10526
tax duplicates of the withdrawing municipal corporation and the 10527
remaining territory of the fire district. 10528

A board of township trustees may remove unincorporated 10529
territory of the township from the fire district upon the adoption 10530
of a resolution authorizing the removal. On the first day of July 10531
of the year following the adoption of the resolution, the 10532
unincorporated township territory described in the resolution 10533
ceases to be a part of the district, and the power of the fire 10534
district to levy a tax upon taxable property in that territory 10535
terminates, except that the fire district shall continue to levy 10536
and collect taxes for the payment of indebtedness within the 10537
territory of the fire district as it was composed at the time the 10538
indebtedness was incurred. 10539

(D) The board of township trustees of any township, the board 10540
of fire district trustees of a fire district created under section 10541
505.371 of the Revised Code, or the legislative authority of any 10542
municipal corporation may purchase, lease, or lease with an option 10543
to purchase the necessary fire equipment described in division (A) 10544
of this section, buildings, and sites for the township, fire 10545
district, or municipal corporation and issue securities for that 10546
purpose with maximum maturities as provided in section 133.20 of 10547
the Revised Code. The board of township trustees, board of fire 10548
district trustees, or legislative authority may also construct any 10549
buildings necessary to house fire equipment and issue securities 10550
for that purpose with maximum maturities as provided in section 10551
133.20 of the Revised Code. 10552

The board of township trustees, board of fire district 10553
trustees, or legislative authority may issue the securities of the 10554
township, fire district, or municipal corporation, signed by the 10555
board or designated officer of the municipal corporation and 10556
attested by the signature of the township fiscal officer, fire 10557

district clerk, or municipal clerk, covering any deferred payments 10558
and payable at the times provided, which securities shall bear 10559
interest not to exceed the rate determined as provided in section 10560
9.95 of the Revised Code, and shall not be subject to Chapter 133. 10561
of the Revised Code. The legislation authorizing the issuance of 10562
the securities shall provide for levying and collecting annually 10563
by taxation, amounts sufficient to pay the interest on and 10564
principal of the securities. The securities shall be offered for 10565
sale on the open market or given to the vendor or contractor if no 10566
sale is made. 10567

Section 505.40 of the Revised Code does not apply to any 10568
securities issued, or any lease with an option to purchase entered 10569
into, in accordance with this division. 10570

(E) A board of township trustees of any township or a board 10571
of fire district trustees of a fire district created under section 10572
505.371 of the Revised Code may purchase a policy or policies of 10573
liability insurance for the officers, employees, and appointees of 10574
the fire department, fire district, or joint fire district 10575
governed by the board that includes personal injury liability 10576
coverage as to the civil liability of those officers, employees, 10577
and appointees for false arrest, detention, or imprisonment, 10578
malicious prosecution, libel, slander, defamation or other 10579
violation of the right of privacy, wrongful entry or eviction, or 10580
other invasion of the right of private occupancy, arising out of 10581
the performance of their duties. 10582

When a board of township trustees cannot, by deed of gift or 10583
by purchase and upon terms it considers reasonable, procure land 10584
for a township fire station that is needed in order to respond in 10585
reasonable time to a fire or medical emergency, the board may 10586
appropriate land for that purpose under sections 163.01 to 163.22 10587
of the Revised Code. If it is necessary to acquire additional 10588
adjacent land for enlarging or improving the fire station, the 10589

board may purchase, appropriate, or accept a deed of gift for the 10590
land for these purposes. 10591

(F) As used in this division, "emergency medical service 10592
organization" has the same meaning as in section 4766.01 of the 10593
Revised Code. 10594

A board of township trustees, by adoption of an appropriate 10595
resolution, may choose to have the state board of emergency 10596
medical, fire, and transportation services license any emergency 10597
medical service organization it operates. If the board adopts such 10598
a resolution, Chapter 4766. of the Revised Code, except for 10599
sections 4766.06 and 4766.99 of the Revised Code, applies to the 10600
organization. All rules adopted under the applicable sections of 10601
that chapter also apply to the organization. A board of township 10602
trustees, by adoption of an appropriate resolution, may remove its 10603
emergency medical service organization from the jurisdiction of 10604
the state board of emergency medical, fire, and transportation 10605
services. 10606

Sec. 505.371. (A) The boards of township trustees of one or 10607
more townships and the legislative authorities of one or more 10608
municipal corporations, or the legislative authorities of two or 10609
more municipal corporations, or the boards of township trustees of 10610
two or more townships, may, by adoption of a joint resolution by a 10611
majority of the members of each board of township trustees and by 10612
a majority of the members of the legislative authority of each 10613
municipal corporation, create a joint fire district comprising all 10614
or any portions of the municipal corporations and all or any 10615
portions of the townships as are mutually agreed upon. A joint 10616
fire district so created shall be given a name different from the 10617
name of any participating township or municipal corporation. 10618

(B) The governing body of the joint fire district shall be a 10619
board of fire district trustees, which shall include one 10620

representative from each board of township trustees and one 10621
representative from the legislative authority of each municipal 10622
corporation in the district. The board of fire district trustees 10623
may exercise the same powers as are granted to a board of township 10624
trustees in sections 505.37 to 505.45 of the Revised Code, 10625
including, but not limited to, the power to levy a tax upon all 10626
taxable property in the fire district as provided in section 10627
505.39 of the Revised Code. The board of fire district trustees 10628
may be compensated at a rate not to exceed thirty dollars per 10629
meeting, not to exceed fifteen meetings per year, and may be 10630
reimbursed for all necessary expenses incurred. The board shall 10631
employ a clerk of the board of fire district trustees. 10632

(C)(1) The board of fire district trustees may establish 10633
reasonable charges for the use of ambulance or emergency medical 10634
services. The board may establish different charges for residents 10635
and nonresidents of the district, and may waive, at its 10636
discretion, all or part of the charge for any resident of the 10637
district. The charge for nonresidents shall be an amount not less 10638
than the authorized medicare reimbursement rate, except that if, 10639
prior to February 4, 1998, the board had different charges for 10640
residents and nonresidents and the charge for nonresidents was 10641
less than the authorized medicare reimbursement rate, the board 10642
may charge nonresidents less than the authorized medicare 10643
reimbursement rate. 10644

(2) In the resolution creating the joint fire district, the 10645
political subdivisions that create the district may provide that 10646
any of those political subdivisions may agree to pay any charges 10647
for the use of ambulance or emergency medical services that the 10648
board of fire district trustees establishes under division (C)(1) 10649
of this section and that are incurred by the residents of the 10650
particular political subdivision. Unless the board elects pursuant 10651
to that division to waive all or part of the charges for the use 10652

of ambulance or emergency medical services that any resident of 10653
the district incurs, the residents of a particular political 10654
subdivision that has not so agreed to pay the charges for the use 10655
of ambulance or emergency medical services incurred by its 10656
residents shall pay those charges. 10657

(3) Charges collected under division (C) of this section 10658
shall be kept in a separate fund designated as the ambulance and 10659
emergency medical services fund and shall be appropriated and 10660
administered by the board. The fund shall be used for the payment 10661
of the costs of the management, maintenance, and operation of 10662
ambulance and emergency medical services in the district. 10663

(4) As used in division (C) of this section, "authorized 10664
medicare reimbursement rate" has the same meaning as in section 10665
505.84 of the Revised Code. 10666

(D) Any municipal corporation or township, or parts of them, 10667
may join an existing joint fire district by the adoption of a 10668
resolution requesting such membership and upon approval of the 10669
board of fire district trustees. Any municipal corporation or 10670
township may withdraw from a joint fire district created under 10671
this section, by the adoption of a resolution ordering withdrawal. 10672
On or after the first day of January of the year following the 10673
adoption of the resolution of withdrawal, the municipal 10674
corporation or township withdrawing ceases to be a part of such 10675
district, and the power of the district to levy a tax upon taxable 10676
property in the withdrawing township or municipal corporation 10677
terminates, except that the district shall continue to levy and 10678
collect taxes for the payment of indebtedness within the territory 10679
of the district as it was comprised at the time the indebtedness 10680
was incurred. 10681

Upon the withdrawal of any township or municipal corporation 10682
from a joint fire district created under this section, the county 10683
auditor shall ascertain, apportion, and order a division of the 10684

funds on hand, including funds in the ambulance and emergency 10685
medical services fund, moneys and taxes in the process of 10686
collection, except for taxes levied for the payment of 10687
indebtedness, credits, and real and personal property, either in 10688
money or in kind, on the basis of the valuation of the respective 10689
tax duplicates of the withdrawing municipal corporation or 10690
township and the remaining territory of the joint fire district. 10691

When the number of townships and municipal corporations 10692
comprising a joint fire district is reduced to one, the joint fire 10693
district ceases to exist by operation of law, and the funds, 10694
credits, and property remaining after apportionments to 10695
withdrawing municipal corporations or townships shall be assumed 10696
by the one remaining township or municipal corporation. When a 10697
joint fire district ceases to exist and an indebtedness remains 10698
unpaid, the board of county commissioners shall continue to levy 10699
and collect taxes for the payment of that indebtedness within the 10700
territory of the joint fire district as it was comprised at the 10701
time the indebtedness was incurred. 10702

(E) Neither this section nor any other section of the Revised 10703
Code requires, or shall be construed to require, that the fire 10704
chief of a joint fire district be a resident of the fire district. 10705

Sec. 701.10. The legislative authority of a municipal 10706
corporation ~~that is located in a charter county and~~ that has 10707
established a rate or charge for the provision of collection or 10708
disposal services for garbage, ashes, animal and vegetable refuse, 10709
dead animals, or animal offal may certify to the county ~~fiscal~~ 10710
~~officer~~ auditor, by ordinance, the amount of the rate or charge 10711
that has not been paid in accordance with applicable requirements 10712
by a person using the collection or disposal services. The amount 10713
certified shall be a lien on the person's property to which 10714
services are provided, placed on the tax list in a separate 10715

column, collected as other taxes, and paid into the general fund 10716
of the municipal corporation. 10717

Sec. 711.131. (A) Notwithstanding sections 711.001 to 711.13 10718
of the Revised Code and except as provided in division (C) of this 10719
section, unless the rules adopted under section 711.05, 711.09, or 10720
711.10 of the Revised Code are amended pursuant to division (B) of 10721
this section, a proposed division of a parcel of land along an 10722
existing public street, not involving the opening, widening, or 10723
extension of any street or road, and involving no more than five 10724
lots after the original tract has been completely subdivided, may 10725
be submitted to the planning authority having approving 10726
jurisdiction of plats under section 711.05, 711.09, or 711.10 of 10727
the Revised Code for approval without plat. If the authority 10728
acting through a properly designated representative finds that a 10729
proposed division is not contrary to applicable platting, 10730
subdividing, zoning, health, sanitary, or access management 10731
regulations, regulations adopted under division (B)(3) of section 10732
307.37 of the Revised Code regarding existing surface or 10733
subsurface drainage, or household sewage treatment rules adopted 10734
under section 3718.02 of the Revised Code, it shall approve the 10735
proposed division within seven business days after its submission 10736
and, on presentation of a conveyance of the parcel, shall stamp 10737
the conveyance "approved by (planning authority); no plat 10738
required" and have it signed by its clerk, secretary, or other 10739
official as may be designated by it. The planning authority may 10740
require the submission of a sketch and other information that is 10741
pertinent to its determination under this division. 10742

(B) For a period of up to two years after ~~the effective date~~ 10743
~~of this amendment~~ the effective date of this amendment, the rules 10744
adopted under section 711.05, 711.09, or 711.10 of the Revised 10745
Code may be amended within that period to authorize the planning 10746

authority involved to approve proposed divisions of parcels of 10747
land without plat under this division. If an authority so amends 10748
its rules, it may approve no more than five lots without a plat 10749
from an original tract as that original tract exists on the 10750
effective date of the amendment to the rules. The authority shall 10751
make the findings and approve a proposed division in the time and 10752
manner specified in division (A) of this section. 10753

(C) This section does not apply to parcels subject to section 10754
711.133 of the Revised Code. 10755

(D) As used in this section, "business day" means a day of 10756
the week excluding Saturday, Sunday, or a legal holiday as defined 10757
in section 1.14 of the Revised Code. 10758

Sec. 718.83. (A) On or before the last day of each month, the 10759
tax commissioner shall certify to the director of budget and 10760
management the amount to be paid to each municipal corporation, 10761
based on amounts reported on annual returns and declarations of 10762
estimated tax under sections 718.85 and 718.88 of the Revised 10763
Code, less any amounts previously distributed and net of any audit 10764
adjustments made or refunds granted by the commissioner, for the 10765
~~ealender~~ calendar month preceding the month in which the 10766
certification is made. Not later than the fifth day of each month, 10767
the director shall provide for payment of the amount certified to 10768
each municipal corporation from the municipal ~~income~~ net profit 10769
tax fund, plus a pro rata share of any investment earnings 10770
accruing to the fund since the previous payment under this 10771
section, and minus any reduction required by the commissioner 10772
under division (D) of this section. Each municipal corporation's 10773
share of such earnings shall equal the proportion that the 10774
municipal corporation's certified tax payment is of the total 10775
taxes certified to all municipal corporations in that quarter. All 10776
investment earnings on money in the municipal ~~income~~ net profit 10777

tax fund shall be credited to that fund. 10778

(B) If the tax commissioner determines that the amount of tax 10779
paid by a taxpayer and distributed to a municipal corporation 10780
under this section for a taxable year exceeds the amount payable 10781
to that municipal corporation under sections 718.80 to 718.95 of 10782
the Revised Code after accounting for amounts remitted with the 10783
annual return and as estimated taxes, the commissioner shall 10784
proceed according to divisions (A) and (B) of section 5703.77 of 10785
the Revised Code. 10786

(C) If the amount of a municipal corporation's net 10787
distribution computed by the commissioner under division (A) of 10788
this section is less than zero, the commissioner may notify the 10789
municipal corporation of the deficiency. Within thirty days after 10790
receiving such a notice, the municipal corporation shall pay an 10791
amount equal to the deficiency to the treasurer of state. The 10792
treasurer of state shall credit any payment received under this 10793
division to the municipal net profit tax fund. 10794

(D) If a municipal corporation fails to make a timely payment 10795
required under division (C) of this section, the commissioner may 10796
recover the deficiency using any or all of the following options: 10797

(1) Deduct the amount of the deficiency from the next 10798
distribution to that municipal corporation under division (A) of 10799
this section or, if the amount of the deficiency exceeds the 10800
amount of such distribution, withhold such distributions entirely 10801
until the withheld amount equals the amount of the municipal 10802
corporation's deficiency; 10803

(2) Deduct the amount of the deficiency from the next payment 10804
to that municipal corporation under division (A) of section 10805
5745.05 of the Revised Code or, if the amount of the deficiency 10806
exceeds the amount of such distribution, withhold such 10807
distributions entirely until the withheld amount equals the amount 10808

of the municipal corporation's deficiency; 10809

(3) Deduct the amount of the deficiency from the municipal 10810
corporation's share of the next payment made by the commissioner 10811
under division (F) of section 321.24 of the Revised Code or, if 10812
the amount of the deficiency exceeds the amount of the municipal 10813
corporation's share of such payment, withhold the municipal 10814
corporation's share of the payments entirely until the withheld 10815
amount equals the amount of the municipal corporation's 10816
deficiency. 10817

(E) The total amount of payments and distributions withheld 10818
from a municipal corporation under division (D) of this section 10819
shall not exceed the unpaid portion of the municipal corporation's 10820
net distribution deficiency. All amounts withheld under division 10821
(D) of this section shall be credited to the municipal net profit 10822
tax fund. 10823

(F) The commissioner may adopt rules necessary to administer 10824
this section. 10825

Sec. 718.85. (A)(1) For each taxable year, every taxpayer 10826
shall file an annual return. Such return, along with the amount of 10827
tax shown to be due on the return less the amount paid for the 10828
taxable year under section 718.88 of the Revised Code, shall be 10829
submitted to the tax commissioner, on a form and in the manner 10830
prescribed by the commissioner, on or before the fifteenth day of 10831
the fourth month following the end of the taxpayer's taxable year. 10832

(2) If a taxpayer has multiple taxable years beginning within 10833
one calendar year, the taxpayer shall aggregate the facts and 10834
figures necessary to compute the tax due under this chapter, in 10835
accordance with sections 718.81, 718.82, and, if applicable, 10836
718.86 of the Revised Code onto its annual return. 10837

(3) The remittance shall be made payable to the treasurer of 10838

state and in the form prescribed by the tax commissioner. If the amount payable with the tax return is ten dollars or less, no remittance is required.

(B) The tax commissioner shall immediately forward to the treasurer of state all amounts the commissioner receives pursuant to sections 718.80 to 718.95 of the Revised Code. The treasurer shall credit ninety-nine and one-half per cent of such amounts to the municipal ~~income~~ net profit tax fund which is hereby created in the state treasury, and the remainder to the municipal income tax administrative fund established under section 5745.03 of the Revised Code.

(C)(1) Each return required to be filed under this section shall contain the signature of the taxpayer or the taxpayer's duly authorized agent and of the person who prepared the return for the taxpayer, and shall include the taxpayer's identification number. Each return shall be verified by a declaration under penalty of perjury.

(2)(a) The tax commissioner may require a taxpayer to include, with each annual tax return, amended return, or request for refund filed with the commissioner under sections 718.80 to 718.95 of the Revised Code, copies of any relevant documents or other information.

(b) A taxpayer that files an annual tax return electronically through the Ohio business gateway or in another manner as prescribed by the tax commissioner shall either submit the documents required under this division electronically as prescribed at the time of filing or, if electronic submission is not available, mail the documents to the tax commissioner. The department of taxation shall publish a method of electronically submitting the documents required under this division on or before January 1, 2019.

(3) After a taxpayer files a tax return, the tax commissioner 10870
may request, and the taxpayer shall provide, any information, 10871
statements, or documents required to determine and verify the 10872
taxpayer's municipal income tax. 10873

(D)(1)(a) Any taxpayer that has duly requested an automatic 10874
extension for filing the taxpayer's federal income tax return 10875
shall automatically receive an extension for the filing of a tax 10876
return with the commissioner under this section. The extended due 10877
date of the return shall be the fifteenth day of the tenth month 10878
after the last day of the taxable year to which the return 10879
relates. 10880

(b) A taxpayer that has not requested or received a six-month 10881
extension for filing the taxpayer's federal income tax return may 10882
request that the commissioner grant the taxpayer a six-month 10883
extension of the date for filing the taxpayer's municipal income 10884
tax return. If the commissioner receives the request on or before 10885
the date the municipal income tax return is due, the commissioner 10886
shall grant the taxpayer's extension request. 10887

(c) An extension of time to file under division (D)(1) of 10888
this section is not an extension of the time to pay any tax due 10889
unless the tax commissioner grants an extension of that date. 10890

(2) If the commissioner considers it necessary in order to 10891
ensure payment of a tax imposed in accordance with section 718.04 10892
of the Revised Code, the commissioner may require taxpayers to 10893
file returns and make payments otherwise than as provided in this 10894
section, including taxpayers not otherwise required to file annual 10895
returns. 10896

(E) Each return required to be filed in accordance with this 10897
section shall include a box that the taxpayer may check to 10898
authorize another person, including a tax return preparer who 10899
prepared the return, to communicate with the tax commissioner 10900

about matters pertaining to the return. The return or instructions 10901
accompanying the return shall indicate that by checking the box 10902
the taxpayer authorizes the commissioner to contact the preparer 10903
or other person concerning questions that arise during the 10904
examination or other review of the return and authorizes the 10905
preparer or other person only to provide the commissioner with 10906
information that is missing from the return, to contact the 10907
commissioner for information about the examination or other review 10908
of the return or the status of the taxpayer's refund or payments, 10909
and to respond to notices about mathematical errors, offsets, or 10910
return preparation that the taxpayer has received from the 10911
commissioner and has shown to the preparer or other person. 10912

(F) When income tax returns or other documents require the 10913
signature of a tax return preparer, the tax commissioner shall 10914
accept a facsimile or electronic version of such a signature in 10915
lieu of a manual signature. 10916

Sec. 718.90. (A) If any taxpayer required to file a return 10917
under section 718.80 to 718.95 of the Revised Code fails to file 10918
the return within the time prescribed, files an incorrect return, 10919
or fails to remit the full amount of the tax due for the period 10920
covered by the return, the tax commissioner may make an assessment 10921
against the taxpayer for any deficiency for the period for which 10922
the return or tax is due, based upon any information in the 10923
commissioner's possession. 10924

The tax commissioner shall not make or issue an assessment 10925
against a taxpayer more than three years after the later of the 10926
date the return subject to assessment was required to be filed or 10927
the date the return was filed. Such time limit may be extended if 10928
both the taxpayer and the commissioner consent in writing to the 10929
extension. Any such extension shall extend the three-year time 10930
limit in section 718.91 of the Revised Code for the same period of 10931

time. There shall be no bar or limit to an assessment against a taxpayer that fails to file a return subject to assessment as required by sections 718.80 to 718.95 of the Revised Code, or that files a fraudulent return. The commissioner shall give the taxpayer assessed written notice of the assessment as provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition.

(B) Unless the taxpayer assessed files with the tax commissioner within sixty days after service of the notice of assessment, either personally or by certified mail, a written petition for reassessment signed by the authorized agent of the taxpayer assessed having knowledge of the facts, the assessment becomes final, and the amount of the assessment is due and payable from the taxpayer to the treasurer of state. The petition shall indicate the taxpayer's objections, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the taxpayer has an office or place of business in this state, the county in which the taxpayer's statutory agent is located, or Franklin county.

Immediately upon the filing of the entry, the clerk shall enter a judgment against the taxpayer assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for municipal income taxes," and shall have the same effect as other judgments.

Execution shall issue upon the judgment upon the request of the 10964
tax commissioner, and all laws applicable to sales on execution 10965
shall apply to sales made under the judgment. 10966

If the assessment is not paid in its entirety within sixty 10967
days after the day the assessment was issued, the portion of the 10968
assessment consisting of tax due shall bear interest at the rate 10969
per annum prescribed by section 5703.47 of the Revised Code from 10970
the day the commissioner issues the assessment until the 10971
assessment is paid or until it is certified to the attorney 10972
general for collection under section 131.02 of the Revised Code, 10973
whichever comes first. If the unpaid portion of the assessment is 10974
certified to the attorney general for collection, the entire 10975
unpaid portion of the assessment shall bear interest at the rate 10976
per annum prescribed by section 5703.47 of the Revised Code from 10977
the date of certification until the date it is paid in its 10978
entirety. Interest shall be paid in the same manner as the tax and 10979
may be collected by issuing an assessment under this section. 10980

(D) All money collected under this section shall be credited 10981
to the municipal ~~income~~ net profit tax fund and distributed to the 10982
municipal corporation to which the money is owed based on the 10983
assessment issued under this section. 10984

(E) If the tax commissioner believes that collection of the 10985
tax will be jeopardized unless proceedings to collect or secure 10986
collection of the tax are instituted without delay, the 10987
commissioner may issue a jeopardy assessment against the taxpayer 10988
liable for the tax. Immediately upon the issuance of the jeopardy 10989
assessment, the commissioner shall file an entry with the clerk of 10990
the court of common pleas in the manner prescribed by division (C) 10991
of this section. Notice of the jeopardy assessment shall be served 10992
on the taxpayer assessed or the taxpayer's legal representative in 10993
the manner provided in section 5703.37 of the Revised Code within 10994
five days of the filing of the entry with the clerk. The total 10995

amount assessed is immediately due and payable, unless the 10996
taxpayer assessed files a petition for reassessment in accordance 10997
with division (B) of this section and provides security in a form 10998
satisfactory to the commissioner and in an amount sufficient to 10999
satisfy the unpaid balance of the assessment. Full or partial 11000
payment of the assessment does not prejudice the commissioner's 11001
consideration of the petition for reassessment. 11002

(F) Notwithstanding the fact that a petition for reassessment 11003
is pending, the taxpayer may pay all or a portion of the 11004
assessment that is the subject of the petition. The acceptance of 11005
a payment by the treasurer of state does not prejudice any claim 11006
for refund upon final determination of the petition. 11007

If upon final determination of the petition an error in the 11008
assessment is corrected by the tax commissioner, upon petition so 11009
filed or pursuant to a decision of the board of tax appeals or any 11010
court to which the determination or decision has been appealed, so 11011
that the amount due from the taxpayer under the corrected 11012
assessment is less than the portion paid, there shall be issued to 11013
the taxpayer, its assigns, or legal representative a refund in the 11014
amount of the overpayment as provided by section 718.91 of the 11015
Revised Code, with interest on that amount as provided by that 11016
section. 11017

Sec. 742.114. (A) As used in this section and in section 11018
742.116 of the Revised Code: 11019

(1) "Agent" means a dealer, as defined in section 1707.01 of 11020
the Revised Code, who is licensed under sections 1707.01 to 11021
~~1707.45~~ 1707.50 of the Revised Code or under comparable laws of 11022
another state or of the United States. 11023

(2) "Minority business enterprise" has the same meaning as in 11024
section 122.71 of the Revised Code. 11025

(3) "Ohio-qualified agent" means an agent designated as such	11026
by the board of trustees of the fund.	11027
(4) "Ohio-qualified investment manager" means an investment	11028
manager designated as such by the board of trustees of the fund.	11029
(5) "Principal place of business" means an office in which	11030
the agent regularly provides securities or investment advisory	11031
services and solicits, meets with, or otherwise communicates with	11032
clients.	11033
(B) The board of trustees of the fund shall, for the purposes	11034
of this section, designate an agent as an Ohio-qualified agent if	11035
the agent meets all of the following requirements:	11036
(1) The agent is subject to taxation under Chapter 5725.,	11037
5726., 5733., 5747., or 5751. of the Revised Code;	11038
(2) The agent is authorized to conduct business in this	11039
state;	11040
(3) The agent maintains a principal place of business in this	11041
state and employs at least five residents of this state.	11042
(C) The board shall adopt and implement a written policy to	11043
establish criteria and procedures used to select agents to execute	11044
securities transactions on behalf of the retirement system. The	11045
policy shall address each of the following:	11046
(1) Commissions charged by the agent, both in the aggregate	11047
and on a per share basis;	11048
(2) The execution speed and trade settlement capabilities of	11049
the agent;	11050
(3) The responsiveness, reliability, and integrity of the	11051
agent;	11052
(4) The nature and value of research provided by the agent;	11053
(5) Any special capabilities of the agent.	11054

(D)(1) The board shall, at least annually, establish a policy 11055
with the goal to increase utilization by the board of 11056
Ohio-qualified agents for the execution of domestic equity and 11057
fixed-income trades on behalf of the retirement system, when an 11058
Ohio-qualified agent offers quality, services, and safety 11059
comparable to other agents otherwise available to the board and 11060
meets the criteria established under division (C) of this section. 11061

(2) The board shall review, at least annually, the 11062
performance of the agents that execute securities transactions on 11063
behalf of the board. 11064

(3) The board shall determine whether an agent is an 11065
Ohio-qualified agent, meets the criteria established by the board 11066
pursuant to division (C) of this section, and offers quality, 11067
services, and safety comparable to other agents otherwise 11068
available to the board. The board's determination shall be final. 11069

Sec. 753.21. (A) As used in this section, "building or 11070
structure" includes, but is not limited to, a modular unit, 11071
building, or structure and a movable unit, building, or structure. 11072

(B)(1) The legislative authority of a municipal corporation, 11073
by ordinance, may dedicate and permit the use, as a minimum 11074
security jail, of any vacant or abandoned public building or 11075
structure owned by the municipal corporation that has not been 11076
dedicated to or is not then in use for any municipal or other 11077
public purpose, or any building or structure rented or leased by 11078
the municipal corporation. The legislative authority of a 11079
municipal corporation, by ordinance, also may dedicate and permit 11080
the use, as a minimum security jail, of any building or structure 11081
purchased by or constructed by or for the municipal corporation. 11082
Subject to divisions (B)(3) and (C) of this section, upon the 11083
effective date of such an ordinance, the specified building or 11084
structure shall be used, in accordance with this section, for the 11085

confinement of persons who meet one of the following conditions: 11086

(a) The person is sentenced to a term of imprisonment for a 11087
traffic violation, a misdemeanor, or a violation of a municipal 11088
ordinance and is under the jurisdiction of the municipal 11089
corporation or is sentenced to a residential sanction in the jail 11090
for a felony of the fourth or fifth degree pursuant to sections 11091
2929.11 to 2929.19 of the Revised Code, and the jail administrator 11092
or the jail administrator's designee has classified the person as 11093
a minimal security risk. In determining the person's 11094
classification under this division, the administrator or designee 11095
shall consider all relevant factors, including, but not limited 11096
to, the person's escape risk and propensity for assaultive or 11097
violent behavior, based upon the person's prior and current 11098
behavior. 11099

(b) The person is an inmate transferred by order of a judge 11100
of the sentencing court upon the request of the sheriff, 11101
administrator, jailer, or other person responsible for operating 11102
the jail other than a contractor as defined in section 9.06 of the 11103
Revised Code, who is named in the request as being suitable for 11104
confinement in a minimum security facility. 11105

(2) The legislative authority of a municipal corporation, by 11106
ordinance, may affiliate with the county in which it is located, 11107
with one or more counties adjacent to the county in which it is 11108
located, or with one or more municipal corporations located within 11109
the county in which it is located or within an adjacent county, 11110
and dedicate and permit the use, as a minimum security jail, of 11111
any vacant or abandoned public building or structure owned by any 11112
of the affiliating counties or municipal corporations that has not 11113
been dedicated to or is not then in use for any public purpose, or 11114
any building or structure rented or leased by any of the 11115
affiliating counties or municipal corporations. The legislative 11116
authority of a municipal corporation, by ordinance, also may 11117

affiliate with one or more counties adjacent to the county in 11118
which it is located or with one or more municipal corporations 11119
located within the county in which it is located or within an 11120
adjacent county and dedicate and permit the use, as a minimum 11121
security jail, of any building or structure purchased by or 11122
constructed by or for any of the affiliating counties or municipal 11123
corporations. Any counties and municipal corporations that 11124
affiliate for purposes of this division shall enter into an 11125
agreement that establishes the responsibilities for the operation 11126
and for the cost of operation of the minimum security jail. 11127
Subject to divisions (B)(3) and (C) of this section, upon the 11128
effective date of an ordinance adopted under this division, the 11129
specified building or structure shall be used, in accordance with 11130
this section, for the confinement of persons who meet one of the 11131
following conditions: 11132

(a) The person is sentenced to a term of imprisonment for a 11133
traffic violation, a misdemeanor, or a violation of an ordinance 11134
of a municipal corporation and is under the jurisdiction of any of 11135
the affiliating counties or municipal corporations or is sentenced 11136
to a residential sanction in the jail for a felony of the fourth 11137
or fifth degree pursuant to sections 2929.11 to 2929.19 of the 11138
Revised Code, and the jail administrator or the jail 11139
administrator's designee has classified the person as a minimal 11140
security risk. In determining the person's classification under 11141
this division, the administrator or designee shall consider all 11142
relevant factors, including, but not limited to, the person's 11143
escape risk and propensity for assaultive or violent behavior, 11144
based upon the person's prior and current behavior. 11145

(b) The person is an inmate transferred by order of a judge 11146
of the sentencing court upon the request of the sheriff, 11147
administrator, jailer, or other person responsible for operating 11148
the jail other than a contractor as defined in section 9.06 of the 11149

Revised Code, who is named in the request as being suitable for 11150
confinement in a minimum security facility. 11151

(3) No person shall be confined in a building or structure 11152
dedicated as a minimum security jail under division (B)(1) or (2) 11153
of this section unless the judge who sentenced the person to the 11154
term of imprisonment for the traffic violation or the misdemeanor 11155
specifies that the term of imprisonment is to be served in that 11156
jail, and division (B)(1) or (2) of this section permits the 11157
confinement of the person in that jail or unless the judge who 11158
sentenced the person to the residential sanction for the felony 11159
specifies that the residential sanction is to be served in a jail, 11160
and division (B)(1) or (2) of this section permits the confinement 11161
of the person in that jail. If a rented or leased building or 11162
structure is so dedicated, the building or structure may be used 11163
as a minimum security jail only during the period that it is 11164
rented or leased by the municipal corporation or by an affiliated 11165
county or municipal corporation. If a person convicted of a 11166
misdemeanor is confined to a building or structure dedicated as a 11167
minimum security jail under division (B)(1) or (2) of this section 11168
and the sheriff, administrator, jailer, or other person 11169
responsible for operating the jail other than a contractor as 11170
defined in division (H) of section 9.06 of the Revised Code 11171
determines that it would be more appropriate for the person so 11172
confined to be confined in another jail or workhouse facility, the 11173
sheriff, administrator, jailer, or other person may transfer the 11174
person so confined to a more appropriate jail or workhouse 11175
facility. 11176

(C) All of the following apply in relation to a building or 11177
structure that is dedicated pursuant to division (B)(1) or (2) of 11178
this section for use as a minimum security jail: 11179

(1) To the extent that the use of the building or structure 11180
as a minimum security jail requires a variance from any municipal 11181

corporation, county, or township zoning ordinances or regulations, 11182
the variance shall be granted. 11183

(2) Except as provided in this section, the building or 11184
structure shall not be used to confine any person unless it is in 11185
substantial compliance with any applicable housing, fire 11186
prevention, sanitation, health, and safety codes, regulations, or 11187
standards. 11188

(3) Unless such satisfaction or compliance is required under 11189
the standards described in division (C)(4) of this section, and 11190
notwithstanding any other provision of state or local law to the 11191
contrary, the building or structure need not satisfy or comply 11192
with any state or local building standard or code in order to be 11193
used to confine a person for the purposes specified in division 11194
(B) of this section. 11195

(4) The building or structure shall not be used to confine 11196
any person unless it is in compliance with all minimum standards 11197
and minimum renovation, modification, and construction criteria 11198
for ~~minimum security~~ jails that have been proposed by the 11199
department of rehabilitation and correction, through its bureau of 11200
adult detention, under section 5120.10 of the Revised Code. 11201

(5) The building or structure need not be renovated or 11202
modified into a secure detention facility in order to be used 11203
solely to confine a person for the purposes specified in divisions 11204
(B)(1)(a) and (B)(2)(a) of this section. 11205

(6) The building or structure shall be used, equipped, 11206
furnished, and staffed to provide adequate and suitable living, 11207
sleeping, food service or preparation, drinking, bathing and 11208
toilet, sanitation, and other necessary facilities, furnishings, 11209
and equipment. 11210

(D) Except as provided in this section, a minimum security 11211
jail dedicated and used under this section shall be considered to 11212

be part of the jail, workhouse, or other correctional facilities 11213
of the municipal corporation or the affiliated counties and 11214
municipal corporations for all purposes under the law. All persons 11215
confined in such a minimum security jail shall be and shall 11216
remain, in all respects, under the control of the authority of the 11217
municipal corporation that has responsibility for the management 11218
and operation of the jail, workhouse, or other correctional 11219
facilities of the municipal corporation or, if it is operated by 11220
any affiliation of counties or municipal corporations, under the 11221
control of the specified county or municipal corporation with that 11222
authority, provided that, if the person was convicted of a felony 11223
and is serving a residential sanction in the facility, all 11224
provisions of law that pertain to persons convicted of a felony 11225
that would not by their nature clearly be inapplicable apply 11226
regarding the person. A minimum security jail dedicated and used 11227
under this section shall be managed and maintained in accordance 11228
with policies and procedures adopted by the legislative authority 11229
of the municipal corporation or the affiliated counties and 11230
municipal corporations governing the safe and healthful operation 11231
of the jail, the confinement and supervision of the persons 11232
sentenced to it, and their participation in work release or 11233
similar rehabilitation programs. In addition to other rules of 11234
conduct and discipline, the rights of ingress and egress of 11235
persons confined in a minimum security jail dedicated and used 11236
under this section shall be subject to reasonable restrictions. 11237
Every person confined in a minimum security jail dedicated and 11238
used under this section shall be given verbal and written 11239
notification, at the time of the person's admission to the jail, 11240
that purposely leaving, or purposely failing to return to, the 11241
jail without proper authority or permission constitutes the felony 11242
offense of escape. 11243

(E) If a person who has been convicted of or pleaded guilty 11244
to an offense is sentenced to a term of imprisonment or a 11245

residential sanction in a minimum security jail as described in 11246
division (B)(1)(a) or (B)(2)(a) of this section, or if a person is 11247
an inmate transferred to a minimum security jail by order of a 11248
judge of the sentencing court as described in division (B)(1)(b) 11249
or (2)(b) of this section, at the time of reception and at other 11250
times the person in charge of the operation of the jail determines 11251
to be appropriate, the person in charge of the operation of the 11252
jail may cause the convicted offender to be examined and tested 11253
for tuberculosis, HIV infection, hepatitis, including but not 11254
limited to hepatitis A, B, and C, and other contagious diseases. 11255
The person in charge of the operation of the jail may cause a 11256
convicted offender in the jail who refuses to be tested or treated 11257
for tuberculosis, HIV infection, hepatitis, including but not 11258
limited to hepatitis A, B, and C, or another contagious disease to 11259
be tested and treated involuntarily. 11260

Sec. 901.172. (A) As used in this section, "beer," "cider," 11261
and "spirituous liquor" have the same meanings as in section 11262
4301.01 of the Revised Code. 11263

(B) The department of agriculture may promote the use of 11264
Ohio-produced agricultural goods grown for inclusion in both of 11265
the following: 11266

(1) Beer or cider through the issuance of logotypes to 11267
qualified producers and processors under a promotional 11268
certification program to be developed and administered by the 11269
division of markets. The program shall be entitled "Ohio Proud 11270
Craft Beer." 11271

(2) Spirituous liquor through the issuance of logotypes to 11272
qualified producers and processors under a promotional 11273
certification program to be developed and administered by the 11274
division. The program shall be entitled "Ohio Proud Craft 11275
Spirits." 11276

(C) Pursuant to rules adopted under Chapter 119. of the 11277
Revised Code, the department may establish reasonable fees and 11278
criteria for participation in the programs. All such fees shall be 11279
credited to the general revenue fund and used to finance the 11280
programs. 11281

Sec. 905.31. As used in sections 905.31 to 905.503 of the 11282
Revised Code: 11283

(A) "Brand name" means a name or expression, design, or 11284
trademark used in connection with one or several grades of any 11285
type of fertilizer. 11286

(B) "Bulk fertilizer" means any type of fertilizer in solid, 11287
liquid, or gaseous state, or any combination thereof, in a 11288
nonpackaged form. 11289

(C) "Distribute" means to offer for sale, sell, barter, or 11290
otherwise supply fertilizer for other than manufacturing purposes. 11291

(D) "Fertilizer" means any substance containing nitrogen, 11292
phosphorus, or potassium or any recognized plant nutrient element 11293
or compound that is used for its plant nutrient content or for 11294
compounding mixed fertilizers. "Fertilizer" does not include lime, 11295
limestone, marl, unground bone, water, residual farm products, and 11296
animal and vegetable manures unless mixed with fertilizer 11297
materials or distributed with a guaranteed analysis. 11298

(E) "Grade" means the percentages of total nitrogen, 11299
available phosphorus or available phosphate (P_2O_5), and soluble 11300
potassium or soluble potash (K_2O) stated in the same terms, order, 11301
and percentage as in guaranteed analysis. 11302

(F) "Guaranteed analysis" means: 11303

(1) The minimum percentages of plant nutrients claimed in the 11304
following order and form: 11305

Total Nitrogen (N) per cent 11306

Available phosphate (P_2O_5)	per cent	11307
Soluble Potash (K_2O)	per cent	11308
(2) Guaranteed analysis includes, in the following order:		11309
(a) For bone and tankage, total phosphorus (P) or phosphate (P_2O_5);		11310 11311
(b) For basic slag and unacidulated phosphatic materials, available and total phosphorus (P) or phosphate (P_2O_5) and the degree of fineness;		11312 11313 11314
(c) Additional plant nutrients guaranteed expressed as percentage of elements in the order and form as prescribed by rules adopted by the director of agriculture.		11315 11316 11317
(G) "Label" means any written or printed matter on the package or tag attached to it or on the pertinent delivery and billing invoice.		11318 11319 11320
(H) "Manufacture" means to process, granulate, blend, mix, or alter the composition of fertilizers for distribution.		11321 11322
(I) "Mixed fertilizer" means any combination or mixture of fertilizer designed for use, or claimed to have value, in promoting plant growth, including fertilizer pesticide mixtures.		11323 11324 11325
(J) "Net weight" means the weight of a commodity excluding any packaging in pounds or metric equivalent, as determined by a sealed weighing device or other means prescribed by rules adopted by the director.		11326 11327 11328 11329
(K) "Packaged fertilizer" means any type of fertilizer in closed containers of not over one hundred pounds or metric equivalent.		11330 11331 11332
(L) "Per cent" or "percentage" means the percentage of weight.		11333 11334
(M) "Person" includes any partnership, association, firm, corporation, company, society, individual or combination of		11335 11336

individuals, institution, park, or public agency administered by 11337
the state or any subdivision of the state. 11338

(N) "Product name" means a coined or specific designation 11339
applied to an individual fertilizer material or mixture of a fixed 11340
composition and derivation. 11341

(O) "Sale" means exchange of ownership or transfer of 11342
custody. 11343

(P) "Official sample" means the sample of fertilizer taken 11344
and designated as official by the director. 11345

(Q) "Specialty fertilizer" means any fertilizer designed, 11346
labeled, and distributed for uses other than the production of 11347
commercial crops. 11348

(R) "Ton" means a net weight of two thousand pounds. 11349

(S) "Fertilizer material" includes any of the following: 11350

(1) A material containing not more than one of the following 11351
primary plant nutrients: 11352

(a) Nitrogen (N); 11353

(b) Phosphorus (P); 11354

(c) Potassium (K). 11355

(2) A material that has not less than eighty-five per cent of 11356
its plant nutrient content composed of a single chemical compound; 11357

(3) A material that is derived from a residue or by-product 11358
of a plant or animal or a natural material deposit and has been 11359
processed in such a way that its plant nutrients content has not 11360
been materially changed except by purification and concentration. 11361

(T) "Custom mixed fertilizer" means a fertilizer that is not 11362
premixed, but that is blended specifically to meet the nutrient 11363
needs of one specific customer. 11364

(U) "Director" or "director of agriculture" means the 11365

director of agriculture or the director's designee. 11366

(V) "Lot" means an identifiable quantity of fertilizer that 11367
may be used as an official sample. 11368

(W) "Unit" means twenty pounds of fertilizer or one per cent 11369
of a ton. 11370

(X) "Anhydrous ammonia equipment" means, with regard to the 11371
handling or storage of anhydrous ammonia, a container or 11372
containers with a maximum capacity of not more than four thousand 11373
nine hundred ninety-nine gallons or any appurtenances, pumps, 11374
compressors, or interconnecting pipes associated with such a 11375
container or containers. "Anhydrous ammonia equipment" does not 11376
include equipment for the manufacture of anhydrous ammonia or the 11377
storage of anhydrous ammonia either underground or in refrigerated 11378
structures. 11379

(Y) "Anhydrous ammonia system" or "system" means, with regard 11380
to the handling or storage of anhydrous ammonia, a container or 11381
containers with a minimum capacity of not less than five thousand 11382
gallons or any appurtenances, pumps, compressors, or 11383
interconnecting pipes associated with such a container or 11384
containers. "Anhydrous ammonia system" does not include equipment 11385
for the manufacture of anhydrous ammonia or the storage of 11386
anhydrous ammonia either underground or in refrigerated 11387
structures. 11388

(Z) "Agricultural production" means the cultivation, 11389
primarily for sale, of plants or any parts of plants on more than 11390
fifty acres. "Agricultural production" does not include the use of 11391
start-up fertilizer applied through a planter. 11392

(AA) "Rule" means a rule adopted under section 905.322, 11393
905.40, or 905.44 of the Revised Code, as applicable. 11394

(BB) "Certificate holder" means a person who has been 11395
certified to apply fertilizer under section 905.321 of the Revised 11396

Code and rules adopted under section 905.322 of the Revised Code. 11397

(CC) "Residual farm products" has the same meaning as in 11398
section 939.01 of the Revised Code. 11399

(DD) "Voluntary nutrient management plan" means any of the 11400
following: 11401

(1) A nutrient management plan that is in the form of the 11402
Ohio nutrient management workbook made available by the Ohio state 11403
university; 11404

(2) A comprehensive nutrient management plan developed by the 11405
United States department of agriculture natural resources 11406
conservation service, a technical service provider certified by 11407
the conservation service, or a person authorized by the 11408
conservation service to develop a plan; 11409

(3) A document that is equivalent to a plan specified in 11410
division (DD)(1) or (2) of this section, that is in a form 11411
approved by the director or the director's designee, and that 11412
contains at least all of the following information: 11413

(a) Results of soil tests conducted on land subject to the 11414
plan that comply with the field office technical guide established 11415
by the conservation service and adopted by the director in rules 11416
adopted under division (E) of section 939.02 of the Revised Code 11417
and that are not older than ~~three~~ four years; 11418

(b) Documentation of the method and seasonal time of 11419
utilization and application of nutrients; 11420

(c) Identification of all nutrients applied, including 11421
manure, fertilizer, sewage sludge, and biodigester residue; 11422

(d) Field information regarding land subject to the plan, 11423
including the location, spreadable acreage, crops grown, and 11424
actual and projected yields. 11425

<u>Sec. 936.01. As used in this chapter:</u>	11426
<u>"Education" means any activity designed to provide</u>	11427
<u>information regarding propane, propane equipment, mechanical and</u>	11428
<u>technical practices, and uses and promotion of propane to</u>	11429
<u>consumers and members of the propane industry.</u>	11430
<u>"Propane" means liquefied petroleum gas, a material with a</u>	11431
<u>vapor pressure not exceeding that of commercial propane composed</u>	11432
<u>predominately of the following hydrocarbons or mixtures:</u>	11433
<u>(A) Propane;</u>	11434
<u>(B) Propylene;</u>	11435
<u>(C) Butane;</u>	11436
<u>(D) Butylene</u>	11437
<u>"Propane council" or "council" means the propane council</u>	11438
<u>created under section 936.02 of the Revised Code.</u>	11439
<u>"Retailer" means a person engaged primarily in the sale of</u>	11440
<u>odorized propane to the ultimate consumer or to a retail propane</u>	11441
<u>dispenser.</u>	11442
<u>"Wholesale distributor" means a person whose primary business</u>	11443
<u>involves the sale of propane to a retailer.</u>	11444
<u>Sec. 936.02. (A) The director of agriculture shall establish</u>	11445
<u>a propane council and adopt rules in accordance with Chapter 119.</u>	11446
<u>of the Revised Code necessary to implement this chapter.</u>	11447
<u>(B) The director shall appoint the following members to the</u>	11448
<u>council in accordance with this section and rules adopted under</u>	11449
<u>it:</u>	11450
<u>(1) Two multi-state propane gas retailers;</u>	11451
<u>(2) Two intrastate propane gas retailers;</u>	11452

(3) One cooperative propane gas retailer; 11453

(4) One wholesale propane gas wholesale distributor; 11454

(5) One propane gas equipment dealer; 11455

The director of agriculture or the director's designee and 11456
the state fire marshal or the fire marshal's designee also shall 11457
serve on the council. 11458

(C) The director shall appoint members under divisions (B)(1) 11459
through (5) of this section from a list submitted by a qualified 11460
statewide propane association. The director shall not appoint a 11461
person as a member of the council unless the person is at least 11462
twenty-five years old and has at least five years of active 11463
experience in the propane gas industry. 11464

(D) Not later than ninety days after the effective date of 11465
this section, the director shall make initial appointments to the 11466
council. Members shall serve three-year staggered terms of office 11467
in accordance with rules adopted by the director. 11468

Sec. 936.03. The propane council shall adopt procedures by 11469
which retailers of propane in this state may propose, develop, and 11470
operate a marketing program to do all of the following: 11471

(A) Promote the safe and efficient use of propane; 11472

(B) Demonstrate to the general public the importance and 11473
economic significance of propane; 11474

(C) Develop new uses and markets for propane and enable 11475
engagement in promotional activities that incentivize the use of 11476
propane; 11477

(D) Support research, training, and educational activities 11478
concerning the propane industry; 11479

(E) Determine the eligibility of retailers to participate in 11480
referendums and other procedures that may be required to establish 11481

the marketing program; 11482

(F) Establish procedures necessary to implement and 11483
administer the marketing program; 11484

(G) Enter into contracts with qualified organizations, 11485
agencies, individuals, or any combination thereof, to carry out 11486
the purpose of the marketing program; 11487

(H) Employ staff to carry out the purpose of the marketing 11488
program. 11489

Sec. 936.04. (A) Retailers in this state may present the 11490
propane council with a petition signed by the lesser of 11491
twenty-five or ten per cent of all such retailers requesting that 11492
the council hold a referendum in accordance with section 936.05 of 11493
the Revised Code to establish or amend a marketing program for 11494
propane. 11495

(B) At the time of presentation of the petition to the 11496
council under division (A) of this section, the petitioners also 11497
shall present the proposed program or amendment, which shall 11498
include all of the following: 11499

(1) The rate of assessment to be made on the volume of 11500
odorized propane purchased by a retailer from a wholesale 11501
distributor in this state, which shall not exceed five thousandths 11502
of a mill per gallon; 11503

(2) Terms, conditions, limitations, and other eligibility 11504
qualifications for assessment; 11505

(3) Procedures and eligibility requirements for a refund of 11506
the assessment. 11507

(C) Before the council makes a decision to approve or 11508
disapprove a proposed program or amendment, the council shall 11509
publish in at least two appropriate periodicals designated by the 11510
council a notice that the program or amendment has been proposed 11511

and informing interested persons of the procedures for submitting 11512
comments regarding the proposal. After publishing the notice, the 11513
council shall provide interested persons with a copy of the 11514
proposed program or amendment and an opportunity to comment on the 11515
proposed program or amendment for thirty days after the 11516
publication of the notice. The petitioners may make changes to the 11517
proposed program or amendment based upon the comments received. 11518
The council may make technical changes to the proposal to ensure 11519
compliance with this chapter. Subsequent to any changes made by 11520
the petitioners or any technical changes made by the council to a 11521
proposed program or amendment, the council may approve or 11522
disapprove the proposed program or amendment. 11523

(D) If the council approves the proposed program or 11524
amendment, with any changes made under division (C) of this 11525
section, the council shall hold a referendum in accordance with 11526
section 936.05 of the Revised Code to establish a marketing 11527
program for propane or to amend an existing program. 11528

Sec. 936.05. (A) Not later than ninety days after the propane 11529
council has approved a marketing program proposed under section 11530
936.04 of the Revised Code, or an amendment to such a program, the 11531
council shall determine by a referendum whether the eligible 11532
retailers, as determined under section 936.03 of the Revised Code, 11533
favor the proposed program or amendment. The council shall cause a 11534
ballot request form to be published not less than thirty days 11535
before the beginning of the election period established under 11536
division (B) of this section in at least two appropriate 11537
periodicals designated by the council and shall make the form 11538
available for reproduction to any qualified statewide propane 11539
association. 11540

(B) In a referendum held under this section, each eligible 11541
retailer is entitled to one vote. The council shall establish a 11542

three-day period during which eligible retailers may vote either 11543
in person during normal business hours at polling places 11544
designated by the council or by mailing a ballot to such a polling 11545
place. The council shall send a mail-in ballot by first-class mail 11546
to any eligible retailer who requests one by sending in the ballot 11547
request form provided for in division (A) of this section or by 11548
any additional method that the council may provide. A ballot that 11549
is returned by mail is not valid if it is postmarked later than 11550
the third day of the election period established by the council. 11551

(C) A marketing program or an amendment to a marketing 11552
program is favored by retailers if a majority of the retailers who 11553
vote in the referendum vote in favor of the program or amendment. 11554

Sec. 936.06. When the retailers who vote in a referendum held 11555
under section 936.05 of the Revised Code favor a proposed 11556
marketing program, the propane council shall order the program 11557
established. 11558

Sec. 936.07. The director of agriculture shall monitor the 11559
actions of the propane council to ensure all of the following: 11560

(A) A marketing program is self-supporting. 11561

(B) The council keeps all records that are required for 11562
agencies of the state. 11563

(C) All program operations are in accord with both of the 11564
following: 11565

(1) The provisions of the marketing program; 11566

(2) This chapter and procedures established under it. 11567

Sec. 936.08. (A) For the purpose of a marketing program 11568
established under this chapter, the council may levy assessments 11569
on retailers at the time of purchase of odorized propane by a 11570

retailer from a wholesale distributor. The council shall base the 11571
assessments on the volume of odorized propane purchased by the 11572
retailer from the wholesale distributor. 11573

(B) A marketing program shall require a refund of assessments 11574
collected under this section after receiving an application for a 11575
refund from a retailer who has been assessed and is eligible for a 11576
refund. The retailer shall submit the application for a refund on 11577
a form furnished by the council. The council shall ensure that 11578
refund forms are available where assessments for its program are 11579
withheld. 11580

A retailer who desires a refund shall submit a request for a 11581
refund not later than thirty days after the end of the month for 11582
which the request is submitted. The council shall refund the 11583
assessment to the retailer not later than sixty days after the 11584
request for the refund is submitted. 11585

(C) The propane council shall not use money from any 11586
assessments that it levies for any political or legislative 11587
purpose or for preferential treatment of one person to the 11588
detriment of another person who is affected by the marketing 11589
program that the council administers. 11590

(D) If the propane council requests that a retailer seeking a 11591
refund provide additional information to support a refund request, 11592
any additional information provided to the council is not a public 11593
record under section 149.43 of the Revised Code, is confidential, 11594
and the propane council shall treat the information as 11595
confidential. 11596

Sec. 936.09. (A) There is hereby established a fund for the 11597
marketing program that is established by the propane council under 11598
this chapter. The fund shall be in the custody of the treasurer of 11599
state, but shall not be part of the state treasury. Except as 11600
authorized in division (B) of this section, all money collected 11601

pursuant to section 936.08 of the Revised Code for the marketing 11602
program shall be paid into the fund for the marketing program and 11603
shall be disbursed only pursuant to a voucher signed by the 11604
chairperson of the council for use in defraying the costs of 11605
administration of the marketing program and for carrying out 11606
sections 936.03 and 936.11 of the Revised Code. 11607

(B) In lieu of deposits in the fund established under 11608
division (A) of this section, the propane council may deposit all 11609
money collected pursuant to section 936.08 of the Revised Code 11610
with a bank as defined in section 1101.01 of the Revised Code. All 11611
money collected pursuant to section 936.08 of the Revised Code for 11612
the marketing program and deposited pursuant to this division also 11613
shall be used only in defraying the costs of administration of the 11614
marketing program and for carrying out sections 936.03 and 936.11 11615
of the Revised Code. 11616

(C) The council shall establish a fiscal year for its 11617
marketing program, shall publish an activity and financial report 11618
within sixty days of the end of each fiscal year, and shall make 11619
the report available to each retailer who pays an assessment or 11620
otherwise contributes to the marketing program that the council 11621
administers and to other interested persons. 11622

(D) In addition to the report required by division (C) of 11623
this section, if the council deposits money in accordance with 11624
division (B) of this section, the council shall annually submit a 11625
financial statement prepared by a certified public accountant 11626
holding valid certification from the Ohio board of accountancy 11627
issued pursuant to Chapter 4701. of the Revised Code to the 11628
department of agriculture. The council shall file the financial 11629
statement with the department not more than one hundred fifty days 11630
after the end of each fiscal year. 11631

(E) The council shall use money in the fund or deposited in a 11632
bank to promote the common good, welfare, and advancement of the 11633

<u>propane industry, including, but not limited to, all of the</u>	11634
<u>following activities and programs:</u>	11635
<u>(1) Education;</u>	11636
<u>(2) Training;</u>	11637
<u>(3) Safety compliance;</u>	11638
<u>(4) Advertising;</u>	11639
<u>(5) Promotion;</u>	11640
<u>(6) Customer rebates to encourage energy efficient appliance</u>	11641
<u>and equipment purchases by residential, commercial, or</u>	11642
<u>agricultural customers.</u>	11643
<u>Sec. 936.10. (A) The director of agriculture temporarily may</u>	11644
<u>suspend the operation of a marketing program, or any part of a</u>	11645
<u>program, established under this chapter for any reason upon</u>	11646
<u>recommendation by the propane council for a period of not more</u>	11647
<u>than twelve consecutive months.</u>	11648
<u>(B) At least once in each five years of operation, or at any</u>	11649
<u>time upon written petition by the lesser of twenty-five or ten per</u>	11650
<u>cent of the retailers in this state, the council shall hold a</u>	11651
<u>hearing as prescribed in Chapter 119. of the Revised Code to</u>	11652
<u>consider the continuation of the program.</u>	11653
<u>(C) Not later than thirty days after the close of any hearing</u>	11654
<u>to consider the continuation of a marketing program, the council</u>	11655
<u>shall recommend continuation or termination of the program, shall</u>	11656
<u>give public notice, and shall notify each retailer of record, all</u>	11657
<u>parties appearing at the hearing, and other interested parties of</u>	11658
<u>the recommendation.</u>	11659
<u>(D) When the council recommends termination of a marketing</u>	11660
<u>program, within forty-five days the council shall conduct a</u>	11661
<u>referendum to determine whether retailers favor the proposed</u>	11662

termination. Retailers favor the termination of the program if a 11663
majority of the retailers who vote in the referendum vote in favor 11664
of termination of the program. 11665

Sec. 936.11. (A) When retailers favor termination of a 11666
marketing program established under this chapter, the propane 11667
council shall terminate all operations of the program. 11668

(B)(1) Except as provided in division (B)(2) of this section, 11669
upon termination of a program, the council shall return any 11670
remaining unobligated money to the retailers who paid the 11671
assessments levied under section 936.08 of the Revised Code during 11672
the immediately preceding twelve months and shall prorate the 11673
money accordingly. 11674

(2) If a program is operated by a nonprofit corporation that 11675
is organized under Chapter 1702. of the Revised Code for the 11676
purpose of carrying out the purposes identified in section 936.03 11677
of the Revised Code, and if the nonprofit corporation is exempt 11678
from federal income taxation pursuant to section 501(a) of the 11679
Internal Revenue Code and is described in section 501(c) (3) of 11680
the Internal Revenue Code, upon termination of the program, the 11681
nonprofit corporation shall distribute any remaining unobligated 11682
money to be used for one or more exempt purposes within the 11683
meaning of section 501(c)(3) of the Internal Revenue Code or to 11684
the federal, a state, or a local government to be used for a 11685
public purpose. If there remains any unobligated money after the 11686
distribution by the nonprofit corporation, the court of common 11687
pleas of the county in which the principal office of the nonprofit 11688
corporation is located shall distribute the remaining unobligated 11689
money to be used for one or more exempt purposes within the 11690
meaning of section 501(c)(3) of the Internal Revenue Code, to the 11691
federal, a state, or a local government to be used for a public 11692
purpose, or to one or more organizations that are organized and 11693

operated exclusively for one or more of the purposes that are 11694
within the meaning of section 501(c)(3) of the Internal Revenue 11695
Code, as the court determines is best to accomplish the exempt 11696
purposes of the nonprofit corporation. 11697

Sec. 936.12. The propane council may institute an action at 11698
law or in equity that appears necessary to enforce compliance with 11699
this chapter, a procedure established under it, or a marketing 11700
program established under it. 11701

Sec. 936.13. No retailer shall knowingly fail or refuse to 11702
withhold or remit any assessment levied under section 936.08 of 11703
the Revised Code. 11704

Sec. 936.99. Whoever violates section 936.13 of the Revised 11705
Code is guilty of a misdemeanor of the fourth degree. 11706

Sec. 1181.23. (A) The superintendent of financial 11707
institutions may require persons licensed or registered by the 11708
division of financial institutions to participate in a multistate 11709
licensing system. 11710

(B)(1) If the superintendent requires use of a multistate 11711
licensing system, the superintendent may establish, by rule, 11712
regulation, or order, requirements as necessary to enable 11713
information required by existing statutes providing for licensing 11714
or registration to be submitted to the superintendent through the 11715
multistate licensing system. 11716

(2) The superintendent shall not adopt a requirement in 11717
conflict with a provision of the Revised Code, but may add to 11718
existing requirements with regard to all of the following: 11719

(a) The manner of obtaining required criminal history 11720
records, civil or administrative records, or credit history 11721

<u>records;</u>	11722
<u>(b) The payment of fees required for the use of the</u>	11723
<u>multistate licensing system;</u>	11724
<u>(c) The setting or resetting as necessary of renewal or</u>	11725
<u>reporting dates;</u>	11726
<u>(d) The amending of or surrendering of a license or</u>	11727
<u>registration.</u>	11728
<u>(C) Any person engaged in activity that requires licensure or</u>	11729
<u>registration pursuant to this section shall utilize the multistate</u>	11730
<u>licensing system for the application for, renewal of, amendment</u>	11731
<u>to, or surrender of a license or registration, as well as for any</u>	11732
<u>other activity as the superintendent may require. Such a person</u>	11733
<u>shall pay all applicable charges to utilize the multistate</u>	11734
<u>licensing system.</u>	11735
<u>(D) The superintendent is authorized to establish</u>	11736
<u>relationships or contacts with the multistate licensing system or</u>	11737
<u>other entities designated by the multistate licensing system to</u>	11738
<u>collect and maintain records and process transaction fees or other</u>	11739
<u>fees related to licensees and registrants.</u>	11740
<u>(E) Any confidentiality or privilege arising under federal or</u>	11741
<u>state law with respect to any information or material provided to</u>	11742
<u>the multistate licensing system shall continue to apply to the</u>	11743
<u>information or material after the information or material is</u>	11744
<u>provided to the multistate licensing system. The information and</u>	11745
<u>material so provided may be released to any state or federal</u>	11746
<u>regulatory official with applicable oversight authority without</u>	11747
<u>the loss of confidentiality or privilege protections provided by</u>	11748
<u>federal law or the law of any state.</u>	11749
<u>(F) The superintendent may use the documents, materials, or</u>	11750
<u>other information made available to the superintendent through the</u>	11751
<u>multistate licensing system in furtherance of any action brought</u>	11752

by the superintendent. 11753

Sec. 1321.73. (A) No person shall engage in the business of 11754
entering into or otherwise acquiring premium finance agreements in 11755
the state without first having obtained a license as a premium 11756
finance company from the division of financial institutions. 11757

(B) The annual license fee shall be determined by the 11758
superintendent of financial institutions pursuant to section 11759
1321.20 of the Revised Code. Licenses may be renewed from year to 11760
year as of the first day of July of each year, or annually on a 11761
different date established by the superintendent pursuant to 11762
section 1181.23 of the Revised Code, upon payment of the fee. 11763

(C) The person to whom the license or the renewal thereof is 11764
issued shall file sworn answers, subject to the penalties of 11765
perjury, to such interrogatories as the division requires. The 11766
division may, at any time, require the applicant to fully disclose 11767
the identity of all stockholders, partners, officers, and 11768
employees, and it may, at its discretion, refuse to issue or renew 11769
a license in the name of any firm, partnership, or corporation if 11770
it is not satisfied that any officer, employee, stockholder, or 11771
partner thereof, who may materially influence the applicant's 11772
conduct, meets the standards provided by sections 1321.71 to 11773
1321.83 of the Revised Code. 11774

(D) Each applicant shall execute and file with the division 11775
proof that the applicant has a net worth of at least fifty 11776
thousand dollars, as determined in accordance with generally 11777
accepted accounting principles. The proof is subject to the 11778
approval of the division. 11779

Sec. 1347.08. (A) Every state or local agency that maintains 11780
a personal information system, upon the request and the proper 11781
identification of any person who is the subject of personal 11782

information in the system, shall: 11783

(1) Inform the person of the existence of any personal 11784
information in the system of which the person is the subject; 11785

(2) Except as provided in divisions (C) and (E)(2) of this 11786
section, permit the person, the person's legal guardian, or an 11787
attorney who presents a signed written authorization made by the 11788
person, to inspect all personal information in the system of which 11789
the person is the subject; 11790

(3) Inform the person about the types of uses made of the 11791
personal information, including the identity of any users usually 11792
granted access to the system. 11793

(B) Any person who wishes to exercise a right provided by 11794
this section may be accompanied by another individual of the 11795
person's choice. 11796

(C)(1) A state or local agency, upon request, shall disclose 11797
medical, psychiatric, or psychological information to a person who 11798
is the subject of the information or to the person's legal 11799
guardian, unless a physician, psychiatrist, or psychologist 11800
determines for the agency that the disclosure of the information 11801
is likely to have an adverse effect on the person, in which case 11802
the information shall be released to a physician, psychiatrist, or 11803
psychologist who is designated by the person or by the person's 11804
legal guardian. 11805

(2) Upon the signed written request of either a licensed 11806
attorney at law or a licensed physician designated by the inmate, 11807
together with the signed written request of an inmate of a 11808
correctional institution under the administration of the 11809
department of rehabilitation and correction, the department shall 11810
disclose medical information to the designated attorney or 11811
physician as provided in division (C) of section 5120.21 of the 11812

Revised Code. 11813

(D) If an individual who is authorized to inspect personal 11814
information that is maintained in a personal information system 11815
requests the state or local agency that maintains the system to 11816
provide a copy of any personal information that the individual is 11817
authorized to inspect, the agency shall provide a copy of the 11818
personal information to the individual. Each state and local 11819
agency may establish reasonable fees for the service of copying, 11820
upon request, personal information that is maintained by the 11821
agency. 11822

(E)(1) This section regulates access to personal information 11823
that is maintained in a personal information system by persons who 11824
are the subject of the information, but does not limit the 11825
authority of any person, including a person who is the subject of 11826
personal information maintained in a personal information system, 11827
to inspect or have copied, pursuant to section 149.43 of the 11828
Revised Code, a public record as defined in that section. 11829

(2) This section does not provide a person who is the subject 11830
of personal information maintained in a personal information 11831
system, the person's legal guardian, or an attorney authorized by 11832
the person, with a right to inspect or have copied, or require an 11833
agency that maintains a personal information system to permit the 11834
inspection of or to copy, a confidential law enforcement 11835
investigatory record or trial preparation record, as defined in 11836
divisions (A)(2) and (4) of section 149.43 of the Revised Code. 11837

(F) This section does not apply to any of the following: 11838

(1) The contents of an adoption file maintained by the 11839
department of health under sections 3705.12 to 3705.124 of the 11840
Revised Code; 11841

(2) Information contained in the putative father registry 11842
established by section 3107.062 of the Revised Code, regardless of 11843

whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency; 11844
11845
11846
11847

(3) Papers, records, and books that pertain to an adoption and that are subject to inspection in accordance with section 3107.17 of the Revised Code; 11848
11849
11850

(4) Records specified in division (A) of section 3107.52 of the Revised Code; 11851
11852

(5) Records that identify an individual described in division (A)(1) of section 3721.031 of the Revised Code, or that would tend to identify such an individual; 11853
11854
11855

(6) Files and records that have been expunged under division (D)(1) or (2) of section 3721.23 of the Revised Code; 11856
11857

(7) Records that identify an individual described in division (A)(1) of section 3721.25 of the Revised Code, or that would tend to identify such an individual; 11858
11859
11860

(8) Records that identify an individual described in division (A)(1) of section 5165.88 of the Revised Code, or that would tend to identify such an individual; 11861
11862
11863

(9) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports administers under section ~~4751.04~~ 4751.15 of the Revised Code or contracts under that section with a private or government entity to administer; 11864
11865
11866
11867
11868
11869

(10) Information contained in a database established and maintained pursuant to section 5101.13 of the Revised Code; 11870
11871

(11) Information contained in a database established and maintained pursuant to section 5101.631 of the Revised Code. 11872
11873

<u>Sec. 1349.05. (A) As used in this section:</u>	11874
<u>(1) "Agency" and "license" have the same meanings as in</u>	11875
<u>section 119.01 of the Revised Code.</u>	11876
<u>(2) "Crime" and "victim" have the same meanings as in section</u>	11877
<u>2930.01 of the Revised Code.</u>	11878
<u>(3) "Health care practitioner" means any of the following:</u>	11879
<u>(a) An individual licensed under Chapter 4731. of the Revised</u>	11880
<u>Code to practice medicine and surgery;</u>	11881
<u>(b) An individual licensed under Chapter 4723. of the Revised</u>	11882
<u>Code to practice as an advanced practice registered nurse;</u>	11883
<u>(c) An individual licensed under Chapter 4730. of the Revised</u>	11884
<u>Code to practice as a physician assistant;</u>	11885
<u>(d) An individual licensed under Chapter 4732. of the Revised</u>	11886
<u>Code to practice as a psychologist;</u>	11887
<u>(e) An individual licensed under Chapter 4734. of the Revised</u>	11888
<u>Code to practice as a chiropractor.</u>	11889
<u>(B) No health care practitioner, with the intent to obtain</u>	11890
<u>professional employment for the health care practitioner, shall</u>	11891
<u>directly contact in person, by telephone, or by electronic means</u>	11892
<u>any party to a motor vehicle accident, any victim of a crime, or</u>	11893
<u>any witness to a motor vehicle accident or crime until thirty days</u>	11894
<u>after the date of the motor vehicle accident or crime. Any</u>	11895
<u>communication to obtain professional employment shall be sent via</u>	11896
<u>the United States postal service.</u>	11897
<u>(C) No person who has been paid or given, or was offered to</u>	11898
<u>be paid or given, money or anything of value to solicit employment</u>	11899
<u>on behalf of another shall directly contact in person, by</u>	11900
<u>telephone, or by electronic means any party to a motor vehicle</u>	11901
<u>accident, any victim of a crime, or any witness to a motor vehicle</u>	11902

accident or crime until thirty days after the date of the motor 11903
vehicle accident or crime. Any communication to solicit employment 11904
on behalf of another shall be sent via the United States postal 11905
service. 11906

(D) If the attorney general believes that a health care 11907
practitioner or a person described in division (C) of this section 11908
has violated division (B) or (C) of this section, the attorney 11909
general shall issue a notice and conduct a hearing in accordance 11910
with Chapter 119. of the Revised Code. If, after the hearing, the 11911
attorney general determines that a violation of division (B) or 11912
(C) of this section occurred, the attorney general shall impose a 11913
fine of five thousand dollars for each violation to each health 11914
care practitioner or person described in division (C) of this 11915
section who sought to financially benefit from the solicitation. 11916
If the attorney general determines that a health care practitioner 11917
or person described in division (C) of this section has 11918
subsequently violated division (B) or (C) of this section, the 11919
attorney general shall impose a fine of twenty-five thousand 11920
dollars for each violation. 11921

(E) After determining that a health care practitioner or 11922
person described in division (C) of this section has violated 11923
division (B) or (C) of this section on three separate occasions, 11924
and if that health care practitioner or person described in 11925
division (C) of this section holds a license issued by an agency, 11926
the attorney general shall notify that agency in writing of the 11927
three violations. On receipt of that notice, the agency shall 11928
suspend the health care practitioner's or the person's license 11929
without a prior hearing and shall afford the health care 11930
practitioner or the person a hearing on request in accordance with 11931
section 119.06 of the Revised Code. 11932

Sec. 1349.43. (A) As used in this section, "loan officer," 11933

"mortgage broker," and "nonbank mortgage lender" have the same 11934
meanings as in section 1345.01 of the Revised Code. 11935

(B) The department of commerce shall establish and maintain 11936
an electronic database accessible through the internet that 11937
contains information on all of the following: 11938

(1) The enforcement actions taken by the superintendent of 11939
financial institutions for each violation of or failure to comply 11940
with any provision of Chapter 1322. of the Revised Code, upon 11941
final disposition of the action; 11942

(2) The enforcement actions taken by the attorney general 11943
under Chapter 1345. of the Revised Code against loan officers, 11944
mortgage brokers, and nonbank mortgage lenders, upon final 11945
disposition of each action; 11946

(3) All judgments by courts of this state, concerning which 11947
appellate remedies have been exhausted or lost by the expiration 11948
of the time for appeal, finding either of the following: 11949

(a) A violation of any provision of Chapter 1322. of the 11950
Revised Code; 11951

(b) That specific acts or practices by a loan officer, 11952
mortgage broker, or nonbank mortgage lender violate section 11953
1345.02, 1345.03, or 1345.031 of the Revised Code. 11954

(C) The attorney general shall notify the department of all 11955
enforcement actions and judgments described in divisions (B)(2) 11956
and (3)(b) of this section. 11957

(D) The department may adopt rules in accordance with Chapter 11958
119. of the Revised Code that are necessary to implement this 11959
section. 11960

(E) The electronic database maintained by the department in 11961
accordance with this section shall not include information that, 11962
pursuant to section 1322.36 of the Revised Code, is confidential. 11963

(F) The department may use the multistate licensing system 11964
authorized in section 1181.23 of the Revised Code to fulfill its 11965
obligations under this section. 11966

Sec. 1505.09. (A) There is hereby created in the state 11967
treasury the geological mapping fund, to be administered by the 11968
chief of the division of geological survey. Except as provided in 11969
~~division (B)~~ divisions (C) and (D) of this section, the fund shall 11970
be used for both of the following purposes ~~of performing:~~ 11971

(1) Performing the necessary field, laboratory, and 11972
administrative tasks to map and make public reports on the 11973
geology, geologic hazards, and energy and mineral resources of the 11974
state; 11975

(2) The administration of the oil and gas leasing commission 11976
created in section 1509.71 of the Revised Code. ~~The source~~ 11977

(B) The sources of money for the fund shall include, ~~but not~~ 11978
~~be limited to,~~ the all of the following: 11979

(1) The mineral severance tax as specified in section 5749.02 11980
of the Revised Code ~~transfers;~~ 11981

(2) Transfers made to the fund in accordance with section 11982
6111.046 of the Revised Code, ~~and the;~~ 11983

(3) Contributions that a person pays to the bureau of motor 11984
vehicles to obtain "Ohio geology" license plates under section 11985
4503.515 of the Revised Code; 11986

(4) The fees collected under rules adopted under section 11987
1505.05 of the Revised Code. ~~The~~ 11988

The chief may seek federal or other money in addition to the 11989
mineral severance tax and fees to carry out the purposes of this 11990
section. If the chief receives federal money for the purposes of 11991
this section, the chief shall deposit that money into the state 11992
treasury to the credit of a fund created by the controlling board 11993

to carry out those purposes. ~~Other~~ 11994

Other money received by the chief for the purposes of this 11995
section in addition to the mineral severance tax, fees, and 11996
federal money shall be credited to the geological mapping fund. 11997

~~(B)~~(C) Any money transferred to the geological mapping fund 11998
in accordance with section 6111.046 of the Revised Code shall be 11999
used by the chiefs of the divisions of mineral resources 12000
management, oil and gas resources management, geological survey, 12001
and water resources in the department of natural resources for the 12002
purpose of executing their duties under sections 6111.043 to 12003
6111.047 of the Revised Code. 12004

(D) The director of natural resources shall use contributions 12005
from "Ohio geology" license plates deposited into the fund for 12006
both of the following purposes in order of preference: 12007

(1) To award grants to geology departments at state colleges 12008
and universities for graduate level research conducted at 12009
locations of geological interest in the state; 12010

(2) To provide materials such as rock and mineral kits to 12011
state elementary and secondary schools to assist students in the 12012
study of geology. 12013

The director shall award grants at least annually, but at the 12014
director's discretion, may award grants more frequently. 12015

Sec. 1509.28. (A) The chief of the division of oil and gas 12016
resources management, upon the chief's own motion or upon 12017
application by the owners of sixty-five per cent of the land area 12018
overlying the pool, shall hold a hearing to consider the need for 12019
the operation as a unit of an entire pool or part thereof. In 12020
calculating the sixty-five per cent, an owner's entire interest in 12021
each tract in the proposed unit area, including any divided, 12022
undivided, partial, fee, or other interest in the tract, shall be 12023

included to the fullest extent of that interest. An application by 12024
owners shall be accompanied by a nonrefundable fee of ten thousand 12025
dollars and by such information as the chief may request. 12026

The chief shall make an order providing for the unit 12027
operation of a pool or part thereof if the chief finds that such 12028
operation is reasonably necessary to increase substantially the 12029
ultimate recovery of oil and gas, and the value of the estimated 12030
additional recovery of oil or gas exceeds the estimated additional 12031
cost incident to conducting the operation. The order shall be upon 12032
terms and conditions that are just and reasonable and shall 12033
prescribe a plan for unit operations that shall include: 12034

(1) A description of the unitized area, termed the unit area; 12035

(2) A statement of the nature of the operations contemplated; 12036

(3) An allocation to the separately owned tracts in the unit 12037
area of all the oil and gas that is produced from the unit area 12038
and is saved, being the production that is not used in the conduct 12039
of operations on the unit area or not unavoidably lost. The 12040
allocation shall be in accord with the agreement, if any, of the 12041
interested parties. If there is no such agreement, the chief shall 12042
determine the value, from the evidence introduced at the hearing, 12043
of each separately owned tract in the unit area, exclusive of 12044
physical equipment, for development of oil and gas by unit 12045
operations, and the production allocated to each tract shall be 12046
the proportion that the value of each tract so determined bears to 12047
the value of all tracts in the unit area. 12048

(4) A provision for the credits and charges to be made in the 12049
adjustment among the owners in the unit area for their respective 12050
investments in wells, tanks, pumps, machinery, materials, and 12051
equipment contributed to the unit operations; 12052

(5) A provision providing how the expenses of unit 12053
operations, including capital investment, shall be determined and 12054

charged to the separately owned tracts and how the expenses shall 12055
be paid; 12056

(6) A provision, if necessary, for carrying or otherwise 12057
financing any person who is unable to meet the person's financial 12058
obligations in connection with the unit, allowing a reasonable 12059
interest charge for such service; 12060

(7) A provision for the supervision and conduct of the unit 12061
operations, in respect to which each person shall have a vote with 12062
a value corresponding to the percentage of the expenses of unit 12063
operations chargeable against the interest of that person; 12064

(8) The time when the unit operations shall commence, and the 12065
manner in which, and the circumstances under which, the unit 12066
operations shall terminate; 12067

(9) Such additional provisions as are found to be appropriate 12068
for carrying on the unit operations, and for the protection or 12069
adjustment of correlative rights. 12070

(B) No order of the chief providing for unit operations shall 12071
become effective unless and until the plan for unit operations 12072
prescribed by the chief has been approved in writing by those 12073
owners who, under the chief's order, will be required to pay at 12074
least sixty-five per cent of the costs of the unit operation, and 12075
also by the royalty or, with respect to unleased acreage, fee 12076
owners of sixty-five per cent of the acreage to be included in the 12077
unit. If the plan for unit operations has not been so approved by 12078
owners and royalty owners at the time the order providing for unit 12079
operations is made, the chief shall upon application and notice 12080
hold such supplemental hearings as may be required to determine if 12081
and when the plan for unit operations has been so approved. If the 12082
owners and royalty owners, or either, owning the required 12083
percentage of interest in the unit area do not approve the plan 12084
for unit operations within a period of six months from the date on 12085

which the order providing for unit operations is made, the order 12086
shall cease to be of force and shall be revoked by the chief. 12087

An order providing for unit operations may be amended by an 12088
order made by the chief, in the same manner and subject to the 12089
same conditions as an original order providing for unit 12090
operations, provided that: 12091

(1) If such an amendment affects only the rights and 12092
interests of the owners, the approval of the amendment by the 12093
royalty owners shall not be required. 12094

(2) No such order of amendment shall change the percentage 12095
for allocation of oil and gas as established for any separately 12096
owned tract by the original order, except with the consent of all 12097
persons owning interest in the tract. 12098

The chief, by an order, may provide for the unit operation of 12099
a pool or a part thereof that embraces a unit area established by 12100
a previous order of the chief. Such an order, in providing for the 12101
allocation of unit production, shall first treat the unit area 12102
previously established as a single tract, and the portion of the 12103
unit production so allocated thereto shall then be allocated among 12104
the separately owned tracts included in the previously established 12105
unit area in the same proportions as those specified in the 12106
previous order. 12107

Oil and gas allocated to a separately owned tract shall be 12108
deemed, for all purposes, to have been actually produced from the 12109
tract, and all operations, including, but not limited to, the 12110
commencement, drilling, operation of, or production from a well 12111
upon any portion of the unit area shall be deemed for all purposes 12112
the conduct of such operations and production from any lease or 12113
contract for lands any portion of which is included in the unit 12114
area. The operations conducted pursuant to the order of the chief 12115
shall constitute a fulfillment of all the express or implied 12116

obligations of each lease or contract covering lands in the unit 12117
area to the extent that compliance with such obligations cannot be 12118
had because of the order of the chief. 12119

Oil and gas allocated to any tract, and the proceeds from the 12120
sale thereof, shall be the property and income of the several 12121
persons to whom, or to whose credit, the same are allocated or 12122
payable under the order providing for unit operations. 12123

No order of the chief or other contract relating to the sale 12124
or purchase of production from a separately owned tract shall be 12125
terminated by the order providing for unit operations, but shall 12126
remain in force and apply to oil and gas allocated to the tract 12127
until terminated in accordance with the provisions thereof. 12128

Notwithstanding divisions (A) to (H) of section 1509.73 of 12129
the Revised Code and rules adopted under it, the chief shall issue 12130
an order for the unit operation of a pool or a part of a pool that 12131
encompasses a unit area for which all or a portion of the mineral 12132
rights are owned by the department of transportation. 12133

Except to the extent that the parties affected so agree, no 12134
order providing for unit operations shall be construed to result 12135
in a transfer of all or any part of the title of any person to the 12136
oil and gas rights in any tract in the unit area. All property, 12137
whether real or personal, that may be acquired for the account of 12138
the owners within the unit area shall be the property of such 12139
owners in the proportion that the expenses of unit operations are 12140
charged. 12141

Sec. 1509.31. (A)(1) No person shall operate a well in this 12142
state unless the person first registers with and obtains an 12143
identification number from the chief of the division of oil and 12144
gas resources management. 12145

(2) Whenever the entire interest of an oil and gas lease is 12146

assigned or otherwise transferred, the assignor or transferor 12147
shall notify the holders of the royalty interests, and, if a well 12148
or wells exist on the lease, the division of oil and gas resources 12149
management, of the name and address of the assignee or transferee 12150
by certified mail, return receipt requested, not later than thirty 12151
days after the date of the assignment or transfer. When notice of 12152
any such assignment or transfer is required to be provided to the 12153
division, it shall be provided on a form prescribed and provided 12154
by the division and verified by both the assignor or transferor 12155
and by the assignee or transferee ~~and shall be accompanied by a~~ 12156
~~nonrefundable fee of one hundred dollars for each well.~~ The notice 12157
form applicable to assignments or transfers of a well to the owner 12158
of the surface estate of the tract on which the well is located 12159
shall contain a statement informing the landowner that the well 12160
may require periodic servicing to maintain its productivity; that, 12161
upon assignment or transfer of the well to the landowner, the 12162
landowner becomes responsible for compliance with the requirements 12163
of this chapter and rules adopted under it, including, without 12164
limitation, the proper disposal of brine obtained from the well, 12165
the plugging of the well when it becomes incapable of producing 12166
oil or gas, and the restoration of the well site; and that, upon 12167
assignment or transfer of the well to the landowner, the landowner 12168
becomes responsible for the costs of compliance with the 12169
requirements of this chapter and rules adopted under it and the 12170
costs for operating and servicing the well. 12171

(3) Notwithstanding division (A)(2) of this section, the 12172
assignee or transferee shall notify the division of oil and gas 12173
resources management of the assignment or transfer if both of the 12174
following apply: 12175

(a) The assignor or transferor failed to notify the division 12176
of the assignment or transfer as required by division (A)(2) of 12177
this section; 12178

(b) The assignor or transferor is deceased, dissolved, cannot
be located, or is otherwise incapable of complying with the
notification requirement. 12179
12180
12181

The assignee or transferee shall notify the division of the
assignment or transfer on a form prescribed and provided by the
division. At a minimum, the form shall require the assignee or
transferee to attest that the assignee or transferee is the owner.
The division shall not charge a fee for such assignment or
transfer when notice is provided in accordance with division
(A)(3) of this section. 12182
12183
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(B) When the entire interest of a well is proposed to be 12189
assigned or otherwise transferred to the landowner for use as an 12190
exempt domestic well, the owner who has been issued a permit under 12191
this chapter for the well shall submit to the chief of the 12192
division of oil and gas resources management an application for 12193
the assignment or transfer that contains all documents that the 12194
chief requires ~~and a nonrefundable fee of one hundred dollars~~. The 12195
application for such an assignment or transfer shall be prescribed 12196
and provided by the chief. The chief may approve the application 12197
if the application is accompanied by a release of all of the oil 12198
and gas leases that are included in the applicable formation of 12199
the drilling unit, the release is in a form such that the well 12200
ownership merges with the fee simple interest of the surface 12201
tract, and the release is in a form that may be recorded. However, 12202
if the owner of the well does not release the oil and gas leases 12203
associated with the well that is proposed to be assigned or 12204
otherwise transferred or if the fee simple tract that results from 12205
the merger of the well ownership with the fee simple interest of 12206
the surface tract is less than five acres, the proposed exempt 12207
domestic well owner shall post a five thousand dollar bond with 12208
the division prior to the assignment or transfer of the well to 12209
ensure that the well will be properly plugged. The chief, for good 12210

cause, may modify the requirements of this section governing the 12211
assignment or transfer of the interests of a well to the 12212
landowner. Upon the assignment or transfer of the well, the owner 12213
of an exempt domestic well is not subject to the severance tax 12214
levied under section 5749.02 of the Revised Code, but is subject 12215
to all applicable fees established in this chapter. 12216

(C) The owner holding a permit under section 1509.05 of the 12217
Revised Code is responsible for all obligations and liabilities 12218
imposed by this chapter and any rules, orders, and terms and 12219
conditions of a permit adopted or issued under it, and no 12220
assignment or transfer by the owner relieves the owner of the 12221
obligations and liabilities until and unless the assignee or 12222
transferee files with the division the information described in 12223
divisions (A)(1), (2), (3), (4), (5), (10), (11), and (12) of 12224
section 1509.06 of the Revised Code; obtains liability insurance 12225
coverage required by section 1509.07 of the Revised Code, except 12226
when none is required by that section; and executes and files a 12227
surety bond, negotiable certificates of deposit or irrevocable 12228
letters of credit, or cash, as described in that section. Instead 12229
of a bond, but only upon acceptance by the chief, the assignee or 12230
transferee may file proof of financial responsibility, described 12231
in section 1509.07 of the Revised Code. Section 1509.071 of the 12232
Revised Code applies to the surety bond, cash, and negotiable 12233
certificates of deposit and irrevocable letters of credit 12234
described in this section. Unless the chief approves a 12235
modification, each assignee or transferee shall operate in 12236
accordance with the plans and information filed by the permit 12237
holder pursuant to section 1509.06 of the Revised Code. 12238

(D) If a mortgaged property that is being foreclosed is 12239
subject to an oil or gas lease, pipeline agreement, or other 12240
instrument related to the production or sale of oil or natural gas 12241
and the lease, agreement, or other instrument was recorded 12242

subsequent to the mortgage, and if the lease, agreement, or other 12243
instrument is not in default, the oil or gas lease, pipeline 12244
agreement, or other instrument, as applicable, has priority over 12245
all other liens, claims, or encumbrances on the property so that 12246
the oil or gas lease, pipeline agreement, or other instrument is 12247
not terminated or extinguished upon the foreclosure sale of the 12248
mortgaged property. If the owner of the mortgaged property was 12249
entitled to oil and gas royalties before the foreclosure sale, the 12250
oil or gas royalties shall be paid to the purchaser of the 12251
foreclosed property. 12252

Sec. 1509.36. Any person adversely affected by an order by 12253
the chief of the division of oil and gas resources management may 12254
appeal to the oil and gas commission for an order vacating or 12255
modifying the order. 12256

The person so appealing to the commission shall be known as 12257
appellant and the chief shall be known as appellee. Appellant and 12258
appellee shall be deemed to be parties to the appeal. 12259

The appeal shall be in writing and shall set forth the order 12260
complained of and the grounds upon which the appeal is based. The 12261
appeal shall be filed with the commission within thirty days after 12262
the date upon which the ~~appellant~~ person to whom the order was 12263
issued received ~~notice by certified mail~~ the order and, for all 12264
other persons adversely affected by the order, within thirty days 12265
after the date of the order complained of. Notice of the filing of 12266
the appeal shall be filed with the chief within three days after 12267
the appeal is filed with the commission. 12268

Upon the filing of the appeal the commission promptly shall 12269
fix the time and place at which the hearing on the appeal will be 12270
held, and shall give the appellant and the chief at least ten 12271
days' written notice thereof by mail. The commission may postpone 12272
or continue any hearing upon its own motion or upon application of 12273

the appellant or of the chief. 12274

The filing of an appeal provided for in this section does not 12275
automatically suspend or stay execution of the order appealed 12276
from, but upon application by the appellant the commission may 12277
suspend or stay the execution pending determination of the appeal 12278
upon such terms as the commission considers proper. 12279

Either party to the appeal or any interested person who, 12280
pursuant to commission rules has been granted permission to 12281
appear, may submit such evidence as the commission considers 12282
admissible. 12283

For the purpose of conducting a hearing on an appeal, the 12284
commission may require the attendance of witnesses and the 12285
production of books, records, and papers, and it may, and at the 12286
request of any party it shall, issue subpoenas for witnesses or 12287
subpoenas duces tecum to compel the production of any books, 12288
records, or papers, directed to the sheriffs of the counties where 12289
the witnesses are found. The subpoenas shall be served and 12290
returned in the same manner as subpoenas in criminal cases are 12291
served and returned. The fees of sheriffs shall be the same as 12292
those allowed by the court of common pleas in criminal cases. 12293
Witnesses shall be paid the fees and mileage provided for under 12294
section 119.094 of the Revised Code. Such fees and mileage 12295
expenses incurred at the request of appellant shall be paid in 12296
advance by the appellant, and the remainder of those expenses 12297
shall be paid out of funds appropriated for the expenses of the 12298
division of oil and gas resources management. 12299

In case of disobedience or neglect of any subpoena served on 12300
any person, or the refusal of any witness to testify to any matter 12301
regarding which the witness may be lawfully interrogated, the 12302
court of common pleas of the county in which the disobedience, 12303
neglect, or refusal occurs, or any judge thereof, on application 12304
of the commission or any member thereof, shall compel obedience by 12305

attachment proceedings for contempt as in the case of disobedience 12306
of the requirements of a subpoena issued from that court or a 12307
refusal to testify therein. Witnesses at such hearings shall 12308
testify under oath, and any member of the commission may 12309
administer oaths or affirmations to persons who so testify. 12310

At the request of any party to the appeal, a record of the 12311
testimony and other evidence submitted shall be taken by an 12312
official court reporter at the expense of the party making the 12313
request for the record. The record shall include all of the 12314
testimony and other evidence and the rulings on the admissibility 12315
thereof presented at the hearing. The commission shall pass upon 12316
the admissibility of evidence, but any party may at the time 12317
object to the admission of any evidence and except to the rulings 12318
of the commission thereon, and if the commission refuses to admit 12319
evidence the party offering same may make a proffer thereof, and 12320
such proffer shall be made a part of the record of the hearing. 12321

If upon completion of the hearing the commission finds that 12322
the order appealed from was lawful and reasonable, it shall make a 12323
written order affirming the order appealed from; if the commission 12324
finds that the order was unreasonable or unlawful, it shall make a 12325
written order vacating the order appealed from and making the 12326
order that it finds the chief should have made. Every order made 12327
by the commission shall contain a written finding by the 12328
commission of the facts upon which the order is based. 12329

Notice of the making of the order shall be given forthwith to 12330
each party to the appeal by mailing a certified copy thereof to 12331
each such party by certified mail. 12332

The order of the commission is final unless vacated by the 12333
court of common pleas of Franklin county in an appeal as provided 12334
for in section 1509.37 of the Revised Code. Sections 1509.01 to 12335
1509.37 of the Revised Code, providing for appeals relating to 12336
orders by the chief or by the commission, or relating to rules 12337

adopted by the chief, do not constitute the exclusive procedure 12338
that any person who believes the person's rights to be unlawfully 12339
affected by those sections or any official action taken thereunder 12340
must pursue in order to protect and preserve those rights, nor do 12341
those sections constitute a procedure that that person must pursue 12342
before that person may lawfully appeal to the courts to protect 12343
and preserve those rights. 12344

Sec. 1509.50. (A) An oil and gas regulatory cost recovery 12345
assessment is hereby imposed by this section on an owner. An owner 12346
shall pay the assessment in the same manner as a severer who is 12347
required to file a return under section 5749.06 of the Revised 12348
Code. However, an owner may designate a severer who shall pay the 12349
owner's assessment on behalf of the owner on the return that the 12350
severer is required to file under that section. If a severer so 12351
pays an owner's assessment, the severer may recoup from the owner 12352
the amount of the assessment. Except for an exempt domestic well, 12353
the assessment imposed shall be in addition to the taxes levied on 12354
the severance of oil and gas under section 5749.02 of the Revised 12355
Code. 12356

(B)~~(1)~~ Except for an exempt domestic well, the oil and gas 12357
regulatory cost recovery assessment shall be calculated on a 12358
quarterly basis ~~and shall be one of the following as follows:~~ 12359

~~(a) If the sum of ten cents per barrel of oil for all of the 12360
wells of the owner, one half of one cent per one thousand cubic 12361
feet of natural gas for all of the wells of the owner, and the 12362
amount of the severance tax levied on each severer for all of the 12363
wells of the owner under divisions (A)(5) and (6) of section 12364
5749.02 of the Revised Code, as applicable, is greater than the 12365
sum of fifteen dollars for each well owned by the owner, the 12366
amount of the assessment is the sum of ten cents per barrel of oil 12367
for all of the wells of the owner and one half (1) One-half of one 12368~~

cent per one thousand cubic feet of natural gas for all of the wells of the owner.

~~(b) If the sum of ten;~~

~~(2) Ten cents per barrel of oil for all of the wells of the owner, one half of one cent per one thousand cubic feet of natural gas for all of the wells of the owner, and the amount of the severance tax levied on each severer for all of the wells of the owner under divisions (A)(5) and (6) of section 5749.02 of the Revised Code, as applicable, is less than the sum of fifteen dollars for each well owned by the owner, the amount of the assessment is the sum of fifteen dollars for each well owned by the owner less the amount of the tax levied on each severer for all of the wells of the owner under divisions (A)(5) and (6) of section 5749.02 of the Revised Code, as applicable.~~

~~(2) The oil and gas regulatory cost recovery assessment for a well that becomes an exempt domestic well on and after June 30, 2010, shall be sixty dollars to be paid to the division of oil and gas resources management on the first day of July of each year.~~

(C) All money collected pursuant to this section shall be credited to the severance tax receipts fund. After the director of budget and management transfers money from the severance tax receipts fund as required in division (H) of section 5749.06 of the Revised Code, money in the severance tax receipts fund from amounts collected pursuant to this section shall be credited to the oil and gas well fund created in section 1509.02 of the Revised Code.

(D) Except for purposes of revenue distribution as specified in division (B) of section 5749.02 of the Revised Code, the oil and gas regulatory cost recovery assessment imposed by this section shall be treated the same and equivalent for all purposes as the taxes levied on the severance of oil and gas under that

section. However, the assessment imposed by this section is not a 12400
tax under Chapter 5749. of the Revised Code. 12401

Sec. 1521.08. (A) The chief of the division of water 12402
resources and the director of environmental protection shall 12403
jointly establish a program to study the impact of oil and gas 12404
production operations on stream flow using continuous stream flow 12405
monitoring technology in the following creeks: 12406

(1) Yellow creek, short creek, and cross creek in Jefferson 12407
county; 12408

(2) Wheeling creek, McMahon creek, Wegee creek, and pipe 12409
creek in Belmont county; 12410

(3) Sunfish creek and opossum creek in Monroe county. 12411

(B) The chief shall jointly adopt rules with the director in 12412
accordance with Chapter 119. of the Revised Code for the 12413
administration and implementation of this section. 12414

~~Sec. 1533.09~~ 1533.06. Before the fifteenth day of March of 12415
each year, each wild animal permit holder shall file with the 12416
division of wildlife a written report of the permit holder's 12417
operations under the permit and the disposition of the specimens 12418
collected or possessed during the preceding calendar year on 12419
report blanks furnished by the chief of the division. Failure to 12420
file a report shall cause the permit to be forfeited as of the 12421
fifteenth day of March. Permits are not transferable. No permit 12422
holder or person collecting or possessing wild animals under 12423
authority of such a permit shall take, possess, or transport the 12424
wild animals for any purpose not specified in the permit. 12425

Conviction of a violation of this section, failure to carry a 12426
permit and exhibit it to any person requesting to see it as 12427
provided in section 1533.08 of the Revised Code, or the violation 12428
of any other law concerning wild animals constitutes a revocation 12429

and forfeiture of the permit involved. The former permit holder 12430
shall not be entitled to another permit for a period of one year 12431
from the date of the conviction. 12432

Sec. 1533.09. (A) The chief of the division of wildlife, with 12433
the approval of the director of natural resources and the wildlife 12434
council, may adopt rules in accordance with Chapter 119. of the 12435
Revised Code establishing fees, in lieu of the statutorily imposed 12436
fees, for all of the following: 12437

(1) Hunting licenses in accordance with section 1533.10 of 12438
the Revised Code; 12439

(2) Small game hunting licenses in accordance with section 12440
1533.10 of the Revised Code; 12441

(3) Deer and wild turkey permits in accordance with section 12442
1533.11 of the Revised Code; 12443

(4) Fur taker permits in accordance with section 1533.111 of 12444
the Revised Code; 12445

(5) Wetland habitat stamps in accordance with section 12446
1533.112 of the Revised Code; 12447

(6) Fishing licenses in accordance with section 1533.32 of 12448
the Revised Code; 12449

(7) Multi-year fishing and hunting licenses in accordance 12450
with section 1533.321 of the Revised Code. 12451

(B) The chief shall make rules adopted under this section 12452
available to the public and shall include a copy of current rules 12453
in any authorized compilation of the division lawbook. The rules 12454
must be under the seal of the division and bear the signature, or 12455
facsimile of the chief. 12456

Sec. 1533.10. (A) Except as provided in this section or 12457
division (A)(2) of section 1533.12 or section 1533.73 or 1533.731 12458

of the Revised Code, no person shall hunt any wild bird or wild quadruped without a hunting license. Each day that any person hunts within the state without procuring such a license constitutes a separate offense.

(B)(1) Except as otherwise provided in this section, division (A) of section 1533.12 of the Revised Code, or in rules adopted under section 1533.09 or division (B) of ~~that~~ section 1533.12 of the Revised Code, each applicant for a hunting license shall pay an annual fee for each annual license in accordance with the following schedule:

Hunting license - resident	\$18.00	12469
Hunting license - nonresident, and that is not a resident of a reciprocal state, ages 18 and older	\$174.00	12470
Hunting license - nonresident, but that is a resident of a reciprocal state, ages 18 and older	\$18.00	12471
Apprentice hunting license - resident	\$18.00	12472
Apprentice hunting license - nonresident, and that <u>is</u> not a resident of a reciprocal state	\$174.00	12473
Apprentice hunting license - nonresident, but that is a resident of a reciprocal state	\$18.00	12474
Youth hunting license - resident and nonresident	\$9.00	12475
Apprentice youth hunting license - resident	\$9.00	12476
Senior hunting license - resident	\$9.00	12477
Apprentice senior hunting license - resident	\$9.00	12478

(2) Apprentice resident hunting licenses, apprentice youth hunting licenses, apprentice senior hunting licenses, and apprentice nonresident hunting licenses are subject to the requirements established under section 1533.102 of the Revised Code and rules adopted under it.

(3) As used in division (B)(1) of this section:

(a) "Youth" means an applicant who is under the age of

eighteen years at the time of application for a ~~permit~~ license. 12486

(b) "Senior" means an applicant who is sixty-six years of age 12487
or older at the time of application for a ~~permit~~ license. 12488

(c) "Reciprocal state" means a state that is a party to an 12489
agreement under section 1533.91 of the Revised Code. 12490

(C) A resident of this state who owns lands in the state and 12491
the owner's children of any age and grandchildren under eighteen 12492
years of age may hunt on the lands without a hunting license. A 12493
resident of any other state who owns real property in this state, 12494
and the spouse and children living with the property owner, may 12495
hunt on that property without a license, provided that the state 12496
of residence of the real property owner allows residents of this 12497
state owning real property in that state, and the spouse and 12498
children living with the property owner, to hunt without a 12499
license. If the owner of land in this state is a limited liability 12500
company or a limited liability partnership that consists of three 12501
or fewer individual members or partners, as applicable, an 12502
individual member or partner who is a resident of this state and 12503
the member's or partner's children of any age and grandchildren 12504
under eighteen years of age may hunt on the land owned by the 12505
limited liability company or limited liability partnership without 12506
a hunting license. In addition, if the owner of land in this state 12507
is a trust that has a total of three or fewer trustees and 12508
beneficiaries, an individual who is a trustee or beneficiary and 12509
who is a resident of this state and the individual's children of 12510
any age and grandchildren under eighteen years of age may hunt on 12511
the land owned by the trust without a hunting license. The tenant 12512
and children of the tenant, residing on lands in the state, may 12513
hunt on them without a hunting license. 12514

(D) The chief of the division of wildlife may issue a small 12515
game hunting license expiring three days from the effective date 12516
of the license to a nonresident of the state, the fee for which 12517

~~shall be~~ is thirty-nine dollars unless otherwise provided in rules 12518
adopted under section 1533.09 of the Revised Code. No person shall 12519
take or possess deer, wild turkeys, fur-bearing animals, ducks, 12520
geese, brant, or any nongame animal while possessing only a small 12521
game hunting license. ~~A~~ 12522

A small game hunting license or an apprentice nonresident 12523
hunting license does not authorize the taking or possessing of 12524
ducks, geese, or brant without having obtained, in addition to the 12525
small game hunting license or the apprentice nonresident hunting 12526
license, a wetlands habitat stamp as provided in section 1533.112 12527
of the Revised Code. A small game hunting license or an apprentice 12528
nonresident hunting license does not authorize the taking or 12529
possessing of deer, wild turkeys, or fur-bearing animals. A 12530
nonresident of the state who wishes to take or possess deer, wild 12531
turkeys, or fur-bearing animals in this state shall procure, 12532
respectively, a deer or wild turkey permit as provided in section 12533
1533.11 of the Revised Code or a fur taker permit as provided in 12534
section 1533.111 of the Revised Code in addition to a nonresident 12535
hunting license, an apprentice nonresident hunting license, a 12536
special youth hunting license, or an apprentice youth hunting 12537
license, as applicable, as provided in this section. 12538

(E) No person shall procure or attempt to procure a hunting 12539
license by fraud, deceit, misrepresentation, or any false 12540
statement. 12541

(F)(1) This section does not authorize the taking and 12542
possessing of deer or wild turkeys without first having obtained, 12543
in addition to the hunting license required by this section, a 12544
deer or wild turkey permit as provided in section 1533.11 of the 12545
Revised Code or the taking and possessing of ducks, geese, or 12546
brant without first having obtained, in addition to the hunting 12547
license required by this section, a wetlands habitat stamp as 12548
provided in section 1533.112 of the Revised Code. 12549

(2) This section does not authorize the hunting or trapping 12550
of fur-bearing animals without first having obtained, in addition 12551
to a hunting license required by this section, a fur taker permit 12552
as provided in section 1533.111 of the Revised Code. 12553

(G)(1) No hunting license shall be issued unless it is 12554
accompanied by a written explanation of the law in section 1533.17 12555
of the Revised Code and the penalty for its violation, including a 12556
description of terms of imprisonment and fines that may be 12557
imposed. 12558

(2) No hunting license, other than an apprentice hunting 12559
license, shall be issued unless the applicant presents to the 12560
agent authorized to issue the license a previously held hunting 12561
license or evidence of having held such a license in content and 12562
manner approved by the chief, a certificate of completion issued 12563
upon completion of a hunter education and conservation course 12564
approved by the chief, or evidence of equivalent training in 12565
content and manner approved by the chief. A previously held 12566
apprentice hunting license does not satisfy the requirement 12567
concerning the presentation of a previously held hunting license 12568
or evidence of it. 12569

(3) No person shall issue a hunting license, except an 12570
apprentice hunting license, to any person who fails to present the 12571
evidence required by this section. No person shall purchase or 12572
obtain a hunting license, other than an apprentice hunting 12573
license, without presenting to the issuing agent the evidence 12574
required by this section. Issuance of a hunting license in 12575
violation of the requirements of this section is an offense by 12576
both the purchaser of the illegally obtained hunting license and 12577
the clerk or agent who issued the hunting license. Any hunting 12578
license issued in violation of this section is void. 12579

(H) The chief, with approval of the wildlife council, shall 12580
adopt rules prescribing a hunter education and conservation course 12581

for first-time hunting license buyers, other than buyers of 12582
apprentice hunting licenses, and for volunteer instructors. The 12583
course shall consist of subjects including, but not limited to, 12584
hunter safety and health, use of hunting implements, hunting 12585
tradition and ethics, the hunter and conservation, the law in 12586
section 1533.17 of the Revised Code along with the penalty for its 12587
violation, including a description of terms of imprisonment and 12588
fines that may be imposed, and other law relating to hunting. 12589
Authorized personnel of the division or volunteer instructors 12590
approved by the chief shall conduct such courses with such 12591
frequency and at such locations throughout the state as to 12592
reasonably meet the needs of license applicants. The chief shall 12593
issue a certificate of completion to each person who successfully 12594
completes the course and passes an examination prescribed by the 12595
chief. 12596

Sec. 1533.11. (A)(1) Except as provided in this section or 12597
section 1533.731 of the Revised Code, no person shall hunt deer on 12598
lands of another without first obtaining an annual deer permit. 12599
Except as provided in this section, no person shall hunt wild 12600
turkeys on lands of another without first obtaining an annual wild 12601
turkey permit. A deer or wild turkey permit is valid during the 12602
hunting license year in which the permit is purchased. Except as 12603
provided in rules adopted under section 1533.09 or division (B) of 12604
~~that~~ section 1533.731 of the Revised Code, each applicant for a 12605
deer or wild turkey permit shall pay an annual fee for each permit 12606
in accordance with the following schedule: 12607

Deer permit - resident	\$23.00	12608
	<u>\$30.00</u>	
Deer permit - nonresident, all ages	\$74.00	12609
Youth deer permit - resident <u>and nonresident</u>	\$11.50	12610
	<u>\$15.00</u>	
Senior deer permit - resident	\$11.50	12611

Wild turkey permit - resident	\$23.00	12612
	<u>\$30.00</u>	
Wild turkey permit - nonresident, all ages	\$28.00	12613
	<u>\$37.00</u>	
Youth wild turkey permit - resident <u>and</u>	\$11.50	12614
<u>nonresident</u>	<u>\$15.00</u>	
Senior wild turkey permit - resident	\$11.50	12615
(2) As used in division (A)(1) of this section:		12616
(a) "Resident" means an individual who has resided in this		12617
state for not less than six months preceding the date of making		12618
application for a permit.		12619
(b) "Nonresident" means any individual who does not qualify		12620
as a resident.		12621
(c) "Youth" means an applicant who is under the age of		12622
eighteen years at the time of application for a permit.		12623
(d) "Senior" means an applicant who is sixty-six years of age		12624
or older at the time of application for a permit.		12625
(3) The money received shall be paid into the state treasury		12626
to the credit of the wildlife fund, created in section 1531.17 of		12627
the Revised Code, exclusively for the use of the division of		12628
wildlife in the acquisition and development of land for deer or		12629
wild turkey management, for investigating deer or wild turkey		12630
problems, and for the stocking, management, and protection of deer		12631
or wild turkey.		12632
(4) Every person, while hunting deer or wild turkey on lands		12633
of another, shall carry the person's deer or wild turkey permit		12634
and exhibit it to any enforcement officer so requesting. Failure		12635
to so carry and exhibit such a permit constitutes an offense under		12636
this section.		12637
(5) The chief of the division of wildlife shall adopt any		12638
additional rules the chief considers necessary to carry out this		12639

section and section 1533.10 of the Revised Code. 12640

(6) An owner who is a resident of this state or an owner who 12641
is exempt from obtaining a hunting license under section 1533.10 12642
of the Revised Code and the children of the owner of lands in this 12643
state may hunt deer or wild turkey thereon without a deer or wild 12644
turkey permit. If the owner of land in this state is a limited 12645
liability company or a limited liability partnership that consists 12646
of three or fewer individual members or partners, as applicable, 12647
an individual member or partner who is a resident of this state 12648
and the member's or partner's children of any age may hunt deer or 12649
wild turkey on the land owned by the limited liability company or 12650
limited liability partnership without a deer or wild turkey 12651
permit. In addition, if the owner of land in this state is a trust 12652
that has a total of three or fewer trustees and beneficiaries, an 12653
individual who is a trustee or beneficiary and who is a resident 12654
of this state and the individual's children of any age may hunt 12655
deer or wild turkey on the land owned by the trust without a deer 12656
or wild turkey permit. The tenant and children of the tenant may 12657
hunt deer or wild turkey on lands where they reside without a deer 12658
or wild turkey permit. 12659

(B) A deer or wild turkey permit is not transferable. No 12660
person shall carry a deer or wild turkey permit issued in the name 12661
of another person. 12662

(C) The wildlife refunds fund is hereby created in the state 12663
treasury. The fund shall consist of money received from 12664
application fees for deer permits that are not issued. Money in 12665
the fund shall be used to make refunds of such application fees. 12666

(D) If the division establishes a system for the electronic 12667
submission of information regarding deer or wild turkey that are 12668
taken, the division shall allow the owner and the children of the 12669
owner of lands in this state to use the owner's name or address 12670
for purposes of submitting that information electronically via 12671

that system. 12672

Sec. 1533.111. (A) Except as provided in this section or 12673
division (A)(2) of section 1533.12 of the Revised Code, no person 12674
shall hunt or trap fur-bearing animals on land of another without 12675
first obtaining some type of an annual fur taker permit. ~~Each~~ 12676
~~applicant for a fur taker permit or an apprentice fur taker permit~~ 12677
~~shall pay an annual fee of fourteen dollars for the permit, except~~ 12678
~~as otherwise provided in this section or unless the rules adopted~~ 12679
~~under division (B) of section 1533.12 of the Revised Code provide~~ 12680
~~for issuance of a fur taker permit to the applicant free of~~ 12681
~~charge. Except as provided in rules adopted under division (B)(2)~~ 12682
~~of that section, each applicant who is a resident of this state~~ 12683
~~and who at the time of application is sixty six years of age or~~ 12684
~~older shall procure a special senior fur taker permit or an~~ 12685
~~apprentice senior fur taker permit, the fee for which shall be~~ 12686
~~one half of the regular permit fee. Each applicant under the age~~ 12687
~~of eighteen years shall procure a special youth fur taker permit~~ 12688
~~or an apprentice youth fur taker permit, the fee for which shall~~ 12689
~~be one half of the regular fur taker permit fee. Each~~ 12690

(B)(1) Except as otherwise provided in rules adopted under 12691
section 1533.09 or division (B) of section 1533.12 of the Revised 12692
Code, each applicant for a fur taker permit or an apprentice fur 12693
taker permit shall pay an annual fee for each annual permit in 12694
accordance with the following schedule: 12695

<u>Fur taker permit</u>	<u>\$14.00</u>	12696
<u>Apprentice fur taker permit</u>	<u>\$14.00</u>	12697
<u>Senior fur taker permit - resident only</u>	<u>\$7.00</u>	12698
<u>Apprentice senior fur taker permit - resident</u>	<u>\$7.00</u>	12699
<u>only</u>		
<u>Special youth fur taker permit</u>	<u>\$7.00</u>	12700
<u>Apprentice youth fur taker permit</u>	<u>\$7.00</u>	12701

(2) As used in division (B)(1) of this section: 12702

(a) "Youth" means an applicant who is under the age of 12703
eighteen years at the time of application for a permit. 12704

(b) "Senior" means an applicant who is sixty-six years of age 12705
or older at the time of application for a permit. 12706

(C) Each type of fur taker permit is valid during the hunting 12707
license year in which the permit is purchased. The money received 12708
shall be paid into the state treasury to the credit of the fund 12709
established in section 1533.15 of the Revised Code. Apprentice fur 12710
taker permits and apprentice youth fur taker permits are subject 12711
to the requirements established under section 1533.102 of the 12712
Revised Code and rules adopted pursuant to it. 12713

(D)(1) No person shall issue a fur taker permit ~~shall be~~ 12714
issued to an applicant unless it is accompanied by a written 12715
explanation of the law in section 1533.17 of the Revised Code and 12716
the penalty for its violation, including a description of terms of 12717
imprisonment and fines that may be imposed. 12718

(2) No person shall issue a fur taker permit, other than an 12719
apprentice fur taker permit or an apprentice youth fur taker 12720
permit, ~~shall be issued to an applicant~~ unless the applicant 12721
presents to the agent authorized to issue a fur taker permit a 12722
previously held hunting license or trapping or fur taker permit or 12723
evidence of having held such a license or permit in content and 12724
manner approved by the chief of the division of wildlife, a 12725
certificate of completion issued upon completion of a trapper 12726
education course approved by the chief, or evidence of equivalent 12727
training in content and manner approved by the chief. A previously 12728
held apprentice hunting license, apprentice fur taker permit, or 12729
apprentice youth fur taker permit does not satisfy the requirement 12730
concerning the presentation of a previously held hunting license 12731
or fur taker permit or evidence of such a license or permit. 12732

(3) No person shall issue a fur taker permit, other than an apprentice fur taker permit or an apprentice youth fur taker permit, to any person who fails to present the evidence required by this section. No person shall purchase or obtain a fur taker permit, other than an apprentice fur taker permit or an apprentice youth fur taker permit, without presenting to the issuing agent the evidence required by this section. Issuance of a fur taker permit in violation of the requirements of this section is an offense by both the purchaser of the illegally obtained permit and the clerk or agent who issued the permit. Any fur taker permit issued in violation of this section is void.

(E) The chief, with approval of the wildlife council, shall adopt rules prescribing a trapper education course for first-time fur taker permit buyers, other than buyers of apprentice fur taker permits or apprentice youth fur taker permits, and for volunteer instructors. The course shall consist of subjects that include, but are not limited to, trapping techniques, animal habits and identification, trapping tradition and ethics, the trapper and conservation, the law in section 1533.17 of the Revised Code along with the penalty for its violation, including a description of terms of imprisonment and fines that may be imposed, and other law relating to trapping. Authorized personnel of the division of wildlife or volunteer instructors approved by the chief shall conduct the courses with such frequency and at such locations throughout the state as to reasonably meet the needs of permit applicants. The chief shall issue a certificate of completion to each person who successfully completes the course and passes an examination prescribed by the chief.

(F) Every person, while hunting or trapping fur-bearing animals on lands of another, shall carry the person's fur taker permit with the person's signature written on the permit. Failure to carry such a signed permit constitutes an offense under this

section. The chief shall adopt any additional rules the chief 12765
considers necessary to carry out this section. 12766

(G) An owner who is a resident of this state or an owner who 12767
is exempt from obtaining a hunting license under section 1533.10 12768
of the Revised Code and the children of the owner of lands in this 12769
state may hunt or trap fur-bearing animals thereon without a fur 12770
taker permit. If the owner of land in this state is a limited 12771
liability company or a limited liability partnership that consists 12772
of three or fewer individual members or partners, as applicable, 12773
an individual member or partner who is a resident of this state 12774
and the member's or partner's children of any age may hunt or trap 12775
fur-bearing animals on the land owned by the limited liability 12776
company or limited liability partnership without a fur taker 12777
permit. In addition, if the owner of land in this state is a trust 12778
that has a total of three or fewer trustees and beneficiaries, an 12779
individual who is a trustee or beneficiary and who is a resident 12780
of this state and the individual's children of any age may hunt or 12781
trap fur-bearing animals on the land owned by the trust without a 12782
fur taker permit. The tenant and children of the tenant may hunt 12783
or trap fur-bearing animals on lands where they reside without a 12784
fur taker permit. 12785

(H) A fur taker permit is not transferable. No person shall 12786
carry a fur taker permit issued in the name of another person. 12787

(I) A fur taker permit entitles a nonresident to take from 12788
this state fur-bearing animals taken and possessed by the 12789
nonresident as provided by law or division rule. 12790

Sec. 1533.112. Except as provided in this section or unless 12791
otherwise provided by division rule, no person shall hunt ducks, 12792
geese, or brant on the lands of another without first obtaining an 12793
annual wetlands habitat stamp. The annual fee for the wetlands 12794
habitat stamp ~~shall be~~ is fourteen dollars for each stamp unless 12795

~~the otherwise provided in rules adopted under section 1533.09 or~~ 12796
~~division (B) of section 1533.12 provide for issuance of a wetlands~~ 12797
~~habitat stamp to the applicant free of charge of the Revised Code.~~ 12798

Moneys received from the stamp fee shall be paid into the 12799
state treasury to the credit of the wetlands habitat fund, which 12800
is hereby established. Moneys shall be paid from the fund on the 12801
order of the director of natural resources for the following 12802
purposes: 12803

(A) Sixty per cent for projects that the division approves 12804
for the acquisition, development, management, or preservation of 12805
waterfowl areas within the state; 12806

(B) Forty per cent for contribution by the division to an 12807
appropriate nonprofit organization for the acquisition, 12808
development, management, or preservation of lands and waters 12809
within the United States or Canada that provide or will provide 12810
habitat for waterfowl with migration routes that cross this state. 12811

No moneys derived from the issuance of wetlands habitat 12812
stamps shall be spent for purposes other than those specified by 12813
this section. All investment earnings of the fund shall be 12814
credited to the fund. 12815

Wetlands habitat stamps shall be furnished by and in a form 12816
prescribed by the chief of the division of wildlife and issued by 12817
clerks and other agents authorized to issue licenses and permits 12818
under section 1533.13 of the Revised Code. The record of stamps 12819
kept by the clerks and other agents shall be uniform throughout 12820
the state, in such form or manner as the director prescribes, and 12821
open at all reasonable hours to the inspection of any person. 12822
Unless otherwise provided by rule, each stamp shall remain in 12823
force until midnight of the thirty-first day of August next 12824
ensuing. Wetlands habitat stamps may be issued in any manner to 12825
any person on any date, whether or not that date is within the 12826

period in which they are effective. 12827

Every person to whom this section applies, while hunting 12828
ducks, geese, or brant, shall carry an unexpired wetlands habitat 12829
stamp that is validated by the person's signature written on the 12830
stamp in ink and shall exhibit the stamp to any enforcement 12831
officer so requesting. No person shall fail to carry and exhibit 12832
the person's stamp. 12833

A wetlands habitat stamp is not transferable. 12834

The chief shall establish a procedure to obtain subject 12835
matter to be printed on the wetlands habitat stamp and shall use, 12836
dispose of, or distribute the subject matter as the chief 12837
considers necessary. The chief also shall adopt rules necessary to 12838
administer this section. 12839

This section does not apply to persons under sixteen years of 12840
age nor to persons exempted from procuring a hunting license under 12841
section 1533.10 or division (A)(2) of section 1533.12 of the 12842
Revised Code. 12843

Sec. 1533.32. (A) Except as provided in this section or 12844
division (A)(2) or (C) of section 1533.12 of the Revised Code or 12845
as exempted at the discretion of the chief of the division of 12846
wildlife, no person, including nonresidents, shall take or catch 12847
any fish by angling in any of the waters in the state or engage in 12848
fishing in those waters without a license. No person shall take or 12849
catch frogs or turtles without a valid fishing license, except as 12850
provided in this section. Persons fishing in privately owned 12851
ponds, lakes, or reservoirs to or from which fish are not 12852
accustomed to migrate are exempt from the license requirements set 12853
forth in this section. Persons fishing in privately owned ponds, 12854
lakes, or reservoirs that are open to public fishing through an 12855
agreement or lease with the division of wildlife shall comply with 12856
the license requirements set forth in this section. 12857

~~(B)(1) The fee for an annual license shall be forty nine 12858
dollars for a resident of a state that is not a party to an 12859
agreement under section 1533.91 of the Revised Code. The fee for 12860
an annual license shall be eighteen dollars for a resident of a 12861
state that is a party to such an agreement. The fee for an annual 12862
license for residents of this state shall be eighteen dollars 12863
unless the rules adopted under division (B) of section 1533.12 of 12864
the Revised Code provide for issuance of a resident fishing 12865
license to the applicant free of charge. Except as provided in 12866
rules adopted under division (B)(2) of that section, each 12867
applicant who is a resident of this state and who at the time of 12868
application is sixty six years of age or older shall procure a 12869
special senior fishing license, the fee for which shall be 12870
one half of the annual resident fishing license fee. 12871~~

~~(2) Except as otherwise provided in rules adopted under 12872
section 1533.09 or division (B) of section 1533.12 of the Revised 12873
Code, each applicant for a fishing license shall pay a fee for 12874
each license in accordance with the following schedule: 12875~~

Annual fishing license - resident	\$24.00	12876
Annual fishing license - nonresident that is not a resident of a reciprocal state	\$49.00	12877
Annual fishing license - nonresident that is a resident of a reciprocal state	\$24.00	12878
Annual senior fishing license - resident	\$9.00	12879
Three-day tourist fishing license - nonresident that is not a resident of a reciprocal state	\$24.00	12880
One-day fishing license	\$13.00	12881

~~(2) As used in division (B)(1) of this section: 12882~~

~~(a) "Reciprocal state" means a state that is a party to an 12883
agreement under section 1533.91 of the Revised Code. 12884~~

~~(b) "Senior" means an applicant who is sixty-six years of age 12885
or older at the time of application for a license. 12886~~

(3) Any person under the age of sixteen years may take or catch frogs and turtles and take or catch fish by angling without a license.

(C)(1) The chief of the division of wildlife may issue a tourist's license expiring three days from the effective date of the license to a resident of a state that is not a party to an agreement under section 1533.91 of the Revised Code. ~~The fee for a tourist's license shall be eighteen dollars.~~

(2) The chief shall adopt rules under section 1531.10 of the Revised Code providing for the issuance of a one-day fishing license to a resident of this state or of any other state. ~~The fee for such a license shall be fifty five per cent of the amount established under this section for a tourist's license, rounded up to the nearest whole dollar.~~ A one-day fishing license shall allow the holder to take or catch fish by angling in the waters in the state, engage in fishing in those waters, or take or catch frogs or turtles in those waters for one day without obtaining an annual license or a tourist's license under this section. At the request of a holder of a one-day fishing license who wishes to obtain an annual license, a clerk or agent authorized to issue licenses under section 1533.13 of the Revised Code, not later than the last day on which the one-day license would be valid if it were an annual license, shall credit the amount of the fee paid for the one-day license toward the fee charged for the annual license if so authorized by the chief. The clerk or agent shall issue the annual license upon presentation of the one-day license and payment of a fee in an amount equal to the difference between the fee for the annual license and the fee for the one-day license.

(3) Unless otherwise provided by division rule, each annual license shall begin on the date of issuance and expire a year from the date of issuance.

(4) Unless otherwise provided by division rule, each

multi-year license issued in accordance with section 1533.321 of 12919
the Revised Code shall begin on the date of issuance and expire 12920
three years, five years, or ten years from the date of issuance, 12921
as applicable. 12922

(5) No person shall alter a fishing license or possess a 12923
fishing license that has been altered. 12924

(6) No person shall procure or attempt to procure a fishing 12925
license by fraud, deceit, misrepresentation, or any false 12926
statement. 12927

(7) A resident of this state who owns land over, through, 12928
upon, or along which any water flows or stands, except where the 12929
land is in or borders on state parks or state-owned lakes, 12930
together with the members of the immediate families of such 12931
owners, may take frogs and turtles and may take or catch fish of 12932
the kind permitted to be taken or caught therefrom without 12933
procuring a license provided for in this section. This exemption 12934
extends to tenants actually residing upon such lands and to the 12935
members of the immediate families of the tenants. A resident of 12936
any other state who owns land in this state over, through, upon, 12937
or along which any water flows or stands, except where the land is 12938
in or borders on state parks or state-owned lakes, and the spouse 12939
and children living with the owner, may take frogs and turtles and 12940
may take or catch fish of the kind permitted to be taken or caught 12941
from that water without obtaining a license under this section, 12942
provided that the state of residence of the owner allows residents 12943
of this state owning real property in that state, and the spouse 12944
and children living with such a property owner, to take frogs and 12945
turtles and take or catch fish without a license. If the owner of 12946
such land in this state is a limited liability company or a 12947
limited liability partnership that consists of three or fewer 12948
individual members or partners, as applicable, an individual 12949
member or partner who is a resident of this state and the member's 12950

or partner's children of any age may take frogs and turtles and 12951
may take or catch fish of the kind permitted to be taken or caught 12952
therefrom without procuring a license provided for in this 12953
section. In addition, if the owner of such land in this state is a 12954
trust that has a total of three or fewer trustees and 12955
beneficiaries, an individual who is a trustee or beneficiary and 12956
who is a resident of this state and the individual's children of 12957
any age may take frogs and turtles and may take or catch fish of 12958
the kind permitted to be taken or caught therefrom without 12959
procuring a license provided for in this section. Residents of 12960
state or county institutions, charitable institutions, and 12961
military homes in this state may take frogs and turtles without 12962
procuring the required license, provided that a member of the 12963
institution or home has an identification card, which shall be 12964
carried on that person when fishing. 12965

(8) Every fisher required to be licensed, while fishing or 12966
taking or attempting to take frogs or turtles, shall carry the 12967
license and exhibit it to any person. Failure to so carry and 12968
exhibit the license constitutes an offense under this section. 12969

Sec. 1533.321. (A) The chief of the division of wildlife may 12970
issue any of the following: 12971

(1) Multi-year hunting or fishing licenses for three-, five-, 12972
or ten-year terms to a resident of this state; 12973

(2) Lifetime hunting or fishing licenses to a resident of 12974
this state; 12975

(3) A package consisting of any combination of license, 12976
stamp, or permit that the chief is authorized to issue under this 12977
chapter. 12978

(B) The chief may adopt rules in accordance with section 12979
1531.10 of the Revised Code governing multi-year hunting and 12980

fishing licenses, lifetime hunting and fishing licenses, and 12981
combination packages, including rules establishing fees for the 12982
combination packages. The chief shall ensure that the price for a 12983
combination package is not discounted by more than five per cent 12984
of the total fees for the licenses, permits, or stamps that a 12985
person would otherwise pay for those licenses, permits, or stamps 12986
if the person purchased them individually. 12987

(C)(1) The multi-year and lifetime license fund is hereby 12988
created in the state treasury. The fund shall consist of money 12989
received from application fees for multi-year and lifetime hunting 12990
and fishing licenses. 12991

(2) Each fiscal year, a prorated amount of the money from 12992
each multi-year and lifetime license fee shall be transferred from 12993
the multi-year and lifetime license fund to the fund into which 12994
the applicable single year license fee would otherwise be 12995
deposited. The prorated amount shall equal the total amount of the 12996
fee charged for the license divided by the number of years the 12997
license is valid. The chief shall adopt rules in accordance with 12998
section 1531.10 of the Revised Code for the administration of this 12999
division, including establishing a system that prorates lifetime 13000
license fees for deposit each year into the wildlife fund created 13001
in section 1531.17 of the Revised Code. 13002

(3) Each fiscal year, all previous year's investment earnings 13003
from the multi-year and lifetime license fund shall be transferred 13004
into the wildlife fund created in section 1531.17 of the Revised 13005
Code. 13006

(D)(1) Each Except as otherwise provided in rules adopted 13007
under section 1533.09 of the Revised Code, each applicant for a 13008
multi-year or lifetime fishing license who is a resident of this 13009
state shall pay a fee for each license in accordance with the 13010
following schedule: 13011

Senior 3-year fishing license	\$27.50	13012
Senior 5-year fishing license	\$45.75	13013
Senior lifetime fishing license	\$81.00	13014
3-year fishing license	\$52.00	13015
5-year fishing license	\$86.75	13016
10-year fishing license	\$173.50	13017
Lifetime fishing license	\$450.00	13018
Youth lifetime fishing license	\$414.00	13019

(2) As used in division (D)(1) of this section: 13020

(a) "Youth" means an applicant who is under the age of 13021
sixteen years at the time of application for a ~~permit~~ license. 13022

(b) "Senior" means an applicant who is sixty-six years of age 13023
or older at the time of application for a ~~permit~~ license. 13024

(E)(1) ~~Each~~ Except as otherwise provided in rules adopted 13025
under section 1533.09 of the Revised Code, each applicant for a 13026
multi-year or lifetime hunting license who is a resident of this 13027
state shall pay a fee for each license in accordance with the 13028
following schedule: 13029

Senior 3-year hunting license	\$27.50	13030
Senior 5-year hunting license	\$45.75	13031
Senior lifetime hunting license	\$81.00	13032
Youth 3-year hunting license	\$27.50	13033
Youth 5-year hunting license	\$45.75	13034
Youth 10-year hunting license	\$91.50	13035
Youth lifetime hunting license	\$414.00	13036
3-year hunting license	\$52.00	13037
5-year hunting license	\$86.75	13038
10-year hunting license	\$173.50	13039
Lifetime hunting license	\$450.00	13040

(2) As used in division (E)(1) of this section: 13041

(a) "Youth" means an applicant who is under the age of 13042

eighteen years at the time of application for a ~~permit~~ license. 13043

(b) "Senior" means an applicant who is sixty-six years of age 13044
or older at the time of application for a ~~permit~~ license. 13045

(F) If a person who is issued a multi-year hunting or fishing 13046
license or lifetime hunting or fishing license in accordance with 13047
division (A) of this section subsequently becomes a nonresident 13048
after issuance of the license, the person's license remains valid 13049
in this state during its term, regardless of residency status. 13050

Sec. 1561.011. ~~Except as provided in section 1561.24 of the~~ 13051
~~Revised Code, nothing~~ Nothing in this chapter applies to 13052
activities that are permitted and regulated under Chapter 1514. of 13053
the Revised Code. 13054

Sec. 1707.01. As used in this chapter: 13055

(A) Whenever the context requires it, "division" or "division 13056
of securities" may be read as "director of commerce" or as 13057
"commissioner of securities." 13058

(B) "Security" means any certificate or instrument, or any 13059
oral, written, or electronic agreement, understanding, or 13060
opportunity, that represents title to or interest in, or is 13061
secured by any lien or charge upon, the capital, assets, profits, 13062
property, or credit of any person or of any public or governmental 13063
body, subdivision, or agency. It includes shares of stock, 13064
certificates for shares of stock, an uncertificated security, 13065
membership interests in limited liability companies, voting-trust 13066
certificates, warrants and options to purchase securities, 13067
subscription rights, interim receipts, interim certificates, 13068
promissory notes, all forms of commercial paper, evidences of 13069
indebtedness, bonds, debentures, land trust certificates, fee 13070
certificates, leasehold certificates, syndicate certificates, 13071
endowment certificates, interests in or under profit-sharing or 13072

participation agreements, interests in or under oil, gas, or 13073
mining leases, preorganization or reorganization subscriptions, 13074
preorganization certificates, reorganization certificates, 13075
interests in any trust or pretended trust, any investment 13076
contract, any life settlement interest, any instrument evidencing 13077
a promise or an agreement to pay money, warehouse receipts for 13078
intoxicating liquor, and the currency of any government other than 13079
those of the United States and Canada, but sections 1707.01 to 13080
~~1707.45~~ 1707.50 of the Revised Code do not apply to the sale of 13081
real estate. 13082

(C)(1) "Sale" has the full meaning of "sale" as applied by or 13083
accepted in courts of law or equity, and includes every 13084
disposition, or attempt to dispose, of a security or of an 13085
interest in a security. "Sale" also includes a contract to sell, 13086
an exchange, an attempt to sell, an option of sale, a solicitation 13087
of a sale, a solicitation of an offer to buy, a subscription, or 13088
an offer to sell, directly or indirectly, by agent, circular, 13089
pamphlet, advertisement, or otherwise. 13090

(2) "Sell" means any act by which a sale is made. 13091

(3) The use of advertisements, circulars, or pamphlets in 13092
connection with the sale of securities in this state exclusively 13093
to the purchasers specified in division (D) of section 1707.03 of 13094
the Revised Code is not a sale when the advertisements, circulars, 13095
and pamphlets describing and offering those securities bear a 13096
readily legible legend in substance as follows: "This offer is 13097
made on behalf of dealers licensed under sections 1707.01 to 13098
~~1707.45~~ 1707.50 of the Revised Code, and is confined in this state 13099
exclusively to institutional investors and licensed dealers." 13100

(4) The offering of securities by any person in conjunction 13101
with a licensed dealer by use of advertisement, circular, or 13102
pamphlet is not a sale if that person does not otherwise attempt 13103
to sell securities in this state. 13104

(5) Any security given with, or as a bonus on account of, any purchase of securities is conclusively presumed to constitute a part of the subject of that purchase and has been "sold."

(6) "Sale" by an owner, pledgee, or mortgagee, or by a person acting in a representative capacity, includes sale on behalf of such party by an agent, including a licensed dealer or salesperson.

(D) "Person," except as otherwise provided in this chapter, means a natural person, firm, partnership, limited partnership, partnership association, syndicate, joint-stock company, unincorporated association, trust or trustee except where the trust was created or the trustee designated by law or judicial authority or by a will, and a corporation or limited liability company organized under the laws of any state, any foreign government, or any political subdivision of a state or foreign government.

(E)(1) "Dealer," except as otherwise provided in this chapter, means every person, other than a salesperson, who engages or professes to engage, in this state, for either all or part of the person's time, directly or indirectly, either in the business of the sale of securities for the person's own account, or in the business of the purchase or sale of securities for the account of others in the reasonable expectation of receiving a commission, fee, or other remuneration as a result of engaging in the purchase and sale of securities. "Dealer" does not mean any of the following:

(a) Any issuer, including any officer, director, employee, or trustee of, or member or manager of, or partner in, or any general partner of, any issuer, that sells, offers for sale, or does any act in furtherance of the sale of a security that represents an economic interest in that issuer, provided no commission, fee, or other similar remuneration is paid to or received by the issuer

for the sale; 13137

(b) Any licensed attorney, public accountant, or firm of such 13138
attorneys or accountants, whose activities are incidental to the 13139
practice of the attorney's, accountant's, or firm's profession; 13140

(c) Any person that, for the account of others, engages in 13141
the purchase or sale of securities that are issued and outstanding 13142
before such purchase and sale, if a majority or more of the equity 13143
interest of an issuer is sold in that transaction, and if, in the 13144
case of a corporation, the securities sold in that transaction 13145
represent a majority or more of the voting power of the 13146
corporation in the election of directors; 13147

(d) Any person that brings an issuer together with a 13148
potential investor and whose compensation is not directly or 13149
indirectly based on the sale of any securities by the issuer to 13150
the investor; 13151

(e) Any bank; 13152

(f) Any person that the division of securities by rule 13153
exempts from the definition of "dealer" under division (E)(1) of 13154
this section. 13155

(2) "Licensed dealer" means a dealer licensed under this 13156
chapter. 13157

(F)(1) "Salesman" or "salesperson" means every natural 13158
person, other than a dealer, who is employed, authorized, or 13159
appointed by a dealer to sell securities within this state. 13160

(2) The general partners of a partnership, and the executive 13161
officers of a corporation or unincorporated association, licensed 13162
as a dealer are not salespersons within the meaning of this 13163
definition, nor are clerical or other employees of an issuer or 13164
dealer that are employed for work to which the sale of securities 13165
is secondary and incidental; but the division of securities may 13166

require a license from any such partner, executive officer, or 13167
employee if it determines that protection of the public 13168
necessitates the licensing. 13169

(3) "Licensed salesperson" means a salesperson licensed under 13170
this chapter. 13171

(G) "Issuer" means every person who has issued, proposes to 13172
issue, or issues any security. 13173

(H) "Director" means each director or trustee of a 13174
corporation, each trustee of a trust, each general partner of a 13175
partnership, except a partnership association, each manager of a 13176
partnership association, and any person vested with managerial or 13177
directory power over an issuer not having a board of directors or 13178
trustees. 13179

(I) "Incorporator" means any incorporator of a corporation 13180
and any organizer of, or any person participating, other than in a 13181
representative or professional capacity, in the organization of an 13182
unincorporated issuer. 13183

(J) "Fraud," "fraudulent," "fraudulent acts," "fraudulent 13184
practices," or "fraudulent transactions" means anything recognized 13185
on or after July 22, 1929, as such in courts of law or equity; any 13186
device, scheme, or artifice to defraud or to obtain money or 13187
property by means of any false pretense, representation, or 13188
promise; any fictitious or pretended purchase or sale of 13189
securities; and any act, practice, transaction, or course of 13190
business relating to the purchase or sale of securities that is 13191
fraudulent or that has operated or would operate as a fraud upon 13192
the seller or purchaser. 13193

(K) Except as otherwise specifically provided, whenever any 13194
classification or computation is based upon "par value," as 13195
applied to securities without par value, the average of the 13196
aggregate consideration received or to be received by the issuer 13197

for each class of those securities shall be used as the basis for 13198
that classification or computation. 13199

(L)(1) "Intangible property" means patents, copyrights, 13200
secret processes, formulas, services, good will, promotion and 13201
organization fees and expenses, trademarks, trade brands, trade 13202
names, licenses, franchises, any other assets treated as 13203
intangible according to generally accepted accounting principles, 13204
and securities, accounts receivable, or contract rights having no 13205
readily determinable value. 13206

(2) "Tangible property" means all property other than 13207
intangible property and includes securities, accounts receivable, 13208
and contract rights, when the securities, accounts receivable, or 13209
contract rights have a readily determinable value. 13210

(M) "Public utilities" means those utilities defined in 13211
sections 4905.02, 4905.03, 4907.02, and 4907.03 of the Revised 13212
Code; in the case of a foreign corporation, it means those 13213
utilities defined as public utilities by the laws of its domicile; 13214
and in the case of any other foreign issuer, it means those 13215
utilities defined as public utilities by the laws of the situs of 13216
its principal place of business. The term always includes 13217
railroads whether or not they are so defined as public utilities. 13218

(N) "State" means any state of the United States, any 13219
territory or possession of the United States, the District of 13220
Columbia, and any province of Canada. 13221

(O) "Bank" means any bank, trust company, savings and loan 13222
association, savings bank, or credit union that is incorporated or 13223
organized under the laws of the United States, any state of the 13224
United States, Canada, or any province of Canada and that is 13225
subject to regulation or supervision by that country, state, or 13226
province. 13227

(P) "Include," when used in a definition, does not exclude 13228

other things or persons otherwise within the meaning of the term 13229
defined. 13230

(Q)(1) "Registration by description" means that the 13231
requirements of section 1707.08 of the Revised Code have been 13232
complied with. 13233

(2) "Registration by qualification" means that the 13234
requirements of sections 1707.09 and 1707.11 of the Revised Code 13235
have been complied with. 13236

(3) "Registration by coordination" means that there has been 13237
compliance with section 1707.091 of the Revised Code. Reference in 13238
this chapter to registration by qualification also includes 13239
registration by coordination unless the context otherwise 13240
indicates. 13241

(R) "Intoxicating liquor" includes all liquids and compounds 13242
that contain more than three and two-tenths per cent of alcohol by 13243
weight and are fit for use for beverage purposes. 13244

(S) "Institutional investor" means any of the following, 13245
whether acting for itself or for others in a fiduciary capacity: 13246

(1) A bank or international banking institution; 13247

(2) An insurance company; 13248

(3) A separate account of an insurance company; 13249

(4) An investment company as defined in the "Investment 13250
Company Act of 1940," 15 U.S.C. 80a-3; 13251

(5) A broker-dealer registered under the "Securities Exchange 13252
Act of 1934," 15 U.S.C. 78o, as amended, or licensed by the 13253
division of securities as a dealer; 13254

(6) An employee pension, profit-sharing, or benefit plan if 13255
the plan has total assets in excess of ten million dollars or its 13256
investment decisions are made by a named fiduciary, as defined in 13257
the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 13258

1001, that is one of the following:	13259
(a) A broker-dealer registered under the "Securities Exchange Act of 1934," 15 U.S.C. 78o, as amended;	13260 13261
(b) An investment adviser registered or exempt from registration under the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3;	13262 13263 13264
(c) An investment adviser registered under this chapter, a bank, or an insurance company.	13265 13266
(7) A plan established and maintained by a state, a political subdivision of a state, or an agency or instrumentality of a state or a political subdivision of a state for the benefit of its employees, if the plan has total assets in excess of ten million dollars or its investment decisions are made by a duly designated public official or by a named fiduciary, as defined in the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, that is one of the following:	13267 13268 13269 13270 13271 13272 13273 13274
(a) A broker-dealer registered under the "Securities Exchange Act of 1934," 15 U.S.C. 78o, as amended;	13275 13276
(b) An investment adviser registered or exempt from registration under the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3;	13277 13278 13279
(c) An investment adviser registered under this chapter, a bank, or an insurance company.	13280 13281
(8) A trust, if it has total assets in excess of ten million dollars, its trustee is a bank, and its participants are exclusively plans of the types identified in division (S)(6) or (7) of this section, regardless of the size of their assets, except a trust that includes as participants self-directed individual retirement accounts or similar self-directed plans;	13282 13283 13284 13285 13286 13287
(9) An organization described in section 501(c)(3) of the	13288

"Internal Revenue Code of 1986," 26 U.S.C. 1, as amended, 13289
corporation, Massachusetts trust or similar business trust, 13290
limited liability company, or partnership, not formed for the 13291
specific purpose of acquiring the securities offered, with total 13292
assets in excess of ten million dollars; 13293

(10) A small business investment company licensed by the 13294
small business administration under section 301(c) of the "Small 13295
Business Investment Act of 1958," 15 U.S.C. 681(c), with total 13296
assets in excess of ten million dollars; 13297

(11) A private business development company as defined in 13298
section 202(a)(22) of the "Investment Advisers Act of 1940," 15 13299
U.S.C. 80b-2(a)(22), with total assets in excess of ten million 13300
dollars; 13301

(12) A federal covered investment adviser acting for its own 13302
account; 13303

(13) A "qualified institutional buyer" as defined in 17 13304
C.F.R. 230.144A(a)(1), other than 17 C.F.R. 230.144A(a)(1)(H); 13305

(14) A "major U.S. institutional investor" as defined in 17 13306
C.F.R. 240.15a-6(b)(4)(i); 13307

(15) Any other person, other than an individual, of 13308
institutional character with total assets in excess of ten million 13309
dollars not organized for the specific purpose of evading this 13310
chapter; 13311

(16) Any other person specified by rule adopted or order 13312
issued under this chapter. 13313

(T) A reference to a statute of the United States or to a 13314
rule, regulation, or form promulgated by the securities and 13315
exchange commission or by another federal agency means the 13316
statute, rule, regulation, or form as it exists at the time of the 13317
act, omission, event, or transaction to which it is applied under 13318

this chapter. 13319

(U) "Securities and exchange commission" means the securities 13320
and exchange commission established by the Securities Exchange Act 13321
of 1934. 13322

(V)(1) "Control bid" means the purchase of or offer to 13323
purchase any equity security of a subject company from a resident 13324
of this state if either of the following applies: 13325

(a) After the purchase of that security, the offeror would be 13326
directly or indirectly the beneficial owner of more than ten per 13327
cent of any class of the issued and outstanding equity securities 13328
of the issuer. 13329

(b) The offeror is the subject company, there is a pending 13330
control bid by a person other than the issuer, and the number of 13331
the issued and outstanding shares of the subject company would be 13332
reduced by more than ten per cent. 13333

(2) For purposes of division (V)(1) of this section, "control 13334
bid" does not include any of the following: 13335

(a) A bid made by a dealer for the dealer's own account in 13336
the ordinary course of business of buying and selling securities; 13337

(b) An offer to acquire any equity security solely in 13338
exchange for any other security, or the acquisition of any equity 13339
security pursuant to an offer, for the sole account of the 13340
offeror, in good faith and not for the purpose of avoiding the 13341
provisions of this chapter, and not involving any public offering 13342
of the other security within the meaning of Section 4 of Title I 13343
of the "Securities Act of 1933," 48 Stat. 77, 15 U.S.C.A. 77d(2), 13344
as amended; 13345

(c) Any other offer to acquire any equity security, or the 13346
acquisition of any equity security pursuant to an offer, for the 13347
sole account of the offeror, from not more than fifty persons, in 13348

good faith and not for the purpose of avoiding the provisions of 13349
this chapter. 13350

(W) "Offeror" means a person who makes, or in any way 13351
participates or aids in making, a control bid and includes persons 13352
acting jointly or in concert, or who intend to exercise jointly or 13353
in concert any voting rights attached to the securities for which 13354
the control bid is made and also includes any subject company 13355
making a control bid for its own securities. 13356

(X)(1) "Investment adviser" means any person who, for 13357
compensation, engages in the business of advising others, either 13358
directly or through publications or writings, as to the value of 13359
securities or as to the advisability of investing in, purchasing, 13360
or selling securities, or who, for compensation and as a part of 13361
regular business, issues or promulgates analyses or reports 13362
concerning securities. 13363

(2) "Investment adviser" does not mean any of the following: 13364

(a) Any attorney, accountant, engineer, or teacher, whose 13365
performance of investment advisory services described in division 13366
(X)(1) of this section is solely incidental to the practice of the 13367
attorney's, accountant's, engineer's, or teacher's profession; 13368

(b) A publisher of any bona fide newspaper, news magazine, or 13369
business or financial publication of general and regular 13370
circulation; 13371

(c) A person who acts solely as an investment adviser 13372
representative; 13373

(d) A bank holding company, as defined in the "Bank Holding 13374
Company Act of 1956," 70 Stat. 133, 12 U.S.C. 1841, that is not an 13375
investment company; 13376

(e) A bank, or any receiver, conservator, or other 13377
liquidating agent of a bank; 13378

(f) Any licensed dealer or licensed salesperson whose performance of investment advisory services described in division (X)(1) of this section is solely incidental to the conduct of the dealer's or salesperson's business as a licensed dealer or licensed salesperson and who receives no special compensation for the services;

(g) Any person, the advice, analyses, or reports of which do not relate to securities other than securities that are direct obligations of, or obligations guaranteed as to principal or interest by, the United States, or securities issued or guaranteed by corporations in which the United States has a direct or indirect interest, and that have been designated by the secretary of the treasury as exempt securities as defined in the "Securities Exchange Act of 1934," 48 Stat. 881, 15 U.S.C. 78c;

(h) Any person that is excluded from the definition of investment adviser pursuant to section 202(a)(11)(A) to (E) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11), or that has received an order from the securities and exchange commission under section 202(a)(11)(F) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11)(F), declaring that the person is not within the intent of section 202(a)(11) of the Investment Advisers Act of 1940.

(i) A person who acts solely as a state retirement system investment officer or as a bureau of workers' compensation chief investment officer;

(j) Any other person that the division designates by rule, if the division finds that the designation is necessary or appropriate in the public interest or for the protection of investors or clients and consistent with the purposes fairly intended by the policy and provisions of this chapter.

(Y)(1) "Subject company" means an issuer that satisfies both

of the following: 13410

(a) Its principal place of business or its principal 13411
executive office is located in this state, or it owns or controls 13412
assets located within this state that have a fair market value of 13413
at least one million dollars. 13414

(b) More than ten per cent of its beneficial or record equity 13415
security holders are resident in this state, more than ten per 13416
cent of its equity securities are owned beneficially or of record 13417
by residents in this state, or more than one thousand of its 13418
beneficial or record equity security holders are resident in this 13419
state. 13420

(2) The division of securities may adopt rules to establish 13421
more specific application of the provisions set forth in division 13422
(Y)(1) of this section. Notwithstanding the provisions set forth 13423
in division (Y)(1) of this section and any rules adopted under 13424
this division, the division, by rule or in an adjudicatory 13425
proceeding, may make a determination that an issuer does not 13426
constitute a "subject company" under division (Y)(1) of this 13427
section if appropriate review of control bids involving the issuer 13428
is to be made by any regulatory authority of another jurisdiction. 13429

(Z) "Beneficial owner" includes any person who directly or 13430
indirectly through any contract, arrangement, understanding, or 13431
relationship has or shares, or otherwise has or shares, the power 13432
to vote or direct the voting of a security or the power to dispose 13433
of, or direct the disposition of, the security. "Beneficial 13434
ownership" includes the right, exercisable within sixty days, to 13435
acquire any security through the exercise of any option, warrant, 13436
or right, the conversion of any convertible security, or 13437
otherwise. Any security subject to any such option, warrant, 13438
right, or conversion privilege held by any person shall be deemed 13439
to be outstanding for the purpose of computing the percentage of 13440
outstanding securities of the class owned by that person, but 13441

shall not be deemed to be outstanding for the purpose of computing 13442
the percentage of the class owned by any other person. A person 13443
shall be deemed the beneficial owner of any security beneficially 13444
owned by any relative or spouse or relative of the spouse residing 13445
in the home of that person, any trust or estate in which that 13446
person owns ten per cent or more of the total beneficial interest 13447
or serves as trustee or executor, any corporation or entity in 13448
which that person owns ten per cent or more of the equity, and any 13449
affiliate or associate of that person. 13450

(AA) "Offeree" means the beneficial or record owner of any 13451
security that an offeror acquires or offers to acquire in 13452
connection with a control bid. 13453

(BB) "Equity security" means any share or similar security, 13454
or any security convertible into any such security, or carrying 13455
any warrant or right to subscribe to or purchase any such 13456
security, or any such warrant or right, or any other security 13457
that, for the protection of security holders, is treated as an 13458
equity security pursuant to rules of the division of securities. 13459

(CC)(1) "Investment adviser representative" means a 13460
supervised person of an investment adviser, provided that the 13461
supervised person has more than five clients who are natural 13462
persons other than excepted persons defined in division (EE) of 13463
this section, and that more than ten per cent of the supervised 13464
person's clients are natural persons other than excepted persons 13465
defined in division (EE) of this section. "Investment adviser 13466
representative" does not mean any of the following: 13467

(a) A supervised person that does not on a regular basis 13468
solicit, meet with, or otherwise communicate with clients of the 13469
investment adviser; 13470

(b) A supervised person that provides only investment 13471
advisory services described in division (X)(1) of this section by 13472

means of written materials or oral statements that do not purport 13473
to meet the objectives or needs of specific individuals or 13474
accounts; 13475

(c) Any other person that the division designates by rule, if 13476
the division finds that the designation is necessary or 13477
appropriate in the public interest or for the protection of 13478
investors or clients and is consistent with the provisions fairly 13479
intended by the policy and provisions of this chapter. 13480

(2) For the purpose of the calculation of clients in division 13481
(CC)(1) of this section, a natural person and the following 13482
persons are deemed a single client: Any minor child of the natural 13483
person; any relative, spouse, or relative of the spouse of the 13484
natural person who has the same principal residence as the natural 13485
person; all accounts of which the natural person or the persons 13486
referred to in division (CC)(2) of this section are the only 13487
primary beneficiaries; and all trusts of which the natural person 13488
or persons referred to in division (CC)(2) of this section are the 13489
only primary beneficiaries. Persons who are not residents of the 13490
United States need not be included in the calculation of clients 13491
under division (CC)(1) of this section. 13492

(3) If subsequent to March 18, 1999, amendments are enacted 13493
or adopted defining "investment adviser representative" for 13494
purposes of the Investment Advisers Act of 1940 or additional 13495
rules or regulations are promulgated by the securities and 13496
exchange commission regarding the definition of "investment 13497
adviser representative" for purposes of the Investment Advisers 13498
Act of 1940, the division of securities shall, by rule, adopt the 13499
substance of the amendments, rules, or regulations, unless the 13500
division finds that the amendments, rules, or regulations are not 13501
necessary for the protection of investors or in the public 13502
interest. 13503

(DD) "Supervised person" means a natural person who is any of 13504

the following:	13505
(1) A partner, officer, or director of an investment adviser, or other person occupying a similar status or performing similar functions with respect to an investment adviser;	13506 13507 13508
(2) An employee of an investment adviser;	13509
(3) A person who provides investment advisory services described in division (X)(1) of this section on behalf of the investment adviser and is subject to the supervision and control of the investment adviser.	13510 13511 13512 13513
(EE) "Excepted person" means a natural person to whom any of the following applies:	13514 13515
(1) Immediately after entering into the investment advisory contract with the investment adviser, the person has at least seven hundred fifty thousand dollars under the management of the investment adviser.	13516 13517 13518 13519
(2) The investment adviser reasonably believes either of the following at the time the investment advisory contract is entered into with the person:	13520 13521 13522
(a) The person has a net worth, together with assets held jointly with a spouse, of more than one million five hundred thousand dollars.	13523 13524 13525
(b) The person is a qualified purchaser as defined in division (FF) of this section.	13526 13527
(3) Immediately prior to entering into an investment advisory contract with the investment adviser, the person is either of the following:	13528 13529 13530
(a) An executive officer, director, trustee, general partner, or person serving in a similar capacity, of the investment adviser;	13531 13532 13533
(b) An employee of the investment adviser, other than an	13534

employee performing solely clerical, secretarial, or 13535
administrative functions or duties for the investment adviser, 13536
which employee, in connection with the employee's regular 13537
functions or duties, participates in the investment activities of 13538
the investment adviser, provided that, for at least twelve months, 13539
the employee has been performing such nonclerical, nonsecretarial, 13540
or nonadministrative functions or duties for or on behalf of the 13541
investment adviser or performing substantially similar functions 13542
or duties for or on behalf of another company. 13543

If subsequent to March 18, 1999, amendments are enacted or 13544
adopted defining "excepted person" for purposes of the Investment 13545
Advisers Act of 1940 or additional rules or regulations are 13546
promulgated by the securities and exchange commission regarding 13547
the definition of "excepted person" for purposes of the Investment 13548
Advisers Act of 1940, the division of securities shall, by rule, 13549
adopt the substance of the amendments, rules, or regulations, 13550
unless the division finds that the amendments, rules, or 13551
regulations are not necessary for the protection of investors or 13552
in the public interest. 13553

(FF)(1) "Qualified purchaser" means either of the following: 13554

(a) A natural person who owns not less than five million 13555
dollars in investments as defined by rule by the division of 13556
securities; 13557

(b) A natural person, acting for the person's own account or 13558
accounts of other qualified purchasers, who in the aggregate owns 13559
and invests on a discretionary basis, not less than twenty-five 13560
million dollars in investments as defined by rule by the division 13561
of securities. 13562

(2) If subsequent to March 18, 1999, amendments are enacted 13563
or adopted defining "qualified purchaser" for purposes of the 13564
Investment Advisers Act of 1940 or additional rules or regulations 13565

are promulgated by the securities and exchange commission 13566
regarding the definition of "qualified purchaser" for purposes of 13567
the Investment Advisers Act of 1940, the division of securities 13568
shall, by rule, adopt the amendments, rules, or regulations, 13569
unless the division finds that the amendments, rules, or 13570
regulations are not necessary for the protection of investors or 13571
in the public interest. 13572

(GG)(1) "Purchase" has the full meaning of "purchase" as 13573
applied by or accepted in courts of law or equity and includes 13574
every acquisition of, or attempt to acquire, a security or an 13575
interest in a security. "Purchase" also includes a contract to 13576
purchase, an exchange, an attempt to purchase, an option to 13577
purchase, a solicitation of a purchase, a solicitation of an offer 13578
to sell, a subscription, or an offer to purchase, directly or 13579
indirectly, by agent, circular, pamphlet, advertisement, or 13580
otherwise. 13581

(2) "Purchase" means any act by which a purchase is made. 13582

(3) Any security given with, or as a bonus on account of, any 13583
purchase of securities is conclusively presumed to constitute a 13584
part of the subject of that purchase. 13585

(HH) "Life settlement interest" means the entire interest or 13586
any fractional interest in an insurance policy or certificate of 13587
insurance, or in an insurance benefit under such a policy or 13588
certificate, that is the subject of a life settlement contract. 13589

For purposes of this division, "life settlement contract" 13590
means an agreement for the purchase, sale, assignment, transfer, 13591
devise, or bequest of any portion of the death benefit or 13592
ownership of any life insurance policy or contract, in return for 13593
consideration or any other thing of value that is less than the 13594
expected death benefit of the life insurance policy or contract. 13595
"Life settlement contract" includes a viatical settlement contract 13596

as defined in section 3916.01 of the Revised Code, but does not	13597
include any of the following:	13598
(1) A loan by an insurer under the terms of a life insurance	13599
policy, including, but not limited to, a loan secured by the cash	13600
value of the policy;	13601
(2) An agreement with a bank that takes an assignment of a	13602
life insurance policy as collateral for a loan;	13603
(3) The provision of accelerated benefits as defined in	13604
section 3915.21 of the Revised Code;	13605
(4) Any agreement between an insurer and a reinsurer;	13606
(5) An agreement by an individual to purchase an existing	13607
life insurance policy or contract from the original owner of the	13608
policy or contract, if the individual does not enter into more	13609
than one life settlement contract per calendar year;	13610
(6) The initial purchase of an insurance policy or	13611
certificate of insurance from its owner by a viatical settlement	13612
provider, as defined in section 3916.01 of the Revised Code, that	13613
is licensed under Chapter 3916. of the Revised Code.	13614
(II) "State retirement system" means the public employees	13615
retirement system, Ohio police and fire pension fund, state	13616
teachers retirement system, school employees retirement system,	13617
and state highway patrol retirement system.	13618
(JJ) "State retirement system investment officer" means an	13619
individual employed by a state retirement system as a chief	13620
investment officer, assistant investment officer, or the person in	13621
charge of a class of assets or in a position that is substantially	13622
equivalent to chief investment officer, assistant investment	13623
officer, or person in charge of a class of assets.	13624
(KK) "Bureau of workers' compensation chief investment	13625
officer" means an individual employed by the administrator of	13626

workers' compensation as a chief investment officer or in a 13627
position that is substantially equivalent to a chief investment 13628
officer. 13629

Sec. 1707.03. (A) As used in this section, "exempt" means 13630
that, except in the case of securities the right to buy, sell, or 13631
deal in which has been suspended or revoked under an existing 13632
order of the division of securities under section 1707.13 of the 13633
Revised Code or under a cease and desist order under division (G) 13634
of section 1707.23 of the Revised Code, transactions in securities 13635
may be carried on and completed without compliance with sections 13636
1707.08 to 1707.11 of the Revised Code. 13637

(B) A sale of securities made by or on behalf of a bona fide 13638
owner, neither the issuer nor a dealer, is exempt if the sale is 13639
made in good faith and not for the purpose of avoiding this 13640
chapter and is not made in the course of repeated and successive 13641
transactions of a similar character. Any sale of securities over a 13642
stock exchange that is lawfully conducted in this state and 13643
regularly open for public patronage and that has been established 13644
and operated for a period of at least five years prior to the sale 13645
at a commission not exceeding the commission regularly charged in 13646
such transactions also is exempt. 13647

(C) The sale of securities by executors, administrators, 13648
receivers, trustees, or anyone acting in a fiduciary capacity is 13649
exempt, where such relationship was created by law, by a will, or 13650
by judicial authority, and where such sales are subject to 13651
approval by, or are made in pursuance to authority granted by, any 13652
court of competent jurisdiction or are otherwise authorized and 13653
lawfully made by such fiduciary. 13654

(D) A sale to the issuer, to a dealer, or to an institutional 13655
investor is exempt. 13656

(E) A sale in good faith, and not for the purpose of avoiding 13657

this chapter, by a pledgee of a security pledged for a bona fide debt is exempt. 13658
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(F) The sale at public auction by a corporation of shares of its stock because of delinquency in payment for the shares is exempt. 13660
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(G)(1) The giving of any conversion right with, or on account of the purchase of, any security that is exempt, is the subject matter of an exempt transaction, has been registered by description, by coordination, or by qualification, or is the subject matter of a transaction that has been registered by description is exempt. 13663
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(2) The giving of any subscription right, warrant, or option to purchase a security or right to receive a security upon exchange, which security is exempt at the time the right, warrant, or option to purchase or right to receive is given, is the subject matter of an exempt transaction, is registered by description, by coordination, or by qualification, or is the subject matter of a transaction that has been registered by description is exempt. 13669
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(3) The giving of any subscription right or any warrant or option to purchase a security, which right, warrant, or option expressly provides that it shall not be exercisable except for a security that at the time of the exercise is exempt, is the subject matter of an exempt transaction, is registered by description, by coordination, or by qualification, or at such time is the subject matter of a transaction that has been registered by description is exempt. 13676
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(H) The sale of notes, bonds, or other evidences of indebtedness that are secured by a mortgage lien upon real estate, leasehold estate other than oil, gas, or mining leasehold, or tangible personal property, or which evidence of indebtedness is due under or based upon a conditional-sale contract, if all such 13684
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notes, bonds, or other evidences of indebtedness are sold to a 13689
single purchaser at a single sale, is exempt. 13690

(I) The delivery of securities by the issuer on the exercise 13691
of conversion rights, the sale of securities by the issuer on 13692
exercise of subscription rights or of warrants or options to 13693
purchase securities, the delivery of voting-trust certificates for 13694
securities deposited under a voting-trust agreement, the delivery 13695
of deposited securities on surrender of voting-trust certificates, 13696
and the delivery of final certificates on surrender of interim 13697
certificates are exempt; but the sale of securities on exercise of 13698
subscription rights, warrants, or options is not an exempt 13699
transaction unless those rights, warrants, or options when granted 13700
were the subject matter of an exempt transaction under division 13701
(G) of this section or were registered by description, by 13702
coordination, or by qualification. 13703

(J) The sale of securities by a bank, savings and loan 13704
association, savings bank, or credit union organized under the 13705
laws of the United States or of this state is exempt if at a 13706
profit to that seller of not more than two per cent of the total 13707
sale price of the securities. 13708

(K)(1) The distribution by a corporation of its securities to 13709
its security holders as a share dividend or other distribution out 13710
of earnings or surplus is exempt. 13711

(2) The exchange or distribution by the issuer of any of its 13712
securities or of the securities of any of the issuer's wholly 13713
owned subsidiaries exclusively with or to its existing security 13714
holders, if no commission or other remuneration is given directly 13715
or indirectly for soliciting the exchange, is exempt. 13716

(3) The sale of preorganization subscriptions for shares of 13717
stock of a corporation prior to the incorporation of the 13718
corporation is exempt, when the sale is evidenced by a written 13719

agreement, no remuneration is given, or promised, directly or 13720
indirectly, for or in connection with the sale of those 13721
securities, and no consideration is received, directly or 13722
indirectly, by any person from the purchasers of those securities 13723
until registration by qualification, by coordination, or by 13724
description of those securities is made under this chapter. 13725

(L) The issuance of securities in exchange for one or more 13726
bona fide outstanding securities, claims, or property interests, 13727
not including securities sold for a consideration payable in whole 13728
or in part in cash, under a plan of reorganization, 13729
recapitalization, or refinancing approved by a court pursuant to 13730
the Bankruptcy Act of the United States or to any other federal 13731
act giving any federal court jurisdiction over such plan of 13732
reorganization, or under a plan of reorganization approved by a 13733
court of competent jurisdiction of any state of the United States 13734
is exempt. As used in this division, "reorganization," 13735
"recapitalization," and "refinancing" have the same meanings as in 13736
section 1707.04 of the Revised Code. 13737

(M) A sale by a licensed dealer, acting either as principal 13738
or as agent, of securities issued and outstanding before the sale 13739
is exempt, unless the sale is of one or more of the following: 13740

(1) Securities constituting the whole or a part of an unsold 13741
allotment to or subscription by a dealer as an underwriter or 13742
other participant in the distribution of those securities by the 13743
issuer, whether that distribution is direct or through an 13744
underwriter, provided that, if the issuer is such by reason of 13745
owning one-fourth or more of those securities, the dealer has 13746
knowledge of this fact or reasonable cause to believe this fact; 13747

(2) Any class of shares issued by a corporation when the 13748
number of beneficial owners of that class is less than 13749
twenty-five, with the record owner of securities being deemed the 13750
beneficial owner for this purpose, in the absence of actual 13751

knowledge to the contrary; 13752

(3) Securities that within one year were purchased outside 13753
this state or within one year were transported into this state, if 13754
the dealer has knowledge or reasonable cause to believe, before 13755
the sale of those securities, that within one year they were 13756
purchased outside this state or within one year were transported 13757
into this state; but such a sale of those securities is exempt if 13758
any of the following occurs: 13759

(a) A recognized securities manual contains the names of the 13760
issuer's officers and directors, a balance sheet of the issuer as 13761
of a date within eighteen months, and a profit and loss statement 13762
for either the fiscal year preceding that date or the most recent 13763
year of operations; 13764

(b) Those securities, or securities of the same class, within 13765
one year were registered or qualified under section 1707.09 or 13766
1707.091 of the Revised Code, and that registration or 13767
qualification is in full force and effect; 13768

(c) The sale is made by a licensed dealer on behalf of the 13769
bona fide owner of those securities in accordance with division 13770
(B) of this section; 13771

(d) Those securities were transported into Ohio in a 13772
transaction of the type described in division (L), (K), or (I) of 13773
this section, or in a transaction registered under division (A) of 13774
section 1707.06 of the Revised Code. 13775

(N) For the purpose of this division and division (M) of this 13776
section, "underwriter" means any person who has purchased from an 13777
issuer with a view to, or sells for an issuer in connection with, 13778
the distribution of any security, or who participates directly or 13779
indirectly in any such undertaking or in the underwriting thereof, 13780
but "underwriter" does not include a person whose interest is 13781
limited to a discount, commission, or profit from the underwriter 13782

or from a dealer that is not in excess of the customary 13783
distributors' or sellers' discount, commission, or profit; and 13784
"issuer" includes any person or any group of persons acting in 13785
concert in the sale of such securities, owning beneficially 13786
one-fourth or more of the outstanding securities of the class 13787
involved in the transactions in question, with the record owner of 13788
securities being deemed the beneficial owner for this purpose, in 13789
the absence of actual knowledge to the contrary. 13790

(O)(1) The sale of any equity security is exempt if all the 13791
following conditions are satisfied: 13792

(a) The sale is by the issuer of the security. 13793

(b) The total number of purchasers in this state of all 13794
securities issued or sold by the issuer in reliance upon this 13795
exemption during the period of one year ending with the date of 13796
the sale does not exceed ten. A sale of securities registered 13797
under this chapter or sold pursuant to an exemption under this 13798
chapter other than this exemption shall not be integrated with a 13799
sale pursuant to this exemption in computing the number of 13800
purchasers under this exemption. 13801

(c) No advertisement, article, notice, or other communication 13802
published in any newspaper, magazine, or similar medium or 13803
broadcast over television or radio is used in connection with the 13804
sale, but the use of an offering circular or other communication 13805
delivered by the issuer to selected individuals does not destroy 13806
this exemption. 13807

(d) The issuer reasonably believes after reasonable 13808
investigation that the purchaser is purchasing for investment. 13809

(e) The aggregate commission, discount, and other 13810
remuneration, excluding legal, accounting, and printing fees, paid 13811
or given directly or indirectly does not exceed ten per cent of 13812
the initial offering price. 13813

(f) Any such commission, discount, or other remuneration for 13814
sales in this state is paid or given only to dealers or 13815
salespersons registered pursuant to this chapter. 13816

(2) For the purposes of division (O)(1) of this section, each 13817
of the following is deemed to be a single purchaser of a security: 13818
husband and wife, a child and its parent or guardian when the 13819
parent or guardian holds the security for the benefit of the 13820
child, a corporation, a limited liability company, a partnership, 13821
an association or other unincorporated entity, a joint-stock 13822
company, or a trust, but only if the corporation, limited 13823
liability company, partnership, association, entity, joint-stock 13824
company, or trust was not formed for the purpose of purchasing the 13825
security. 13826

(3) As used in division (O)(1) of this section, "equity 13827
security" means any stock or similar security of a corporation or 13828
any membership interest in a limited liability company; or any 13829
security convertible, with or without consideration, into such a 13830
security, or carrying any warrant or right to subscribe to or 13831
purchase such a security; or any such warrant or right; or any 13832
other security that the division considers necessary or 13833
appropriate, by such rules as it may prescribe in the public 13834
interest or for the protection of investors, to treat as an equity 13835
security. 13836

(P) The sale of securities representing interests in or under 13837
profit-sharing or participation agreements relating to oil or gas 13838
wells located in this state, or representing interests in or under 13839
oil or gas leases of real estate situated in this state, is exempt 13840
if the securities are issued by an individual, partnership, 13841
limited partnership, partnership association, syndicate, pool, 13842
trust or trust fund, or other unincorporated association and if 13843
each of the following conditions is complied with: 13844

(1) The beneficial owners of the securities do not, and will 13845

not after the sale, exceed five natural persons; 13846

(2) The securities constitute or represent interests in not 13847
more than one oil or gas well; 13848

(3) A certificate or other instrument in writing is furnished 13849
to each purchaser of the securities at or before the consummation 13850
of the sale, disclosing the maximum commission, compensation for 13851
services, cost of lease, and expenses with respect to the sale of 13852
such interests and with respect to the promotion, development, and 13853
management of the oil or gas well, and the total of that 13854
commission, compensation, costs, and expenses does not exceed 13855
twenty-five per cent of the aggregate interests in the oil or gas 13856
well, exclusive of any landowner's rental or royalty; 13857

(4) The sale is made in good faith and not for the purpose of 13858
avoiding this chapter. 13859

(Q) The sale of any security is exempt if all of the 13860
following conditions are satisfied: 13861

(1) The provisions of section 5 of the Securities Act of 1933 13862
do not apply to the sale by reason of an exemption under section 4 13863
(2) of that act. 13864

(2) The aggregate commission, discount, and other 13865
remuneration, excluding legal, accounting, and printing fees, paid 13866
or given directly or indirectly does not exceed ten per cent of 13867
the initial offering price. 13868

(3) Any such commission, discount, or other remuneration for 13869
sales in this state is paid or given only to dealers or 13870
salespersons registered under this chapter. 13871

(4) The issuer or dealer files with the division of 13872
securities, not later than sixty days after the sale, a report 13873
setting forth the name and address of the issuer, the total amount 13874
of the securities sold under this division, the number of persons 13875

to whom the securities were sold, the price at which the 13876
securities were sold, and the commissions or discounts paid or 13877
given. 13878

(5) The issuer pays a filing fee of one hundred dollars for 13879
the first filing and fifty dollars for every subsequent filing 13880
during each calendar year. 13881

(R) A sale of a money order, travelers' check, or other 13882
instrument for the transmission of money by a person qualified to 13883
engage in such business under Chapter 1315. of the Revised Code is 13884
exempt. 13885

(S) A sale by a licensed dealer of securities that are in the 13886
process of registration under the Securities Act of 1933, unless 13887
exempt under that act, and that are in the process of 13888
registration, if registration is required under this chapter, is 13889
exempt, provided that no sale of that nature shall be consummated 13890
prior to the registration by description or qualification of the 13891
securities. 13892

(T) The execution by a licensed dealer of orders for the 13893
purchase of any security is exempt, provided that the dealer acts 13894
only as agent for the purchaser, has made no solicitation of the 13895
order to purchase the security, has no interest in the 13896
distribution of the security, and delivers to the purchaser 13897
written confirmation of the transaction that clearly itemizes the 13898
dealer's commission. "Solicitation," as used in this division, 13899
means solicitation of the order for the specific security 13900
purchased and does not include general solicitations or 13901
advertisements of any kind. 13902

(U) The sale insofar as the security holders of a person are 13903
concerned, where, pursuant to statutory provisions of the 13904
jurisdiction under which that person is organized or pursuant to 13905
provisions contained in its articles of incorporation, certificate 13906

of incorporation, partnership agreement, declaration of trust, 13907
trust indenture, or similar controlling instrument, there is 13908
submitted to the security holders, for their vote or consent, (1) 13909
a plan or agreement for a reclassification of securities of that 13910
person that involves the substitution of a security of that person 13911
for another security of that person, (2) a plan or agreement of 13912
merger or consolidation or a similar plan or agreement of 13913
acquisition in which the securities of that person held by the 13914
security holders will become or be exchanged for securities of any 13915
other person, or (3) a plan or agreement for a combination as 13916
defined in division (Q) of section 1701.01 of the Revised Code or 13917
a similar plan or agreement for the transfer of assets of that 13918
person to another person in consideration of the issuance of 13919
securities of any person, is exempt if, with respect to any of the 13920
foregoing transactions, either of the following conditions is 13921
satisfied: 13922

(a) The securities to be issued to the security holders are 13923
effectively registered under sections 6 to 8 of the Securities Act 13924
of 1933 and offered and sold in compliance with section 5 of that 13925
act; 13926

(b) At least twenty days prior to the date on which a meeting 13927
of the security holders is held or the earliest date on which 13928
corporate action may be taken when no meeting is held, there is 13929
submitted to the security holders, by that person, or by the 13930
person whose securities are to be issued in the transaction, 13931
information substantially equivalent to the information that would 13932
be required to be included in a proxy statement or information 13933
statement prepared by or on behalf of the management of an issuer 13934
subject to section 14(a) or 14(c) of the Securities Exchange Act 13935
of 1934. 13936

(V) The sale of any security is exempt if the division by 13937
rule finds that registration is not necessary or appropriate in 13938

the public interest or for the protection of investors. 13939

(W) Any offer or sale of securities made in reliance on the 13940
exemptions provided by Rule 505 of Regulation D made pursuant to 13941
the Securities Act of 1933 and the conditions and definitions 13942
provided by Rules 501 to 503 thereunder is exempt if the offer or 13943
sale satisfies all of the following conditions: 13944

(1) No commission or other remuneration is given, directly or 13945
indirectly, to any person for soliciting or selling to any person 13946
in this state in reliance on the exemption under this division, 13947
except to dealers licensed in this state. 13948

(2)(a) Unless the cause for disqualification is waived under 13949
division (W)(2)(b) of this section, no exemption under this 13950
section is available for the securities of an issuer unless the 13951
issuer did not know and in the exercise of reasonable care could 13952
not have known that any of the following applies to any of the 13953
persons described in Rule 262(a) to (c) of Regulation A under the 13954
Securities Act of 1933: 13955

(i) The person has filed an application for registration or 13956
qualification that is the subject of an effective order entered 13957
against the issuer, its officers, directors, general partners, 13958
controlling persons or affiliates thereof, pursuant to the law of 13959
any state within five years before the filing of a notice required 13960
under division (W)(3) of this section denying effectiveness to, or 13961
suspending or revoking the effectiveness of, the registration 13962
statement. 13963

(ii) The person has been convicted of any offense in 13964
connection with the offer, sale, or purchase of any security or 13965
franchise, or any felony involving fraud or deceit, including, but 13966
not limited to, forgery, embezzlement, fraud, theft, or conspiracy 13967
to defraud. 13968

(iii) The person is subject to an effective administrative 13969

order or judgment that was entered by a state securities administrator within five years before the filing of a notice required under division (W)(3) of this section and that prohibits, denies, or revokes the use of any exemption from securities registration, prohibits the transaction of business by the person as a dealer, or is based on fraud, deceit, an untrue statement of a material fact, or an omission to state a material fact.

(iv) The person is subject to any order, judgment, or decree of any court entered within five years before the filing of a notice required under division (W)(3) of this section, temporarily, preliminarily, or permanently restraining or enjoining the person from engaging in or continuing any conduct or practice in connection with the offer, sale, or purchase of any security, or the making of any false filing with any state.

(b)(i) Any disqualification under this division involving a dealer may be waived if the dealer is or continues to be licensed in this state as a dealer after notifying the commissioner of the act or event causing disqualification.

(ii) The commissioner may waive any disqualification under this paragraph upon a showing of good cause that it is not necessary under the circumstances that use of the exemption be denied.

(3) Not later than five business days before the earlier of the date on which the first use of an offering document or the first sale is made in this state in reliance on the exemption under this division, there is filed with the commissioner a notice comprised of offering material in compliance with the requirements of Rule 502 of Regulation D under the Securities Act of 1933 and a fee of one hundred dollars. Material amendments to the offering document shall be filed with the commissioner not later than the date of their first use in this state.

(4) The aggregate commission, discount, and other remuneration paid or given, directly or indirectly, does not exceed twelve per cent of the initial offering price, excluding legal, accounting, and printing fees.

(X) Any offer or sale of securities made in reliance on the exemption provided in Rule 506 of Regulation D under the Securities Act of 1933, and in accordance with Rules 501 to 503 of Regulation D under the Securities Act of 1933, is exempt provided that all of the following apply:

(1) The issuer makes a notice filing with the division on form D of the securities and exchange commission within fifteen days of the first sale in this state;

(2) Any commission, discount, or other remuneration for sales of securities in this state is paid or given only to dealers or salespersons licensed under this chapter;

(3) The issuer pays a filing fee of one hundred dollars to the division; however, no filing fee shall be required to file amendments to the form D of the securities and exchange commission.

(Y) The offer or sale of securities by an issuer is exempt provided that all of the following apply:

(1) The sale of securities is made only to persons who are, or who the issuer reasonably believes are, accredited investors as defined in Rule 501 of Regulation D under the Securities Act of 1933.

(2) The issuer reasonably believes that all purchasers are purchasing for investment and not with a view to or for sale in connection with a distribution of the security. Any resale of a security sold in reliance on this exemption within twelve months of sale shall be presumed to be with a view to distribution and not for investment, except a resale to which any of the following

applies:	14032
(a) The resale is pursuant to a registration statement	14033
effective under section 1707.09 or 1707.091 of the Revised Code.	14034
(b) The resale is to an accredited investor, as defined in	14035
Rule 501 of Regulation D under the Securities Act of 1933.	14036
(c) The resale is to an institutional investor pursuant to	14037
the exemptions under division (B) or (D) of this section.	14038
(3) The exemption under this division is not available to an	14039
issuer that is in the development stage and that either has no	14040
specific business plan or purpose or has indicated that its	14041
business plan is to engage in a merger or acquisition with an	14042
unidentified company or companies, or other entities or persons.	14043
(4) The exemption under this division is not available to an	14044
issuer, if the issuer, any of the issuer's predecessors, any	14045
affiliated issuer, any of the issuer's directors, officers,	14046
general partners, or beneficial owners of ten per cent or more of	14047
any class of its equity securities, any of the issuer's promoters	14048
presently connected with the issuer in any capacity, any	14049
underwriter of the securities to be offered, or any partner,	14050
director, or officer of such underwriter:	14051
(a) Within the past five years, has filed a registration	14052
statement that is the subject of a currently effective	14053
registration stop order entered by any state securities	14054
administrator or the securities and exchange commission;	14055
(b) Within the past five years, has been convicted of any	14056
criminal offense in connection with the offer, purchase, or sale	14057
of any security, or involving fraud or deceit;	14058
(c) Is currently subject to any state or federal	14059
administrative enforcement order or judgment, entered within the	14060
past five years, finding fraud or deceit in connection with the	14061

purchase or sale of any security; 14062

(d) Is currently subject to any order, judgment, or decree of 14063
any court of competent jurisdiction, entered within the past five 14064
years, that temporarily, preliminarily, or permanently restrains 14065
or enjoins the party from engaging in or continuing to engage in 14066
any conduct or practice involving fraud or deceit in connection 14067
with the purchase or sale of any security. 14068

(5) Division (Y)(4) of this section is inapplicable if any of 14069
the following applies: 14070

(a) The party subject to the disqualification is licensed or 14071
registered to conduct securities business in the state in which 14072
the order, judgment, or decree creating the disqualification was 14073
entered against the party described in division (Y)(4) of this 14074
section. 14075

(b) Before the first offer is made under this exemption, the 14076
state securities administrator, or the court or regulatory 14077
authority that entered the order, judgment, or decree, waives the 14078
disqualification. 14079

(c) The issuer did not know and, in the exercise of 14080
reasonable care based on reasonable investigation, could not have 14081
known that a disqualification from the exemption existed under 14082
division (Y)(4) of this section. 14083

(6) A general announcement of the proposed offering may be 14084
made by any means; however, the general announcement shall include 14085
only the following information, unless additional information is 14086
specifically permitted by the division by rule: 14087

(a) The name, address, and telephone number of the issuer of 14088
the securities; 14089

(b) The name, a brief description, and price of any security 14090
to be issued; 14091

(c) A brief description of the business of the issuer;	14092
(d) The type, number, and aggregate amount of securities being offered;	14093 14094
(e) The name, address, and telephone number of the person to contact for additional information; and	14095 14096
(f) A statement indicating all of the following:	14097
(i) Sales will only be made to accredited investors as defined in Rule 501 of Regulation D under the Securities Act of 1933;	14098 14099 14100
(ii) No money or other consideration is being solicited or will be accepted by way of this general announcement;	14101 14102
(iii) The securities have not been registered with or approved by any state securities administrator or the securities and exchange commission and are being offered and sold pursuant to an exemption from registration.	14103 14104 14105 14106
(7) The issuer, in connection with an offer, may provide information in addition to the general announcement described in division (Y)(6) of this section, provided that either of the following applies:	14107 14108 14109 14110
(a) The information is delivered through an electronic database that is restricted to persons that are accredited investors as defined in Rule 501 of Regulation D under the Securities Act of 1933.	14111 14112 14113 14114
(b) The information is delivered after the issuer reasonably believes that the prospective purchaser is an accredited investor as defined in Rule 501 of Regulation D under the Securities Act of 1933.	14115 14116 14117 14118
(8) No telephone solicitation shall be done, unless prior to placing the telephone call, the issuer reasonably believes that the prospective purchaser to be solicited is an accredited	14119 14120 14121

investor as defined in Rule 501 of Regulation D under the 14122
Securities Act of 1933. 14123

(9) Dissemination of the general announcement described in 14124
division (Y)(6) of this section to persons that are not accredited 14125
investors, as defined in Rule 501 of Regulation D under the 14126
Securities Act of 1933, does not disqualify the issuer from 14127
claiming an exemption under this division. 14128

(10) The issuer shall file with the division notice of the 14129
offering of securities within fifteen days after notice of the 14130
offering is made or a general announcement is made in this state. 14131
The filing shall be on forms adopted by the division and shall 14132
include a copy of the general announcement, if one is made 14133
regarding the proposed offering, and copies of any offering 14134
materials, circulars, or prospectuses. A filing fee of one hundred 14135
dollars also shall be included. 14136

(Z) The offer or sale of securities by an OhioInvests issuer 14137
under sections 1707.05 to 1707.058 of the Revised Code is exempt. 14138

Sec. 1707.04. (A) The division of securities may consider and 14139
conduct hearings upon any plan of reorganization, 14140
recapitalization, or refinancing of a corporation organized under 14141
the laws of this state, or having its principal place of business 14142
within this state, when such plan is proposed by such corporation 14143
or by any of its shareholders or creditors and contains a proposal 14144
to issue securities in exchange for one or more bona fide 14145
outstanding securities, claims, or property interests, or partly 14146
in such exchange or partly for cash. The division may also approve 14147
the terms of such issuance and exchange and the fairness of such 14148
terms, after a hearing upon such fairness at which all persons to 14149
whom it is proposed to issue securities in such exchange have the 14150
right to appear, if application for such a hearing is made by such 14151
corporation, by the holders of a majority in amount of its debts, 14152

or by the holders of a majority in amount of any outstanding class 14153
of securities issued by it. Notice in person or by mail of the 14154
time and place of such hearing shall be given to all persons to 14155
whom it is proposed to issue such securities, and evidence 14156
satisfactory to the division that such notice has been given shall 14157
be filed with the division. Securities issued in accordance with a 14158
plan so approved by the division are exempt from sections 1707.01 14159
to ~~1707.45~~ 1707.50 of the Revised Code, relating to registration 14160
or qualification of securities or the registration of transactions 14161
therein. 14162

(B) "Reorganization," "recapitalization," and "refinancing," 14163
as used in this section, include the following: 14164

(1) A readjustment by modification of the terms of securities 14165
by agreement; 14166

(2) A readjustment by the exchange of securities by the 14167
issuer for others of its securities; 14168

(3) The exchange of securities by the issuer for securities 14169
of another issuer; 14170

(4) The acquisition of assets of a person, directly or 14171
indirectly, partly or wholly in consideration for securities 14172
distributed or to be distributed as part of the same transaction, 14173
directly or indirectly, to holders of securities issued by such 14174
person or secured by assets of such person; 14175

(5) A merger or consolidation. 14176

(C) Upon filing an application with the division under this 14177
section, the applicant shall pay to the division a filing fee of 14178
one hundred dollars and shall deposit with the division such sum, 14179
not in excess of one thousand dollars, as the division requires 14180
for the purpose of defraying the costs of the hearing provided for 14181
in this section and of any investigation which the division may 14182
make in connection herewith. 14183

Sec. 1707.042. (A) No person who makes or opposes a control bid to offerees in this state shall knowingly do any of the following:	14184 14185 14186
(1) Make any untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading;	14187 14188 14189 14190
(2) Engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any such offeree;	14191 14192 14193
(3) Engage in any manipulative act or practice.	14194
(B) Any person who makes or opposes a control bid to offerees in this state, or who realizes any profit which inures to and is recoverable by a corporation, formed in this state, pursuant to section 1707.043 of the Revised Code, is conclusively presumed to have designated the secretary of state as its agent for the service of process in any action or proceeding under this chapter. Upon receipt of any such process, together with an affidavit showing the last known address of the person who made or opposed the control bid or who realized such profit, the secretary of state shall forthwith give notice by telegraph of the fact of the service of process and forward a copy of such process to such address by certified mail, return receipt requested. This section does not affect any right to serve process in any other manner permitted by law.	14195 14196 14197 14198 14199 14200 14201 14202 14203 14204 14205 14206 14207 14208
(C) Any person who makes or opposes a control bid is subject to the liabilities and penalties applicable to a seller, and an offeree is entitled to the remedies applicable to a purchaser, as set forth in sections 1707.41 to 1707.45 <u>1707.50</u> of the Revised Code.	14209 14210 14211 14212 14213

(D) In case any provision or application of any provision of this section is for any reason held to be illegal or invalid, such illegality or invalidity shall not affect any legal and valid provision or application of this section.

Sec. 1707.05. As used in sections 1707.05 to 1707.058 of the Revised Code:

(A) "OhioInvests issuer" means an entity organized under the laws of this state, other than a general partnership, that meets all of the following requirements:

(1) The entity satisfies the requirements of 17 C.F.R. 230.147A.

(2) The entity meets at least one of the following conditions:

(a) The principal office of the entity is located in this state.

(b) As of the last day of the most recent semiannual fiscal period of the entity, at least eighty per cent, as described under 17 C.F.R. 230.147A, of the entity's assets were located in this state.

(c)(i) The entity derived at least eighty per cent, or other threshold permitted under 17 C.F.R. 230.147A, of the entity's gross revenues from the operation of a business in this state during the previous fiscal year, if the OhioInvests offering begins during the first six months of the entity's fiscal year, or during the twelve months ending on the last day of the sixth month of the entity's current fiscal year, if the OhioInvests offering begins following the last day.

(ii) Division (A)(2)(c)(i) of this section does not apply to any entity whose gross revenue during the most recent period of twelve months did not exceed five thousand dollars.

<u>(3) As to itself or any other person, the entity does not attempt to limit any liability under, or avoid any prohibition in, this chapter.</u>	14244
	14245
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<u>(4) The entity is not any of the following:</u>	14247
<u>(a) Engaged in the business of investing, reinvesting, owning, holding, or trading in securities, except that the entity may hold securities of one class in an entity that is not itself engaged in the business of investing, reinvesting, owning, holding, or trading in securities;</u>	14248
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<u>(b) Subject to the reporting requirement of 15 U.S.C. 78m and 78o(d);</u>	14253
	14254
<u>(c) Issuing fractional undivided interests in oil or gas rights, or a similar interest in other mineral rights, or engaging primarily in petroleum, gas, or hydraulic fracturing exploration, production, mining, or other extractive industries;</u>	14255
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<u>(d) Issuing life settlement interests;</u>	14259
<u>(e) Engaged as a substantial part of its business in the purchase, sale, or development of commercial paper, notes, or other indebtedness, financial instruments, securities, or real property; purchasing, selling, or holding for investment commercial paper, notes, or other indebtedness, financial instruments, securities, or real property; or otherwise making investments;</u>	14260
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<u>(f) A commodity pool, equipment leasing program, or a real estate investment trust.</u>	14267
	14268
<u>(B) "OhioInvests offering" means an offer, or an offer and sale, of securities by an OhioInvests issuer that is exempt from registration under section 1707.051 of the Revised Code.</u>	14269
	14270
	14271
<u>(C) "OhioInvests portal" means a web site that is operated by a portal operator for the offer or sale of securities of an</u>	14272
	14273

OhioInvests issuer and meets all of the following requirements: 14274

(1) When conducting an OhioInvests offering, it implements 14275
steps to limit web site access to residents of only this state in 14276
accordance with 17 C.F.R. 230.147A. 14277

(2) It does not allow an OhioInvests offering to be viewed by 14278
a prospective purchaser until both of the following occur: 14279

(a) The portal operator verifies, through its exercise of 14280
reasonable steps, such as using a third-party verification service 14281
or as otherwise approved by the division of securities, that the 14282
prospective purchaser is a resident of this state. 14283

(b) The prospective purchaser makes an affirmative 14284
acknowledgment, electronically through the portal, of the 14285
following: 14286

"I am an Ohio resident. 14287

The securities and investment opportunities listed on this 14288
web site involve high-risk, speculative business ventures. If I 14289
choose to invest in any securities or investment opportunity 14290
listed on this web site, I may lose all of my investment, and I 14291
can afford such a loss. 14292

The securities and investment opportunities listed on this 14293
web site have not been reviewed or approved by any state or 14294
federal securities commission or division or other regulatory 14295
authority, and no such person or authority has confirmed the 14296
accuracy or determined the adequacy of any disclosure made to 14297
prospective investors relating to any offering. 14298

If I choose to invest in any securities or investment 14299
opportunity listed on this web site, I understand that the 14300
securities I will acquire may be difficult to transfer or sell, 14301
that there is no ready market for the sale of such securities, 14302
that it may be difficult or impossible for me to sell or otherwise 14303

dispose of this investment at any price, and that, accordingly, I 14304
may be required to hold this investment indefinitely." 14305

(3) It does not contain the word "OhioInvests" in its 14306
internet address. 14307

(D) "Portal operator" means an entity, including an issuer, 14308
that is authorized to do business in this state, is licensed with 14309
the division of securities under section 1707.054 of the Revised 14310
Code or is a licensed dealer, and satisfies any other conditions 14311
determined by the division. 14312

(E) "Executive management" includes executive officers, 14313
directors, governors, and managers. 14314

Sec. 1707.051. Subject to section 1707.058 of the Revised 14315
Code, the offer, sale, and issuance of securities is exempt from 14316
the requirements of sections 1707.08 to 1707.11 of the Revised 14317
Code if all of the following conditions are met: 14318

(A) The issuer is an OhioInvests issuer on the date that its 14319
securities are first offered for sale in the offering and 14320
continuously through the closing of the offering. 14321

(B) The offering meets the requirements of the federal 14322
exemption for intrastate offerings in 17 C.F.R. 230.147A. 14323

(C) The offering expires not more than twelve months after 14324
the offering commences. 14325

(D) In any twelve-month period, the issuer does not raise 14326
more than five million dollars, either in cash or other 14327
consideration, in connection with one or more OhioInvests 14328
offerings. 14329

(E) The issuer uses at least eighty per cent of the net 14330
proceeds of the offering in connection with the operation of its 14331
business in this state. 14332

(F) No single purchaser purchases more than ten thousand dollars in the aggregate in a twelve-month period of securities in connection with OhioInvests offerings unless the purchaser is an accredited investor, as defined in Rule 501 of Regulation D under the Securities Act of 1933. An accredited investor may purchase from all OhioInvests offerings in a twelve-month period up to ten thousand dollars or such greater amount that does not exceed ten per cent of the accredited investor's annual income or net worth, whichever is less.

(G) The sale of the securities is conducted exclusively through an OhioInvests portal.

(H)(1) Subject to division (H)(2) of this section, an investor may cancel the investment commitment for any reason for a period of time specified in the issuer's offering materials, which period shall be at least five business days after the date of commitment.

(2) During the forty-eight hours prior to the deadline identified in the issuer's offering materials, an investment commitment may not be canceled.

(I) The issuer requires the portal operator to do all of the following:

(1) Provide or make available to each prospective purchaser through the OhioInvests portal the following, as applicable:

(a) A copy of the issuer's balance sheet and income statement for the issuer's most recent fiscal year, if the issuer was in existence for that period;

(b) For offerings beginning more than ninety days after the issuer's most recent fiscal year end or if the issuer was not in existence the previous calendar year, a copy of the issuer's balance sheet as of a date not more than ninety days before the commencement of the offering for the issuer's most recently

completed fiscal year, or such shorter portion the issuer was in 14364
existence during that period, and the year-to-date period, or 14365
inception-to-date period, if shorter, corresponding with the more 14366
recent balance sheet. 14367

(2) Make available to each prospective purchaser through the 14368
OhioInvests portal a printable or downloadable disclosure document 14369
that meets the requirements of section 1707.052 of the Revised 14370
Code; 14371

(3) Obtain from each prospective purchaser through the 14372
OhioInvests portal the certification described in section 1707.053 14373
of the Revised Code, in either written or electronic form. 14374

(J) All of the following apply: 14375

(1) All payments for the purchase of securities are held in 14376
escrow until the aggregate capital deposited into escrow from all 14377
purchasers is equal to or greater than the stated minimum offering 14378
amount. 14379

(2) The escrow agent used is a bank, trust company, savings 14380
bank, savings association, or credit union authorized to do 14381
business in this state. 14382

(3) Prior to the execution of the escrow agreement between 14383
the issuer and the escrow agent, the escrow agent conducts a 14384
search of the issuer and its executive management, as provided to 14385
the escrow agent by the portal operator, against the specially 14386
designated nationals list maintained by the office of foreign 14387
assets control of the United States department of the treasury. 14388

(4) The escrow agent is only responsible to act at the 14389
direction of the party establishing the escrow account and does 14390
not have a duty or liability, contractual or otherwise, to an 14391
investor or other person except as set forth in the applicable 14392
escrow agreement or other contract. 14393

(5) If the minimum offering amount is not raised by the expiration date stipulated in the disclosure document provided to the purchasers, all purchasers will receive a return of all their subscription funds. 14394
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(K) Not less than ten days before the beginning of an offering of securities in reliance on the exemption provided under this section, the issuer provides all of the following to the division of securities: 14398
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(1) A notice of claim of exemption from registration, specifying that the issuer will be conducting an offering in reliance on the exemption provided under this section; 14402
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(2) A copy of the disclosure document described in section 1707.052 of the Revised Code that will be provided to prospective purchasers in connection with the offering; 14405
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(3) A filing fee of fifty dollars. 14408

(4) Any other information that the division requires from the issuer or portal for the protection of investors and to enable the division to determine that the sale of securities is entitled to an exemption. 14409
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(L) The issuer and the portal operator engage in solicitation and advertising of the OhioInvests offering only if all of the following apply: 14413
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(1) The advertisement contains disclaiming language that clearly states all of the following: 14416
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(a) The advertisement is not the offer and is for informational purposes only; 14418
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(b) The offering is being made in reliance on the exemption provided under this section; 14420
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(c) The offering is directed only to residents of this state; 14422

(d) All offers and sales are made through an OhioInvests 14423

<u>portal.</u>	14424
<u>(2) In addition to the items listed in division (L)(1) of</u>	14425
<u>this section, the advertisement contains not more than the</u>	14426
<u>following:</u>	14427
<u>(a) The name and contact information of the issuer;</u>	14428
<u>(b) A brief description of the general type of business</u>	14429
<u>conducted by the issuer;</u>	14430
<u>(c) The minimum offering amount the issuer is attempting to</u>	14431
<u>raise through its offering;</u>	14432
<u>(d) A description of how the issuer will use the funds raised</u>	14433
<u>through the offering;</u>	14434
<u>(e) The duration that the offering will remain open;</u>	14435
<u>(f) The issuer's logo;</u>	14436
<u>(g) The OhioInvests portal through which the offering is</u>	14437
<u>being made.</u>	14438
<u>(3) The advertisement complies with all applicable state and</u>	14439
<u>federal laws.</u>	14440
<u>(M) Meets such other requirements as the division may, by</u>	14441
<u>rule, prescribe for the protection of investors and in the public</u>	14442
<u>interest.</u>	14443
<u>Sec. 1707.052. The disclosure document provided to each</u>	14444
<u>prospective purchaser through an OhioInvests portal shall contain</u>	14445
<u>all of the following:</u>	14446
<u>(A) The following information regarding the OhioInvests</u>	14447
<u>issuer:</u>	14448
<u>(1) The type of entity it is;</u>	14449
<u>(2) The address and telephone number of its principal office;</u>	14450
<u>(3) Its formation history for the previous five years;</u>	14451

<u>(4) The identity of all persons owning more than ten per cent</u>	14452
<u>of any class of equity interest in the issuer;</u>	14453
<u>(5) The identity of its members, executive management, and</u>	14454
<u>any other persons occupying a similar status or performing similar</u>	14455
<u>functions in the name of and on behalf of the issuer, including</u>	14456
<u>their titles and their relevant experience;</u>	14457
<u>(6) The material facts of its business plan and capital</u>	14458
<u>structure;</u>	14459
<u>(7) Any material risks to the issuer and its business plan;</u>	14460
<u>(8) Its intended use of the offering proceeds, including any</u>	14461
<u>amounts to be paid, as compensation or otherwise, to an owner,</u>	14462
<u>member, person in executive management, or other person occupying</u>	14463
<u>a similar status or performing similar functions on behalf of the</u>	14464
<u>issuer.</u>	14465
<u>(B) The following information regarding the securities being</u>	14466
<u>offered:</u>	14467
<u>(1) The terms and conditions of the securities and a</u>	14468
<u>description of any outstanding securities of the issuer;</u>	14469
<u>(2) The minimum and maximum amount of securities being</u>	14470
<u>offered;</u>	14471
<u>(3) Either of the following:</u>	14472
<u>(a) The percentage economic ownership of the issuer</u>	14473
<u>represented by the offered securities, assuming the minimum and,</u>	14474
<u>if applicable, maximum number of securities being offered is sold;</u>	14475
<u>(b) The valuation of the issuer implied by the price of the</u>	14476
<u>offered securities.</u>	14477
<u>(4) The price per share, unit, or interest of the securities;</u>	14478
<u>(5) Any restrictions on transfer of the securities;</u>	14479
<u>(6) A statement that any future issuance of securities might</u>	14480

dilute the value of the securities being offered; 14481

(7) The date on which the offering will expire. 14482

(C) The identity of and consideration payable to a person who 14483
has been or will be retained by the issuer to assist the issuer in 14484
conducting the offering and sale of the securities, including a 14485
portal operator. This requirement does not apply to persons acting 14486
primarily as accountants or attorneys and employees whose primary 14487
job responsibilities involve operating the business of the issuer 14488
rather than assisting the issuer in raising capital. 14489

(D) A description of any pending material litigation, legal 14490
proceedings, or regulatory action involving the issuer or any 14491
members, persons in executive management, or other persons 14492
occupying a similar status or performing similar functions in the 14493
name of and on behalf of the issuer; 14494

(E) A copy of the escrow agreement between the escrow agent, 14495
the issuer, and, if applicable, the portal operator; 14496

(F) A statement that the securities have not been registered 14497
under federal or state securities law and that the securities are 14498
subject to limitations on resale; 14499

(G) A statement, printed in boldface type of the minimum size 14500
of ten points, as follows: "IN MAKING AN INVESTMENT DECISION, 14501
PURCHASERS MUST RELY ON THEIR OWN EXAMINATION OF THE ISSUER AND 14502
THE TERMS OF THE OFFERING, INCLUDING THE MERITS AND RISKS 14503
INVOLVED. THESE SECURITIES HAVE NOT BEEN RECOMMENDED BY ANY 14504
FEDERAL OR STATE SECURITIES COMMISSION OR DIVISION OR OTHER 14505
REGULATORY AUTHORITY. FURTHERMORE, THE FOREGOING AUTHORITIES HAVE 14506
NOT CONFIRMED THE ACCURACY OR DETERMINED THE ADEQUACY OF THIS 14507
DOCUMENT. ANY REPRESENTATION TO THE CONTRARY IS A CRIMINAL 14508
OFFENSE. THESE SECURITIES ARE SUBJECT TO RESTRICTIONS ON 14509
TRANSFERABILITY AND RESALE AND MAY NOT BE TRANSFERRED OR RESOLD 14510
EXCEPT AS PERMITTED BY 17 C.F.R. 230.147A(e) AND THE APPLICABLE 14511

STATE SECURITIES LAWS, PURSUANT TO REGISTRATION OR EXEMPTION 14512
THEREFROM. PURCHASERS SHOULD BE AWARE THAT THEY WILL BE REQUIRED 14513
TO BEAR THE FINANCIAL RISKS OF THIS INVESTMENT FOR AN INDEFINITE 14514
PERIOD OF TIME." 14515

(H) All material information necessary in order to make the 14516
statements made, in light of the circumstances under which they 14517
were made, not misleading and such other information as the 14518
division may require. 14519

Sec. 1707.053. The certification obtained by the portal 14520
operator from each prospective purchaser through an OhioInvests 14521
portal shall, at a minimum, state the following: 14522

"I UNDERSTAND AND ACKNOWLEDGE THAT: 14523

If I make an investment in an offering through this 14524
OhioInvests portal, it is very likely that I am investing in a 14525
high-risk, speculative business venture that could result in the 14526
complete loss of my investment, and I need to be able to afford 14527
such a loss. 14528

This offering has not been reviewed or approved by any state 14529
or federal securities commission or division or other regulatory 14530
authority and that no such person or authority has confirmed the 14531
accuracy or determined the adequacy of any disclosure made to me 14532
relating to this offering. 14533

If I make an investment in an offering through this 14534
OhioInvests portal, it is very likely that the investment will be 14535
difficult to transfer or sell and, accordingly, I may be required 14536
to hold the investment indefinitely. 14537

By entering into this transaction with the company, I am 14538
affirmatively representing myself as being an Ohio resident at the 14539
time that this contract is formed, and if this representation is 14540
subsequently shown to be false, the contract is void." 14541

Sec. 1707.054. (A) No person other than a dealer licensed 14542
under this chapter shall offer or sell securities pursuant to an 14543
OhioInvests offering or otherwise act as a portal operator unless 14544
the person is licensed as a portal operator by the division of 14545
securities or is transacting business through a portal operator 14546
licensed by the division. Application for a portal operator's 14547
license shall be made in accordance with this section and by 14548
filing with the division of securities the information, materials, 14549
and forms specified in rules adopted by the division, along with 14550
all of the following: 14551

(1) An application in the form prescribed by the division and 14552
all applicable schedules and supplemental information; 14553

(2) A copy of the articles of incorporation or other 14554
documents that indicate the entity's form of organization; 14555

(3) The filing fee as prescribed in section 1707.17 of the 14556
Revised Code. 14557

(B) If the division approves the entity as a portal operator, 14558
the division shall issue a license certificate to the entity. 14559

Sec. 1707.055. No portal operator that is not also a licensed 14560
dealer shall do any of the following: 14561

(A) Offer investment advice or recommendations, or solicit 14562
the purchase or sale of securities. For purposes of this division, 14563
a portal operator shall not be considered to be offering 14564
investment advice or recommendations merely because it selects, or 14565
may perform due diligence with respect to, issuers or offerings to 14566
be listed or merely because it provides general investor 14567
educational materials. 14568

(B) Provide transaction-based compensation for securities 14569
sold under this chapter to employees, agents, or other persons 14570
unless the employees, agents, or other persons are licensed under 14571

<u>this chapter and permitted to receive such compensation.</u>	14572
<u>(C) Charge a fee to the issuer for an offering of securities</u>	14573
<u>on an OhioInvests portal unless the fee is one of the following:</u>	14574
<u>(1) A fixed amount for each offering;</u>	14575
<u>(2) A variable amount based on the length of time that the</u>	14576
<u>securities are offered on the portal;</u>	14577
<u>(3) A combination of such fixed or variable amounts.</u>	14578
<u>(D) Hold, manage, possess, or otherwise handle purchaser</u>	14579
<u>funds or securities, unless the portal operator is the issuer.</u>	14580
<u>(E) No portal operator shall allow its officers, directors,</u>	14581
<u>or partners, or any person occupying similar status or performing</u>	14582
<u>similar function, to have a financial interest in an OhioInvests</u>	14583
<u>issuer using the services of the portal operator, or receive a</u>	14584
<u>financial interest in the OhioInvests issuer as compensation for</u>	14585
<u>services provided to, or for the benefit of, the OhioInvests</u>	14586
<u>issuer, in connection with the offer and sale of its securities.</u>	14587
<u>Sec. 1707.056. (A) Each portal operator shall do all of the</u>	14588
<u>following:</u>	14589
<u>(1) Provide the division of securities with read-only access</u>	14590
<u>to the administrative sections of its OhioInvests portal;</u>	14591
<u>(2) Upon the written request of the division, furnish to the</u>	14592
<u>division any of the records required to be maintained and</u>	14593
<u>preserved under section 1707.057 of the Revised Code.</u>	14594
<u>(3) Take reasonable efforts to verify that no purchaser</u>	14595
<u>exceeds the purchase limitations set forth in division (F) of</u>	14596
<u>section 1707.051 of the Revised Code.</u>	14597
<u>(B)(1) A portal operator shall not disclose, except to the</u>	14598
<u>division of securities, personal information without the written</u>	14599
<u>or electronic consent of the prospective purchaser or purchaser.</u>	14600

For purposes of division (B) of this section, "personal information" means information provided to a portal operator by a prospective purchaser or purchaser that identifies, or can be used to identify, the prospective purchaser or purchaser. 14601
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(2) Division (B)(1) of this section does not apply with respect to records required to be furnished to the division under division (A)(2) of this section, the disclosure of personal information to an OhioInvests issuer relating to its OhioInvests offering, or the disclosure of personal information to the extent required or authorized under other law. 14605
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Sec. 1707.057. (A) Each portal operator shall maintain and preserve, for a period of at least five years from either the date of the closing or date of the termination of the securities offering, all of the following: 14611
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(1) The name of each issuer whose securities have been listed on its OhioInvests portal and the full name, residential address, social security number, date of birth, and copy of a state-issued identification of all owners with greater than ten per cent voting equity in the issuer; 14615
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(2) Copies of all offering materials that have been displayed on its OhioInvests portal; 14620
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(3) The names and other personal information of each purchaser who has registered at its OhioInvests portal; 14622
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(4) Any agreements and contracts between the portal operator and an issuer; 14624
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(5) Any information used to establish that a prospective purchaser or purchaser of securities through its OhioInvests portal is a resident of this state and that an issuer whose securities are listed on the portal has its principal office in this state; 14626
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(6) Any other records the division requires by rule to be maintained and preserved. 14631
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(B)(1) The records described in division (A) of this section shall be maintained and preserved in a manner, including by any electronic storage media, that does all of the following: 14633
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(a) Permits the immediate location of any particular document; 14636
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(b) Retains the documents exclusively in a nonrewriteable, nonerasable format; 14638
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(c) Verifies automatically the quality and accuracy of the storage recording process; 14640
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(d) Serializes the originals; 14642

(e) Allows indexes and records preserved to be downloaded to an acceptable medium. 14643
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(2) If the records retention system commingles records required to be retained under this section with other records, the division of securities may review all of the commingled records. 14645
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(C) Notwithstanding divisions (A) and (B) of this section, the failure of a portal operator that is not the issuer to comply with those divisions does not affect the OhioInvests issuers' exemption from registration under section 1707.051 of the Revised Code. 14648
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Sec. 1707.058. (A) As used in this section, "affiliated party" means any of the following: 14653
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(1) Any predecessor to the issuer; 14655

(2) Any affiliated issuer; 14656

(3) Any director, executive officer, other officer participating in the offering, general partner, or managing member of the issuer; 14657
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<u>(4) Any beneficial owner of twenty per cent or more of the</u>	14660
<u>issuer's outstanding voting equity securities, calculated on the</u>	14661
<u>basis of voting power;</u>	14662
<u>(5) Any promoter connected with the issuer in any capacity at</u>	14663
<u>the time of the sale;</u>	14664
<u>(6) Any investment manager of an issuer that is a pooled</u>	14665
<u>investment fund;</u>	14666
<u>(7) Any general partner or managing member of any investment</u>	14667
<u>manager participating in the offering;</u>	14668
<u>(8) Any director, executive officer, or other officer</u>	14669
<u>participating in the offering of any investment manager or general</u>	14670
<u>partner or managing member of the investment manager participating</u>	14671
<u>in the offering.</u>	14672
<u>(B) The exemption from registration provided under section</u>	14673
<u>1707.051 of the Revised Code is not available with respect to an</u>	14674
<u>offer, sale, and issuance of securities if the issuer of the</u>	14675
<u>securities or any affiliated party:</u>	14676
<u>(1) Has been convicted, within ten years before the offering</u>	14677
<u>of any felony or misdemeanor:</u>	14678
<u>(a) In connection with the purchase or sale of any security;</u>	14679
<u>(b) Involving the making of any false filing with the</u>	14680
<u>securities and exchange commission or a state securities</u>	14681
<u>commissioner; or</u>	14682
<u>(c) Arising out of the conduct of the business of an</u>	14683
<u>underwriter, broker, dealer, municipal securities dealer,</u>	14684
<u>investment adviser, or paid solicitor of purchasers of securities.</u>	14685
<u>(2) Is subject to any order, judgment, or decree of any court</u>	14686
<u>of competent jurisdiction, entered within five years before the</u>	14687
<u>sale, that, at the time of the sale, restrains or enjoins the</u>	14688
<u>person from engaging or continuing to engage in any conduct or</u>	14689

<u>practice:</u>	14690
<u>(a) In connection with the purchase or sale of any security;</u>	14691
<u>(b) Involving the making of any false filing with the</u>	14692
<u>securities and exchange commission or a state securities</u>	14693
<u>commissioner; or</u>	14694
<u>(c) Arising out of the conduct of the business of an</u>	14695
<u>underwriter, broker, dealer, municipal securities dealer,</u>	14696
<u>investment adviser, or paid solicitor of purchasers of securities.</u>	14697
<u>(3) Is subject to a final order of the securities and</u>	14698
<u>exchange commission; a state securities commission or an agency or</u>	14699
<u>officer of a state performing like functions; a state authority</u>	14700
<u>that supervises or examines banks, savings associations, or credit</u>	14701
<u>unions; a state insurance commission or an agency or officer of a</u>	14702
<u>state performing like functions; an appropriate federal banking</u>	14703
<u>agency; the United States commodity futures trading commission; or</u>	14704
<u>the national credit union administration that:</u>	14705
<u>(a) At the time of the offering, bars the person from</u>	14706
<u>associating with an entity regulated by the commission, authority,</u>	14707
<u>agency, or officer; engaging in the business of securities,</u>	14708
<u>insurance, or banking; or engaging in savings association or</u>	14709
<u>credit union activities; or</u>	14710
<u>(b) Constitutes a final order based on a violation of any law</u>	14711
<u>or regulation that prohibits fraudulent, manipulative, or</u>	14712
<u>deceptive conduct entered within ten years before the offering.</u>	14713
<u>(4) Is subject to an order of the securities and exchange</u>	14714
<u>commission entered pursuant to 15 U.S.C. 78o(b), 78o-4(c),</u>	14715
<u>80b-3(e), or 80b-3(f), or an order of a state securities</u>	14716
<u>commission or an agency or officer of a state performing like</u>	14717
<u>functions, that, at the time of the offering, does any of the</u>	14718
<u>following:</u>	14719

<u>(a) Suspends or revokes the person's license or registration</u>	14720
<u>as a broker, dealer, municipal securities dealer, or investment</u>	14721
<u>adviser;</u>	14722
<u>(b) Places limitations on the activities, functions, or</u>	14723
<u>operations of the person;</u>	14724
<u>(c) Bars the person from being associated with any entity or</u>	14725
<u>from participating in the offering of any penny stock.</u>	14726
<u>(5) Is subject to any order of the securities exchange</u>	14727
<u>commission, or an order of a state securities commission or an</u>	14728
<u>agency or officer of a state performing like functions, entered</u>	14729
<u>within ten years before the sale, that, at the time of the sale,</u>	14730
<u>orders the person to cease and desist from committing or causing a</u>	14731
<u>violation or future violation of any of the following:</u>	14732
<u>(a) Any scienter-based antifraud provision of the federal</u>	14733
<u>securities laws, including, but not limited to, 15 U.S.C.</u>	14734
<u>77q(a)(1), 78j(b), 78o(c)(1), and 80b-6(1), and 17 C.F.R.</u>	14735
<u>240.10b-5 or any other regulation adopted thereunder;</u>	14736
<u>(b) 15 U.S.C. 77e, division (C)(1) of section 1707.44 of the</u>	14737
<u>Revised Code, or any state securities law that requires the</u>	14738
<u>registration of securities;</u>	14739
<u>(c) Any state securities law requiring state registration as</u>	14740
<u>a broker dealer, investment adviser, agent, salesperson,</u>	14741
<u>investment adviser, or OhioInvests portal;</u>	14742
<u>(d) Any state securities law involving fraudulent,</u>	14743
<u>manipulative, or deceptive conduct.</u>	14744
<u>(6) Is suspended or expelled from membership in, or suspended</u>	14745
<u>or barred from association with a member of, a registered national</u>	14746
<u>securities exchange or a registered national or affiliated</u>	14747
<u>securities association for any act or omission to act constituting</u>	14748
<u>conduct inconsistent with just and equitable principles of trade;</u>	14749

(7) Has filed as a registrant or issuer, or was or was named 14750
as an underwriter in, any registration statement or Regulation A 14751
offering statement filed with the securities and exchange 14752
commission or a state securities commissioner that, within five 14753
years before the sale, was the subject of a refusal order, stop 14754
order, or order suspending the Regulation A exemption; 14755

(8) Is, at the time of the sale, the subject of an 14756
investigation or proceeding to determine whether a stop order or a 14757
suspension order of the type described in division (B)(7) of this 14758
section should be issued; 14759

(9) Is subject to a United States postal service false 14760
representation order entered within five years before the 14761
offering; 14762

(10) Is, at the time of the offering, subject to a temporary 14763
restraining order or preliminary injunction with respect to 14764
conduct alleged by the United States postal service to constitute 14765
a scheme or device for obtaining money or property through the 14766
mail by means of false representations. 14767

(C) Division (B) of this section does not apply: 14768

(1) With respect to any conviction, order, judgment, decree, 14769
suspension, expulsion, or bar that occurred or was issued before 14770
the effective date of this section; 14771

(2) Upon a showing of good cause and without prejudice to any 14772
other action by the securities and exchange commission or a state 14773
securities commissioner, if the division determines that it is not 14774
necessary under the circumstance that an exemption be denied; 14775

(3) If, before the relevant offering, the court of regulatory 14776
authority that entered the relevant order, judgment, or decree 14777
advises in writing that the disqualification under division (B) of 14778
this section should not arise as a consequence of the order, 14779
judgment, or decree, whether the advice is contained in the 14780

relevant judgment, order, or decree or separately to the 14781
securities and exchange commission or a state securities 14782
commissioner or their staff; or 14783

(4) If the issuer establishes to the division that it did not 14784
know and, in the exercise of reasonable care, could not have known 14785
that a disqualification existed under division (B) of this 14786
section. 14787

(D) For purposes of division (B) of this section, events 14788
relating to any affiliated issuer that occurred before the 14789
affiliation arose will not be considered disqualifying if the 14790
affiliated entity is not either of the following: 14791

(1) In control of the issuer; 14792

(2) Under common control with the issuer by a third party 14793
that was in control of the affiliated entity at the time of the 14794
events. 14795

Sec. 1707.10. Any securities required by sections 1707.01 to 14796
~~1707.45~~ 1707.50, inclusive, of the Revised Code, to be registered 14797
by qualification before being sold in this state may be offered 14798
for sale and sold preliminary to and pending their full 14799
qualification, where the division of securities is satisfied that 14800
the issuer is solvent and of good business repute and that such 14801
preliminary offering will not deceive or tend to deceive the 14802
public; but no such preliminary offering shall be made until the 14803
division consents thereto in writing, and such consent shall be on 14804
condition that within thirty days from the date thereof, or within 14805
such further time as the division allows, there is filed in the 14806
office of the division application under such sections for the 14807
full qualification of said securities, or for a registration of 14808
such securities by description if, within such time, such 14809
securities become entitled to registration by description; and the 14810
entire proceeds of the sale of such securities, without deduction 14811

for commissions or other charges, shall be segregated or deposited 14812
in escrow in such manner and for such time as the division 14813
directs. 14814

No applicant which is an issuer not a resident of this state 14815
shall be entitled to the benefit of this section unless there 14816
shall also be on file with the division a consent to service as 14817
provided in section 1707.11 of the Revised Code. 14818

At the time of filing the statement prescribed in this 14819
section, the applicant shall pay to the division the filing fee 14820
prescribed by section 1707.09 of the Revised Code; and upon 14821
receipt of notice of the division's favorable action on the 14822
application, the applicant shall pay to the division the 14823
registration fee prescribed by such section for the qualification 14824
of securities. 14825

If the dealer is unable to complete such qualification or 14826
such registration by description, or if the division, acting upon 14827
more complete information furnished or obtained from its 14828
examination, does not finally register such security by 14829
description or qualification, the issuer or dealer who has sold it 14830
or offered it for sale shall withdraw the security from the market 14831
and return or tender to purchasers of the security, within such 14832
time as the division specifies, the amounts paid for it by them. 14833

Sec. 1707.13. The division of securities may suspend the 14834
registration by description or by qualification of any securities, 14835
or the right of any dealers or of the issuer, or of both, to buy, 14836
sell, or deal in any particular security whether it is registered, 14837
qualified, or exempt or even though transactions in it are 14838
registered or exempt, if the division finds that the issuer has 14839
violated sections 1707.01 to ~~1707.45~~ 1707.50, inclusive, of the 14840
Revised Code, or any lawful order or requirement of the division, 14841
has fraudulently conducted its business, or has been engaged in or 14842

is engaged or about to engage in deceptive or fraudulent acts, 14843
practices, or transactions; that such security is being disposed 14844
of or purchased on grossly unfair terms, in such manner as to 14845
deceive or defraud or as to tend to deceive or defraud purchasers 14846
or sellers, or in disregard of the lawful rules and regulations of 14847
the division applicable to such security or to transactions 14848
therein; or, in the case of securities being sold under a 14849
registration or qualification, that the issuer is insolvent. 14850
Notice of such suspension shall be mailed by the division to the 14851
issuer and to all licensed dealers concerned. Such notice shall 14852
specify the particular security whose registration is being 14853
suspended and shall set a date, not more than ten days later than 14854
the date of the order of suspension, for a hearing on the 14855
continuation or revocation of such suspension. For good cause the 14856
division may continue such hearing on application of any 14857
interested party. In conducting such hearing the division shall 14858
have all the authority and powers set forth in section 1707.23 of 14859
the Revised Code. Following such hearing the division shall either 14860
confirm or revoke such suspension. No such suspension shall 14861
invalidate any sale of securities made prior thereto; and the 14862
rights of persons defrauded by any sale shall in no wise be 14863
impaired. 14864

If the issuer of a security refuses to permit an examination 14865
to be made by the division of its books, records, and property, or 14866
refuses to furnish the division any information which it may 14867
lawfully require under sections 1707.01 to ~~1707.45~~ 1707.50, 14868
inclusive, of the Revised Code, such refusal is a sufficient 14869
ground for the division to suspend the registration by description 14870
or by qualification of such security, or the right of any dealers 14871
or of the issuer, or of both, to buy, sell, or deal in such 14872
security. 14873

If any interested party desires an investigation at a place 14874

other than the office of the division, such person may be required 14875
by the division to advance sufficient funds to pay the actual 14876
expenses of such investigation. 14877

Whenever the division determines, upon hearing, that any 14878
application for qualification was made, or that any securities or 14879
any transaction was registered by description, by a person who 14880
knew that untrue statements were contained in such application or 14881
description, the division may proceed under sections 1707.19, 14882
1707.23, and 1707.44 of the Revised Code, or any of them, against 14883
the person who filed such application or such registration by 14884
description. 14885

Sec. 1707.161. (A) No person shall act as an investment 14886
adviser representative, unless one of the following applies: 14887

(1) The person is licensed as an investment adviser 14888
representative by the division of securities. 14889

(2) The person is a natural person who is licensed as an 14890
investment adviser by the division, and does not act as an 14891
investment adviser representative for another investment adviser; 14892
however, a natural person who is licensed as an investment adviser 14893
by the division may act as an investment adviser representative 14894
for another investment adviser if the natural person also is 14895
licensed by the division, or is properly excepted from licensure, 14896
as an investment adviser representative of the other investment 14897
adviser. 14898

(3) The person is employed by or associated with an 14899
investment adviser registered under section 203 of the "Investment 14900
Advisers Act of 1940," 15 U.S.C. 80b-3, and does not have a place 14901
of business in this state. 14902

(4) The person is employed by or associated with an 14903
investment adviser that is excepted from licensure pursuant to 14904

division (A)(3), (4), (5), or (6) of section 1707.141 of the Revised Code or excepted from notice filing pursuant to division (B)(3) of section 1707.141 of the Revised Code.

(B)(1) No investment adviser representative required to be licensed under this section shall act as an investment adviser representative for more than two investment advisers. An investment adviser representative that acts as an investment adviser representative for two investment advisers shall do so only after the occurrence of both of the following:

(a) Being properly licensed, or properly excepted from licensure under this section, as an investment adviser representative for both investment advisers;

(b) Complying with the requirements set forth in rules adopted by the division regarding consent of both investment advisers and notice.

(2) Nothing in this section shall be construed to prohibit a natural person from being licensed by the division as both an investment adviser and an investment adviser representative.

(3) Nothing in this section shall be construed to prohibit a natural person from being licensed by the division as both a salesperson and an investment adviser representative.

(4) Nothing in this section shall be construed to prohibit a natural person from being licensed by the division as both a dealer and an investment adviser representative.

(C) An investment adviser representative's license issued under this section shall not be effective during any period when the investment adviser representative is not employed by or associated with an investment adviser that is licensed by the division or that is in compliance with the notice filing requirements of division (B) of section 1707.141 of the Revised Code. Notice of the commencement and termination of the employment

or association of an investment adviser representative licensed 14936
under this section shall be given to the division within thirty 14937
days after the commencement or termination by either of the 14938
following: 14939

(1) The investment adviser, in the case of an investment 14940
adviser representative licensed under this section and employed by 14941
or associated with, or formerly employed by or associated with, an 14942
investment adviser licensed under section 1707.141 of the Revised 14943
Code; 14944

(2) The investment adviser representative, in the case of an 14945
investment adviser representative licensed under this section and 14946
employed by or associated with, or formerly employed by or 14947
associated with, an investment adviser that is subject to the 14948
notice filings requirements of division (B) of section 1707.141 of 14949
the Revised Code. 14950

(D)(1) Application for an investment adviser representative 14951
license shall be made in accordance with this section and by 14952
filing with the division the information, materials, and forms 14953
specified in rules adopted by the division. 14954

(2) The division shall by rule require an applicant to pass 14955
an examination designated by the division or achieve a specified 14956
professional designation. 14957

(3) Prior to issuing the investment adviser representative 14958
license, the division may require the applicant to reimburse the 14959
division for the actual expenses incurred in investigating the 14960
applicant. An itemized statement of any such expenses that the 14961
applicant is required to pay shall be furnished to the applicant 14962
by the division. 14963

(E) If the division finds that the applicant is of good 14964
business repute, appears to be qualified to act as an investment 14965
adviser representative, and has complied with sections 1707.01 to 14966

~~1707.45~~ 1707.50 of the Revised Code and the rules adopted under 14967
those sections by the division, the division, upon payment of the 14968
fees prescribed by division (B) of section 1707.17 of the Revised 14969
Code, shall issue to the applicant a license authorizing the 14970
applicant to act as an investment adviser representative for the 14971
investment adviser, or investment advisers that are under common 14972
ownership or control, named in the application. 14973

Sec. 1707.17. (A)(1) The license of every dealer in and 14974
salesperson of securities shall expire on the thirty-first day of 14975
December of each year, and may be renewed upon the filing with the 14976
division of securities of an application for renewal, and the 14977
payment of the fee prescribed in this section. The division shall 14978
give notice, without unreasonable delay, of its action on any 14979
application for renewal of a dealer's or salesperson's license. 14980

(2) The license of every investment adviser and investment 14981
adviser representative licensed under section 1707.141 or 1707.161 14982
of the Revised Code shall expire on the thirty-first day of 14983
December of each year. The licenses may be renewed upon the filing 14984
with the division of an application for renewal, and the payment 14985
of the fee prescribed in division (B) of this section. The 14986
division shall give notice, without unreasonable delay, of its 14987
action on any application for renewal. 14988

(3) An investment adviser required to make a notice filing 14989
under division (B) of section 1707.141 of the Revised Code 14990
annually shall file with the division the notice filing and the 14991
fee prescribed in division (B) of this section, no later than the 14992
thirty-first day of December of each year. 14993

(4) The license of every state retirement system investment 14994
officer licensed under section 1707.163 of the Revised Code and 14995
the license of a bureau of workers' compensation chief investment 14996
officer issued under section 1707.165 of the Revised Code shall 14997

expire on the thirtieth day of June of each year. The licenses may 14998
be renewed on the filing with the division of an application for 14999
renewal, and the payment of the fee prescribed in division (B) of 15000
this section. The division shall give notice, without unreasonable 15001
delay, of its action on any application for renewal. 15002

(5) The license of every portal operator licensed under 15003
section 1707.054 of the Revised Code shall expire on the 15004
thirty-first day of December of each year. The license may be 15005
renewed upon the filing with the division an application for 15006
renewal, and payment of the fee prescribed in division (B) of this 15007
section. The division shall give notice, without unreasonable 15008
delay, of its action on any application for renewal. 15009

(B)(1) The fee for each dealer's license, and for each annual 15010
renewal thereof, shall be two hundred dollars. 15011

(2) The fee for each salesperson's license, and for each 15012
annual renewal thereof, shall be sixty dollars. 15013

(3) The fee for each investment adviser's license, and for 15014
each annual renewal thereof, shall be one hundred dollars. 15015

(4) The fee for each investment adviser notice filing 15016
required by division (B) of section 1707.141 of the Revised Code 15017
shall be one hundred dollars. 15018

(5) The fee for each investment adviser representative's 15019
license, and for each annual renewal thereof, shall be thirty-five 15020
dollars. 15021

(6) The fee for each state retirement system investment 15022
officer's license, and for each annual renewal thereof, shall be 15023
fifty dollars. 15024

(7) The fee for a bureau of workers' compensation chief 15025
investment officer's license, and for each annual renewal thereof, 15026
shall be fifty dollars. 15027

(8) The fee for a portal operator license, and for each 15028
annual renewal thereof, shall be one hundred dollars. 15029

(C) A dealer's, salesperson's, investment adviser's, 15030
investment adviser representative's, bureau of workers' 15031
compensation chief investment officer's, ~~or~~ state retirement 15032
system investment officer's, or portal operator's license may be 15033
issued at any time for the remainder of the calendar year. In that 15034
event, the annual fee shall not be reduced. 15035

(D) The division may, by rule or order, waive, in whole or in 15036
part, any of the fee requirements of this section for any person 15037
or class of persons if, in the same calendar year, the person or 15038
class of persons is required to pay an additional fee as a result 15039
of changes in federal law and regulations implemented under Title 15040
IV of the "Dodd-Frank Wall Street Reform and Consumer Protection 15041
Act of 2010," 124 Stat. 1576 (2010), 15 U.S.C. 80b-3a(a), under 15042
which a person or class of persons formerly subject to regulation 15043
under the United States securities and exchange commission is 15044
subject to state regulation under Chapter 1707. of the Revised 15045
Code. 15046

Sec. 1707.19. (A) An original license, or a renewal thereof, 15047
applied for by a dealer or salesperson of securities, or by an 15048
investment adviser, investment adviser representative, bureau of 15049
workers' compensation chief investment officer, ~~or~~ state 15050
retirement system investment officer, or portal operator as 15051
defined in section 1707.05 of the Revised Code may be refused, and 15052
any such license granted may be suspended and, after notice and 15053
hearing in accordance with Chapter 119. of the Revised Code, may 15054
be revoked, by the division of securities, if the division 15055
determines that the applicant or the licensed dealer, salesperson, 15056
investment adviser, investment adviser representative, bureau of 15057
workers' compensation chief investment officer, or state 15058

retirement system investment officer:	15059
(1) Is not of good business repute;	15060
(2) Is conducting an illegitimate or fraudulent business;	15061
(3) Is, in the case of a dealer or , investment adviser, <u>or</u>	15062
<u>portal operator</u> , insolvent;	15063
(4) Has knowingly violated any provision of sections 1707.01	15064
to 1707.45 <u>1707.50</u> of the Revised Code, or any regulation or order	15065
made thereunder;	15066
(5) Has knowingly made a false statement of a material fact	15067
or an omission of a material fact in an application for a license,	15068
in a description or application that has been filed, or in any	15069
statement made to the division under such sections;	15070
(6) Has refused to comply with any lawful order or	15071
requirement of the division under section 1707.23 of the Revised	15072
Code;	15073
(7) Has been guilty of any fraudulent act in connection with	15074
the sale of any securities or in connection with acting as an	15075
investment adviser, investment adviser representative, bureau of	15076
workers' compensation chief investment officer, or state	15077
retirement system investment officer, <u>or portal operator</u> ;	15078
(8) Conducts business in purchasing or selling securities at	15079
such variations from the existing market as in the light of all	15080
the circumstances are unconscionable;	15081
(9) Conducts business in violation of such rules and	15082
regulations as the division prescribes for the protection of	15083
investors, clients, or prospective clients;	15084
(10)(a) Has failed to furnish to the division any information	15085
with respect to the purchases or sales of securities within this	15086
state that may be reasonably requested by the division as	15087
pertinent to the protection of investors in this state.	15088

(b) Has failed to furnish to the division any information 15089
with respect to acting as an investment adviser, investment 15090
adviser representative, bureau of workers' compensation chief 15091
investment officer, ~~or~~ state retirement system investment officer, 15092
or portal operator within this state that may be reasonably 15093
requested by the division. 15094

(B) For the protection of investors the division may 15095
prescribe reasonable rules defining fraudulent, evasive, 15096
deceptive, or grossly unfair practices or devices in the purchase 15097
or sale of securities. 15098

(C) For the protection of investors, clients, or prospective 15099
clients, the division may prescribe reasonable rules regarding the 15100
acts and practices of an investment adviser or an investment 15101
adviser representative. 15102

(D) For the protection of investors, the division may 15103
prescribe reasonable rules regarding the acts and practices of a 15104
portal operator. 15105

(E) Pending any investigation or hearing provided for in 15106
sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised Code, the 15107
division may order the suspension of any dealer's, salesperson's, 15108
investment adviser's, investment adviser representative's, bureau 15109
of workers' compensation chief investment officer's, ~~or~~ state 15110
retirement system investment officer's, or portal operator's 15111
license by notifying the party concerned of such suspension and 15112
the cause for it. If it is a salesperson whose license is 15113
suspended, the division shall also notify the dealer employing the 15114
salesperson. If it is an investment adviser representative whose 15115
license is suspended, the division also shall notify the 15116
investment adviser with whom the investment adviser representative 15117
is employed or associated. If it is a state retirement system 15118
investment officer whose license is suspended, the division shall 15119
also notify the state retirement system with whom the state 15120

retirement system investment officer is employed. If it is a 15121
bureau of workers' compensation chief investment officer whose 15122
license is suspended, the division shall also notify the bureau of 15123
workers' compensation. 15124

~~(E)~~(F)(1) The suspension or revocation of the dealer's 15125
license suspends the licenses of all the dealer's salespersons. 15126

(2) The suspension or revocation of the investment adviser's 15127
license suspends the licenses of all the investment adviser's 15128
investment adviser representatives. The suspension or revocation 15129
of an investment adviser's registration under section 203 of the 15130
"Investment Advisers Act of 1940," 15 U.S.C. 80b-3, suspends the 15131
licenses of all the investment adviser's investment adviser 15132
representatives. 15133

~~(F)~~(G) It is sufficient cause for refusal, revocation, or 15134
suspension of the license in case of a partnership, partnership 15135
association, corporation, or unincorporated association if any 15136
general partner of the partnership, manager of the partnership 15137
association, or executive officer of the corporation or 15138
unincorporated association is not of good business repute or has 15139
been guilty of any act or omission which would be cause for 15140
refusing or revoking the license of an individual dealer, 15141
salesperson, investment adviser, ~~or~~ investment adviser 15142
representative, or portal operator. 15143

Sec. 1707.20. (A)(1) The division of securities may adopt, 15144
amend, and rescind such rules, forms, and orders as are necessary 15145
to carry out sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised 15146
Code, including rules and forms governing registration statements, 15147
applications, and reports, and defining any terms, whether or not 15148
used in sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised Code, 15149
insofar as the definitions are not inconsistent with these 15150
sections. For the purpose of rules and forms, the division may 15151

classify securities, persons, and matters within its jurisdiction, 15152
and prescribe different requirements for different classes. 15153

(2) Notwithstanding sections 121.71 to 121.76 of the Revised 15154
Code, the division may incorporate by reference into its rules any 15155
statute enacted by the United States congress or any rule, 15156
regulation, or form promulgated by the securities and exchange 15157
commission, or by another federal agency, in a manner that also 15158
incorporates all future amendments to the statute, rule, 15159
regulation, or form. 15160

(B) No rule, form, or order may be made, amended, or 15161
rescinded unless the division finds that the action is necessary 15162
or appropriate in the public interest or for the protection of 15163
investors, clients, prospective clients, state retirement systems, 15164
or the workers' compensation system and consistent with the 15165
purposes fairly intended by the policy and provisions of sections 15166
1707.01 to ~~1707.45~~ 1707.50 of the Revised Code. In prescribing 15167
rules and forms and in otherwise administering sections 1707.01 to 15168
~~1707.45~~ 1707.50 of the Revised Code, the division may cooperate 15169
with the securities administrators of the other states and the 15170
securities and exchange commission with a view of effectuating the 15171
policy of this section to achieve maximum uniformity in the form 15172
and content of registration statements, applications, reports, and 15173
overall securities regulation wherever practicable. 15174

(C) The division may ~~by rule or order~~ prescribe: 15175

(1) The form and content of financial statements required 15176
under sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised Code; 15177

(2) The circumstances under which consolidated financial 15178
statements will be filed; 15179

(3) Whether any required financial statements shall be 15180
~~certified~~ audited by independent ~~or~~ certified public accountants. 15181

specifying by rule the criteria necessary to be granted a hardship exemption from the audit requirement. All financial statements shall be prepared in accordance with generally accepted accounting practices principles and comply with other requirements specified by rule adopted or order issued under sections 1707.01 to 1707.50 of the Revised Code.

(D) All rules and forms of the division shall be published; and in addition to fulfilling the requirements of Chapter 119. of the Revised Code, the division shall prescribe, and shall publish and make available its rules regarding the sale of securities, the administration of sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised Code, and the procedure and practice before the division.

(E)(1) No provision of sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised Code imposing any liability applies to any act done or omitted in good faith in conformity with any rule, form, or order of the division of securities, notwithstanding that the rule, form, or order may later be amended or rescinded or be determined by judicial or other authority to be invalid for any reason, except that the issuance of an order granting effectiveness to a registration under section 1707.09 or 1707.091 of the Revised Code for the purposes of this division shall not be deemed an order other than as the establishment of the fact of registration.

(2) No provision of sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised Code imposing any liability, penalty, sanction, or disqualification applies to any act done or omitted in good faith in conformity with either of the following:

(a) Any provision of sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised Code that incorporates by reference a federal statute, rule, regulation, or form;

(b) Any rule, form, or order of the division that incorporates by reference a federal statute, rule, regulation, or

form. 15213

Division (E)(2) of this section applies notwithstanding that 15214
the incorporation by reference, or any application of the 15215
incorporated provision, is later determined by judicial or other 15216
authority to be unconstitutional or invalid for any reason. 15217

Sec. 1707.21. In so far as any information required to be 15218
filed with the division of securities under sections 1707.01 to 15219
~~1707.45~~ 1707.50, inclusive, of the Revised Code, is contained in a 15220
registration statement filed with the securities and exchange 15221
commission of the United States and such registration statement is 15222
in effect, such required information may, with the consent of the 15223
division, be furnished by filing with the division a copy of such 15224
registration statement together with an affidavit of an interested 15225
party that it is in effect. 15226

Sec. 1707.23. Whenever it appears to the division of 15227
securities, from its files, upon complaint, or otherwise, that any 15228
person has engaged in, is engaged in, or is about to engage in any 15229
practice declared to be illegal or prohibited by this chapter or 15230
rules adopted under this chapter by the division, or defined as 15231
fraudulent in this chapter or rules adopted under this chapter by 15232
the division, or any other deceptive scheme or practice in 15233
connection with the sale of securities, or acting as a dealer, a 15234
salesperson, an investment adviser, investment adviser 15235
representative, bureau of workers' compensation chief investment 15236
officer, ~~or~~ state retirement system investment officer, or portal 15237
operator as defined in section 1707.05 of the Revised Code or when 15238
the division believes it to be in the best interests of the public 15239
and necessary for the protection of investors, the division may do 15240
any of the following: 15241

(A) Require any person to file with it, on such forms as it 15242

prescribes, an original or additional statement or report in 15243
writing, under oath or otherwise, as to any facts or circumstances 15244
concerning the issuance, sale, or offer for sale of securities 15245
within this state by the person, as to the person's acts or 15246
practices as a dealer, a salesperson, an investment adviser, 15247
investment adviser representative, bureau of workers' compensation 15248
chief investment officer, ~~or~~ state retirement system investment 15249
officer, or portal operator within this state, and as to other 15250
information as it deems material or relevant thereto; 15251

(B) Examine any investment adviser, investment adviser 15252
representative, state retirement system investment officer, bureau 15253
of workers' compensation chief investment officer, or any seller, 15254
dealer, salesperson, or issuer of any securities, or any portal 15255
operator, and any of their agents, employees, partners, officers, 15256
directors, members, or shareholders, wherever located, under oath; 15257
and examine and produce records, books, documents, accounts, and 15258
papers as the division deems material or relevant to the inquiry; 15259

(C) Require the attendance of witnesses, and the production 15260
of books, records, and papers, as are required either by the 15261
division or by any party to a hearing before the division, and for 15262
that purpose issue a subpoena for any witness, or a subpoena duces 15263
tecum to compel the production of any books, records, or papers. 15264
The subpoena shall be served by personal service or by certified 15265
mail, return receipt requested. If the subpoena is returned 15266
because of inability to deliver, or if no return is received 15267
within thirty days of the date of mailing, the subpoena may be 15268
served by ordinary mail. If no return of ordinary mail is received 15269
within thirty days after the date of mailing, service shall be 15270
deemed to have been made. If the subpoena is returned because of 15271
inability to deliver, the division may designate a person or 15272
persons to effect either personal or residence service upon the 15273
witness. The person designated to effect personal or residence 15274

service under this division may be the sheriff of the county in 15275
which the witness resides or may be found or any other duly 15276
designated person. The fees and mileage of the person serving the 15277
subpoena shall be the same as those allowed by the courts of 15278
common pleas in criminal cases, and shall be paid from the funds 15279
of the division. Fees and mileage for the witness shall be 15280
determined under section 119.094 of the Revised Code, and shall be 15281
paid from the funds of the division upon request of the witness 15282
following the hearing. 15283

(D) Initiate criminal proceedings under section 1707.042 or 15284
1707.44 of the Revised Code or rules adopted under those sections 15285
by the division by laying before the prosecuting attorney of the 15286
proper county any evidence of criminality which comes to its 15287
knowledge; and in the event of the neglect or refusal of the 15288
prosecuting attorney to prosecute such violations, or at the 15289
request of the prosecuting attorney, the division shall submit the 15290
evidence to the attorney general, who may proceed in the 15291
prosecution with all the rights, privileges, and powers conferred 15292
by law on prosecuting attorneys, including the power to appear 15293
before grand juries and to interrogate witnesses before such grand 15294
juries. 15295

(E) Require any dealers immediately to furnish to the 15296
division copies of prospectuses, circulars, or advertisements 15297
respecting securities that they publish or generally distribute, 15298
or require any investment advisers immediately to furnish to the 15299
division copies of brochures, advertisements, publications, 15300
analyses, reports, or other writings that they publish or 15301
distribute; 15302

(F) Require any dealers to mail to the division, prior to 15303
sale, notices of intention to sell, in respect to all securities 15304
which are not exempt under section 1707.02 of the Revised Code, or 15305
which are sold in transactions not exempt under section 1707.03 or 15306

1707.04 of the Revised Code; 15307

(G) Issue and cause to be served by certified mail upon all 15308
persons affected an order requiring the person or persons to cease 15309
and desist from the acts or practices appearing to the division to 15310
constitute violations of this chapter or rules adopted under this 15311
chapter by the division. The order shall state specifically the 15312
section or sections of this chapter or the rule or rules adopted 15313
under this chapter by the division that appear to the division to 15314
have been violated and the facts constituting the violation. If 15315
after the issuance of the order it appears to the division that 15316
any person or persons affected by the order have engaged in any 15317
act or practice from which the person or persons shall have been 15318
required, by the order, to cease and desist, the director of 15319
commerce may apply to the court of common pleas of any county for, 15320
and upon proof of the validity of the order of the division, the 15321
delivery of the order to the person or persons affected, and of 15322
the illegality and the continuation of the acts or practices that 15323
are the subject of the order, the court may grant an injunction 15324
implementing the order of the division. 15325

(H) Issue and initiate contempt proceedings in this state 15326
regarding subpoenas and subpoenas duces tecum at the request of 15327
the securities administrator of another state, if it appears to 15328
the division that the activities for which the information is 15329
sought would violate this chapter if the activities had occurred 15330
in this state. 15331

(I) The remedies provided by this section are cumulative and 15332
concurrent with any other remedy provided in this chapter, and the 15333
exercise of one remedy does not preclude or require the exercise 15334
of any other remedy. 15335

Sec. 1707.24. In case any person fails to file any statement 15336
or report, to obey any subpoena, to give testimony, to answer 15337

questions, or to produce any books, records, or papers as required 15338
by the division of securities under sections 1707.01 to ~~1707.45~~ 15339
1707.50, inclusive, of the Revised Code, the court of common pleas 15340
of any county in the state, upon application made to it by the 15341
division and upon proof made to it by the division of such 15342
failure, may make an order awarding process of subpoena or 15343
subpoena duces tecum for such person to appear and testify before 15344
the division, and may order any person to give testimony and 15345
answer questions, and to produce books, records, or papers, as 15346
required by the division. Upon the filing of such order in the 15347
office of the clerk of the court of common pleas, said clerk, 15348
under the seal of said court, shall issue process of subpoena for 15349
such person to appear before the division at a time and place 15350
named in such subpoena, and thereafter from day to day until the 15351
examination of such person is completed. Such subpoena may contain 15352
a direction that such witness bring with ~~him~~ the witness to such 15353
examination any books, records, or papers mentioned in such 15354
subpoena. Said clerk shall also issue, under the seal of said 15355
court, such other orders, in reference to such examination, 15356
appearance, and production of books, records, or papers, as said 15357
court directs. If any person so summoned by subpoena fails to obey 15358
such subpoena, to give testimony, to answer questions as required, 15359
to produce any books, records, or papers so required, or to obey 15360
an order of the court, the court, on motion supported by proof, 15361
may order an attachment for contempt to be issued against the 15362
person charged with disobedience of any order or injunction issued 15363
by such court under sections 1707.01 to ~~1707.45~~ 1707.50, 15364
inclusive, of the Revised Code. If such person is brought before 15365
the court by virtue of said attachment, and if upon a hearing such 15366
disobedience appears, such court may order such offender to be 15367
committed and kept in close custody. 15368

Sec. 1707.25. In case any person fails to file any statement 15369

or report required by sections 1707.01 to ~~1707.45~~ 1707.50 of the 15370
Revised Code, to obey any subpoena the issuance of which is 15371
provided for in those sections, or to produce books, records, or 15372
papers, give testimony, or answer questions, as required by those 15373
sections, the director of commerce may apply to a court of common 15374
pleas of any county for, and upon proof of such failure the court 15375
may grant, an injunction restraining the acting as an investment 15376
adviser, investment adviser representative, bureau of workers' 15377
compensation chief investment officer, or state retirement system 15378
investment officer, or the issuance, sale, or offer for sale of 15379
any securities by the person or by its agents, employees, 15380
partners, officers, directors, or shareholders, until such failure 15381
has been remedied and other relief as the facts may warrant has 15382
been had. Such injunctive relief is available in addition to the 15383
other remedies provided for in sections 1707.01 to ~~1707.45~~ 1707.50 15384
of the Revised Code. 15385

Where the person refusing to comply with such order of court 15386
is an issuer of securities, the court may enjoin the sale by any 15387
dealer of any securities of the issuer, and the division of 15388
securities may revoke the qualification of the securities of the 15389
issuer, or suspend or revoke the sale of any securities of the 15390
issuer which have been registered by description, and such 15391
securities shall not thereafter be sold by any dealer until the 15392
order of the court or of the division is withdrawn. 15393

Sec. 1707.26. Whenever it appears to the division of 15394
securities, upon complaint or otherwise, that any person has 15395
engaged in, is engaging in, or is about to engage in, any 15396
deceptive, fraudulent, or manipulative act, practice, or 15397
transaction, in violation of sections 1707.01 to ~~1707.45~~ 1707.50 15398
of the Revised Code, the director of commerce may apply to a court 15399
of common pleas of any county in this state for, and upon proof of 15400
any of such offenses such court shall grant an injunction 15401

restraining such person and its agents, employees, partners, 15402
officers, directors, and shareholders from continuing, engaging 15403
in, or doing any acts in furtherance of, such acts, practices, or 15404
transactions, and may order such other equitable relief as the 15405
facts warrant. 15406

Sec. 1707.261. (A) If a court of common pleas grants an 15407
injunction pursuant to section 1707.26 of the Revised Code, after 15408
consultation with the attorney general the director of commerce 15409
may request that court to order the defendant or defendants that 15410
are subject to the injunction to make restitution or rescission to 15411
any purchaser or holder of securities damaged by the defendant's 15412
or defendants' violation of any provision of sections 1707.01 to 15413
~~1707.45~~ 1707.50 of the Revised Code. 15414

(B) If the court of common pleas is satisfied with the 15415
sufficiency of the director's request for restitution or 15416
rescission under division (A) of this section and with the 15417
sufficiency of the proof of a substantial violation of any 15418
provision of sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised 15419
Code, or of the use of any act, practice, or transaction declared 15420
to be illegal or prohibited or defined as fraudulent by those 15421
sections or rules adopted under those sections by the division of 15422
securities, to the material prejudice of a purchaser or holder of 15423
securities, the court may order the defendant or defendants 15424
subject to the injunction to make restitution or rescission to any 15425
purchaser or holder of securities damaged by the defendant's or 15426
defendants' violation of sections 1707.01 to ~~1707.45~~ 1707.50 of 15427
the Revised Code. 15428

(C) A court order granting restitution or rescission based 15429
upon a request made pursuant to division (A) of this section shall 15430
meet the requirements of division (B) of this section and may not 15431
be based solely upon a final order issued by the division of 15432

securities pursuant to Chapter 119. of the Revised Code or upon an 15433
action to enforce a final order issued by the division pursuant to 15434
that chapter. Notwithstanding the foregoing provision, a request 15435
for restitution or rescission pursuant to division (A) of this 15436
section may concern the same acts, practices, or transactions that 15437
were, or may later be, the subject of a division of securities 15438
action for a violation of any provision of sections 1707.01 to 15439
~~1707.45~~ 1707.50 of the Revised Code. If a request for restitution 15440
or rescission pursuant to division (A) of this section concerns 15441
the same acts, practices, or transactions that were the subject of 15442
a final order issued by the division of securities pursuant to 15443
Chapter 119. of the Revised Code, the court shall review the 15444
request in accordance with division (B) of this section, and the 15445
standard of review in section 119.12 of the Revised Code shall not 15446
apply to the request. 15447

(D) No purchaser or holder of securities who is entitled to 15448
restitution or rescission under this section shall recover, 15449
pursuant to this section or any other proceeding, a total amount 15450
in excess of the person's purchase price for the securities sold 15451
in violation of sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised 15452
Code. 15453

(E)(1) If a court of common pleas grants an injunction 15454
pursuant to section 1707.26 of the Revised Code against any state 15455
retirement system investment officer, after consultation with the 15456
attorney general, the director of commerce may request that court 15457
to order the state retirement system investment officer or 15458
officers that are subject to the injunction to make restitution to 15459
the state retirement system damaged by the state retirement system 15460
investment officer's or officers' violation of any provision of 15461
sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised Code. 15462

(2) If the court of common pleas is satisfied with the 15463
sufficiency of the director's request for restitution under 15464

division (E)(1) of this section and with the sufficiency of the 15465
proof of a substantial violation of any provision of sections 15466
1707.01 to ~~1707.45~~ 1707.50 of the Revised Code, or of the use of 15467
any act, practice, or transaction declared to be illegal or 15468
prohibited or defined as fraudulent by those sections or rules 15469
adopted under those sections by the division of securities, to the 15470
material prejudice of a state retirement system, the court may 15471
order the state retirement system investment officer or officers 15472
subject to the injunction to make restitution to the state 15473
retirement system damaged by the state retirement system 15474
investment officer's or officers' violation of sections 1707.01 to 15475
~~1707.45~~ 1707.50 of the Revised Code. A request for restitution 15476
pursuant to division (E)(1) of this section may concern the same 15477
acts, practices, or transactions that were, or may later be, the 15478
subject of a division of securities action for a violation of any 15479
provision of section 1707.01 to ~~1707.45~~ 1707.50 of the Revised 15480
Code. 15481

(F)(1) If a court of common pleas grants an injunction 15482
pursuant to section 1707.26 of the Revised Code against a bureau 15483
of workers' compensation chief investment officer, after 15484
consultation with the attorney general, the director of commerce 15485
may request that court to order the bureau of workers' 15486
compensation chief investment officer who is subject to the 15487
injunction to make restitution to the bureau of workers' 15488
compensation damaged by the bureau of workers' compensation chief 15489
investment officer's violation of any provision of sections 15490
1707.01 to ~~1707.45~~ 1707.50 of the Revised Code. 15491

(2) If the court of common pleas is satisfied with the 15492
sufficiency of the director's request for restitution under 15493
division (F)(1) of this section and with the sufficiency of the 15494
proof of a substantial violation of any provision of sections 15495
1707.01 to ~~1707.45~~ 1707.50 of the Revised Code, or of the use of 15496

any act, practice, or transaction declared to be illegal or 15497
prohibited or defined as fraudulent by those sections or rules 15498
adopted under those sections by the division of securities, to the 15499
material prejudice of the bureau of workers' compensation, the 15500
court may order the bureau of workers' compensation chief 15501
investment officer subject to the injunction to make restitution 15502
to the bureau of workers' compensation damaged by the bureau of 15503
workers' compensation chief investment officer's violation of 15504
sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised Code. A request 15505
for restitution pursuant to division (F)(1) of this section may 15506
concern the same acts, practices, or transactions that were, or 15507
may later be, the subject of a division of securities action for a 15508
violation of any provision of section 1707.01 to ~~1707.45~~ 1707.50 15509
of the Revised Code. 15510

Sec. 1707.27. If the court of common pleas is satisfied with 15511
the sufficiency of the application for a receivership, and of the 15512
sufficiency of the proof of substantial violation of sections 15513
1707.01 to ~~1707.45~~ 1707.50 of the Revised Code, or of the use of 15514
any act, practice, or transaction declared to be illegal or 15515
prohibited, or defined as fraudulent by those sections or rules 15516
adopted under those sections by the division of securities, to the 15517
material prejudice of a purchaser or holder of securities, or 15518
client of an investment adviser or investment adviser 15519
representative, the court may appoint a receiver, for any person 15520
so violating sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised 15521
Code or rules adopted under those sections by the division, with 15522
power to sue for, collect, receive, and take into the receiver's 15523
possession all the books, records, and papers of the person and 15524
all rights, credits, property, and choses in action acquired by 15525
the person by means of any such act, practice, or transaction, and 15526
also all property with which the property has been mingled, if the 15527
property cannot be identified in kind because of the commingling, 15528

and with power to sell, convey, and assign the property, and to 15529
hold and dispose of the proceeds under the direction of the court 15530
of common pleas. The court shall have jurisdiction of all 15531
questions arising in the proceedings and may make orders and 15532
decrees therein as justice and equity require. 15533

Sec. 1707.28. No prosecution or action by the division of 15534
securities or the director of commerce for a violation of any 15535
provision of sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised 15536
Code shall bar any prosecution or action by the division of 15537
securities or the director of commerce, or be barred by any 15538
prosecution or other action, for the violation of any other 15539
provision of any of those sections or of any other statute; but 15540
prosecutions and actions by the division of securities or the 15541
director of commerce for a violation of any provision of sections 15542
1707.01 to ~~1707.45~~ 1707.50 of the Revised Code must be commenced 15543
within five years after the commission of the alleged violation. 15544

Sec. 1707.29. In any prosecution brought under sections 15545
1707.01 to ~~1707.45~~ 1707.50 of the Revised Code, except 15546
prosecutions brought for violation of division (A) of section 15547
1707.042 of the Revised Code, the accused shall be deemed to have 15548
had knowledge of any matter of fact, where in the exercise of 15549
reasonable diligence, ~~he~~ the accused should, prior to the alleged 15550
commission of the offense in question, have secured such 15551
knowledge. 15552

Sec. 1707.30. In any prosecution, action, or proceeding based 15553
upon sections 1707.01 to ~~1707.45~~ 1707.50, inclusive, of the 15554
Revised Code, a certificate signed by the division of securities, 15555
showing the filing of or the failure to file any statement, 15556
description, or application required by such sections, shall 15557
constitute prima-facie evidence of such filing or of such failure 15558

to file, and shall be admissible in evidence in any action at law 15559
or in equity to enforce sections 1707.01 to ~~1707.45~~ 1707.50, 15560
inclusive, of the Revised Code, or to prosecute violations of such 15561
sections. 15562

Sec. 1707.31. Copies of any statements and documents filed in 15563
the office of the division of securities and of any records of the 15564
division, if such copies are certified to by the division, shall 15565
be admissible in any prosecution, action, or proceeding based upon 15566
sections 1707.01 to ~~1707.45~~ 1707.50, inclusive, of the Revised 15567
Code, to the same effect as the originals of such statements, 15568
documents, or records would be. 15569

Sec. 1707.32. If an issuer of securities is incorporated or 15570
organized to make any insurance named in Title XXXIX of the 15571
Revised Code, the superintendent of insurance shall, for all the 15572
purposes of sections 1707.01 to ~~1707.45~~ 1707.50, inclusive, of the 15573
Revised Code, be substituted for the division of securities and 15574
the issuer and the beneficial owners of shares thereof shall be 15575
subject to section 3901.31 of the Revised Code. The superintendent 15576
of insurance shall have over any company disposing or attempting 15577
to dispose of any of its securities within this state the powers 15578
of regulation, supervision, and examination conferred on ~~him~~ the 15579
superintendent by law, with reference to companies licensed to 15580
transact the business of insurance within this state. 15581

No person shall, for the purpose of organizing or promoting 15582
any insurance company, or of assisting in the sale of the 15583
securities of any insurance company after its organization, 15584
dispose or offer to dispose, within this state, of any such 15585
securities, unless the contract of subscription or disposal is in 15586
writing and contains a provision substantially in the following 15587
language: 15588

No sum shall be used for commission, promotion, and organization expenses on account of any share of stock in this company in excess of per cent of the amount actually paid upon separate subscriptions, and the remainder of such payment shall be invested as authorized by the law governing such company and shall be held by the organizers of such company before organization, and by its directors and officers after organization, as bailees for the subscriber, to be used only in the conduct of the business of such company after the company has been licensed and authorized for such business by proper authority.

In lieu of "in excess of per cent of the amount actually paid upon separate subscriptions," the language of such contract may be, "..... dollars per share from every fully paid subscription"; and in lieu of "organizers" it may be "trustees" if such payments are to be held by trustees.

Funds and securities held by such organizers, trustees, directors, or officers, as bailees, shall be deposited with a bank or trust company of this state, or invested as provided in sections 3925.05 and 3925.08 of the Revised Code, until such company has been licensed to transact the business of insurance in this state.

The amount of such commission, promotion, and organization expenses shall in no case exceed fifteen per cent of the amount actually received upon the subscriptions; except that in the case of joint-stock life insurance companies and joint-stock insurance companies other than life, the amount of such commission, promotion, and organization expenses shall in no case exceed ten per cent of the amount actually received upon the subscriptions.

Sec. 1707.34. (A) Sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised Code do not apply to the sale of warehouse receipts for

intoxicating liquor to distillers, to rectifiers, or to any person 15620
engaged in the business of dealing in warehouse receipts. 15621

(B) Warehouse receipts for intoxicating liquor may be sold in 15622
this state in accord with and upon compliance with sections 15623
1707.01 to ~~1707.45~~ 1707.50 of the Revised Code. 15624

Sec. 1707.35. All securities which were "certificated" by the 15625
division of securities before July 22, 1929, are, if the 15626
"certification" remained unrevoked on such date, qualified for all 15627
purposes under sections 1707.01 to ~~1707.45~~ 1707.50, inclusive, of 15628
the Revised Code. 15629

All securities authorized to be sold by reason of the filing 15630
of information relative thereto before July 22, 1929, shall for 15631
all purposes be deemed registered by description under such 15632
sections, but the division shall have the same power to require 15633
further information with respect to the further sale of such 15634
securities as with respect to the further sale of securities 15635
registered by description or by qualification under sections 15636
1707.01 to ~~1707.45~~ 1707.50, inclusive, of the Revised Code. 15637

Sec. 1707.38. The issuance or sale of any security in 15638
violation of sections 1707.01 to ~~1707.45~~ 1707.50, inclusive, of 15639
the Revised Code, does not invalidate such security; but the 15640
rights of persons defrauded by any such issuance or sale shall not 15641
be impaired. 15642

Sec. 1707.39. When any securities have been sold without 15643
compliance with sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised 15644
Code, or any former law in force at the time of such sale, any 15645
interested person may apply in writing to the division of 15646
securities for the qualification of such securities under such 15647
sections. If it appears to the division that no person has been 15648
defrauded, prejudiced, or damaged by such noncompliance or sale 15649

and that no person will be defrauded, prejudiced, or damaged by 15650
such qualification, the division may permit such securities to be 15651
so qualified upon the payment of a fee of one hundred dollars plus 15652
a fee of one-fifth of one per cent of the aggregate price at which 15653
the securities have been sold in this state, which fee shall in no 15654
case be less than one hundred dollars nor more than two thousand 15655
dollars. In addition, the division may require the applicant to 15656
advance sufficient funds to pay the actual expenses of an 15657
examination or investigation by the division, whether to be 15658
conducted in this state or outside this state. An itemized 15659
statement of such expenses shall be furnished to the applicant. 15660

Such qualification shall estop the division from proceeding 15661
under division (D) of section 1707.23 of the Revised Code against 15662
anyone who has violated division (C)(1) of section 1707.44 of the 15663
Revised Code for acts within the scope of the application, or from 15664
proceeding with administrative action pursuant to section 1707.13 15665
of the Revised Code. 15666

Sec. 1707.391. When any securities have been sold in reliance 15667
upon division (Q), (W), (X), or (Y) of section 1707.03 of the 15668
Revised Code, section 1707.08 of the Revised Code, or any other 15669
section of this chapter that the division of securities may 15670
specify by rule, but such reliance was improper because the 15671
required filings were not timely or properly made due to excusable 15672
neglect, upon the effective date of an application made to the 15673
division and payment of any applicable fee, if required and not 15674
already paid, and upon payment of a penalty fee equal to the 15675
greater of the fee or one hundred dollars, the sale of the 15676
securities shall be deemed exempt, qualified, or registered, as 15677
though timely and properly filed. The application shall become 15678
effective upon the expiration of fourteen days after the date of 15679
the filing in question if prior thereto the division did not give 15680
notice to the applicant that the application was denied based on a 15681

finding of lack of excusable neglect. The division shall promptly 15682
adopt and promulgate rules establishing provisions defining 15683
excusable neglect and otherwise establishing reasonable standards 15684
for determining excusable neglect. 15685

The effectiveness of an application under this section does 15686
not relieve anyone who has, other than for excusable neglect, 15687
violated sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised Code, 15688
or any previous law in force at the time of sale, from prosecution 15689
thereunder. 15690

Sec. 1707.40. Except as provided in section 1707.261 of the 15691
Revised Code, sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised 15692
Code create no new civil liabilities, and do not limit or restrict 15693
common law liabilities for deception or fraud other than as 15694
specified in sections 1707.042, 1707.043, 1707.41, 1707.42, and 15695
1707.43 of the Revised Code, and there is no civil liability for 15696
noncompliance with orders, requirements, rules, or regulations 15697
made by the division of securities under sections 1707.19, 15698
1707.20, 1707.201, and 1707.23 of the Revised Code. 15699

Sec. 1707.431. For purposes of this section, the following 15700
persons shall not be deemed to have effected, participated in, or 15701
aided the seller in any way in making, a sale or contract of sale 15702
in violation of sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised 15703
Code: 15704

(A) Any attorney, accountant, or engineer whose performance 15705
is incidental to the practice of the person's profession; 15706

(B) Any person, other than an investment adviser, investment 15707
adviser representative, bureau of workers' compensation chief 15708
investment officer, or state retirement system investment officer, 15709
who brings any issuer together with any potential investor, 15710
without receiving, directly or indirectly, a commission, fee, or 15711

other remuneration based on the sale of any securities by the issuer to the investor. Remuneration received by the person solely for the purpose of offsetting the reasonable out-of-pocket costs incurred by the person shall not be deemed a commission, fee, or other remuneration.

Any person claiming exemption under this division for a publicly advertised meeting shall file a notice with the division of securities indicating an intent to cause or hold such a meeting at least twenty-one days prior to the meeting. The division may, upon receipt of such notice, issue an order denying the availability of an exemption under this division not more than fourteen days after receipt of the notice based on a finding that the applicant is not entitled to the exemption. Notwithstanding the notice described in this section, a failure to file the notice does not create a presumption that a person was participating in or aiding in the making of a sale or contract of sale in violation of this chapter.

(C) Any person whom the division exempts from this provision by rule.

Sec. 1707.44. (A)(1) No person shall engage in any act or practice that violates division (A), (B), or (C) of section 1707.14 of the Revised Code, and no salesperson shall sell securities in this state without being licensed pursuant to section 1707.16 of the Revised Code.

(2) No person shall engage in any act or practice that violates division (A) of section 1707.141 or section 1707.161 of the Revised Code.

(3) No person shall engage in any act or practice that violates section 1707.162 of the Revised Code.

(4) No person shall engage in any act or practice that

violates section 1707.164 of the Revised Code. 15742

(5) No person shall knowingly engage in any act or practice 15743
that violates division (A) of section 1707.054 or section 1707.055 15744
of the Revised Code. 15745

(B) No person shall knowingly make or cause to be made any 15746
false representation concerning a material and relevant fact, in 15747
any oral statement or in any prospectus, circular, description, 15748
application, or written statement, for any of the following 15749
purposes: 15750

(1) Registering securities or transactions, or exempting 15751
securities or transactions from registration, under this chapter; 15752

(2) Securing the qualification of any securities under this 15753
chapter; 15754

(3) Procuring the licensing of any dealer, salesperson, 15755
investment adviser, investment adviser representative, bureau of 15756
workers' compensation chief investment officer, ~~or~~ state 15757
retirement system investment officer, or portal operator as 15758
defined in section 1707.05 of the Revised Code under this chapter; 15759

(4) Selling any securities in this state; 15760

(5) Advising for compensation, as to the value of securities 15761
or as to the advisability of investing in, purchasing, or selling 15762
securities; 15763

(6) Submitting a notice filing to the division under division 15764
(X) of section 1707.03 or section 1707.092 or 1707.141 of the 15765
Revised Code. 15766

(C) No person shall knowingly sell, cause to be sold, offer 15767
for sale, or cause to be offered for sale, any security which 15768
comes under any of the following descriptions: 15769

(1) Is not exempt under section 1707.02 of the Revised Code, 15770
nor the subject matter of one of the transactions exempted in 15771

section 1707.03, 1707.04, or 1707.34 of the Revised Code, has not
been registered by coordination or qualification, and is not the
subject matter of a transaction that has been registered by
description;

(2) The prescribed fees for registering by description, by
coordination, or by qualification have not been paid in respect to
such security;

(3) The person has been notified by the division, or has
knowledge of the notice, that the right to buy, sell, or deal in
such security has been suspended or revoked, or that the
registration by description, by coordination, or by qualification
under which it may be sold has been suspended or revoked;

(4) The offer or sale is accompanied by a statement that the
security offered or sold has been or is to be in any manner
indorsed by the division.

(D) No person who is an officer, director, or trustee of, or
a dealer, or portal operator for, any issuer, and who knows such
issuer to be insolvent in that the liabilities of the issuer
exceed its assets, shall sell any securities of or for any such
issuer, without disclosing the fact of the insolvency to the
purchaser.

(E) No person with intent to aid in the sale of any
securities on behalf of the issuer, shall knowingly make any
representation not authorized by such issuer or at material
variance with statements and documents filed with the division by
such issuer.

(F) No person, with intent to deceive, shall sell, cause to
be sold, offer for sale, or cause to be offered for sale, any
securities of an insolvent issuer, with knowledge that such issuer
is insolvent in that the liabilities of the issuer exceed its
assets, taken at their fair market value.

(G) No person in purchasing or selling securities shall 15803
knowingly engage in any act or practice that is, in this chapter, 15804
declared illegal, defined as fraudulent, or prohibited. 15805

(H) No licensed dealer shall refuse to buy from, sell to, or 15806
trade with any person because the person appears on a blacklist 15807
issued by, or is being boycotted by, any foreign corporate or 15808
governmental entity, nor sell any securities of or for any issuer 15809
who is known in relation to the issuance or sale of the securities 15810
to have engaged in such practices. 15811

(I) No dealer in securities, knowing that the dealer's 15812
liabilities exceed the reasonable value of the dealer's assets, 15813
shall accept money or securities, except in payment of or as 15814
security for an existing debt, from a customer who is ignorant of 15815
the dealer's insolvency, and thereby cause the customer to lose 15816
any part of the customer's securities or the value of those 15817
securities, by doing either of the following without the 15818
customer's consent: 15819

(1) Pledging, selling, or otherwise disposing of such 15820
securities, when the dealer has no lien on or any special property 15821
in such securities; 15822

(2) Pledging such securities for more than the amount due, or 15823
otherwise disposing of such securities for the dealer's own 15824
benefit, when the dealer has a lien or indebtedness on such 15825
securities. 15826

It is an affirmative defense to a charge under this division 15827
that, at the time the securities involved were pledged, sold, or 15828
disposed of, the dealer had in the dealer's possession or control, 15829
and available for delivery, securities of the same kinds and in 15830
amounts sufficient to satisfy all customers entitled to the 15831
securities, upon demand and tender of any amount due on the 15832
securities. 15833

(J) No person, with purpose to deceive, shall make, issue, 15834
publish, or cause to be made, issued, or published any statement 15835
or advertisement as to the value of securities, or as to alleged 15836
facts affecting the value of securities, or as to the financial 15837
condition of any issuer of securities, when the person knows that 15838
the statement or advertisement is false in any material respect. 15839

(K) No person, with purpose to deceive, shall make, record, 15840
or publish or cause to be made, recorded, or published, a report 15841
of any transaction in securities which is false in any material 15842
respect. 15843

(L) No dealer shall engage in any act that violates the 15844
provisions of section 15(c) or 15(g) of the "Securities Exchange 15845
Act of 1934," 48 Stat. 881, 15 U.S.C.A. 78o(c) or (g), or any rule 15846
or regulation promulgated by the securities and exchange 15847
commission thereunder. 15848

(M)(1) No investment adviser or investment adviser 15849
representative shall do any of the following: 15850

(a) Employ any device, scheme, or artifice to defraud any 15851
person; 15852

(b) Engage in any act, practice, or course of business that 15853
operates or would operate as a fraud or deceit upon any person; 15854

(c) In acting as principal for the investment adviser's or 15855
investment adviser representative's own account, knowingly sell 15856
any security to or purchase any security from a client, or in 15857
acting as salesperson for a person other than such client, 15858
knowingly effect any sale or purchase of any security for the 15859
account of such client, without disclosing to the client in 15860
writing before the completion of the transaction the capacity in 15861
which the investment adviser or investment adviser representative 15862
is acting and obtaining the consent of the client to the 15863
transaction. Division (M)(1)(c) of this section does not apply to 15864

any investment adviser registered with the securities and exchange 15865
commission under section 203 of the "Investment Advisers Act of 15866
1940," 15 U.S.C. 80b-3, or to any transaction with a customer of a 15867
licensed dealer or salesperson if the licensed dealer or 15868
salesperson is not acting as an investment adviser or investment 15869
adviser representative in relation to the transaction. 15870

(d) Engage in any act, practice, or course of business that 15871
is fraudulent, deceptive, or manipulative. The division of 15872
securities may adopt rules reasonably designed to prevent acts, 15873
practices, or courses of business that are fraudulent, deceptive, 15874
or manipulative. 15875

(2) No investment adviser or investment adviser 15876
representative licensed or required to be licensed under this 15877
chapter shall take or have custody of any securities or funds of 15878
any person, except as provided in rules adopted by the division. 15879

(3) In the solicitation of clients or prospective clients, no 15880
person shall make any untrue statement of a material fact or omit 15881
to state a material fact necessary in order to make the statements 15882
made not misleading in light of the circumstances under which the 15883
statements were made. 15884

(N) No person knowingly shall influence, coerce, manipulate, 15885
or mislead any person engaged in the preparation, compilation, 15886
review, or audit of financial statements to be used in the 15887
purchase or sale of securities for the purpose of rendering the 15888
financial statements materially misleading. 15889

(O) No state retirement system investment officer shall do 15890
any of the following: 15891

(1) Employ any device, scheme, or artifice to defraud any 15892
state retirement system; 15893

(2) Engage in any act, practice, or course of business that 15894
operates or would operate as a fraud or deceit on any state 15895

retirement system;	15896
(3) Engage in any act, practice, or course of business that is fraudulent, deceptive, or manipulative. The division of securities may adopt rules reasonably designed to prevent such acts, practices, or courses of business as are fraudulent, deceptive, or manipulative;	15897 15898 15899 15900 15901
(4) Knowingly fail to comply with any policy adopted regarding the officer established pursuant to section 145.094, 742.104, 3307.043, 3309.043, or 5505.065 of the Revised Code.	15902 15903 15904
(P) No bureau of workers' compensation chief investment officer shall do any of the following:	15905 15906
(1) Employ any device, scheme, or artifice to defraud the workers' compensation system;	15907 15908
(2) Engage in any act, practice, or course of business that operates or would operate as a fraud or deceit on the workers' compensation system;	15909 15910 15911
(3) Engage in any act, practice, or course of business that is fraudulent, deceptive, or manipulative. The division of securities may adopt rules reasonably designed to prevent such acts, practices, or courses of business as are fraudulent, deceptive, or manipulative;	15912 15913 15914 15915 15916
(4) Knowingly fail to comply with any policy adopted regarding the officer established pursuant to section 4123.441 of the Revised Code.	15917 15918 15919
<u>(O)(1) No portal operator shall knowingly do any of the following:</u>	15920 15921
<u>(a) Employ any device, scheme, or artifice to defraud;</u>	15922
<u>(b) Engage in any act, practice, or course of business that operates as a fraud or deceit;</u>	15923 15924
<u>(c) Engage in any act, practice, or course of business that</u>	15925

is fraudulent, deceptive, or manipulative. 15926

(2) The division of securities may adopt rules reasonably 15927
designed to prevent such acts, practices, or courses of business 15928
that are fraudulent, deceptive, or manipulative. 15929

Sec. 1707.50. (A) As used in this section, "violation" means 15930
a violation of any provision of this chapter in connection with 15931
the sale of securities under sections 1707.05 to 1707.058 of the 15932
Revised Code where the filing is made pursuant to division (K) of 15933
section 1707.051 of the Revised Code and the securities are sold 15934
through an OhioInvests portal. 15935

(B)(1) If the division of securities finds, after notice and 15936
opportunity for a hearing in accordance with Chapter 119. of the 15937
Revised Code, that any person has committed a violation, the 15938
division may, in its discretion and in addition to or in lieu of 15939
any other remedy or sanction provided in this chapter, order the 15940
payment of an administrative penalty of up to one thousand dollars 15941
per violation, provided that the total penalty shall not exceed 15942
the total amount of the OhioInvests offering or offerings involved 15943
in the violation. 15944

(2) All administrative penalties collected by the division 15945
under division (B)(1) of this section shall be deposited into the 15946
state treasury to the credit of the division of securities 15947
investor education and enforcement expense fund created in section 15948
1707.37 of the Revised Code. 15949

(C)(1) A purchaser may commence an individual or putative 15950
class action to seek recovery of the civil penalty provided for 15951
under division (C)(2) of this section for an alleged violation if 15952
all of the following requirements are met: 15953

(a) The purchaser or the purchaser's representative brings 15954
the action within two years after commission of the alleged 15955

violation or within two years after the purchaser discovered or should have discovered the ground for the violation, whichever is later. 15956
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(b) Not later than ten days after the commencement of the action, the purchaser or purchaser's representative mails to the division, by certified mail, a file-stamped copy of the complaint that includes the case number assigned by the court. 15959
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(c) Not later than ten days from a judgment becoming final and any subsequent appeals becoming final, the purchaser or purchaser's representative mails to the division, by certified mail, a file-stamped copy of the final judgment and appellate decisions. 15963
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(2) The civil penalty provided for under this section shall be as follows: 15968
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(a) One hundred dollars per violation, if at the time of the violation the total amount of money raised in the OhioInvests offering is less than twenty-five thousand dollars, provided that the total penalty shall not exceed the total amount of the OhioInvests offering or offerings involved in the violation. 15970
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(b) Two hundred fifty dollars per violation, if at the time of the violation the total amount of money raised in the OhioInvests offering is twenty-five thousand dollars or more, provided that the total penalty shall not exceed the total amount of the OhioInvests offering or offerings involved in the violation. 15975
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(3) In any civil action by a purchaser or purchaser's representative seeking recovery of a civil penalty under this section, a court may award a lesser amount than the amount specified in division (C)(2) of this section if, based on the facts and circumstances of the particular case, to do otherwise would result in an award that is unjust, arbitrary and oppressive. 15981
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or confiscatory. 15987

(4) Civil penalties recovered by a purchaser or purchasers in accordance with this section shall be distributed as follows: 15988

(a) Twenty-five per cent to the state to be deposited into the state treasury to the credit of the general revenue fund and set aside for payment of debt service on outstanding bonds that are direct obligations of the state; 15990

(b) Seventy-five per cent to the purchaser, purchasers, or purchaser class. 15994

(5) Purchasers or purchaser classes that prevail in a civil action brought under this section shall be entitled to reasonable attorney's fees and costs in the action as determined by the court. 15996

(6) Nothing in division (C) of this section shall preclude a purchaser or purchaser's representative from also proceeding with a cause of action otherwise available under any other provision of this chapter or other theory of law. 16000

(D) No person shall knowingly engage in any act, practice, or course of business that would interfere with a purchaser's ability to bring an individual or putative class action pursuant to division (C) of this section. 16004

(E) Nothing in this section shall be construed to alter or limit the authority of the division under any other provision of this chapter, including but not limited to the ability of the division to investigate or prosecute any complaints or allegations under this chapter. Upon timely application, the division may intervene as of right on behalf of the state in any private action or appeal that is pending under this section. 16008

(F) The division may adopt rules in accordance with Chapter 119. of the Revised Code to implement the provisions of this 16015

section. 16017

Sec. 1707.99. Whoever commits any act described in division 16018
(A) of section 1707.042 or section 1707.44 of the Revised Code is 16019
guilty of a violation of sections 1707.01 to ~~1707.45~~ 1707.50 of 16020
the Revised Code and the following apply to the offender: 16021

(A) If the value of the funds or securities involved in the 16022
offense or the loss to the victim is less than one thousand 16023
dollars, the offender is guilty of a felony of the fifth degree, 16024
and the court may impose upon the offender an additional fine of 16025
not more than two thousand five hundred dollars. 16026

(B) If the value of the funds or securities involved in the 16027
offense or the loss to the victim is one thousand dollars or more 16028
but less than seven thousand five hundred dollars, the offender is 16029
guilty of a felony of the fourth degree, and the court may impose 16030
upon the offender an additional fine of not more than five 16031
thousand dollars. 16032

(C) If the value of the funds or securities involved in the 16033
offense or the loss to the victim is seven thousand five hundred 16034
dollars or more but less than thirty-seven thousand five hundred 16035
dollars, the offender is guilty of a felony of the third degree, 16036
and the court may impose upon the offender an additional fine of 16037
not more than ten thousand dollars. 16038

(D) If the value of the funds or securities involved in the 16039
offense or the loss to the victim is thirty-seven thousand five 16040
hundred dollars or more but less than one hundred fifty thousand 16041
dollars, the offender is guilty of a felony of the second degree, 16042
and the court may impose upon the offender an additional fine of 16043
not more than fifteen thousand dollars. 16044

(E) If the value of the funds or securities involved in the 16045
offense or the loss to the victim is one hundred fifty thousand 16046

dollars or more, the offender is guilty of a felony of the first 16047
degree, and the court may impose upon the offender an additional 16048
fine of not more than twenty thousand dollars. 16049

Sec. 1711.52. (A) The advisory council on amusement ride 16050
safety shall do both of the following: 16051

~~(A)(1)~~ Study any subject pertaining to amusement ride safety, 16052
including administrative, engineering, and technical subjects, and 16053
make findings and recommendations to the director of agriculture 16054
in accordance with division (B) of this section; 16055

~~(B)(2)~~ Prior to the adoption of any rules or amendments to 16056
those rules under division (B) of section 1711.53 and division (B) 16057
of section 1711.551 of the Revised Code, study the proposed rules 16058
to be adopted by the director regarding amusement ride safety, 16059
advise the director, and make findings and recommendations to the 16060
director in accordance with division (B) of this section. 16061

~~(C) Not later than December 31, 2006, prepare and submit a 16062
report to the governor, the speaker and the minority leader of the 16063
house of representatives, the president and the minority leader of 16064
the senate, and the director concerning the advisory council's 16065
recommendations for alternative funding sources for the amusement 16066
ride safety program established under this chapter.~~ (B) Prior to 16067
submitting any findings or recommendations, the advisory council 16068
shall vote on whether to submit such findings or recommendations 16069
to the director. The advisory council shall submit only those 16070
findings and recommendations that receive a majority vote of the 16071
advisory council. 16072

(C) The director shall make available to the advisory council 16073
any information, reports, and studies requested by the advisory 16074
council. 16075

Sec. 1711.53. (A)(1) No person shall operate an amusement 16076

ride within the state without a permit issued by the director of 16077
agriculture under division (A)(2) of this section. The owner of an 16078
amusement ride, whether the ride is a temporary amusement ride or 16079
a permanent amusement ride, who desires to operate the amusement 16080
ride within the state shall, prior to the operation of the 16081
amusement ride and annually thereafter, submit to the department 16082
of agriculture an application for a permit, together with the 16083
appropriate permit and inspection fee, on a form to be furnished 16084
by the department. Prior to issuing any permit the department 16085
shall, within thirty days after the date on which it receives the 16086
application, inspect each amusement ride described in the 16087
application. The owner of an amusement ride shall have the 16088
amusement ride ready for inspection not later than two hours after 16089
the time that is requested by the person for the inspection. 16090

(2) For each amusement ride found to comply with the rules 16091
adopted by the director under division (B) of this section and 16092
division (B) of section 1711.551 of the Revised Code, the director 16093
shall issue an annual permit, provided that evidence of liability 16094
insurance coverage for the amusement ride as required by section 16095
1711.54 of the Revised Code is on file with the department. 16096

(3) The director shall issue with each permit a decal 16097
indicating that the amusement ride has been issued the permit. The 16098
owner of the amusement ride shall affix the decal on the ride at a 16099
location where the decal is easily visible to the patrons of the 16100
ride. A copy of the permit shall be kept on file at the same 16101
address as the location of the amusement ride identified on the 16102
permit, and shall be made available for inspection, upon 16103
reasonable demand, by any person. An owner may operate an 16104
amusement ride prior to obtaining a permit, provided that the 16105
operation is for the purpose of testing the amusement ride or 16106
training amusement ride operators and other employees of the owner 16107
and the amusement ride is not open to the public. 16108

(B) The director, in accordance with Chapter 119. of the 16109
Revised Code, shall adopt rules providing for a schedule of fines, 16110
with no fine exceeding five thousand dollars, for violations of 16111
sections 1711.50 to 1711.57 of the Revised Code or any rules 16112
adopted under this division and for the classification of 16113
amusement rides and rules for the safe operation and inspection of 16114
all amusement rides as are necessary for amusement ride safety and 16115
for the protection of the general public. Rules adopted by the 16116
director for the safe operation and inspection of amusement rides 16117
shall be reasonable and based upon generally accepted engineering 16118
standards and practices. In adopting rules under this section, the 16119
director may adopt by reference, in whole or in part, the national 16120
fire code or the national electrical code (NEC) prepared by the 16121
national fire protection association, the standards of the 16122
American society for testing and materials (ASTM) or the American 16123
national standards institute (ANSI), or any other principles, 16124
tests, or standards of nationally recognized technical or 16125
scientific authorities. Insofar as is practicable and consistent 16126
with sections 1711.50 to 1711.57 of the Revised Code, rules 16127
adopted under this division shall be consistent with the rules of 16128
other states. The department shall cause sections 1711.50 to 16129
1711.57 of the Revised Code and the rules adopted in accordance 16130
with this division and division (B) of section 1711.551 of the 16131
Revised Code to be published in pamphlet form and a copy to be 16132
furnished without charge to each owner of an amusement ride who 16133
holds a current permit or is an applicant therefor. 16134

(C) With respect to an application for a permit for an 16135
amusement ride, an owner may apply to the director for a waiver or 16136
modification of any rule adopted under division (B) of this 16137
section if there are practical difficulties or unnecessary 16138
hardships for the amusement ride to comply with the rules. Any 16139
application shall set forth the reasons for the request. The 16140
director, with the approval of the advisory council on amusement 16141

ride safety, may waive or modify the application of a rule to any 16142
amusement ride if the public safety is secure. Any authorization 16143
by the director under this division shall be in writing and shall 16144
set forth the conditions under which the waiver or modification is 16145
authorized, and the department shall retain separate records of 16146
all proceedings under this division. 16147

(D)(1) The director shall employ and provide for training of 16148
a chief inspector and additional inspectors and employees as may 16149
be necessary to administer and enforce sections 1711.50 to 1711.57 16150
of the Revised Code. The director may appoint or contract with 16151
other persons to perform inspections of amusement rides, provided 16152
that the persons meet the qualifications for inspectors 16153
established by rules adopted under division (B) of this section 16154
and are not owners, or employees of owners, of any amusement ride 16155
subject to inspection under sections 1711.50 to 1711.57 of the 16156
Revised Code. No person shall inspect an amusement ride who, 16157
within six months prior to the date of inspection, was an employee 16158
of the owner of the ride. 16159

(2) Before the director contracts with other persons to 16160
inspect amusement rides, the director shall seek the advice of the 16161
advisory council on amusement ride safety on whether to contract 16162
with those persons. The advice shall not be binding upon the 16163
director. After having received the advice of the council, the 16164
director may proceed to contract with inspectors in accordance 16165
with the procedures specified in division (E)(2) of section 16166
1711.11 of the Revised Code. 16167

(3) With the advice and consent of the advisory council on 16168
amusement ride safety, the director may employ a special 16169
consultant to conduct an independent investigation of an amusement 16170
ride accident. This consultant need not be in the civil service of 16171
the state, but shall have qualifications to conduct the 16172
investigation acceptable to the council. 16173

(E)(1) Except as otherwise provided in division (E)(1) of		16174
this section, the department shall charge the following amusement		16175
ride fees:		16176
Permit	\$ 150	16177
	<u>225</u>	
Annual inspection and reinspection per ride:		16178
Kiddie rides	\$ 100	16179
	<u>150</u>	
Roller coaster	\$ 1,200	16180
	<u>1,250</u>	
Aerial lifts or bungee jumping facilities	\$ 450	16181
	<u>500</u>	
Go karts, per kart	\$ 5	16182
		16183
Other rides	\$ 160	16184
	<u>210</u>	
Midseason operational inspection per ride	\$ 25	16185
Expedited inspection per ride	\$ 100	16186
Failure to cancel scheduled inspection per ride	\$ 100	16187
Failure to have amusement ride ready for inspection		16188
per ride	\$ 100	16189
The go kart inspection fee is in addition to the inspection		16190
fee for the go kart track.		16191
The director shall adopt rules in accordance with Chapter		16192
119. of the Revised Code establishing an annual fee that is less		16193
than one hundred five <u>fifty-four</u> dollars for an inspection and		16194
reinspection of an inflatable ride. In adopting the rules, the		16195
director shall ensure that the fee reasonably reflects the costs		16196
of inspection and reinspection of an inflatable ride. If the		16197
director issues a permit for an inflatable ride for a time period		16198
of less than one year, the director shall charge a prorated fee		16199
for the permit equal to one-twelfth of the annual permit fee		16200

multiplied by the number of full months for which the permit is issued. 16201
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The fees for an expedited inspection, failure to cancel a scheduled inspection, and failure to have an amusement ride ready for inspection do not apply to go karts. 16203
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As used in division (E)(1) of this section, "expedited inspection" means an inspection of an amusement ride by the department not later than ten days after the owner of the amusement ride files an application for a permit under this section. 16206
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(2) All fees and fines collected by the department under sections 1711.50 to 1711.57 of the Revised Code shall be deposited in the state treasury to the credit of the amusement ride inspection fund, which is hereby created, and shall be used only for the purpose of administering and enforcing sections 1711.11 and 1711.50 to 1711.57 of the Revised Code. 16211
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(3) The owner of an amusement ride shall be required to pay a reinspection fee only if the reinspection was conducted at the owner's request under division (F) of this section, if the reinspection is required by division (F) of this section because of an accident, or if the reinspection is required by division (F) of section 1711.55 of the Revised Code. If a reinspection is conducted at the request of the chief officer of a fair, festival, or event where the ride is operating, the reinspection fee shall be charged to the fair, festival, or event. 16217
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(4) The rules adopted under division (B) of this section shall define "roller coaster," "aerial lifts," "go karts," and "other rides" for purposes of determining the fees under division (E) of this section. The rules shall define "other rides" to include go kart tracks. 16226
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(F) A reinspection of an amusement ride shall take place if 16231

an accident occurs, if the owner of the ride or the chief officer 16232
of the fair, festival, or event where the ride is operating 16233
requests a reinspection, or if the reinspection is required by 16234
division (F) of section 1711.55 of the Revised Code. 16235

(G) As a supplement to its annual inspection of a temporary 16236
amusement ride, the department may inspect the ride during each 16237
scheduled event, as listed in the schedule of events provided to 16238
the department by the owner pursuant to division (C) of section 16239
1711.55 of the Revised Code, at which the ride is operated in this 16240
state. These supplemental inspections are in addition to any other 16241
inspection or reinspection of the ride as may be required under 16242
sections 1711.50 to 1711.57 of the Revised Code, and the owner of 16243
the temporary amusement ride is not required to pay an inspection 16244
or reinspection fee for this supplemental inspection. Nothing in 16245
this division shall be construed to prohibit the owner of a 16246
temporary amusement ride having a valid permit to operate in this 16247
state from operating the ride at a scheduled event before the 16248
department conducts a supplemental inspection. 16249

(H) The department may annually conduct a midseason 16250
operational inspection of every amusement ride upon which it 16251
conducts an annual inspection pursuant to division (A) of this 16252
section. The midseason operational inspection is in addition to 16253
any other inspection or reinspection of the amusement ride as may 16254
be required pursuant to sections 1711.50 to 1711.57 of the Revised 16255
Code. The owner of an amusement ride shall submit to the 16256
department, at the time determined by the department, the 16257
midseason operational inspection fee specified in division (E) of 16258
this section. The director, in accordance with Chapter 119. of the 16259
Revised Code, shall adopt rules specifying the time period during 16260
which the department will conduct midseason operational 16261
inspections. 16262

Sec. 1711.532. Not later than November 1, 2019, and annually thereafter, the director of agriculture shall submit a detailed financial report to the speaker of the house of representatives and to the president of the senate that includes all of the following information applicable to the twelve months immediately preceding the report's submission: 16263
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(A) The revenue from fees collected under section 1711.53 of the Revised Code and any other revenue collected for the amusement ride safety program; 16269
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(B) Expenses relating to the operation of the department of agriculture's amusement ride safety program established under sections 1711.50 to 1711.57 of the Revised Code; 16272
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(C) Any proposed changes to the fee schedule established under section 1711.53 of the Revised Code that the director determines are necessary for purposes of issuing amusement ride permits and conducting amusement ride inspections and reinspections; 16275
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(D) The amount expended from any appropriations made for the department of agriculture's amusement ride safety program; 16280
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(E) Any additional revenue that the director determines is necessary to meet the expenses of the amusement ride safety program during the twelve months immediately following the submission of the report; 16282
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(F) Any other information that the director determines is necessary to include in the report. 16286
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Sec. 1713.032. On or after December 31, 2019, the chancellor of higher education shall not grant or renew a certificate of authorization under this chapter to a regionally accredited private, nonprofit institution of higher education that was created by the governors of several states. 16288
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Sec. 1724.02. (A) In furtherance of the purposes set forth in 16293
section 1724.01 of the Revised Code, a community improvement 16294
corporation shall have the following powers: 16295

(1)(a) To borrow money for any of the purposes of the 16296
community improvement corporation by means of loans, lines of 16297
credit, or any other financial instruments or securities, 16298
including the issuance of its bonds, debentures, notes, or other 16299
evidences of indebtedness, whether secured or unsecured, and to 16300
secure the same by mortgage, pledge, deed of trust, or other lien 16301
on its property, franchises, rights, and privileges of every kind 16302
and nature or any part thereof or interest therein; and 16303

(b) If the community improvement corporation is a county land 16304
reutilization corporation, the corporation may request, by 16305
resolution: 16306

(i) That the board of county commissioners of the county 16307
served by the corporation pledge a specifically identified source 16308
or sources of revenue pursuant to division (C) of section 307.78 16309
of the Revised Code as security for such borrowing by the 16310
corporation; and 16311

(ii)(I) If the land subject to reutilization is located 16312
within an unincorporated area of the county, that the board of 16313
county commissioners issue notes under section 307.082 of the 16314
Revised Code for the purpose of constructing public infrastructure 16315
improvements and take other actions as the board determines are in 16316
the interest of the county and are authorized under sections 16317
5709.78 to 5709.81 of the Revised Code or bonds or notes under 16318
section 5709.81 of the Revised Code for the refunding purposes set 16319
forth in that section; or 16320

(II) If the land subject to reutilization is located within 16321
the corporate boundaries of a municipal corporation, that the 16322
municipal corporation issue bonds for the purpose of constructing 16323

public infrastructure improvements and take such other actions as 16324
the municipal corporation determines are in its interest and are 16325
authorized under sections 5709.40 to 5709.43 of the Revised Code. 16326

(2) To make loans to any person, firm, partnership, 16327
corporation, joint stock company, association, or trust, and to 16328
establish and regulate the terms and conditions with respect to 16329
any such loans; provided that an economic development corporation 16330
shall not approve any application for a loan unless and until the 16331
person applying for said loan shows that the person has applied 16332
for the loan through ordinary banking or commercial channels and 16333
that the loan has been refused by at least one bank or other 16334
financial institution. Nothing in this division shall preclude a 16335
county land reutilization corporation from making revolving loans 16336
to community development corporations, private entities, or any 16337
person for the purposes contained in the corporation's plan under 16338
section 1724.10 of the Revised Code. 16339

(3) To purchase, receive, hold, manage, lease, 16340
lease-purchase, or otherwise acquire and to sell, convey, 16341
transfer, lease, sublease, or otherwise dispose of real and 16342
personal property, together with such rights and privileges as may 16343
be incidental and appurtenant thereto and the use thereof, 16344
including but not restricted to, any real or personal property 16345
acquired by the community improvement corporation from time to 16346
time in the satisfaction of debts or enforcement of obligations, 16347
and to enter into contracts with third parties, including the 16348
federal government, the state, any political subdivision, or any 16349
other entity. A county land reutilization corporation shall not 16350
acquire an interest in real property if such acquisition causes 16351
the number of occupied real properties held by the corporation to 16352
exceed the greater of either fifty properties or twenty-five per 16353
cent of all real property held by the corporation for 16354
reutilization, reclamation, or rehabilitation. For the purposes of 16355

this division, "occupied real properties" includes all real 16356
properties that are not unoccupied as that term is defined in 16357
section 323.65 of the Revised Code. 16358

(4) To acquire the good will, business, rights, real and 16359
personal property, and other assets, or any part thereof, or 16360
interest therein, of any persons, firms, partnerships, 16361
corporations, joint stock companies, associations, or trusts, and 16362
to assume, undertake, or pay the obligations, debts, and 16363
liabilities of any such person, firm, partnership, corporation, 16364
joint stock company, association, or trust; to acquire, reclaim, 16365
manage, or contract for the management of improved or unimproved 16366
and underutilized real estate for the purpose of constructing 16367
industrial plants, other business establishments, or housing 16368
thereon, or causing the same to occur, for the purpose of 16369
assembling and enhancing utilization of the real estate, or for 16370
the purpose of disposing of such real estate to others in whole or 16371
in part for the construction of industrial plants, other business 16372
establishments, or housing; and to acquire, reclaim, manage, 16373
contract for the management of, construct or reconstruct, alter, 16374
repair, maintain, operate, sell, convey, transfer, lease, 16375
sublease, or otherwise dispose of industrial plants, business 16376
establishments, or housing. 16377

(5) To acquire, subscribe for, own, hold, sell, assign, 16378
transfer, mortgage, pledge, or otherwise dispose of the stock, 16379
shares, bonds, debentures, notes, or other securities and 16380
evidences of interest in, or indebtedness of, any person, firm, 16381
corporation, joint stock company, association, or trust, and while 16382
the owner or holder thereof, to exercise all the rights, powers, 16383
and privileges of ownership, including the right to vote therein, 16384
provided that no tax revenue, if any, received by a community 16385
improvement corporation shall be used for such acquisition or 16386
subscription. 16387

(6) To mortgage, pledge, or otherwise encumber any property 16388
acquired pursuant to the powers contained in division (A)(3), (4), 16389
or (5) of this section. 16390

(7) Nothing in this section shall limit the right of a 16391
community improvement corporation to become a member of or a 16392
stockholder in a corporation formed under Chapter 1726. of the 16393
Revised Code. 16394

(8) To serve as an agent for grant applications and for the 16395
administration of grants, or to make applications as principal for 16396
grants for county land reutilization corporations. 16397

(9) To exercise the powers enumerated under Chapter 5722. of 16398
the Revised Code on behalf of a county that organizes or contracts 16399
with a county land reutilization corporation. 16400

(10) To engage in code enforcement and nuisance abatement, 16401
including, but not limited to, cutting grass and weeds, boarding 16402
up vacant or abandoned structures, and demolishing condemned 16403
structures on properties that are subject to a delinquent tax or 16404
assessment lien, or property for which a municipal corporation or 16405
township has contracted with a county land reutilization 16406
corporation to provide code enforcement or nuisance abatement 16407
assistance. 16408

(11) To charge fees or exchange in-kind goods or services for 16409
services rendered to political subdivisions and other persons or 16410
entities for whom services are rendered. 16411

(12) To employ and provide compensation for an executive 16412
director who shall manage the operations of a county land 16413
reutilization corporation and employ others for the benefit of the 16414
corporation as approved and funded by the board of directors. No 16415
employee of the corporation is or shall be deemed to be an 16416
employee of the political subdivision for whose benefit the 16417
corporation is organized solely because the employee is employed 16418

by the corporation.	16419
(13) To purchase tax certificates at auction, negotiated sale, or from a third party who purchased and is a holder of one or more tax certificates issued pursuant to sections 5721.30 to 5721.43 of the Revised Code.	16420 16421 16422 16423
(14) To be assigned a mortgage on real property from a mortgagee in lieu of acquiring such real property subject to a mortgage.	16424 16425 16426
(15) <u>To act as a portal operator for purposes of an OhioInvests offering under sections 1707.05 to 1707.058 of the Revised Code.</u>	16427 16428 16429
(16) To do all acts and things necessary or convenient to carry out the purposes of section 1724.01 of the Revised Code and the powers especially created for a community improvement corporation in Chapter 1724. of the Revised Code, including, but not limited to, contracting with the federal government, the state or any political subdivision, a board of county commissioners pursuant to section 307.07 of the Revised Code, a county auditor pursuant to section 319.10 of the Revised Code, a county treasurer pursuant to section 321.49 of the Revised Code, and any other party, whether nonprofit or for-profit. An employee of a board of county commissioners, county auditor, or county treasurer who, pursuant to a contract entered into in accordance with section 307.07, 319.10, or 321.49 of the Revised Code, provides services to a county land reutilization corporation shall remain an employee of the county during the provision of those services.	16430 16431 16432 16433 16434 16435 16436 16437 16438 16439 16440 16441 16442 16443 16444
(B) The powers enumerated in this chapter shall not be construed to limit the general powers of a community improvement corporation. The powers granted under this chapter are in addition to those powers granted by any other chapter of the Revised Code, but, as to a county land reutilization corporation, shall be used	16445 16446 16447 16448 16449

only for the purposes enumerated under division (B)(2) of section 16450
1724.01 of the Revised Code. 16451

(C) Ownership of real property by an economic development 16452
corporation does not constitute public ownership unless the 16453
economic development corporation has applied for and been granted 16454
a tax exemption for the property under section 5709.08 of the 16455
Revised Code. 16456

Sec. 1739.05. (A) A multiple employer welfare arrangement 16457
that is created pursuant to sections 1739.01 to 1739.22 of the 16458
Revised Code and that operates a group self-insurance program may 16459
be established only if any of the following applies: 16460

(1) The arrangement has and maintains a minimum enrollment of 16461
three hundred employees of two or more employers. 16462

(2) The arrangement has and maintains a minimum enrollment of 16463
three hundred self-employed individuals. 16464

(3) The arrangement has and maintains a minimum enrollment of 16465
three hundred employees or self-employed individuals in any 16466
combination of divisions (A)(1) and (2) of this section. 16467

(B) A multiple employer welfare arrangement that is created 16468
pursuant to sections 1739.01 to 1739.22 of the Revised Code and 16469
that operates a group self-insurance program shall comply with all 16470
laws applicable to self-funded programs in this state, including 16471
sections 3901.04, 3901.041, 3901.19 to 3901.26, 3901.38, 3901.381 16472
to 3901.3814, 3901.40, 3901.45, 3901.46, 3901.491, 3902.01 to 16473
3902.14, 3923.041, 3923.24, 3923.282, 3923.30, 3923.301, 3923.38, 16474
3923.581, 3923.602, 3923.63, 3923.80, 3923.84, 3923.85, 3923.851, 16475
3923.86, 3923.87, 3923.89, 3923.90, 3924.031, 3924.032, and 16476
3924.27 of the Revised Code. 16477

(C) A multiple employer welfare arrangement created pursuant 16478
to sections 1739.01 to 1739.22 of the Revised Code shall solicit 16479

enrollments only through agents or solicitors licensed pursuant to 16480
Chapter 3905. of the Revised Code to sell or solicit sickness and 16481
accident insurance. 16482

(D) A multiple employer welfare arrangement created pursuant 16483
to sections 1739.01 to 1739.22 of the Revised Code shall provide 16484
benefits only to individuals who are members, employees of 16485
members, or the dependents of members or employees, or are 16486
eligible for continuation of coverage under section 1751.53 or 16487
3923.38 of the Revised Code or under Title X of the "Consolidated 16488
Omnibus Budget Reconciliation Act of 1985," 100 Stat. 227, 29 16489
U.S.C.A. 1161, as amended. 16490

(E) A multiple employer welfare arrangement created pursuant 16491
to sections 1739.01 to 1739.22 of the Revised Code is subject to, 16492
and shall comply with, sections 3903.81 to 3903.93 of the Revised 16493
Code in the same manner as other life or health insurers, as 16494
defined in section 3903.81 of the Revised Code. 16495

Sec. 1751.77. As used in sections 1751.77 to 1751.87 of the 16496
Revised Code, unless otherwise specifically provided or as 16497
otherwise required pursuant to applicable federal law or 16498
regulations: 16499

(A) "Adverse determination" means a determination by a health 16500
insuring corporation or its designee utilization review 16501
organization that an admission, availability of care, continued 16502
stay, or other health care service has been reviewed and, based 16503
upon the information provided, the health care service does not 16504
meet the requirements for benefit payment under the health 16505
insuring corporation's policy, contract, or agreement, and 16506
coverage is therefore denied, reduced, or terminated. 16507

(B) "Ambulatory review" means utilization review of health 16508
care services performed or provided in an outpatient setting. 16509

(C) "Authorized person" means a parent, guardian, or other person authorized to act on behalf of an enrollee with respect to health care decisions.

(D) "Case management" means a coordinated set of activities conducted for individual patient management of serious, complicated, protracted, or other specified health conditions.

(E) "Certification" means a determination by a health insuring corporation or its designee utilization review organization that an admission, availability of care, continued stay, or other health care service has been reviewed and, based upon the information provided, the health care service satisfies the requirements for benefit payment under the health insuring corporation's policy, contract, or agreement.

(F) "Clinical peer" means a physician when an evaluation is to be made of the clinical appropriateness of health care services provided by a physician. If an evaluation is to be made of the clinical appropriateness of health care services provided by a provider who is not a physician, "clinical peer" means either a physician or a provider holding the same license as the provider who provided the health care services.

(G) "Clinical review criteria" means the written screening procedures, decision abstracts, clinical protocols, and practice guidelines used by a health insuring corporation to determine the necessity and appropriateness of health care services.

(H) "Concurrent review" means utilization review conducted during a patient's hospital stay or course of treatment.

(I) "Discharge planning" means the formal process for determining, prior to a patient's discharge from a health care facility, the coordination and management of the care that the patient is to receive following discharge from a health care facility.

(J) "Participating provider" means a provider or health care facility that, under a contract with a health insuring corporation or with its contractor or subcontractor, has agreed to provide health care services to enrollees with an expectation of receiving payment, other than coinsurance, copayments, or deductibles, directly or indirectly from the health insuring corporation.

(K) "Physician" means a provider who holds a ~~certificate~~ license issued under Chapter 4731. of the Revised Code authorizing the practice of medicine and surgery or osteopathic medicine and surgery or a comparable license ~~or certificate~~ from another state.

(L) "Prospective review" means utilization review that is conducted prior to an admission or a course of treatment.

(M) "Retrospective review" means utilization review of medical necessity that is conducted after health care services have been provided to a patient. "Retrospective review" does not include the review of a claim that is limited to an evaluation of reimbursement levels, veracity of documentation, accuracy of coding, or adjudication of payment.

(N) "Second opinion" means an opportunity or requirement to obtain a clinical evaluation by a provider other than the provider originally making a recommendation for proposed health care services to assess the clinical necessity and appropriateness of the proposed health care services.

(O) "Utilization review" means a process used to monitor the use of, or evaluate the clinical necessity, appropriateness, efficacy, or efficiency of, health care services, procedures, or settings. Areas of review may include ambulatory review, prospective review, second opinion, certification, concurrent review, case management, discharge planning, or retrospective review.

(P) "Utilization review organization" means an entity that

conducts utilization review, other than a health insuring 16572
corporation performing a review of its own health care plans. 16573

Sec. 1751.92. Each health insuring corporation shall comply 16574
with the requirements of section 3959.20 of the Revised Code as 16575
they pertain to health plan issuers. 16576

As used in this section, "health plan issuer" has the same 16577
meaning as in section 3922.01 of the Revised Code. 16578

Sec. 1901.123. (A)(1) Subject to reimbursement under division 16579
(B) of this section, the treasurer of the county in which a 16580
county-operated municipal court or other municipal court is 16581
located shall pay the per diem compensation to which an acting 16582
judge appointed pursuant to division (A)(2)(a), (B)(1), or (C)(1) 16583
of section 1901.121 of the Revised Code is entitled pursuant to 16584
division (A)(1) of section 1901.122 of the Revised Code. 16585

(2) Subject to reimbursement under division ~~(B)~~(C) of this 16586
section, the ~~treasurer of the county in which a county-operated~~ 16587
~~municipal court or other municipal court is located~~ supreme court 16588
shall pay the per diem compensation to which an assigned judge 16589
assigned pursuant to division (A)(1), (A)(2)(b), (B)(2), (C)(2), 16590
or (D) of section 1901.121 of the Revised Code is entitled 16591
pursuant to division (B) of section 1901.122 of the Revised Code. 16592

(B) The treasurer of a county that, pursuant to division 16593
(A)(1) of this section, is required to pay any compensation to 16594
which an acting judge ~~or assigned judge~~ is entitled under division 16595
(A)(5) or (6) of section 141.04 of the Revised Code, shall submit 16596
to the administrative director of the supreme court quarterly 16597
requests for reimbursements of the per diem amounts so paid. The 16598
requests shall include verifications of the payment of those 16599
amounts and an affidavit from the acting judge ~~or assigned judge~~ 16600
stating the days and hours worked. The administrative director 16601

shall cause reimbursements of those amounts to be issued to the 16602
county if the administrative director verifies that those amounts 16603
were, in fact, so paid. 16604

(C) The supreme court, pursuant to division (A)(2) of this 16605
section, is required to pay any compensation to which an assigned 16606
judge is entitled under division (A)(5) or (6) of section 141.04 16607
of the Revised Code. Annually, on the first day of August, the 16608
administrative director of the supreme court shall issue a billing 16609
to the county treasurer of any county to which such a judge was 16610
assigned to a municipal court for reimbursement of the county or 16611
local portion of the compensation previously paid by the state for 16612
the twelve-month period preceding the last day of June. The county 16613
or local portion of the compensation shall be that part of each 16614
per diem paid by the state which is proportional to the county or 16615
local shares of the total compensation of a resident judge of such 16616
court. The county treasurer shall forward the payment within 16617
thirty days. After forwarding the payment, the county treasurer 16618
shall seek reimbursement from the applicable local municipalities 16619
as appropriate. 16620

Sec. 1901.26. (A) Subject to division (E) of this section, 16621
costs in a municipal court shall be fixed and taxed as follows: 16622

(1)(a) The municipal court shall require an advance deposit 16623
for the filing of any new civil action or proceeding when required 16624
by division (C) of this section, subject to its waiver pursuant to 16625
that division, and in all other cases, by rule, shall establish a 16626
schedule of fees and costs to be taxed in any civil or criminal 16627
action or proceeding. 16628

(b)(i) The legislative authority of a municipal corporation 16629
may by ordinance establish a schedule of fees to be taxed as costs 16630
in any civil, criminal, or traffic action or proceeding in a 16631
municipal court for the performance by officers or other employees 16632

of the municipal corporation's police department or marshal's 16633
office of any of the services specified in sections 311.17 and 16634
509.15 of the Revised Code. No fee in the schedule shall be higher 16635
than the fee specified in section 311.17 of the Revised Code for 16636
the performance of the same service by the sheriff. If a fee 16637
established in the schedule conflicts with a fee for the same 16638
service established in another section of the Revised Code or a 16639
rule of court, the fee established in the other section of the 16640
Revised Code or the rule of court shall apply. 16641

(ii) When an officer or employee of a municipal police 16642
department or marshal's office performs in a civil, criminal, or 16643
traffic action or proceeding in a municipal court a service 16644
specified in section 311.17 or 509.15 of the Revised Code for 16645
which a taxable fee has been established under this or any other 16646
section of the Revised Code, the applicable legal fees and any 16647
other extraordinary expenses, including overtime, provided for the 16648
service shall be taxed as costs in the case. The clerk of the 16649
court shall pay those legal fees and other expenses, when 16650
collected, into the general fund of the municipal corporation that 16651
employs the officer or employee. 16652

(iii) If a bailiff of a municipal court performs in a civil, 16653
criminal, or traffic action or proceeding in that court a service 16654
specified in section 311.17 or 509.15 of the Revised Code for 16655
which a taxable fee has been established under this section or any 16656
other section of the Revised Code, the fee for the service is the 16657
same and is taxable to the same extent as if the service had been 16658
performed by an officer or employee of the police department or 16659
marshal's office of the municipal corporation in which the court 16660
is located. The clerk of that court shall pay the fee, when 16661
collected, into the general fund of the entity or entities that 16662
fund the bailiff's salary, in the same prorated amount as the 16663
salary is funded. 16664

(iv) Division (A)(1)(b) of this section does not authorize or
require any officer or employee of a police department or
marshal's office of a municipal corporation or any bailiff of a
municipal court to perform any service not otherwise authorized by
law.

(2) The municipal court, by rule, may require an advance
deposit for the filing of any civil action or proceeding and
publication fees as provided in section 2701.09 of the Revised
Code. The court shall waive the requirement for advance deposit
for a party that the court determines qualifies as an indigent
litigant as set forth in section 2323.311 of the Revised Code.

(3) When a jury trial is demanded in any civil action or
proceeding, the party making the demand may be required to make an
advance deposit as fixed by rule of court, unless the court
determines that the party qualifies as an indigent litigant as set
forth in section 2323.311 of the Revised Code. If a jury is
called, the fees of a jury shall be taxed as costs.

(4) In any civil or criminal action or proceeding, each
witness shall receive twelve dollars for each full day's
attendance and six dollars for each half day's attendance. Each
witness in a municipal court that is not a county-operated
municipal court also shall receive fifty and one-half cents for
each mile necessarily traveled to and from the witness's place of
residence to the action or proceeding.

(5) A reasonable charge for driving, towing, carting,
storing, keeping, and preserving motor vehicles and other personal
property recovered or seized in any proceeding may be taxed as
part of the costs in a trial of the cause, in an amount that shall
be fixed by rule of court.

(6) Chattel property seized under any writ or process issued
by the court shall be preserved pending final disposition for the

benefit of all persons interested and may be placed in storage 16696
when necessary or proper for that preservation. The custodian of 16697
any chattel property so stored shall not be required to part with 16698
the possession of the property until a reasonable charge, to be 16699
fixed by the court, is paid. 16700

(7) The municipal court, as it determines, may refund all 16701
deposits and advance payments of fees and costs, including those 16702
for jurors and summoning jurors, when they have been paid by the 16703
losing party. 16704

(8) Charges for the publication of legal notices required by 16705
statute or order of court may be taxed as part of the costs, as 16706
provided by section 7.13 of the Revised Code. 16707

(B)(1)(a) The municipal court may determine that, for the 16708
efficient operation of the court, additional funds are necessary 16709
to acquire and pay for special projects of the court including, 16710
but not limited to, the acquisition of additional facilities or 16711
the rehabilitation of existing facilities, the acquisition of 16712
equipment, the hiring and training of staff, community service 16713
programs, mediation or dispute resolution services, the employment 16714
of magistrates, the training and education of judges, acting 16715
judges, and magistrates, and other related services. Upon that 16716
determination, the court by rule may charge a fee, in addition to 16717
all other court costs, on the filing of each criminal cause, civil 16718
action or proceeding, or judgment by confession. 16719

(b) If the municipal court offers a special program or 16720
service in cases of a specific type, the municipal court by rule 16721
may assess an additional charge in a case of that type, over and 16722
above court costs, to cover the special program or service. The 16723
municipal court shall adjust the special assessment periodically, 16724
but not retroactively, so that the amount assessed in those cases 16725
does not exceed the actual cost of providing the service or 16726
program. 16727

(c) Any fee or charge assessed under division (B)(1)(a) or 16728
(b) of this section on the filing of a civil action or proceeding 16729
shall be waived if the court determines that the person on whom 16730
the fee or charge is assessed qualifies as an indigent litigant as 16731
set forth in section 2323.311 of the Revised Code. 16732

(d) All moneys collected under division (B) of this section 16733
shall be paid to the county treasurer if the court is a 16734
county-operated municipal court or to the city treasurer if the 16735
court is not a county-operated municipal court for deposit into 16736
either a general special projects fund or a fund established for a 16737
specific special project. Moneys from a fund of that nature shall 16738
be disbursed upon an order of the court in an amount no greater 16739
than the actual cost to the court of a project. If a specific fund 16740
is terminated because of the discontinuance of a program or 16741
service established under division (B) of this section, the 16742
municipal court may order that moneys remaining in the fund be 16743
transferred to an account established under this division for a 16744
similar purpose. 16745

(2) As used in division (B) of this section: 16746

(a) "Criminal cause" means a charge alleging the violation of 16747
a statute or ordinance, or subsection of a statute or ordinance, 16748
that requires a separate finding of fact or a separate plea before 16749
disposition and of which the defendant may be found guilty, 16750
whether filed as part of a multiple charge on a single summons, 16751
citation, or complaint or as a separate charge on a single 16752
summons, citation, or complaint. "Criminal cause" does not include 16753
separate violations of the same statute or ordinance, or 16754
subsection of the same statute or ordinance, unless each charge is 16755
filed on a separate summons, citation, or complaint. 16756

(b) "Civil action or proceeding" means any civil litigation 16757
that must be determined by judgment entry. 16758

(C) The municipal court shall collect in all its divisions 16759
except the small claims division the sum of twenty-six dollars as 16760
additional filing fees in each new civil action or proceeding for 16761
the charitable public purpose of providing financial assistance to 16762
legal aid societies that operate within the state and to support 16763
the office of the state public defender. The municipal court shall 16764
collect in its small claims division the sum of eleven dollars as 16765
additional filing fees in each new civil action or proceeding for 16766
the charitable public purpose of providing financial assistance to 16767
legal aid societies that operate within the state and to support 16768
the office of the state public defender. This division does not 16769
apply to any execution on a judgment, proceeding in aid of 16770
execution, or other post-judgment proceeding arising out of a 16771
civil action. The filing fees required to be collected under this 16772
division shall be in addition to any other court costs imposed in 16773
the action or proceeding and shall be collected at the time of the 16774
filing of the action or proceeding. The court shall not waive the 16775
payment of the additional filing fees in a new civil action or 16776
proceeding unless the court waives the advanced payment of all 16777
filing fees in the action or proceeding for the party that the 16778
court determines is qualified as an indigent litigant as set forth 16779
in section 2323.311 of the Revised Code. All such moneys collected 16780
during a month except for an amount equal to up to one per cent of 16781
those moneys retained to cover administrative costs shall be 16782
transmitted on or before the twentieth day of the following month 16783
by the clerk of the court to the treasurer of state in a manner 16784
prescribed by the treasurer of state or by the Ohio ~~legal~~ 16785
~~assistance~~ access to justice foundation. The treasurer of state 16786
shall deposit four per cent of the funds collected under this 16787
division to the credit of the civil case filing fee fund 16788
established under section 120.07 of the Revised Code and 16789
ninety-six per cent of the funds collected under this division to 16790
the credit of the legal aid fund established under section 120.52 16791

of the Revised Code. 16792

The court may retain up to one per cent of the moneys it 16793
collects under this division to cover administrative costs, 16794
including the hiring of any additional personnel necessary to 16795
implement this division. If the court fails to transmit to the 16796
treasurer of state the moneys the court collects under this 16797
division in a manner prescribed by the treasurer of state or by 16798
the Ohio ~~legal assistance~~ access to justice foundation, the court 16799
shall forfeit the moneys the court retains under this division to 16800
cover administrative costs, including the hiring of any additional 16801
personnel necessary to implement this division, and shall transmit 16802
to the treasurer of state all moneys collected under this 16803
division, including the forfeited amount retained for 16804
administrative costs, for deposit in the legal aid fund. 16805

(D) In the Cleveland municipal court, reasonable charges for 16806
investigating titles of real estate to be sold or disposed of 16807
under any writ or process of the court may be taxed as part of the 16808
costs. 16809

(E) Under the circumstances described in sections 2969.21 to 16810
2969.27 of the Revised Code, the clerk of the municipal court 16811
shall charge the fees and perform the other duties specified in 16812
those sections. 16813

(F) As used in this section: 16814

(1) "Full day's attendance" means a day on which a witness is 16815
required or requested to be present at an action or proceeding 16816
before and after twelve noon, regardless of whether the witness 16817
actually testifies. 16818

(2) "Half day's attendance" means a day on which a witness is 16819
required or requested to be present at an action or proceeding 16820
either before or after twelve noon, but not both, regardless of 16821
whether the witness actually testifies. 16822

Sec. 1907.143. (A)(1) Subject to reimbursement under division 16823
(B) of this section, the treasurer of the county in which a county 16824
court is located shall pay the per diem compensation to which an 16825
acting judge appointed pursuant to division (A)(2)(b), (B)(1), or 16826
(C)(1) of section 1907.141 of the Revised Code is entitled 16827
pursuant to division (A) of section 1907.142 of the Revised Code. 16828

16829

(2) Subject to reimbursement under division ~~(B)~~(C) of this 16830
section, the ~~treasurer of the county in which a county court is~~ 16831
~~located~~ supreme court shall pay the per diem compensation to which 16832
an assigned judge assigned pursuant to division (A)(1), (A)(2)(b), 16833
(B)(2), or (C)(2) of section 1907.141 of the Revised Code is 16834
entitled pursuant to division (B) of section 1907.142 of the 16835
Revised Code. 16836

(B) The treasurer of a county that, pursuant to division 16837
(A)(1) of this section, is required to pay any compensation to 16838
which an acting judge ~~or assigned judge~~ is entitled under division 16839
(A)(5) or (6) of section 141.04 of the Revised Code, shall submit 16840
to the administrative director of the supreme court quarterly 16841
requests for reimbursements of the per diem amounts so paid. The 16842
requests shall include verifications of the payment of those 16843
amounts and an affidavit from the acting judge ~~or assigned judge~~ 16844
stating the days and hours worked. The administrative director 16845
shall cause reimbursements of those amounts to be issued to the 16846
county if the administrative director verifies that those amounts 16847
were, in fact, so paid. 16848

(C) The supreme court, pursuant to division (A)(2) of this 16849
section, is required to pay any compensation to which an assigned 16850
judge is entitled under division (A)(5) or (6) of section 141.04 16851
of the Revised Code. Annually, on the first day of August, the 16852
administrative director of the supreme court shall issue a billing 16853

to the county treasurer of any county to which such a judge was 16854
assigned to a county court for reimbursement of the county portion 16855
of the compensation previously paid by the state for the 16856
twelve-month period preceding the last day of June. The county 16857
portion of the compensation shall be that part of each per diem 16858
paid by the state which is proportional to the county shares of 16859
the total compensation of a resident judge of such court. The 16860
county treasurer shall forward the payment within thirty days. 16861
After forwarding the payment, the county treasurer shall seek 16862
reimbursement from the applicable local municipalities as 16863
appropriate. 16864

Sec. 1907.24. (A) Subject to division (C) of this section, a 16865
county court shall fix and tax fees and costs as follows: 16866

(1) The county court shall require an advance deposit for the 16867
filing of any new civil action or proceeding when required by 16868
division (C) of this section, subject to its waiver pursuant to 16869
that division, and, in all other cases, shall establish a schedule 16870
of fees and costs to be taxed in any civil or criminal action or 16871
proceeding. 16872

(2) The county court by rule may require an advance deposit 16873
for the filing of a civil action or proceeding and publication 16874
fees as provided in section 2701.09 of the Revised Code. The court 16875
shall waive an advance deposit requirement for a party that the 16876
court determines qualifies as an indigent litigant as set forth in 16877
section 2323.311 of the Revised Code. 16878

(3) When a party demands a jury trial in a civil action or 16879
proceeding, the county court may require the party to make an 16880
advance deposit as fixed by rule of court, unless the court 16881
determines that the party qualifies as an indigent litigant as set 16882
forth in section 2323.311 of the Revised Code. If a jury is 16883
called, the county court shall tax the fees of a jury as costs. 16884

(4) In a civil or criminal action or proceeding, the county court shall fix the fees of witnesses in accordance with sections 2335.06 and 2335.08 of the Revised Code.

(5) A county court may tax as part of the costs in a trial of the cause, in an amount fixed by rule of court, a reasonable charge for driving, towing, carting, storing, keeping, and preserving motor vehicles and other personal property recovered or seized in a proceeding.

(6) The court shall preserve chattel property seized under a writ or process issued by the court pending final disposition for the benefit of all interested persons. The court may place the chattel property in storage when necessary or proper for its preservation. The custodian of chattel property so stored shall not be required to part with the possession of the property until a reasonable charge, to be fixed by the court, is paid.

(7) The county court, as it determines, may refund all deposits and advance payments of fees and costs, including those for jurors and summoning jurors, when they have been paid by the losing party.

(8) The court may tax as part of costs charges for the publication of legal notices required by statute or order of court, as provided by section 7.13 of the Revised Code.

(B)(1)(a) The county court may determine that, for the efficient operation of the court, additional funds are necessary to acquire and pay for special projects of the court including, but not limited to, the acquisition of additional facilities or the rehabilitation of existing facilities, the acquisition of equipment, the hiring and training of staff, community service programs, mediation or dispute resolution services, the employment of magistrates, the training and education of judges, acting judges, and magistrates, and other related services. Upon that

determination, the court by rule may charge a fee, in addition to 16916
all other court costs, on the filing of each criminal cause, civil 16917
action or proceeding, or judgment by confession. 16918

(b) If the county court offers a special program or service 16919
in cases of a specific type, the county court by rule may assess 16920
an additional charge in a case of that type, over and above court 16921
costs, to cover the special program or service. The county court 16922
shall adjust the special assessment periodically, but not 16923
retroactively, so that the amount assessed in those cases does not 16924
exceed the actual cost of providing the service or program. 16925

(c) Any fee or charge assessed under division (B)(1)(a) or 16926
(b) of this section on the filing of a civil action or proceeding 16927
shall be waived if the court determines that the person on whom 16928
the fee or charge is assessed qualifies as an indigent litigant as 16929
set forth in section 2323.311 of the Revised Code. 16930

(d) All moneys collected under division (B) of this section 16931
shall be paid to the county treasurer for deposit into either a 16932
general special projects fund or a fund established for a specific 16933
special project. Moneys from a fund of that nature shall be 16934
disbursed upon an order of the court in an amount no greater than 16935
the actual cost to the court of a project. If a specific fund is 16936
terminated because of the discontinuance of a program or service 16937
established under division (B) of this section, the county court 16938
may order that moneys remaining in the fund be transferred to an 16939
account established under this division for a similar purpose. 16940

(2) As used in division (B) of this section: 16941

(a) "Criminal cause" means a charge alleging the violation of 16942
a statute or ordinance, or subsection of a statute or ordinance, 16943
that requires a separate finding of fact or a separate plea before 16944
disposition and of which the defendant may be found guilty, 16945
whether filed as part of a multiple charge on a single summons, 16946

citation, or complaint or as a separate charge on a single 16947
summons, citation, or complaint. "Criminal cause" does not include 16948
separate violations of the same statute or ordinance, or 16949
subsection of the same statute or ordinance, unless each charge is 16950
filed on a separate summons, citation, or complaint. 16951

(b) "Civil action or proceeding" means any civil litigation 16952
that must be determined by judgment entry. 16953

(C) Subject to division (E) of this section, the county court 16954
shall collect in all its divisions except the small claims 16955
division the sum of twenty-six dollars as additional filing fees 16956
in each new civil action or proceeding for the charitable public 16957
purpose of providing financial assistance to legal aid societies 16958
that operate within the state and to support the office of the 16959
state public defender. Subject to division (E) of this section, 16960
the county court shall collect in its small claims division the 16961
sum of eleven dollars as additional filing fees in each new civil 16962
action or proceeding for the charitable public purpose of 16963
providing financial assistance to legal aid societies that operate 16964
within the state and to support the office of the state public 16965
defender. This division does not apply to any execution on a 16966
judgment, proceeding in aid of execution, or other post-judgment 16967
proceeding arising out of a civil action. The filing fees required 16968
to be collected under this division shall be in addition to any 16969
other court costs imposed in the action or proceeding and shall be 16970
collected at the time of the filing of the action or proceeding. 16971
The court shall not waive the payment of the additional filing 16972
fees in a new civil action or proceeding unless the court waives 16973
the advanced payment of all filing fees in the action or 16974
proceeding for the party that the court determines is qualified as 16975
an indigent litigant as set forth in section 2323.311 of the 16976
Revised Code. All such moneys collected during a month except for 16977
an amount equal to up to one per cent of those moneys retained to 16978

cover administrative costs shall be transmitted on or before the 16979
twentieth day of the following month by the clerk of the court to 16980
the treasurer of state in a manner prescribed by the treasurer of 16981
state or by the Ohio ~~legal assistance~~ access to justice 16982
foundation. The treasurer of state shall deposit four per cent of 16983
the funds collected under this division to the credit of the civil 16984
case filing fee fund established under section 120.07 of the 16985
Revised Code and ninety-six per cent of the funds collected under 16986
this division to the credit of the legal aid fund established 16987
under section 120.52 of the Revised Code. 16988

The court may retain up to one per cent of the moneys it 16989
collects under this division to cover administrative costs, 16990
including the hiring of any additional personnel necessary to 16991
implement this division. If the court fails to transmit to the 16992
treasurer of state the moneys the court collects under this 16993
division in a manner prescribed by the treasurer of state or by 16994
the Ohio ~~legal assistance~~ access to justice foundation, the court 16995
shall forfeit the moneys the court retains under this division to 16996
cover administrative costs, including the hiring of any additional 16997
personnel necessary to implement this division, and shall transmit 16998
to the treasurer of state all moneys collected under this 16999
division, including the forfeited amount retained for 17000
administrative costs, for deposit in the legal aid fund. 17001

(D) The county court shall establish by rule a schedule of 17002
fees for miscellaneous services performed by the county court or 17003
any of its judges in accordance with law. If judges of the court 17004
of common pleas perform similar services, the fees prescribed in 17005
the schedule shall not exceed the fees for those services 17006
prescribed by the court of common pleas. 17007

(E) Under the circumstances described in sections 2969.21 to 17008
2969.27 of the Revised Code, the clerk of the county court shall 17009
charge the fees and perform the other duties specified in those 17010

sections. 17011

Sec. 2151.23. (A) The juvenile court has exclusive original 17012
jurisdiction under the Revised Code as follows: 17013

(1) Concerning any child who on or about the date specified 17014
in the complaint, indictment, or information is alleged to have 17015
violated section 2151.87 of the Revised Code or an order issued 17016
under that section or to be a juvenile traffic offender or a 17017
delinquent, unruly, abused, neglected, or dependent child and, 17018
based on and in relation to the allegation pertaining to the 17019
child, concerning the parent, guardian, or other person having 17020
care of a child who is alleged to be an unruly child for being an 17021
habitual truant or who is alleged to be a delinquent child for 17022
violating a court order regarding the child's prior adjudication 17023
as an unruly child for being an habitual truant; 17024

(2) Subject to divisions (G), (K), and (V) of section 2301.03 17025
of the Revised Code, to determine the custody of any child not a 17026
ward of another court of this state; 17027

(3) To hear and determine any application for a writ of 17028
habeas corpus involving the custody of a child; 17029

(4) To exercise the powers and jurisdiction given the probate 17030
division of the court of common pleas in Chapter 5122. of the 17031
Revised Code, if the court has probable cause to believe that a 17032
child otherwise within the jurisdiction of the court is a mentally 17033
ill person subject to court order, as defined in section 5122.01 17034
of the Revised Code; 17035

(5) To hear and determine all criminal cases charging adults 17036
with the violation of any section of this chapter; 17037

(6) To hear and determine all criminal cases in which an 17038
adult is charged with a violation of division (C) of section 17039
2919.21, division (B)(1) of section 2919.22, section 2919.222, 17040

division (B) of section 2919.23, or section 2919.24 of the Revised Code, provided the charge is not included in an indictment that also charges the alleged adult offender with the commission of a felony arising out of the same actions that are the basis of the alleged violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code;

(7) Under the interstate compact on juveniles in section 2151.56 of the Revised Code;

(8) Concerning any child who is to be taken into custody pursuant to section 2151.31 of the Revised Code, upon being notified of the intent to take the child into custody and the reasons for taking the child into custody;

(9) To hear and determine requests for the extension of temporary custody agreements, and requests for court approval of permanent custody agreements, that are filed pursuant to section 5103.15 of the Revised Code;

(10) To hear and determine applications for consent to marry pursuant to section 3101.04 of the Revised Code;

(11) Subject to divisions (G), (K), and (V) of section 2301.03 of the Revised Code, to hear and determine a request for an order for the support of any child if the request is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, or an action for support brought under Chapter 3115. of the Revised Code;

(12) Concerning an action commenced under section 121.38 of the Revised Code;

(13) To hear and determine violations of section 3321.38 of the Revised Code;

(14) To exercise jurisdiction and authority over the parent, guardian, or other person having care of a child alleged to be a delinquent child, unruly child, or juvenile traffic offender, based on and in relation to the allegation pertaining to the child;

(15) To conduct the hearings, and to make the determinations, adjudications, and orders authorized or required under sections 2152.82 to 2152.86 and Chapter 2950. of the Revised Code regarding a child who has been adjudicated a delinquent child and to refer the duties conferred upon the juvenile court judge under sections 2152.82 to 2152.86 and Chapter 2950. of the Revised Code to magistrates appointed by the juvenile court judge in accordance with Juvenile Rule 40;

(16) To hear and determine a petition for a protection order against a child under section 2151.34 or 3113.31 of the Revised Code and to enforce a protection order issued or a consent agreement approved under either section against a child until a date certain but not later than the date the child attains nineteen years of age;

(17) Concerning emancipated young adults under sections 2151.45 to 2151.455 of the Revised Code.

(B) Except as provided in divisions (G) and (I) of section 2301.03 of the Revised Code, the juvenile court has original jurisdiction under the Revised Code:

(1) To hear and determine all cases of misdemeanors charging adults with any act or omission with respect to any child, which act or omission is a violation of any state law or any municipal ordinance;

(2) To determine the paternity of any child alleged to have been born out of wedlock pursuant to sections 3111.01 to 3111.18 of the Revised Code;

(3) Under the uniform interstate family support act in	17102
Chapter 3115. of the Revised Code;	17103
(4) To hear and determine an application for an order for the	17104
support of any child, if the child is not a ward of another court	17105
of this state;	17106
(5) To hear and determine an action commenced under section	17107
3111.28 of the Revised Code;	17108
(6) To hear and determine a motion filed under section	17109
3119.961 of the Revised Code;	17110
(7) To receive filings under section 3109.74 of the Revised	17111
Code, and to hear and determine actions arising under sections	17112
3109.51 to 3109.80 of the Revised Code.	17113
(8) To enforce an order for the return of a child made under	17114
the Hague Convention on the Civil Aspects of International Child	17115
Abduction pursuant to section 3127.32 of the Revised Code;	17116
(9) To grant any relief normally available under the laws of	17117
this state to enforce a child custody determination made by a	17118
court of another state and registered in accordance with section	17119
3127.35 of the Revised Code.	17120
(C) The juvenile court, except as to juvenile courts that are	17121
a separate division of the court of common pleas or a separate and	17122
independent juvenile court, has jurisdiction to hear, determine,	17123
and make a record of any action for divorce or legal separation	17124
that involves the custody or care of children and that is filed in	17125
the court of common pleas and certified by the court of common	17126
pleas with all the papers filed in the action to the juvenile	17127
court for trial, provided that no certification of that nature	17128
shall be made to any juvenile court unless the consent of the	17129
juvenile judge first is obtained. After a certification of that	17130
nature is made and consent is obtained, the juvenile court shall	17131
proceed as if the action originally had been begun in that court,	17132

except as to awards for spousal support or support due and unpaid 17133
at the time of certification, over which the juvenile court has no 17134
jurisdiction. 17135

(D) The juvenile court, except as provided in divisions (G) 17136
and (I) of section 2301.03 of the Revised Code, has jurisdiction 17137
to hear and determine all matters as to custody and support of 17138
children duly certified by the court of common pleas to the 17139
juvenile court after a divorce decree has been granted, including 17140
jurisdiction to modify the judgment and decree of the court of 17141
common pleas as the same relate to the custody and support of 17142
children. 17143

(E) The juvenile court, except as provided in divisions (G) 17144
and (I) of section 2301.03 of the Revised Code, has jurisdiction 17145
to hear and determine the case of any child certified to the court 17146
by any court of competent jurisdiction if the child comes within 17147
the jurisdiction of the juvenile court as defined by this section. 17148

(F)(1) The juvenile court shall exercise its jurisdiction in 17149
child custody matters in accordance with sections 3109.04 and 17150
3127.01 to 3127.53 of the Revised Code and, as applicable, 17151
sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised 17152
Code. 17153

(2) The juvenile court shall exercise its jurisdiction in 17154
child support matters in accordance with section 3109.05 of the 17155
Revised Code. 17156

(G) Any juvenile court that makes or modifies an order for 17157
child support shall comply with Chapters 3119., 3121., 3123., and 17158
3125. of the Revised Code. If any person required to pay child 17159
support under an order made by a juvenile court on or after April 17160
15, 1985, or modified on or after December 1, 1986, is found in 17161
contempt of court for failure to make support payments under the 17162
order, the court that makes the finding, in addition to any other 17163

penalty or remedy imposed, shall assess all court costs arising 17164
out of the contempt proceeding against the person and require the 17165
person to pay any reasonable attorney's fees of any adverse party, 17166
as determined by the court, that arose in relation to the act of 17167
contempt. 17168

(H) If a child who is charged with an act that would be an 17169
offense if committed by an adult was fourteen years of age or 17170
older and under eighteen years of age at the time of the alleged 17171
act and if the case is transferred for criminal prosecution 17172
pursuant to section 2152.12 of the Revised Code, except as 17173
provided in section 2152.121 of the Revised Code, the juvenile 17174
court does not have jurisdiction to hear or determine the case 17175
subsequent to the transfer. The court to which the case is 17176
transferred for criminal prosecution pursuant to that section has 17177
jurisdiction subsequent to the transfer to hear and determine the 17178
case in the same manner as if the case originally had been 17179
commenced in that court, subject to section 2152.121 of the 17180
Revised Code, including, but not limited to, jurisdiction to 17181
accept a plea of guilty or another plea authorized by Criminal 17182
Rule 11 or another section of the Revised Code and jurisdiction to 17183
accept a verdict and to enter a judgment of conviction pursuant to 17184
the Rules of Criminal Procedure against the child for the 17185
commission of the offense that was the basis of the transfer of 17186
the case for criminal prosecution, whether the conviction is for 17187
the same degree or a lesser degree of the offense charged, for the 17188
commission of a lesser-included offense, or for the commission of 17189
another offense that is different from the offense charged. 17190

(I) If a person under eighteen years of age allegedly commits 17191
an act that would be a felony if committed by an adult and if the 17192
person is not taken into custody or apprehended for that act until 17193
after the person attains twenty-one years of age, the juvenile 17194
court does not have jurisdiction to hear or determine any portion 17195

of the case charging the person with committing that act. In those 17196
circumstances, divisions (A) and (B) of section 2152.12 of the 17197
Revised Code do not apply regarding the act, and the case charging 17198
the person with committing the act shall be a criminal prosecution 17199
commenced and heard in the appropriate court having jurisdiction 17200
of the offense as if the person had been eighteen years of age or 17201
older when the person committed the act. All proceedings 17202
pertaining to the act shall be within the jurisdiction of the 17203
court having jurisdiction of the offense, and that court has all 17204
the authority and duties in the case that it has in other criminal 17205
cases in that court. 17206

(J) In exercising its exclusive original jurisdiction under 17207
division (A)(16) of this section with respect to any proceedings 17208
brought under section 2151.34 or 3113.31 of the Revised Code in 17209
which the respondent is a child, the juvenile court retains all 17210
dispositionary powers consistent with existing rules of juvenile 17211
procedure and may also exercise its discretion to adjudicate 17212
proceedings as provided in sections 2151.34 and 3113.31 of the 17213
Revised Code, including the issuance of protection orders or the 17214
approval of consent agreements under those sections. 17215

Sec. 2151.353. (A) If a child is adjudicated an abused, 17216
neglected, or dependent child, the court may make any of the 17217
following orders of disposition: 17218

(1) Place the child in protective supervision; 17219

(2) Commit the child to the temporary custody of any of the 17220
following: 17221

(a) A public children services agency; 17222

(b) A private child placing agency; 17223

(c) Either parent; 17224

(d) A relative residing within or outside the state; 17225

(e) A probation officer for placement in a certified foster home;	17226 17227
(f) Any other person approved by the court.	17228
(3) Award legal custody of the child to either parent or to any other person who, prior to the dispositional hearing, files a motion requesting legal custody of the child or is identified as a proposed legal custodian in a complaint or motion filed prior to the dispositional hearing by any party to the proceedings. A person identified in a complaint or motion filed by a party to the proceedings as a proposed legal custodian shall be awarded legal custody of the child only if the person identified signs a statement of understanding for legal custody that contains at least the following provisions:	17229 17230 17231 17232 17233 17234 17235 17236 17237 17238
(a) That it is the intent of the person to become the legal custodian of the child and the person is able to assume legal responsibility for the care and supervision of the child;	17239 17240 17241
(b) That the person understands that legal custody of the child in question is intended to be permanent in nature and that the person will be responsible as the custodian for the child until the child reaches the age of majority. Responsibility as custodian for the child shall continue beyond the age of majority if, at the time the child reaches the age of majority, the child is pursuing a diploma granted by the board of education or other governing authority, successful completion of the curriculum of any high school, successful completion of an individualized education program developed for the student by any high school, or an age and schooling certificate. Responsibility beyond the age of majority shall terminate when the child ceases to continuously pursue such an education, completes such an education, or is excused from such an education under standards adopted by the state board of education, whichever occurs first.	17242 17243 17244 17245 17246 17247 17248 17249 17250 17251 17252 17253 17254 17255 17256

(c) That the parents of the child have residual parental 17257
rights, privileges, and responsibilities, including, but not 17258
limited to, the privilege of reasonable visitation, consent to 17259
adoption, the privilege to determine the child's religious 17260
affiliation, and the responsibility for support; 17261

(d) That the person understands that the person must be 17262
present in court for the dispositional hearing in order to affirm 17263
the person's intention to become legal custodian, to affirm that 17264
the person understands the effect of the custodianship before the 17265
court, and to answer any questions that the court or any parties 17266
to the case may have. 17267

(4) Commit the child to the permanent custody of a public 17268
children services agency or private child placing agency, if the 17269
court determines in accordance with division (E) of section 17270
2151.414 of the Revised Code that the child cannot be placed with 17271
one of the child's parents within a reasonable time or should not 17272
be placed with either parent and determines in accordance with 17273
division (D)(1) of section 2151.414 of the Revised Code that the 17274
permanent commitment is in the best interest of the child. If the 17275
court grants permanent custody under this division, the court, 17276
upon the request of any party, shall file a written opinion 17277
setting forth its findings of fact and conclusions of law in 17278
relation to the proceeding. 17279

(5) Place the child in a planned permanent living arrangement 17280
with a public children services agency or private child placing 17281
agency, if a public children services agency or private child 17282
placing agency requests the court to place the child in a planned 17283
permanent living arrangement and if the court finds, by clear and 17284
convincing evidence, that a planned permanent living arrangement 17285
is in the best interest of the child, that the child is sixteen 17286
years of age or older, and that one of the following exists: 17287

(a) The child, because of physical, mental, or psychological 17288

problems or needs, is unable to function in a family-like setting 17289
and must remain in residential or institutional care now and for 17290
the foreseeable future beyond the date of the dispositional 17291
hearing held pursuant to section 2151.35 of the Revised Code. 17292

(b) The parents of the child have significant physical, 17293
mental, or psychological problems and are unable to care for the 17294
child because of those problems, adoption is not in the best 17295
interest of the child, as determined in accordance with division 17296
(D)(1) of section 2151.414 of the Revised Code, and the child 17297
retains a significant and positive relationship with a parent or 17298
relative. 17299

(c) The child has been counseled on the permanent placement 17300
options available to the child, and is unwilling to accept or 17301
unable to adapt to a permanent placement. 17302

(6) Order the removal from the child's home until further 17303
order of the court of the person who committed abuse as described 17304
in section 2151.031 of the Revised Code against the child, who 17305
caused or allowed the child to suffer neglect as described in 17306
section 2151.03 of the Revised Code, or who is the parent, 17307
guardian, or custodian of a child who is adjudicated a dependent 17308
child and order any person not to have contact with the child or 17309
the child's siblings. 17310

(B)(1) When making a determination on whether to place a 17311
child in a planned permanent living arrangement pursuant to 17312
division (A)(5)(b) or (c) of this section, the court shall 17313
consider all relevant information that has been presented to the 17314
court, including information gathered from the child, the child's 17315
guardian ad litem, and the public children services agency or 17316
private child placing agency. 17317

(2) A child who is placed in a planned permanent living 17318
arrangement pursuant to division (A)(5)(b) or (c) of this section 17319

shall be placed in an independent living setting or in a family 17320
setting in which the caregiver has been provided by the agency 17321
that has custody of the child with a notice that addresses the 17322
following: 17323

(a) The caregiver understands that the planned permanent 17324
living arrangement is intended to be permanent in nature and that 17325
the caregiver will provide a stable placement for the child 17326
through the child's emancipation or until the court releases the 17327
child from the custody of the agency, whichever occurs first. 17328

(b) The caregiver is expected to actively participate in the 17329
youth's independent living case plan, attend agency team meetings 17330
and court hearings as appropriate, complete training, as provided 17331
in division (B) of section 5103.035 of the Revised Code, related 17332
to providing the child independent living services, and assist in 17333
the child's transition into adulthood. 17334

(3) The department of job and family services shall develop a 17335
model notice to be provided by an agency that has custody of a 17336
child to a caregiver under division (B)(2) of this section. The 17337
agency may modify the model notice to apply to the needs of the 17338
agency. 17339

(C) No order for permanent custody or temporary custody of a 17340
child or the placement of a child in a planned permanent living 17341
arrangement shall be made pursuant to this section unless the 17342
complaint alleging the abuse, neglect, or dependency contains a 17343
prayer requesting permanent custody, temporary custody, or the 17344
placement of the child in a planned permanent living arrangement 17345
as desired, the summons served on the parents of the child 17346
contains as is appropriate a full explanation that the granting of 17347
an order for permanent custody permanently divests them of their 17348
parental rights, a full explanation that an adjudication that the 17349
child is an abused, neglected, or dependent child may result in an 17350
order of temporary custody that will cause the removal of the 17351

child from their legal custody until the court terminates the 17352
order of temporary custody or permanently divests the parents of 17353
their parental rights, or a full explanation that the granting of 17354
an order for a planned permanent living arrangement will result in 17355
the removal of the child from their legal custody if any of the 17356
conditions listed in divisions (A)(5)(a) to (c) of this section 17357
are found to exist, and the summons served on the parents contains 17358
a full explanation of their right to be represented by counsel and 17359
to have counsel appointed pursuant to Chapter 120. of the Revised 17360
Code if they are indigent. 17361

If after making disposition as authorized by division (A)(2) 17362
of this section, a motion is filed that requests permanent custody 17363
of the child, the court may grant permanent custody of the child 17364
to the movant in accordance with section 2151.414 of the Revised 17365
Code. 17366

(D) If the court issues an order for protective supervision 17367
pursuant to division (A)(1) of this section, the court may place 17368
any reasonable restrictions upon the child, the child's parents, 17369
guardian, or custodian, or any other person, including, but not 17370
limited to, any of the following: 17371

(1) Order a party, within forty-eight hours after the 17372
issuance of the order, to vacate the child's home indefinitely or 17373
for a specified period of time; 17374

(2) Order a party, a parent of the child, or a physical 17375
custodian of the child to prevent any particular person from 17376
having contact with the child; 17377

(3) Issue an order restraining or otherwise controlling the 17378
conduct of any person which conduct would not be in the best 17379
interest of the child. 17380

(E) As part of its dispositional order, the court shall 17381
journalize a case plan for the child. The journalized case plan 17382

shall not be changed except as provided in section 2151.412 of the Revised Code.

(F)(1) The court shall retain jurisdiction over any child for whom the court issues an order of disposition pursuant to division (A) of this section or pursuant to section 2151.414 or 2151.415 of the Revised Code until the child attains the age of eighteen years if the child is not mentally retarded, developmentally disabled, or physically impaired, the child attains the age of twenty-one years if the child is mentally retarded, developmentally disabled, or physically impaired, or the child is adopted and a final decree of adoption is issued, except that the court may retain jurisdiction over the child and continue any order of disposition under division (A) of this section or under section 2151.414 or 2151.415 of the Revised Code for a specified period of time to enable the child to graduate from high school or vocational school. ~~The court shall retain jurisdiction over a person who meets the requirements described in division (A)(1) of section 5101.1411 of the Revised Code and who is subject to a voluntary participation agreement that is in effect.~~ The court shall make an entry continuing its jurisdiction under this division in the journal.

(2) Any public children services agency, any private child placing agency, the department of job and family services, or any party, other than any parent whose parental rights with respect to the child have been terminated pursuant to an order issued under division (A)(4) of this section, by filing a motion with the court, may at any time request the court to modify or terminate any order of disposition issued pursuant to division (A) of this section or section 2151.414 or 2151.415 of the Revised Code. The court shall hold a hearing upon the motion as if the hearing were the original dispositional hearing and shall give all parties to the action and the guardian ad litem notice of the hearing

pursuant to the Juvenile Rules. If applicable, the court shall 17415
comply with section 2151.42 of the Revised Code. 17416

(G) Any temporary custody order issued pursuant to division 17417
(A) of this section shall terminate one year after the earlier of 17418
the date on which the complaint in the case was filed or the child 17419
was first placed into shelter care, except that, upon the filing 17420
of a motion pursuant to section 2151.415 of the Revised Code, the 17421
temporary custody order shall continue and not terminate until the 17422
court issues a dispositional order under that section. In 17423
resolving the motion, the court shall not order an existing 17424
temporary custody order to continue beyond two years after the 17425
date on which the complaint was filed or the child was first 17426
placed into shelter care, whichever date is earlier, regardless of 17427
whether any extensions have been previously ordered pursuant to 17428
division (D) of section 2151.415 of the Revised Code. 17429

(H)(1) No later than one year after the earlier of the date 17430
the complaint in the case was filed or the child was first placed 17431
in shelter care, a party may ask the court to extend an order for 17432
protective supervision for six months or to terminate the order. A 17433
party requesting extension or termination of the order shall file 17434
a written request for the extension or termination with the court 17435
and give notice of the proposed extension or termination in 17436
writing before the end of the day after the day of filing it to 17437
all parties and the child's guardian ad litem. If a public 17438
children services agency or private child placing agency requests 17439
termination of the order, the agency shall file a written status 17440
report setting out the facts supporting termination of the order 17441
at the time it files the request with the court. If no party 17442
requests extension or termination of the order, the court shall 17443
notify the parties that the court will extend the order for six 17444
months or terminate it and that it may do so without a hearing 17445
unless one of the parties requests a hearing. All parties and the 17446

guardian ad litem shall have seven days from the date a notice is 17447
sent pursuant to this division to object to and request a hearing 17448
on the proposed extension or termination. 17449

(a) If it receives a timely request for a hearing, the court 17450
shall schedule a hearing to be held no later than thirty days 17451
after the request is received by the court. The court shall give 17452
notice of the date, time, and location of the hearing to all 17453
parties and the guardian ad litem. At the hearing, the court shall 17454
determine whether extension or termination of the order is in the 17455
child's best interest. If termination is in the child's best 17456
interest, the court shall terminate the order. If extension is in 17457
the child's best interest, the court shall extend the order for 17458
six months. 17459

(b) If it does not receive a timely request for a hearing, 17460
the court may extend the order for six months or terminate it 17461
without a hearing and shall journalize the order of extension or 17462
termination not later than fourteen days after receiving the 17463
request for extension or termination or after the date the court 17464
notifies the parties that it will extend or terminate the order. 17465
If the court does not extend or terminate the order, it shall 17466
schedule a hearing to be held no later than thirty days after the 17467
expiration of the applicable fourteen-day time period and give 17468
notice of the date, time, and location of the hearing to all 17469
parties and the child's guardian ad litem. At the hearing, the 17470
court shall determine whether extension or termination of the 17471
order is in the child's best interest. If termination is in the 17472
child's best interest, the court shall terminate the order. If 17473
extension is in the child's best interest, the court shall issue 17474
an order extending the order for protective supervision six 17475
months. 17476

(2) If the court grants an extension of the order for 17477
protective supervision pursuant to division (H)(1) of this 17478

section, a party may, prior to termination of the extension, file 17479
with the court a request for an additional extension of six months 17480
or for termination of the order. The court and the parties shall 17481
comply with division (H)(1) of this section with respect to 17482
extending or terminating the order. 17483

(3) If a court grants an extension pursuant to division 17484
(H)(2) of this section, the court shall terminate the order for 17485
protective supervision at the end of the extension. 17486

(I) The court shall not issue a dispositional order pursuant 17487
to division (A) of this section that removes a child from the 17488
child's home unless the court complies with section 2151.419 of 17489
the Revised Code and includes in the dispositional order the 17490
findings of fact required by that section. 17491

(J) If a motion or application for an order described in 17492
division (A)(6) of this section is made, the court shall not issue 17493
the order unless, prior to the issuance of the order, it provides 17494
to the person all of the following: 17495

(1) Notice and a copy of the motion or application; 17496

(2) The grounds for the motion or application; 17497

(3) An opportunity to present evidence and witnesses at a 17498
hearing regarding the motion or application; 17499

(4) An opportunity to be represented by counsel at the 17500
hearing. 17501

(K) The jurisdiction of the court shall terminate one year 17502
after the date of the award or, if the court takes any further 17503
action in the matter subsequent to the award, the date of the 17504
latest further action subsequent to the award, if the court awards 17505
legal custody of a child to either of the following: 17506

(1) A legal custodian who, at the time of the award of legal 17507
custody, resides in a county of this state other than the county 17508

in which the court is located; 17509

(2) A legal custodian who resides in the county in which the 17510
court is located at the time of the award of legal custody, but 17511
moves to a different county of this state prior to one year after 17512
the date of the award or, if the court takes any further action in 17513
the matter subsequent to the award, one year after the date of the 17514
latest further action subsequent to the award. 17515

The court in the county in which the legal custodian resides 17516
then shall have jurisdiction in the matter. 17517

Sec. 2151.421. (A)(1)(a) No person described in division 17518
(A)(1)(b) of this section who is acting in an official or 17519
professional capacity and knows, or has reasonable cause to 17520
suspect based on facts that would cause a reasonable person in a 17521
similar position to suspect, that a child under eighteen years of 17522
age, or a person under twenty-one years of age with a 17523
developmental disability or physical impairment, has suffered or 17524
faces a threat of suffering any physical or mental wound, injury, 17525
disability, or condition of a nature that reasonably indicates 17526
abuse or neglect of the child shall fail to immediately report 17527
that knowledge or reasonable cause to suspect to the entity or 17528
persons specified in this division. Except as otherwise provided 17529
in this division or section 5120.173 of the Revised Code, the 17530
person making the report shall make it to the public children 17531
services agency or a peace officer in the county in which the 17532
child resides or in which the abuse or neglect is occurring or has 17533
occurred. If the person making the report is a peace officer, the 17534
officer shall make it to the public children services agency in 17535
the county in which the child resides or in which the abuse or 17536
neglect is occurring or has occurred. In the circumstances 17537
described in section 5120.173 of the Revised Code, the person 17538
making the report shall make it to the entity specified in that 17539

section. 17540

(b) Division (A)(1)(a) of this section applies to any person 17541
who is an attorney; health care professional; practitioner of a 17542
limited branch of medicine as specified in section 4731.15 of the 17543
Revised Code; licensed school psychologist; independent marriage 17544
and family therapist or marriage and family therapist; coroner; 17545
administrator or employee of a child day-care center; 17546
administrator or employee of a residential camp, child day camp, 17547
or private, nonprofit therapeutic wilderness camp; administrator 17548
or employee of a certified child care agency or other public or 17549
private children services agency; school teacher; school employee; 17550
school authority; peace officer; agent of a county humane society; 17551
person, other than a cleric, rendering spiritual treatment through 17552
prayer in accordance with the tenets of a well-recognized 17553
religion; employee of a county department of job and family 17554
services who is a professional and who works with children and 17555
families; superintendent or regional administrator employed by the 17556
department of youth services; superintendent, board member, or 17557
employee of a county board of developmental disabilities; 17558
investigative agent contracted with by a county board of 17559
developmental disabilities; employee of the department of 17560
developmental disabilities; employee of a facility or home that 17561
provides respite care in accordance with section 5123.171 of the 17562
Revised Code; employee of an entity that provides homemaker 17563
services; foster caregiver; a person performing the duties of an 17564
assessor pursuant to Chapter 3107. or 5103. of the Revised Code; 17565
third party employed by a public children services agency to 17566
assist in providing child or family related services; court 17567
appointed special advocate; or guardian ad litem. 17568

(c) If two or more health care professionals, after providing 17569
health care services to a child, determine or suspect that the 17570
child has been or is being abused or neglected, the health care 17571

professionals may designate one of the health care professionals 17572
to report the abuse or neglect. A single report made under this 17573
division shall meet the reporting requirements of division (A)(1) 17574
of this section. 17575

(2) Except as provided in division (A)(3) of this section, an 17576
attorney or a physician is not required to make a report pursuant 17577
to division (A)(1) of this section concerning any communication 17578
the attorney or physician receives from a client or patient in an 17579
attorney-client or physician-patient relationship, if, in 17580
accordance with division (A) or (B) of section 2317.02 of the 17581
Revised Code, the attorney or physician could not testify with 17582
respect to that communication in a civil or criminal proceeding. 17583

(3) The client or patient in an attorney-client or 17584
physician-patient relationship described in division (A)(2) of 17585
this section is deemed to have waived any testimonial privilege 17586
under division (A) or (B) of section 2317.02 of the Revised Code 17587
with respect to any communication the attorney or physician 17588
receives from the client or patient in that attorney-client or 17589
physician-patient relationship, and the attorney or physician 17590
shall make a report pursuant to division (A)(1) of this section 17591
with respect to that communication, if all of the following apply: 17592

(a) The client or patient, at the time of the communication, 17593
is a child under eighteen years of age or is a person under 17594
twenty-one years of age with a developmental disability or 17595
physical impairment. 17596

(b) The attorney or physician knows, or has reasonable cause 17597
to suspect based on facts that would cause a reasonable person in 17598
similar position to suspect that the client or patient has 17599
suffered or faces a threat of suffering any physical or mental 17600
wound, injury, disability, or condition of a nature that 17601
reasonably indicates abuse or neglect of the client or patient. 17602

(c) The abuse or neglect does not arise out of the client's 17603
or patient's attempt to have an abortion without the notification 17604
of her parents, guardian, or custodian in accordance with section 17605
2151.85 of the Revised Code. 17606

(4)(a) No cleric and no person, other than a volunteer, 17607
designated by any church, religious society, or faith acting as a 17608
leader, official, or delegate on behalf of the church, religious 17609
society, or faith who is acting in an official or professional 17610
capacity, who knows, or has reasonable cause to believe based on 17611
facts that would cause a reasonable person in a similar position 17612
to believe, that a child under eighteen years of age, or a person 17613
under twenty-one years of age with a developmental disability or 17614
physical impairment, has suffered or faces a threat of suffering 17615
any physical or mental wound, injury, disability, or condition of 17616
a nature that reasonably indicates abuse or neglect of the child, 17617
and who knows, or has reasonable cause to believe based on facts 17618
that would cause a reasonable person in a similar position to 17619
believe, that another cleric or another person, other than a 17620
volunteer, designated by a church, religious society, or faith 17621
acting as a leader, official, or delegate on behalf of the church, 17622
religious society, or faith caused, or poses the threat of 17623
causing, the wound, injury, disability, or condition that 17624
reasonably indicates abuse or neglect shall fail to immediately 17625
report that knowledge or reasonable cause to believe to the entity 17626
or persons specified in this division. Except as provided in 17627
section 5120.173 of the Revised Code, the person making the report 17628
shall make it to the public children services agency or a peace 17629
officer in the county in which the child resides or in which the 17630
abuse or neglect is occurring or has occurred. In the 17631
circumstances described in section 5120.173 of the Revised Code, 17632
the person making the report shall make it to the entity specified 17633
in that section. 17634

(b) Except as provided in division (A)(4)(c) of this section, 17635
a cleric is not required to make a report pursuant to division 17636
(A)(4)(a) of this section concerning any communication the cleric 17637
receives from a penitent in a cleric-penitent relationship, if, in 17638
accordance with division (C) of section 2317.02 of the Revised 17639
Code, the cleric could not testify with respect to that 17640
communication in a civil or criminal proceeding. 17641

(c) The penitent in a cleric-penitent relationship described 17642
in division (A)(4)(b) of this section is deemed to have waived any 17643
testimonial privilege under division (C) of section 2317.02 of the 17644
Revised Code with respect to any communication the cleric receives 17645
from the penitent in that cleric-penitent relationship, and the 17646
cleric shall make a report pursuant to division (A)(4)(a) of this 17647
section with respect to that communication, if all of the 17648
following apply: 17649

(i) The penitent, at the time of the communication, is a 17650
child under eighteen years of age or is a person under twenty-one 17651
years of age with a developmental disability or physical 17652
impairment. 17653

(ii) The cleric knows, or has reasonable cause to believe 17654
based on facts that would cause a reasonable person in a similar 17655
position to believe, as a result of the communication or any 17656
observations made during that communication, the penitent has 17657
suffered or faces a threat of suffering any physical or mental 17658
wound, injury, disability, or condition of a nature that 17659
reasonably indicates abuse or neglect of the penitent. 17660

(iii) The abuse or neglect does not arise out of the 17661
penitent's attempt to have an abortion performed upon a child 17662
under eighteen years of age or upon a person under twenty-one 17663
years of age with a developmental disability or physical 17664
impairment without the notification of her parents, guardian, or 17665
custodian in accordance with section 2151.85 of the Revised Code. 17666

(d) Divisions (A)(4)(a) and (c) of this section do not apply 17667
in a cleric-penitent relationship when the disclosure of any 17668
communication the cleric receives from the penitent is in 17669
violation of the sacred trust. 17670

(e) As used in divisions (A)(1) and (4) of this section, 17671
"cleric" and "sacred trust" have the same meanings as in section 17672
2317.02 of the Revised Code. 17673

(B) Anyone who knows, or has reasonable cause to suspect 17674
based on facts that would cause a reasonable person in similar 17675
circumstances to suspect, that a child under eighteen years of 17676
age, or a person under twenty-one years of age with a 17677
developmental disability or physical impairment, has suffered or 17678
faces a threat of suffering any physical or mental wound, injury, 17679
disability, or other condition of a nature that reasonably 17680
indicates abuse or neglect of the child may report or cause 17681
reports to be made of that knowledge or reasonable cause to 17682
suspect to the entity or persons specified in this division. 17683
Except as provided in section 5120.173 of the Revised Code, a 17684
person making a report or causing a report to be made under this 17685
division shall make it or cause it to be made to the public 17686
children services agency or to a peace officer. In the 17687
circumstances described in section 5120.173 of the Revised Code, a 17688
person making a report or causing a report to be made under this 17689
division shall make it or cause it to be made to the entity 17690
specified in that section. 17691

(C) Any report made pursuant to division (A) or (B) of this 17692
section shall be made forthwith either by telephone or in person 17693
and shall be followed by a written report, if requested by the 17694
receiving agency or officer. The written report shall contain: 17695

(1) The names and addresses of the child and the child's 17696
parents or the person or persons having custody of the child, if 17697
known; 17698

(2) The child's age and the nature and extent of the child's injuries, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist, including any evidence of previous injuries, abuse, or neglect;

(3) Any other information, including, but not limited to, results and reports of any medical examinations, tests, or procedures performed under division (D) of this section, that might be helpful in establishing the cause of the injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist.

(D)(1) Any person, who is required by division (A) of this section to report child abuse or child neglect that is known or reasonably suspected or believed to have occurred, may take or cause to be taken color photographs of areas of trauma visible on a child and, if medically necessary for the purpose of diagnosing or treating injuries that are suspected to have occurred as a result of child abuse or child neglect, perform or cause to be performed radiological examinations and any other medical examinations of, and tests or procedures on, the child.

(2) The results and any available reports of examinations, tests, or procedures made under division (D)(1) of this section shall be included in a report made pursuant to division (A) of this section. Any additional reports of examinations, tests, or procedures that become available shall be provided to the public children services agency, upon request.

(3) If a health care professional provides health care services in a hospital, children's advocacy center, or emergency medical facility to a child about whom a report has been made

under division (A) of this section, the health care professional 17731
may take any steps that are reasonably necessary for the release 17732
or discharge of the child to an appropriate environment. Before 17733
the child's release or discharge, the health care professional may 17734
obtain information, or consider information obtained, from other 17735
entities or individuals that have knowledge about the child. 17736
Nothing in division (D)(3) of this section shall be construed to 17737
alter the responsibilities of any person under sections 2151.27 17738
and 2151.31 of the Revised Code. 17739

(4) A health care professional may conduct medical 17740
examinations, tests, or procedures on the siblings of a child 17741
about whom a report has been made under division (A) of this 17742
section and on other children who reside in the same home as the 17743
child, if the professional determines that the examinations, 17744
tests, or procedures are medically necessary to diagnose or treat 17745
the siblings or other children in order to determine whether 17746
reports under division (A) of this section are warranted with 17747
respect to such siblings or other children. The results of the 17748
examinations, tests, or procedures on the siblings and other 17749
children may be included in a report made pursuant to division (A) 17750
of this section. 17751

(5) Medical examinations, tests, or procedures conducted 17752
under divisions (D)(1) and (4) of this section and decisions 17753
regarding the release or discharge of a child under division 17754
(D)(3) of this section do not constitute a law enforcement 17755
investigation or activity. 17756

(E)(1) When a peace officer receives a report made pursuant 17757
to division (A) or (B) of this section, upon receipt of the 17758
report, the peace officer who receives the report shall refer the 17759
report to the appropriate public children services agency, unless 17760
an arrest is made at the time of the report that results in the 17761
appropriate public children services agency being contacted 17762

concerning the possible abuse or neglect of a child or the 17763
possible threat of abuse or neglect of a child. 17764

(2) When a public children services agency receives a report 17765
pursuant to this division or division (A) or (B) of this section, 17766
upon receipt of the report, the public children services agency 17767
shall do both of the following: 17768

(a) Comply with section 2151.422 of the Revised Code; 17769

(b) If the county served by the agency is also served by a 17770
children's advocacy center and the report alleges sexual abuse of 17771
a child or another type of abuse of a child that is specified in 17772
the memorandum of understanding that creates the center as being 17773
within the center's jurisdiction, comply regarding the report with 17774
the protocol and procedures for referrals and investigations, with 17775
the coordinating activities, and with the authority or 17776
responsibility for performing or providing functions, activities, 17777
and services stipulated in the interagency agreement entered into 17778
under section 2151.428 of the Revised Code relative to that 17779
center. 17780

(F) No peace officer shall remove a child about whom a report 17781
is made pursuant to this section from the child's parents, 17782
stepparents, or guardian or any other persons having custody of 17783
the child without consultation with the public children services 17784
agency, unless, in the judgment of the officer, and, if the report 17785
was made by physician, the physician, immediate removal is 17786
considered essential to protect the child from further abuse or 17787
neglect. The agency that must be consulted shall be the agency 17788
conducting the investigation of the report as determined pursuant 17789
to section 2151.422 of the Revised Code. 17790

(G)(1) Except as provided in section 2151.422 of the Revised 17791
Code or in an interagency agreement entered into under section 17792
2151.428 of the Revised Code that applies to the particular 17793

report, the public children services agency shall investigate, 17794
within twenty-four hours, each report of child abuse or child 17795
neglect that is known or reasonably suspected or believed to have 17796
occurred and of a threat of child abuse or child neglect that is 17797
known or reasonably suspected or believed to exist that is 17798
referred to it under this section to determine the circumstances 17799
surrounding the injuries, abuse, or neglect or the threat of 17800
injury, abuse, or neglect, the cause of the injuries, abuse, 17801
neglect, or threat, and the person or persons responsible. The 17802
investigation shall be made in cooperation with the law 17803
enforcement agency and in accordance with the memorandum of 17804
understanding prepared under division (K) of this section. A 17805
representative of the public children services agency shall, at 17806
the time of initial contact with the person subject to the 17807
investigation, inform the person of the specific complaints or 17808
allegations made against the person. The information shall be 17809
given in a manner that is consistent with division (I)(1) of this 17810
section and protects the rights of the person making the report 17811
under this section. 17812

A failure to make the investigation in accordance with the 17813
memorandum is not grounds for, and shall not result in, the 17814
dismissal of any charges or complaint arising from the report or 17815
the suppression of any evidence obtained as a result of the report 17816
and does not give, and shall not be construed as giving, any 17817
rights or any grounds for appeal or post-conviction relief to any 17818
person. The public children services agency shall report each case 17819
to the uniform statewide automated child welfare information 17820
system that the department of job and family services shall 17821
maintain in accordance with section 5101.13 of the Revised Code. 17822
The public children services agency shall submit a report of its 17823
investigation, in writing, to the law enforcement agency. 17824

(2) The public children services agency shall make any 17825

recommendations to the county prosecuting attorney or city director of law that it considers necessary to protect any children that are brought to its attention.

(H)(1)(a) Except as provided in divisions (H)(1)(b) and (I)(3) of this section, any person, health care professional, hospital, institution, school, health department, or agency shall be immune from any civil or criminal liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of any of the following:

(i) Participating in the making of reports pursuant to division (A) of this section or in the making of reports in good faith, pursuant to division (B) of this section;

(ii) Participating in medical examinations, tests, or procedures under division (D) of this section;

(iii) Providing information used in a report made pursuant to division (A) of this section or providing information in good faith used in a report made pursuant to division (B) of this section;

(iv) Participating in a judicial proceeding resulting from a report made pursuant to division (A) of this section or participating in good faith in a proceeding resulting from a report made pursuant to division (B) of this section.

(b) Immunity under division (H)(1)(a)(ii) of this section shall not apply when a health care provider has deviated from the standard of care applicable to the provider's profession.

(c) Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding a child's injuries, abuse, or neglect, or the cause of the injuries, abuse, or neglect in any judicial proceeding resulting from a report submitted pursuant to this section.

(2) In any civil or criminal action or proceeding in which it is alleged and proved that participation in the making of a report under this section was not in good faith or participation in a judicial proceeding resulting from a report made under this section was not in good faith, the court shall award the prevailing party reasonable attorney's fees and costs and, if a civil action or proceeding is voluntarily dismissed, may award reasonable attorney's fees and costs to the party against whom the civil action or proceeding is brought.

(I)(1) Except as provided in divisions (I)(4) and (O) of this section, a report made under this section is confidential. The information provided in a report made pursuant to this section and the name of the person who made the report shall not be released for use, and shall not be used, as evidence in any civil action or proceeding brought against the person who made the report. Nothing in this division shall preclude the use of reports of other incidents of known or suspected abuse or neglect in a civil action or proceeding brought pursuant to division (N) of this section against a person who is alleged to have violated division (A)(1) of this section, provided that any information in a report that would identify the child who is the subject of the report or the maker of the report, if the maker of the report is not the defendant or an agent or employee of the defendant, has been redacted. In a criminal proceeding, the report is admissible in evidence in accordance with the Rules of Evidence and is subject to discovery in accordance with the Rules of Criminal Procedure.

(2)(a) Except as provided in division (I)(2)(b) of this section, no person shall permit or encourage the unauthorized dissemination of the contents of any report made under this section.

(b) A health care professional that obtains the same information contained in a report made under this section from a

source other than the report may disseminate the information, if 17889
its dissemination is otherwise permitted by law. 17890

(3) A person who knowingly makes or causes another person to 17891
make a false report under division (B) of this section that 17892
alleges that any person has committed an act or omission that 17893
resulted in a child being an abused child or a neglected child is 17894
guilty of a violation of section 2921.14 of the Revised Code. 17895

(4) If a report is made pursuant to division (A) or (B) of 17896
this section and the child who is the subject of the report dies 17897
for any reason at any time after the report is made, but before 17898
the child attains eighteen years of age, the public children 17899
services agency or peace officer to which the report was made or 17900
referred, on the request of the child fatality review board or the 17901
director of health pursuant to guidelines established under 17902
section 3701.70 of the Revised Code, shall submit a summary sheet 17903
of information providing a summary of the report to the review 17904
board of the county in which the deceased child resided at the 17905
time of death or to the director. On the request of the review 17906
board or director, the agency or peace officer may, at its 17907
discretion, make the report available to the review board or 17908
director. If the county served by the public children services 17909
agency is also served by a children's advocacy center and the 17910
report of alleged sexual abuse of a child or another type of abuse 17911
of a child is specified in the memorandum of understanding that 17912
creates the center as being within the center's jurisdiction, the 17913
agency or center shall perform the duties and functions specified 17914
in this division in accordance with the interagency agreement 17915
entered into under section 2151.428 of the Revised Code relative 17916
to that advocacy center. 17917

(5) A public children services agency shall advise a person 17918
alleged to have inflicted abuse or neglect on a child who is the 17919
subject of a report made pursuant to this section, including a 17920

report alleging sexual abuse of a child or another type of abuse 17921
of a child referred to a children's advocacy center pursuant to an 17922
interagency agreement entered into under section 2151.428 of the 17923
Revised Code, in writing of the disposition of the investigation. 17924
The agency shall not provide to the person any information that 17925
identifies the person who made the report, statements of 17926
witnesses, or police or other investigative reports. 17927

(J) Any report that is required by this section, other than a 17928
report that is made to the state highway patrol as described in 17929
section 5120.173 of the Revised Code, shall result in protective 17930
services and emergency supportive services being made available by 17931
the public children services agency on behalf of the children 17932
about whom the report is made, in an effort to prevent further 17933
neglect or abuse, to enhance their welfare, and, whenever 17934
possible, to preserve the family unit intact. The agency required 17935
to provide the services shall be the agency conducting the 17936
investigation of the report pursuant to section 2151.422 of the 17937
Revised Code. 17938

(K)(1) Each public children services agency shall prepare a 17939
memorandum of understanding that is signed by all of the 17940
following: 17941

(a) If there is only one juvenile judge in the county, the 17942
juvenile judge of the county or the juvenile judge's 17943
representative; 17944

(b) If there is more than one juvenile judge in the county, a 17945
juvenile judge or the juvenile judges' representative selected by 17946
the juvenile judges or, if they are unable to do so for any 17947
reason, the juvenile judge who is senior in point of service or 17948
the senior juvenile judge's representative; 17949

(c) The county peace officer; 17950

(d) All chief municipal peace officers within the county; 17951

(e) Other law enforcement officers handling child abuse and neglect cases in the county; 17952
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(f) The prosecuting attorney of the county; 17954

(g) If the public children services agency is not the county department of job and family services, the county department of job and family services; 17955
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(h) The county humane society; 17958

(i) If the public children services agency participated in the execution of a memorandum of understanding under section 2151.426 of the Revised Code establishing a children's advocacy center, each participating member of the children's advocacy center established by the memorandum. 17959
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(2) A memorandum of understanding shall set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under this section and division (C) of section 2919.21, division (B)(1) of section 2919.22, division (B) of section 2919.23, and section 2919.24 of the Revised Code and shall have as two of its primary goals the elimination of all unnecessary interviews of children who are the subject of reports made pursuant to division (A) or (B) of this section and, when feasible, providing for only one interview of a child who is the subject of any report made pursuant to division (A) or (B) of this section. A failure to follow the procedure set forth in the memorandum by the concerned officials is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from any reported case of abuse or neglect or the suppression of any evidence obtained as a result of any reported child abuse or child neglect and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person. 17964
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(3) A memorandum of understanding shall include all of the 17983
following: 17984

(a) The roles and responsibilities for handling emergency and 17985
nonemergency cases of abuse and neglect; 17986

(b) Standards and procedures to be used in handling and 17987
coordinating investigations of reported cases of child abuse and 17988
reported cases of child neglect, methods to be used in 17989
interviewing the child who is the subject of the report and who 17990
allegedly was abused or neglected, and standards and procedures 17991
addressing the categories of persons who may interview the child 17992
who is the subject of the report and who allegedly was abused or 17993
neglected. 17994

(4) If a public children services agency participated in the 17995
execution of a memorandum of understanding under section 2151.426 17996
of the Revised Code establishing a children's advocacy center, the 17997
agency shall incorporate the contents of that memorandum in the 17998
memorandum prepared pursuant to this section. 17999

(5) The clerk of the court of common pleas in the county may 18000
sign the memorandum of understanding prepared under division 18001
(K)(1) of this section. If the clerk signs the memorandum of 18002
understanding, the clerk shall execute all relevant 18003
responsibilities as required of officials specified in the 18004
memorandum. 18005

(L)(1) Except as provided in division (L)(4) or (5) of this 18006
section, a person who is required to make a report pursuant to 18007
division (A) of this section may make a reasonable number of 18008
requests of the public children services agency that receives or 18009
is referred the report, or of the children's advocacy center that 18010
is referred the report if the report is referred to a children's 18011
advocacy center pursuant to an interagency agreement entered into 18012
under section 2151.428 of the Revised Code, to be provided with 18013

the following information: 18014

(a) Whether the agency or center has initiated an 18015
investigation of the report; 18016

(b) Whether the agency or center is continuing to investigate 18017
the report; 18018

(c) Whether the agency or center is otherwise involved with 18019
the child who is the subject of the report; 18020

(d) The general status of the health and safety of the child 18021
who is the subject of the report; 18022

(e) Whether the report has resulted in the filing of a 18023
complaint in juvenile court or of criminal charges in another 18024
court. 18025

(2) A person may request the information specified in 18026
division (L)(1) of this section only if, at the time the report is 18027
made, the person's name, address, and telephone number are 18028
provided to the person who receives the report. 18029

When a peace officer or employee of a public children 18030
services agency receives a report pursuant to division (A) or (B) 18031
of this section the recipient of the report shall inform the 18032
person of the right to request the information described in 18033
division (L)(1) of this section. The recipient of the report shall 18034
include in the initial child abuse or child neglect report that 18035
the person making the report was so informed and, if provided at 18036
the time of the making of the report, shall include the person's 18037
name, address, and telephone number in the report. 18038

Each request is subject to verification of the identity of 18039
the person making the report. If that person's identity is 18040
verified, the agency shall provide the person with the information 18041
described in division (L)(1) of this section a reasonable number 18042
of times, except that the agency shall not disclose any 18043

confidential information regarding the child who is the subject of 18044
the report other than the information described in those 18045
divisions. 18046

(3) A request made pursuant to division (L)(1) of this 18047
section is not a substitute for any report required to be made 18048
pursuant to division (A) of this section. 18049

(4) If an agency other than the agency that received or was 18050
referred the report is conducting the investigation of the report 18051
pursuant to section 2151.422 of the Revised Code, the agency 18052
conducting the investigation shall comply with the requirements of 18053
division (L) of this section. 18054

(5) A health care professional who made a report under 18055
division (A) of this section, or on whose behalf such a report was 18056
made as provided in division (A)(1)(c) of this section, may 18057
authorize a person to obtain the information described in division 18058
(L)(1) of this section if the person requesting the information is 18059
associated with or acting on behalf of the health care 18060
professional who provided health care services to the child about 18061
whom the report was made. 18062

(M) The director of job and family services shall adopt rules 18063
in accordance with Chapter 119. of the Revised Code to implement 18064
this section. The department of job and family services may enter 18065
into a plan of cooperation with any other governmental entity to 18066
aid in ensuring that children are protected from abuse and 18067
neglect. The department shall make recommendations to the attorney 18068
general that the department determines are necessary to protect 18069
children from child abuse and child neglect. 18070

(N) Whoever violates division (A) of this section is liable 18071
for compensatory and exemplary damages to the child who would have 18072
been the subject of the report that was not made. A person who 18073
brings a civil action or proceeding pursuant to this division 18074

against a person who is alleged to have violated division (A)(1) 18075
of this section may use in the action or proceeding reports of 18076
other incidents of known or suspected abuse or neglect, provided 18077
that any information in a report that would identify the child who 18078
is the subject of the report or the maker of the report, if the 18079
maker is not the defendant or an agent or employee of the 18080
defendant, has been redacted. 18081

(O)(1) As used in this division: 18082

(a) "Out-of-home care" includes a nonchartered nonpublic 18083
school if the alleged child abuse or child neglect, or alleged 18084
threat of child abuse or child neglect, described in a report 18085
received by a public children services agency allegedly occurred 18086
in or involved the nonchartered nonpublic school and the alleged 18087
perpetrator named in the report holds a certificate, permit, or 18088
license issued by the state board of education under section 18089
3301.071 or Chapter 3319. of the Revised Code. 18090

(b) "Administrator, director, or other chief administrative 18091
officer" means the superintendent of the school district if the 18092
out-of-home care entity subject to a report made pursuant to this 18093
section is a school operated by the district. 18094

(2) No later than the end of the day following the day on 18095
which a public children services agency receives a report of 18096
alleged child abuse or child neglect, or a report of an alleged 18097
threat of child abuse or child neglect, that allegedly occurred in 18098
or involved an out-of-home care entity, the agency shall provide 18099
written notice of the allegations contained in and the person 18100
named as the alleged perpetrator in the report to the 18101
administrator, director, or other chief administrative officer of 18102
the out-of-home care entity that is the subject of the report 18103
unless the administrator, director, or other chief administrative 18104
officer is named as an alleged perpetrator in the report. If the 18105
administrator, director, or other chief administrative officer of 18106

an out-of-home care entity is named as an alleged perpetrator in a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved the out-of-home care entity, the agency shall provide the written notice to the owner or governing board of the out-of-home care entity that is the subject of the report. The agency shall not provide witness statements or police or other investigative reports.

(3) No later than three days after the day on which a public children services agency that conducted the investigation as determined pursuant to section 2151.422 of the Revised Code makes a disposition of an investigation involving a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall send written notice of the disposition of the investigation to the administrator, director, or other chief administrative officer and the owner or governing board of the out-of-home care entity. The agency shall not provide witness statements or police or other investigative reports.

(P) As used in this section:

(1) "Children's advocacy center" and "sexual abuse of a child" have the same meanings as in section 2151.425 of the Revised Code.

(2) "Health care professional" means an individual who provides health-related services including a physician, hospital intern or resident, dentist, podiatrist, registered nurse, licensed practical nurse, visiting nurse, licensed psychologist, speech pathologist, audiologist, person engaged in social work or the practice of professional counseling, and employee of a home health agency. "Health care professional" does not include a practitioner of a limited branch of medicine as specified in

section 4731.15 of the Revised Code, licensed school psychologist, 18139
independent marriage and family therapist or marriage and family 18140
therapist, or coroner. 18141

(3) "Investigation" means the public children services 18142
agency's response to an accepted report of child abuse or neglect 18143
through either an alternative response or a traditional response. 18144

(4) "Peace officer" means a sheriff, deputy sheriff, 18145
constable, police officer of a township or joint police district, 18146
marshal, deputy marshal, municipal police officer, or a state 18147
highway patrol trooper. 18148

Sec. 2151.424. (A) If a child has been placed in a certified 18149
foster home or is in the custody of, or has been placed with, a 18150
~~relative of the child, other than a parent of the child~~ kinship 18151
caregiver as defined in section 5101.85 of the Revised Code, a 18152
court, prior to conducting any hearing pursuant to division (F)(2) 18153
or (3) of section 2151.412 or section 2151.28, 2151.33, 2151.35, 18154
2151.414, 2151.415, 2151.416, or 2151.417 of the Revised Code with 18155
respect to the child, shall notify the foster caregiver or 18156
~~relative~~ kinship caregiver of the date, time, and place of the 18157
hearing. At the hearing, the foster caregiver or ~~relative~~ kinship 18158
caregiver shall have the right to ~~present evidence~~ be heard. 18159

(B) If a public children services agency or private child 18160
placing agency has permanent custody of a child and a petition to 18161
adopt the child has been filed under Chapter 3107. of the Revised 18162
Code, the agency, prior to conducting a review under section 18163
2151.416 of the Revised Code, or a court, prior to conducting a 18164
hearing under division (F)(2) or (3) of section 2151.412 or 18165
section 2151.416 or 2151.417 of the Revised Code, shall notify the 18166
prospective adoptive parent of the date, time, and place of the 18167
review or hearing. At the review or hearing, the prospective 18168
adoptive parent shall have the right to ~~present evidence~~ be heard. 18169

(C) The notice and the opportunity to ~~present evidence be~~ 18170
heard do not make the foster caregiver, ~~relative kinship~~ 18171
caregiver, or prospective adoptive parent a party in the action or 18172
proceeding pursuant to which the review or hearing is conducted. 18173

Sec. 2151.45. As used in sections 2151.45 to 2151.455 of the 18174
Revised Code, "emancipated young adult" and "representative" have 18175
the same meanings as in section 5101.141 of the Revised Code. 18176

Sec. 2151.451. The juvenile court of the county in which an 18177
emancipated young adult described under division (A)(1) of section 18178
5101.1411 of the Revised Code resides shall have jurisdiction over 18179
the emancipated young adult for purposes of sections 2151.45 to 18180
2151.455 of the Revised Code. A juvenile court, on its own motion 18181
or the motion of any party, may transfer a proceeding under those 18182
sections to a juvenile court with jurisdiction as provided in this 18183
section. 18184

Sec. 2151.452. A juvenile court shall do both of the 18185
following regarding an emancipated young adult described under 18186
division (A)(1) of section 5101.1411 of the Revised Code: 18187

(A) Not later than one hundred eighty days after the 18188
voluntary participation agreement becomes effective, make a 18189
determination as to whether the emancipated young adult's best 18190
interest is served by continuing the care and placement with the 18191
department of job and family services or its representative. An 18192
emancipated young adult shall not be eligible for continued care 18193
and placement if the court finds it is not in the emancipated 18194
young adult's best interest. 18195

(B) Not later than twelve months after the date that the 18196
voluntary participation agreement is signed, and annually 18197
thereafter, make a determination as to whether reasonable efforts 18198
have been made to prepare the emancipated young adult for 18199

independence. 18200

Sec. 2151.453. If any determination required under division 18201
(B) of section 2151.452 of the Revised Code is not timely made, 18202
the federal payments for foster care under division (A)(1) of 18203
section 5101.1411 of the Revised Code for the emancipated young 18204
adult shall be suspended. The payments shall resume upon a 18205
subsequent determination that reasonable efforts have been made to 18206
prepare the emancipated young adult for independence, but only if 18207
both of the following apply: 18208

(A) The emancipated young adult complies with division (A)(1) 18209
of section 5101.1411 of the Revised Code. 18210

(B) There has been a timely determination of best interest 18211
under division (A) of section 2151.452 of the Revised Code. 18212

Sec. 2151.454. For purposes of a determination under section 18213
2151.452 of the Revised Code, the department of job and family 18214
services or its representative may file any documents and appear 18215
before the court in relation to such filings. Nothing in this 18216
section shall prohibit an emancipated young adult from obtaining 18217
legal representation pursuant to section 2151.455 of the Revised 18218
Code. 18219

Sec. 2151.455. (A) An emancipated young adult is entitled to 18220
representation by legal counsel at all stages of proceedings 18221
conducted under section 2151.45 to 2151.455 of the Revised Code. 18222

(B) If, as an indigent person, the emancipated young adult is 18223
unable to employ counsel, the emancipated young adult is entitled 18224
to have counsel provided pursuant to Chapter 120. of the Revised 18225
Code. 18226

(C) If an emancipated young adult appears without counsel, 18227
the court shall determine whether the emancipated young adult 18228

knows of the right to counsel, and to be provided with counsel, if 18229
indigent. 18230

(D) The court may continue the case to enable an emancipated 18231
young adult to obtain counsel, to be represented by the county 18232
public defender or the joint county public defender, or to be 18233
appointed counsel upon request pursuant to Chapter 120. of the 18234
Revised Code. 18235

(E) Upon written request, prior to any hearing involving the 18236
emancipated young adult, any report concerning an emancipated 18237
young adult that is used in, or is pertinent to, a hearing, shall 18238
for good cause shown be made available to any attorney 18239
representing the emancipated young adult and to any attorney 18240
representing any other party to the case. 18241

Sec. 2151.86. (A)(1) The appointing or hiring officer of any 18242
entity that appoints or employs any person responsible for a 18243
child's care in out-of-home care shall request the superintendent 18244
of BCII to conduct a criminal records check with respect to any 18245
person who is under final consideration for appointment or 18246
employment as a person responsible for a child's care in 18247
out-of-home care, ~~except that section 3319.39 of the Revised Code~~ 18248
~~shall apply instead of this section if.~~ The request shall be made 18249
at the time of initial application for appointment or employment 18250
and every four years thereafter. If the out-of-home care entity is 18251
a public school, educational service center, or chartered 18252
nonpublic school, then section 3319.39 of the Revised Code shall 18253
apply instead. If the out-of-home care entity is a child day-care 18254
center, type A family day-care home, type B family day-care home, 18255
certified in-home aide, or child day camp, then section 5104.013 18256
of the Revised Code shall apply instead. 18257

(2) At the times specified in this division, the 18258
administrative director of an agency, or attorney, who arranges an 18259

adoption for a prospective adoptive parent shall request the 18260
superintendent of BCII to conduct a criminal records check with 18261
respect to that prospective adoptive parent and a criminal records 18262
check with respect to all persons eighteen years of age or older 18263
who reside with the prospective adoptive parent. The 18264
administrative director or attorney shall request a criminal 18265
records check pursuant to this division at the time of the initial 18266
home study, every four years after the initial home study at the 18267
time of an update, and at the time that an adoptive home study is 18268
completed as a new home study. 18269

(3) Before a recommending agency submits a recommendation to 18270
the department of job and family services on whether the 18271
department should issue a certificate to a foster home under 18272
section 5103.03 of the Revised Code, and every four years 18273
thereafter prior to a recertification under that section, the 18274
administrative director of the agency shall request that the 18275
superintendent of BCII conduct a criminal records check with 18276
respect to the prospective foster caregiver and a criminal records 18277
check with respect to all other persons eighteen years of age or 18278
older who reside with the foster caregiver. 18279

~~(B)(1) If a person subject to a criminal records check under 18280
division (A)(1) of this section does not present proof that the 18281
person has been a resident of this state for the five year period 18282
immediately prior to the date upon which the criminal records 18283
check is requested or does not provide evidence that within that 18284
five year period the superintendent of BCII has requested 18285
information about the person from the federal bureau of 18286
investigation in a criminal records check, the appointing or 18287
hiring officer shall request that the superintendent of BCII 18288
obtain information from the federal bureau of investigation as a 18289
part of the criminal records check, including fingerprint based 18290
checks of national crime information databases as described in 42 18291~~

~~U.S.C. 671. If a person subject to a criminal records check under
division (A)(1) of this section presents proof that the person has
been a resident of this state for that five year period, the
appointing or hiring officer or attorney may request that the
superintendent of BCII include information from the federal bureau
of investigation in the criminal records check, including
fingerprint based checks of national crime information databases
as described in 42 U.S.C. 671~~ When the appointing or hiring
officer requests, at the time of initial application for
appointment or employment, a criminal records check for a person
subject to division (A)(1) of this section, the officer shall
request that the superintendent of BCII obtain information from
the federal bureau of investigation as part of the criminal
records check, including fingerprint-based checks of national
crime information databases as described in 42 U.S.C. 671, for the
person subject to the criminal records check. In all other cases
in which the appointing or hiring officer requests a criminal
records check for a person pursuant to division (A)(1) of this
section, the officer may request that the superintendent of BCII
obtain information from the federal bureau of investigation as
part of the criminal records check, including fingerprint-based
checks of national crime information databases as described in 42
U.S.C. 671, for the person subject to the criminal records check.

When the administrative director of an agency, or attorney,
who arranges an adoption for a prospective parent requests, at the
time of the initial home study, a criminal records check for a
person pursuant to division (A)(2) of this section, the
administrative director or attorney shall request that the
superintendent of BCII obtain information from the federal bureau
of investigation as part of the criminal records check, including
fingerprint-based checks of national crime information databases
as described in 42 U.S.C. 671, for the person subject to the
criminal records check. In all other cases in which the

administrative director of an agency, or attorney, who arranges an 18325
adoption for a prospective parent requests a criminal records 18326
check for a person pursuant to division (A)(2) of this section, 18327
the administrative director or attorney may request that the 18328
superintendent of BCII include information from the federal bureau 18329
of investigation in the criminal records check, including 18330
fingerprint-based checks of national crime information databases 18331
as described in 42 U.S.C. 671. 18332

When the administrative director of a recommending agency 18333
requests, before submitting a recommendation to the department of 18334
job and family services on whether the department should issue a 18335
certificate to a foster home under section 5103.03 of the Revised 18336
Code, a criminal records check for a person pursuant to division 18337
(A)(3) of this section, the administrative director shall request 18338
that the superintendent of BCII obtain information from the 18339
federal bureau of investigation as part of a criminal records 18340
check, including fingerprint-based checks of national crime 18341
information databases as described in 42 U.S.C. 671, for the 18342
person subject to the criminal records check. In all other cases 18343
in which the administrative director of a recommending agency 18344
requests a criminal records check for a person pursuant to 18345
division (A)(3) of this section, the administrative director may 18346
request that the superintendent of BCII include information from 18347
the federal bureau of investigation in the criminal records check, 18348
including fingerprint-based checks of national crime information 18349
databases as described in 42 U.S.C. 671. 18350

Prior to a hearing on a final decree of adoption or 18351
interlocutory order of adoption by a probate court, the 18352
administrative director of an agency, or an attorney, who arranges 18353
an adoption for a prospective parent shall provide to the clerk of 18354
the probate court either of the following: 18355

(a) Any information received pursuant to a request made under 18356

this division from the superintendent of BCII or the federal 18357
bureau of investigation as part of the criminal records check, 18358
including fingerprint-based checks of national crime information 18359
databases as described in 42 U.S.C. 671, for the person subject to 18360
the criminal records check; 18361

(b) Written notification that the person subject to a 18362
criminal records check pursuant to this division failed upon 18363
request to provide the information necessary to complete the form 18364
or failed to provide impressions of the person's fingerprints as 18365
required under division (B)(2) of this section. 18366

(2) An appointing or hiring officer, administrative director, 18367
or attorney required by division (A) of this section to request a 18368
criminal records check shall provide to each person subject to a 18369
criminal records check a copy of the form prescribed pursuant to 18370
division (C)(1) of section 109.572 of the Revised Code and a 18371
standard impression sheet to obtain fingerprint impressions 18372
prescribed pursuant to division (C)(2) of section 109.572 of the 18373
Revised Code, obtain the completed form and impression sheet from 18374
the person, and forward the completed form and impression sheet to 18375
the superintendent of BCII at the time the criminal records check 18376
is requested. 18377

Any person subject to a criminal records check who receives 18378
pursuant to this division a copy of the form prescribed pursuant 18379
to division (C)(1) of section 109.572 of the Revised Code and a 18380
copy of an impression sheet prescribed pursuant to division (C)(2) 18381
of that section and who is requested to complete the form and 18382
provide a set of fingerprint impressions shall complete the form 18383
or provide all the information necessary to complete the form and 18384
shall provide the impression sheet with the impressions of the 18385
person's fingerprints. If a person subject to a criminal records 18386
check, upon request, fails to provide the information necessary to 18387
complete the form or fails to provide impressions of the person's 18388

fingerprints, the appointing or hiring officer shall not appoint 18389
or employ the person as a person responsible for a child's care in 18390
out-of-home care, a probate court may not issue a final decree of 18391
adoption or an interlocutory order of adoption making the person 18392
an adoptive parent, and the department of job and family services 18393
shall not issue a certificate authorizing the prospective foster 18394
caregiver to operate a foster home. 18395

(C)(1) No appointing or hiring officer shall appoint or 18396
employ a person as a person responsible for a child's care in 18397
out-of-home care, the department of job and family services shall 18398
not issue a certificate under section 5103.03 of the Revised Code 18399
authorizing a prospective foster caregiver to operate a foster 18400
home, and no probate court shall issue a final decree of adoption 18401
or an interlocutory order of adoption making a person an adoptive 18402
parent if the person or, in the case of a prospective foster 18403
caregiver or prospective adoptive parent, any person eighteen 18404
years of age or older who resides with the prospective foster 18405
caregiver or prospective adoptive parent previously has been 18406
convicted of or pleaded guilty to any of the violations described 18407
in division (A)(4) of section 109.572 of the Revised Code, unless 18408
the person meets rehabilitation standards established in rules 18409
adopted under division (F) of this section. 18410

~~(2) The appointing or hiring officer may appoint or employ a 18411
person as a person responsible for a child's care in out of home 18412
care conditionally until the criminal records check required by 18413
this section is completed and the officer receives the results of 18414
the criminal records check. If the results of the criminal records 18415
check indicate that, pursuant to division (C)(1) of this section, 18416
the person subject to the criminal records check does not qualify 18417
for appointment or employment, the officer shall release the 18418
person from appointment or employment. 18419~~

~~(3) Prior to certification or recertification under section 18420~~

5103.03 of the Revised Code, the prospective foster caregiver 18421
subject to a criminal records check under division (A)(3) of this 18422
section shall notify the recommending agency of the revocation of 18423
any foster home license, certificate, or other similar 18424
authorization in another state occurring within the five years 18425
prior to the date of application to become a foster caregiver in 18426
this state. The failure of a prospective foster caregiver to 18427
notify the recommending agency of any revocation of that type in 18428
another state that occurred within that five-year period shall be 18429
grounds for denial of the person's foster home application or the 18430
revocation of the person's foster home certification, whichever is 18431
applicable. If a person has had a revocation in another state 18432
within the five years prior to the date of the application, the 18433
department of job and family services shall not issue a foster 18434
home certificate to the prospective foster caregiver. 18435

(D) The appointing or hiring officer, administrative 18436
director, or attorney shall pay to the bureau of criminal 18437
identification and investigation the fee prescribed pursuant to 18438
division (C)(3) of section 109.572 of the Revised Code for each 18439
criminal records check conducted in accordance with that section 18440
upon a request pursuant to division (A) of this section. The 18441
officer, director, or attorney may charge the person subject to 18442
the criminal records check a fee for the costs the officer, 18443
director, or attorney incurs in obtaining the criminal records 18444
check. A fee charged under this division shall not exceed the 18445
amount of fees the officer, director, or attorney pays for the 18446
criminal records check. If a fee is charged under this division, 18447
the officer, director, or attorney shall notify the person who is 18448
the applicant at the time of the person's initial application for 18449
appointment or employment, an adoption to be arranged, or a 18450
certificate to operate a foster home of the amount of the fee and 18451
that, unless the fee is paid, the person who is the applicant will 18452
not be considered for appointment or employment or as an adoptive 18453

parent or foster caregiver. 18454

(E) The report of any criminal records check conducted by the 18455
bureau of criminal identification and investigation in accordance 18456
with section 109.572 of the Revised Code and pursuant to a request 18457
made under division (A) of this section is not a public record for 18458
the purposes of section 149.43 of the Revised Code and shall not 18459
be made available to any person other than the following: 18460

(1) The person who is the subject of the criminal records 18461
check or the person's representative; 18462

(2) The appointing or hiring officer, administrative 18463
director, or attorney requesting the criminal records check or the 18464
officer's, director's, or attorney's representative; 18465

(3) The department of job and family services, a county 18466
department of job and family services, or a public children 18467
services agency; 18468

(4) Any court, hearing officer, or other necessary individual 18469
involved in a case dealing with the denial of employment, a final 18470
decree of adoption or interlocutory order of adoption, or a foster 18471
home certificate. 18472

(F) The director of job and family services shall adopt rules 18473
in accordance with Chapter 119. of the Revised Code to implement 18474
this section. The rules shall include rehabilitation standards a 18475
person who has been convicted of or pleaded guilty to an offense 18476
listed in division (A)(4) of section 109.572 of the Revised Code 18477
must meet for an appointing or hiring officer to appoint or employ 18478
the person as a person responsible for a child's care in 18479
out-of-home care, a probate court to issue a final decree of 18480
adoption or interlocutory order of adoption making the person an 18481
adoptive parent, or the department to issue a certificate 18482
authorizing the prospective foster caregiver to operate a foster 18483
home or not revoke a foster home certificate for a violation 18484

specified in section 5103.0328 of the Revised Code. 18485

(G) An appointing or hiring officer, administrative director, 18486
or attorney required by division (A) of this section to request a 18487
criminal records check shall inform each person who is the 18488
applicant, at the time of the person's initial application for 18489
appointment or employment, an adoption to be arranged, or a foster 18490
home certificate, that the person subject to the criminal records 18491
check is required to provide a set of impressions of the person's 18492
fingerprints and that a criminal records check is required to be 18493
conducted and satisfactorily completed in accordance with section 18494
109.572 of the Revised Code. 18495

(H) As used in this section: 18496

(1) "Children's hospital" means any of the following: 18497

(a) A hospital registered under section 3701.07 of the 18498
Revised Code that provides general pediatric medical and surgical 18499
care, and in which at least seventy-five per cent of annual 18500
inpatient discharges for the preceding two calendar years were 18501
individuals less than eighteen years of age; 18502

(b) A distinct portion of a hospital registered under section 18503
3701.07 of the Revised Code that provides general pediatric 18504
medical and surgical care, has a total of at least one hundred 18505
fifty registered pediatric special care and pediatric acute care 18506
beds, and in which at least seventy-five per cent of annual 18507
inpatient discharges for the preceding two calendar years were 18508
individuals less than eighteen years of age; 18509

(c) A distinct portion of a hospital, if the hospital is 18510
registered under section 3701.07 of the Revised Code as a 18511
children's hospital and the children's hospital meets all the 18512
requirements of division (H)(1)(a) of this section. 18513

(2) "Criminal records check" has the same meaning as in 18514
section 109.572 of the Revised Code. 18515

(3) "Person responsible for a child's care in out-of-home care" has the same meaning as in section 2151.011 of the Revised Code, except that it does not include a prospective employee of the department of youth services or a person responsible for a child's care in a hospital or medical clinic other than a children's hospital.

(4) "Person subject to a criminal records check" means the following:

(a) A person who is under final consideration for appointment or employment as a person responsible for a child's care in out-of-home care;

(b) A prospective or current adoptive parent;

(c) A prospective or current foster caregiver;

(d) A person eighteen years old or older who resides with a prospective or current foster caregiver or a prospective or current adoptive parent.

(5) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency to which the department of job and family services has delegated a duty to inspect and approve foster homes.

(6) "Superintendent of BCII" means the superintendent of the bureau of criminal identification and investigation.

Sec. 2303.201. (A)(1) The court of common pleas of any county may determine that for the efficient operation of the court additional funds are required to computerize the court, to make available computerized legal research services, or to do both. Upon making a determination that additional funds are required for either or both of those purposes, the court shall authorize and direct the clerk of the court of common pleas to charge one additional fee, not to exceed six dollars, on the filing of each

cause of action or appeal under divisions (A), (Q), and (U) of 18546
section 2303.20 of the Revised Code. 18547

(2) All fees collected under division (A)(1) of this section 18548
shall be paid to the county treasurer. The treasurer shall place 18549
the funds from the fees in a separate fund to be disbursed either 18550
upon an order of the court, subject to an appropriation by the 18551
board of county commissioners, or upon an order of the court, 18552
subject to the court making an annual report available to the 18553
public listing the use of all such funds, in an amount not greater 18554
than the actual cost to the court of procuring and maintaining 18555
computerization of the court, computerized legal research 18556
services, or both. 18557

(3) If the court determines that the funds in the fund 18558
described in division (A)(2) of this section are more than 18559
sufficient to satisfy the purpose for which the additional fee 18560
described in division (A)(1) of this section was imposed, the 18561
court may declare a surplus in the fund and, subject to an 18562
appropriation by the board of county commissioners, expend those 18563
surplus funds, or upon an order of the court, subject to the court 18564
making an annual report available to the public listing the use of 18565
all such funds, expend those surplus funds, for other appropriate 18566
technological expenses of the court. 18567

(B)(1) The court of common pleas of any county may determine 18568
that, for the efficient operation of the court, additional funds 18569
are required to make technological advances in or to computerize 18570
the office of the clerk of the court of common pleas and, upon 18571
that determination, authorize and direct the clerk of the court of 18572
common pleas to charge an additional fee, not to exceed twenty 18573
dollars, on the filing of each cause of action or appeal, on the 18574
filing, docketing, and endorsing of each certificate of judgment, 18575
or on the docketing and indexing of each aid in execution or 18576
petition to vacate, revive, or modify a judgment under divisions 18577

(A), (P), (Q), (T), and (U) of section 2303.20 of the Revised Code 18578
and not to exceed one dollar each for the services described in 18579
divisions (B), (C), (D), (F), (H), and (L) of section 2303.20 of 18580
the Revised Code. Subject to division (B)(2) of this section, all 18581
moneys collected under division (B)(1) of this section shall be 18582
paid to the county treasurer to be disbursed, upon an order of the 18583
court of common pleas and subject to appropriation by the board of 18584
county commissioners, in an amount no greater than the actual cost 18585
to the court of procuring and maintaining technology and computer 18586
systems for the office of the clerk of the court of common pleas. 18587

(2) If the court of common pleas of a county makes the 18588
determination described in division (B)(1) of this section, the 18589
board of county commissioners of that county may issue one or more 18590
general obligation bonds for the purpose of procuring and 18591
maintaining the technology and computer systems for the office of 18592
the clerk of the court of common pleas. In addition to the 18593
purposes stated in division (B)(1) of this section for which the 18594
moneys collected under that division may be expended, the moneys 18595
additionally may be expended to pay debt charges on and financing 18596
costs related to any general obligation bonds issued pursuant to 18597
division (B)(2) of this section as they become due. General 18598
obligation bonds issued pursuant to division (B)(2) of this 18599
section are Chapter 133. securities. 18600

(C) The court of common pleas shall collect the sum of 18601
twenty-six dollars as additional filing fees in each new civil 18602
action or proceeding for the charitable public purpose of 18603
providing financial assistance to legal aid societies that operate 18604
within the state and to support the office of the state public 18605
defender. This division does not apply to a juvenile division of a 18606
court of common pleas, except that an additional filing fee of 18607
fifteen dollars shall apply to custody, visitation, and parentage 18608
actions; to a probate division of a court of common pleas, except 18609

that the additional filing fees shall apply to name change, 18610
guardianship, adoption, and decedents' estate proceedings; or to 18611
an execution on a judgment, proceeding in aid of execution, or 18612
other post-judgment proceeding arising out of a civil action. The 18613
filing fees required to be collected under this division shall be 18614
in addition to any other filing fees imposed in the action or 18615
proceeding and shall be collected at the time of the filing of the 18616
action or proceeding. The court shall not waive the payment of the 18617
additional filing fees in a new civil action or proceeding unless 18618
the court waives the advanced payment of all filing fees in the 18619
action or proceeding. All such moneys collected during a month 18620
except for an amount equal to up to one per cent of those moneys 18621
retained to cover administrative costs shall be transmitted on or 18622
before the twentieth day of the following month by the clerk of 18623
the court to the treasurer of state in a manner prescribed by the 18624
treasurer of state or by the Ohio ~~legal assistance~~ access to 18625
justice foundation. The treasurer of state shall deposit four per 18626
cent of the funds collected under this division to the credit of 18627
the civil case filing fee fund established under section 120.07 of 18628
the Revised Code and ninety-six per cent of the funds collected 18629
under this division to the credit of the legal aid fund 18630
established under section 120.52 of the Revised Code. 18631

The court may retain up to one per cent of the moneys it 18632
collects under this division to cover administrative costs, 18633
including the hiring of any additional personnel necessary to 18634
implement this division. If the court fails to transmit to the 18635
treasurer of state the moneys the court collects under this 18636
division in a manner prescribed by the treasurer of state or by 18637
the Ohio ~~legal assistance~~ access to justice foundation, the court 18638
shall forfeit the moneys the court retains under this division to 18639
cover administrative costs, including the hiring of any additional 18640
personnel necessary to implement this division, and shall transmit 18641
to the treasurer of state all moneys collected under this 18642

division, including the forfeited amount retained for 18643
administrative costs, for deposit in the legal aid fund. 18644

(D) On and after the thirtieth day after December 9, 1994, 18645
the court of common pleas shall collect the sum of thirty-two 18646
dollars as additional filing fees in each new action or proceeding 18647
for annulment, divorce, or dissolution of marriage for the purpose 18648
of funding shelters for victims of domestic violence pursuant to 18649
sections 3113.35 to 3113.39 of the Revised Code. The filing fees 18650
required to be collected under this division shall be in addition 18651
to any other filing fees imposed in the action or proceeding and 18652
shall be collected at the time of the filing of the action or 18653
proceeding. The court shall not waive the payment of the 18654
additional filing fees in a new action or proceeding for 18655
annulment, divorce, or dissolution of marriage unless the court 18656
waives the advanced payment of all filing fees in the action or 18657
proceeding. On or before the twentieth day of each month, all 18658
moneys collected during the immediately preceding month pursuant 18659
to this division shall be deposited by the clerk of the court into 18660
the county treasury in the special fund used for deposit of 18661
additional marriage license fees as described in section 3113.34 18662
of the Revised Code. Upon their deposit into the fund, the moneys 18663
shall be retained in the fund and expended only as described in 18664
section 3113.34 of the Revised Code. 18665

(E)(1) The court of common pleas may determine that, for the 18666
efficient operation of the court, additional funds are necessary 18667
to acquire and pay for special projects of the court, including, 18668
but not limited to, the acquisition of additional facilities or 18669
the rehabilitation of existing facilities, the acquisition of 18670
equipment, the hiring and training of staff, community service 18671
programs, mediation or dispute resolution services, the employment 18672
of magistrates, the training and education of judges, acting 18673
judges, and magistrates, and other related services. Upon that 18674

determination, the court by rule may charge a fee, in addition to 18675
all other court costs, on the filing of each criminal cause, civil 18676
action or proceeding, or judgment by confession. 18677

If the court of common pleas offers or requires a special 18678
program or additional services in cases of a specific type, the 18679
court by rule may assess an additional charge in a case of that 18680
type, over and above court costs, to cover the special program or 18681
service. The court shall adjust the special assessment 18682
periodically, but not retroactively, so that the amount assessed 18683
in those cases does not exceed the actual cost of providing the 18684
service or program. 18685

All moneys collected under division (E) of this section shall 18686
be paid to the county treasurer for deposit into either a general 18687
special projects fund or a fund established for a specific special 18688
project. Moneys from a fund of that nature shall be disbursed upon 18689
an order of the court, subject to an appropriation by the board of 18690
county commissioners, in an amount no greater than the actual cost 18691
to the court of a project. If a specific fund is terminated 18692
because of the discontinuance of a program or service established 18693
under division (E) of this section, the court may order, subject 18694
to an appropriation by the board of county commissioners, that 18695
moneys remaining in the fund be transferred to an account 18696
established under this division for a similar purpose. 18697

(2) As used in division (E) of this section: 18698

(a) "Criminal cause" means a charge alleging the violation of 18699
a statute or ordinance, or subsection of a statute or ordinance, 18700
that requires a separate finding of fact or a separate plea before 18701
disposition and of which the defendant may be found guilty, 18702
whether filed as part of a multiple charge on a single summons, 18703
citation, or complaint or as a separate charge on a single 18704
summons, citation, or complaint. "Criminal cause" does not include 18705
separate violations of the same statute or ordinance, or 18706

subsection of the same statute or ordinance, unless each charge is filed on a separate summons, citation, or complaint.

(b) "Civil action or proceeding" means any civil litigation that must be determined by judgment entry.

Sec. 2305.011. (A) As used in this section:

(1) "Nature" means the phenomena of the physical world collectively, including plants, animals, the landscape, other features and products of the earth, the natural environment or wilderness, and generally areas that are not human or human creations, have not been substantially altered by humans, or that persist despite human intervention.

(2) "Ecosystem" means a complex community of living organisms in conjunction with their physical environments, all interacting and linked together as a system through nutrient cycles and energy flows in a particular unit of space.

(B) Nature or any ecosystem does not have standing to participate in or bring an action in any court of common pleas.

(C)(1) No person, on behalf of or representing nature or an ecosystem, shall bring an action in any court of common pleas.

(2) No person shall bring an action in any court of common pleas against a person who is acting on behalf of or representing nature or an ecosystem.

(3) No person, on behalf of or representing nature or an ecosystem, shall intervene in any manner, such as by filing a counterclaim, cross-claim, or third-party complaint, in any action brought in any court of common pleas.

(D) Nothing in this section shall be construed to prevent the state or any of its agencies from enforcing the laws pertaining to environmental pollution, conservation, wild animals, or other natural communities or ecosystems.

Sec. 2305.231. (A) As used in this section:	18737
(1) "Dentist" means a person who is licensed under Chapter 4715. of the Revised Code to practice dentistry.	18738 18739
(2) "Physician" means a person who holds a certificate issued by the state medical board <u>authorized under Chapter 4731. of the Revised Code</u> to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery.	18740 18741 18742 18743
(3) "Registered nurse" means a nurse who is licensed as a registered nurse under Chapter 4723. of the Revised Code.	18744 18745
(4) "Therapeutic recreation" means adoptive recreation services to persons with illnesses or disabling conditions in order to do any of the following:	18746 18747 18748
(a) Restore, remediate, or rehabilitate;	18749
(b) Improve functioning and independence;	18750
(c) Reduce or eliminate the effects of illness or disability.	18751
(B) No physician who volunteers the physician's services as a team physician or team podiatrist to a school's athletics program, no dentist who volunteers the dentist's services as a team dentist to a school's athletics program, and no registered nurse who volunteers the registered nurse's services as a team nurse to a school's athletics program is liable in damages in a civil action for administering emergency medical care, emergency dental care, other emergency professional care, or first aid treatment to a participant in an athletic event involving the school, at the scene of the event or while the participant is being transported to a hospital, physician's or dentist's office, or other medical or dental facility, or for acts performed in administering the care or treatment, unless the acts of the physician, dentist, or registered nurse constitute willful or wanton misconduct.	18752 18753 18754 18755 18756 18757 18758 18759 18760 18761 18762 18763 18764 18765
(C)(1) No physician who volunteers the physician's services	18766

as a camp physician at a camp that specializes in therapeutic 18767
recreation, and no registered nurse who volunteers the registered 18768
nurse's services at such a camp, is liable in damages in a civil 18769
action for either of the following: 18770

(a) Administering medical care, or emergency professional 18771
care, or first aid treatment to a participant in the camp or while 18772
the participant is being transported to a hospital, physician's or 18773
dentist's office, or other medical or dental facility; 18774

(b) Acts performed in administering that care or treatment. 18775

(2) Division (C)(1) of this section does not apply if the 18776
acts of the physician or registered nurse constitute willful or 18777
wanton misconduct. 18778

(D) This section does not apply if the administration of 18779
emergency medical care, emergency dental care, other emergency 18780
professional care, or first aid treatment is rendered for 18781
remuneration, or with the expectation of remuneration, from the 18782
recipient of the care or treatment or from someone on the 18783
recipient's behalf. 18784

Sec. 2305.41. As used in sections 2305.41 to 2305.49 of the 18785
Revised Code: 18786

(A) "Disabled condition" means the condition of being 18787
unconscious, semiconscious, incoherent, or otherwise incapacitated 18788
to communicate. 18789

(B) "Disabled person" means a person in a disabled condition. 18790

(C) "Emergency symbol" means the caduceus inscribed within a 18791
six-barred cross used by the American medical association to 18792
denote emergency information. 18793

(D) "Identifying device" means an identifying bracelet, 18794
necklace, metal tag, or similar device bearing the emergency 18795
symbol and the information needed in an emergency. 18796

(E) "Identification card" means any card containing the holder's name, type of medical condition, physician's name, and other medical information. "Identification card" does not include any license or permit issued pursuant to Chapter 4507. of the Revised Code.

(F) "Medical practitioner" means an individual ~~who holds a current valid certificate issued~~ authorized under Chapter 4731. of the Revised Code ~~authorizing the~~ to practice of medicine and surgery or osteopathic medicine and surgery.

(G) "Paramedic" has the meaning given in section 4765.01 of the Revised Code.

Sec. 2317.54. No hospital, home health agency, ambulatory surgical facility, or provider of a hospice care program or pediatric respite care program shall be held liable for a physician's failure to obtain an informed consent from the physician's patient prior to a surgical or medical procedure or course of procedures, unless the physician is an employee of the hospital, home health agency, ambulatory surgical facility, or provider of a hospice care program or pediatric respite care program.

Written consent to a surgical or medical procedure or course of procedures shall, to the extent that it fulfills all the requirements in divisions (A), (B), and (C) of this section, be presumed to be valid and effective, in the absence of proof by a preponderance of the evidence that the person who sought such consent was not acting in good faith, or that the execution of the consent was induced by fraudulent misrepresentation of material facts, or that the person executing the consent was not able to communicate effectively in spoken and written English or any other language in which the consent is written. Except as herein provided, no evidence shall be admissible to impeach, modify, or

limit the authorization for performance of the procedure or 18828
procedures set forth in such written consent. 18829

(A) The consent sets forth in general terms the nature and 18830
purpose of the procedure or procedures, and what the procedures 18831
are expected to accomplish, together with the reasonably known 18832
risks, and, except in emergency situations, sets forth the names 18833
of the physicians who shall perform the intended surgical 18834
procedures. 18835

(B) The person making the consent acknowledges that such 18836
disclosure of information has been made and that all questions 18837
asked about the procedure or procedures have been answered in a 18838
satisfactory manner. 18839

(C) The consent is signed by the patient for whom the 18840
procedure is to be performed, or, if the patient for any reason 18841
including, but not limited to, competence, minority, or the fact 18842
that, at the latest time that the consent is needed, the patient 18843
is under the influence of alcohol, hallucinogens, or drugs, lacks 18844
legal capacity to consent, by a person who has legal authority to 18845
consent on behalf of such patient in such circumstances, including 18846
either of the following: 18847

(1) The parent, whether the parent is an adult or a minor, of 18848
the parent's minor child; 18849

(2) An adult whom the parent of the minor child has given 18850
written authorization to consent to a surgical or medical 18851
procedure or course of procedures for the parent's minor child. 18852

Any use of a consent form that fulfills the requirements 18853
stated in divisions (A), (B), and (C) of this section has no 18854
effect on the common law rights and liabilities, including the 18855
right of a physician to obtain the oral or implied consent of a 18856
patient to a medical procedure, that may exist as between 18857
physicians and patients on July 28, 1975. 18858

As used in this section the term "hospital" has the same 18859
meaning as in section 2305.113 of the Revised Code; "home health 18860
agency" has the same meaning as in section 5101.61 of the Revised 18861
Code; "ambulatory surgical facility" has the same meaning as in 18862
~~division (A) of~~ section 3702.30 of the Revised Code; and "hospice 18863
care program" and "pediatric respite care program" have the same 18864
meanings as in section 3712.01 of the Revised Code. The provisions 18865
of this division apply to hospitals, doctors of medicine, doctors 18866
of osteopathic medicine, and doctors of podiatric medicine. 18867

Sec. 2323.52. (A) As used in this section: 18868

(1) "Conduct" has the same meaning as in section 2323.51 of 18869
the Revised Code. 18870

(2) "Vexatious conduct" means conduct of a party in a civil 18871
action that satisfies any of the following: 18872

(a) The conduct obviously serves merely to harass or 18873
maliciously injure another party to the civil action. 18874

(b) The conduct is not warranted under existing law and 18875
cannot be supported by a good faith argument for an extension, 18876
modification, or reversal of existing law. 18877

(c) The conduct is imposed solely for delay. 18878

(3) "Vexatious litigator" means any person who has 18879
habitually, persistently, and without reasonable grounds engaged 18880
in vexatious conduct in a civil action or actions, whether in the 18881
court of claims or in a court of appeals, court of common pleas, 18882
municipal court, or county court, whether the person or another 18883
person instituted the civil action or actions, and whether the 18884
vexatious conduct was against the same party or against different 18885
parties in the civil action or actions. "Vexatious litigator" does 18886
not include a person who is authorized to practice law in the 18887
courts of this state under the Ohio Supreme Court Rules for the 18888

Government of the Bar of Ohio unless that person is representing 18889
or has represented self pro se in the civil action or actions. For 18890
the purposes of division (A)(3) of this section, "civil action" 18891
includes a proceeding under section 2743.75 of the Revised Code. 18892

(B) A person, the office of the attorney general, or a 18893
prosecuting attorney, city director of law, village solicitor, or 18894
similar chief legal officer of a municipal corporation who has 18895
defended against habitual and persistent vexatious conduct in the 18896
court of claims or in a court of appeals, court of common pleas, 18897
municipal court, or county court may commence a civil action in a 18898
court of common pleas with jurisdiction over the person who 18899
allegedly engaged in the habitual and persistent vexatious conduct 18900
to have that person declared a vexatious litigator. The person, 18901
office of the attorney general, prosecuting attorney, city 18902
director of law, village solicitor, or similar chief legal officer 18903
of a municipal corporation may commence this civil action while 18904
the civil action or actions in which the habitual and persistent 18905
vexatious conduct occurred are still pending or within one year 18906
after the termination of the civil action or actions in which the 18907
habitual and persistent vexatious conduct occurred. 18908

(C) A civil action to have a person declared a vexatious 18909
litigator shall proceed as any other civil action, and the Ohio 18910
Rules of Civil Procedure apply to the action. 18911

(D)(1) If the person alleged to be a vexatious litigator is 18912
found to be a vexatious litigator, subject to division (D)(2) of 18913
this section, the court of common pleas may enter an order 18914
prohibiting the vexatious litigator from doing one or more of the 18915
following without first obtaining the leave of that court to 18916
proceed: 18917

(a) Instituting legal proceedings in the court of claims or 18918
in a court of common pleas, municipal court, or county court; 18919

(b) Continuing any legal proceedings that the vexatious litigator had instituted in any of the courts specified in division (D)(1)(a) of this section prior to the entry of the order;

(c) Making any application, other than an application for leave to proceed under division (F)(1) of this section, in any legal proceedings instituted by the vexatious litigator or another person in any of the courts specified in division (D)(1)(a) of this section.

(2) If the court of common pleas finds a person who is authorized to practice law in the courts of this state under the Ohio Supreme Court Rules for the Government of the Bar of Ohio to be a vexatious litigator and enters an order described in division (D)(1) of this section in connection with that finding, the order shall apply to the person only insofar as the person would seek to institute proceedings described in division (D)(1)(a) of this section on a pro se basis, continue proceedings described in division (D)(1)(b) of this section on a pro se basis, or make an application described in division (D)(1)(c) of this section on a pro se basis. The order shall not apply to the person insofar as the person represents one or more other persons in the person's capacity as a licensed and registered attorney in a civil or criminal action or proceeding or other matter in a court of common pleas, municipal court, or county court or in the court of claims. Division (D)(2) of this section does not affect any remedy that is available to a court or an adversely affected party under section 2323.51 or another section of the Revised Code, under Civil Rule 11 or another provision of the Ohio Rules of Civil Procedure, or under the common law of this state as a result of frivolous conduct or other inappropriate conduct by an attorney who represents one or more clients in connection with a civil or criminal action or proceeding or other matter in a court of common

pleas, municipal court, or county court or in the court of claims. 18952

(3) A person who is subject to an order entered pursuant to 18953
division (D)(1) of this section may not institute legal 18954
proceedings in a court of appeals, continue any legal proceedings 18955
that the vexatious litigator had instituted in a court of appeals 18956
prior to entry of the order, or make any application, other than 18957
the application for leave to proceed allowed by division (F)(2) of 18958
this section, in any legal proceedings instituted by the vexatious 18959
litigator or another person in a court of appeals without first 18960
obtaining leave of the court of appeals to proceed pursuant to 18961
division (F)(2) of this section. 18962

(E) An order that is entered under division (D)(1) of this 18963
section shall remain in force indefinitely unless the order 18964
provides for its expiration after a specified period of time. 18965

(F)(1) A court of common pleas that entered an order under 18966
division (D)(1) of this section shall not grant a person found to 18967
be a vexatious litigator leave for the institution or continuance 18968
of, or the making of an application in, legal proceedings in the 18969
court of claims or in a court of common pleas, municipal court, or 18970
county court unless the court of common pleas that entered that 18971
order is satisfied that the proceedings or application are not an 18972
abuse of process of the court in question and that there are 18973
reasonable grounds for the proceedings or application. If a person 18974
who has been found to be a vexatious litigator under this section 18975
requests the court of common pleas that entered an order under 18976
division (D)(1) of this section to grant the person leave to 18977
proceed as described in division (F)(1) of this section, the 18978
period of time commencing with the filing with that court of an 18979
application for the issuance of an order granting leave to proceed 18980
and ending with the issuance of an order of that nature shall not 18981
be computed as a part of an applicable period of limitations 18982
within which the legal proceedings or application involved 18983

generally must be instituted or made. 18984

(2) A person who is subject to an order entered pursuant to 18985
division (D)(1) of this section and who seeks to institute or 18986
continue any legal proceedings in a court of appeals or to make an 18987
application, other than an application for leave to proceed under 18988
division (F)(2) of this section, in any legal proceedings in a 18989
court of appeals shall file an application for leave to proceed in 18990
the court of appeals in which the legal proceedings would be 18991
instituted or are pending. The court of appeals shall not grant a 18992
person found to be a vexatious litigator leave for the institution 18993
or continuance of, or the making of an application in, legal 18994
proceedings in the court of appeals unless the court of appeals is 18995
satisfied that the proceedings or application are not an abuse of 18996
process of the court and that there are reasonable grounds for the 18997
proceedings or application. If a person who has been found to be a 18998
vexatious litigator under this section requests the court of 18999
appeals to grant the person leave to proceed as described in 19000
division (F)(2) of this section, the period of time commencing 19001
with the filing with the court of an application for the issuance 19002
of an order granting leave to proceed and ending with the issuance 19003
of an order of that nature shall not be computed as a part of an 19004
applicable period of limitations within which the legal 19005
proceedings or application involved generally must be instituted 19006
or made. 19007

(G) During the period of time that the order entered under 19008
division (D)(1) of this section is in force, no appeal by the 19009
person who is the subject of that order shall lie from a decision 19010
of the court of common pleas or court of appeals under division 19011
(F) of this section that denies that person leave for the 19012
institution or continuance of, or the making of an application in, 19013
legal proceedings in the court of claims or in a court of appeals, 19014
court of common pleas, municipal court, or county court. 19015

(H) The clerk of the court of common pleas that enters an order under division (D)(1) of this section shall send a certified copy of the order to the supreme court for publication in a manner that the supreme court determines is appropriate and that will facilitate the clerk of the court of claims and a clerk of a court of appeals, court of common pleas, municipal court, or county court in refusing to accept pleadings or other papers submitted for filing by persons who have been found to be a vexatious litigator under this section and who have failed to obtain leave to proceed under this section.

(I) Whenever it appears by suggestion of the parties or otherwise that a person found to be a vexatious litigator under this section has instituted, continued, or made an application in legal proceedings without obtaining leave to proceed from the appropriate court of common pleas or court of appeals to do so under division (F) of this section, the court in which the legal proceedings are pending shall dismiss the proceedings or application of the vexatious litigator.

(J) A person who is subject to an order entered pursuant to division (D)(1) of this section shall not be permitted to request public records under section 149.43 of the Revised Code without first receiving both leave to proceed from the court of common pleas as described in this section and an accompanying order from the court that specifies with particularity what public records the person may request. Until the requirements set forth in this division are satisfied and evidence of satisfaction is presented to the public office or person responsible for public records, the public office or person responsible for public records is under no duty to respond to a public records request submitted by a person who is subject to an order entered pursuant to division (D)(1) of this section.

Sec. 2925.01. As used in this chapter:	19047
(A) "Administer," "controlled substance," "controlled substance analog," "dispense," "distribute," "hypodermic," "manufacturer," "official written order," "person," "pharmacist," "pharmacy," "sale," "schedule I," "schedule II," "schedule III," "schedule IV," "schedule V," and "wholesaler" have the same meanings as in section 3719.01 of the Revised Code.	19048 19049 19050 19051 19052 19053
(B) "Drug dependent person" and "drug of abuse" have the same meanings as in section 3719.011 of the Revised Code.	19054 19055
(C) "Drug," "dangerous drug," "licensed health professional authorized to prescribe drugs," and "prescription" have the same meanings as in section 4729.01 of the Revised Code.	19056 19057 19058
(D) "Bulk amount" of a controlled substance means any of the following:	19059 19060
(1) For any compound, mixture, preparation, or substance included in schedule I, schedule II, or schedule III, with the exception of any controlled substance analog, marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, and hashish and except as provided in division (D)(2), (5), or (6) of this section, whichever of the following is applicable:	19061 19062 19063 19064 19065 19066
(a) An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I opiate or opium derivative;	19067 19068 19069 19070
(b) An amount equal to or exceeding ten grams of a compound, mixture, preparation, or substance that is or contains any amount of raw or gum opium;	19071 19072 19073
(c) An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I hallucinogen other than	19074 19075 19076

tetrahydrocannabinol or lysergic acid amide, or a schedule I 19077
stimulant or depressant; 19078

(d) An amount equal to or exceeding twenty grams or five 19079
times the maximum daily dose in the usual dose range specified in 19080
a standard pharmaceutical reference manual of a compound, mixture, 19081
preparation, or substance that is or contains any amount of a 19082
schedule II opiate or opium derivative; 19083

(e) An amount equal to or exceeding five grams or ten unit 19084
doses of a compound, mixture, preparation, or substance that is or 19085
contains any amount of phencyclidine; 19086

(f) An amount equal to or exceeding one hundred twenty grams 19087
or thirty times the maximum daily dose in the usual dose range 19088
specified in a standard pharmaceutical reference manual of a 19089
compound, mixture, preparation, or substance that is or contains 19090
any amount of a schedule II stimulant that is in a final dosage 19091
form manufactured by a person authorized by the "Federal Food, 19092
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as 19093
amended, and the federal drug abuse control laws, as defined in 19094
section 3719.01 of the Revised Code, that is or contains any 19095
amount of a schedule II depressant substance or a schedule II 19096
hallucinogenic substance; 19097

(g) An amount equal to or exceeding three grams of a 19098
compound, mixture, preparation, or substance that is or contains 19099
any amount of a schedule II stimulant, or any of its salts or 19100
isomers, that is not in a final dosage form manufactured by a 19101
person authorized by the Federal Food, Drug, and Cosmetic Act and 19102
the federal drug abuse control laws. 19103

(2) An amount equal to or exceeding one hundred twenty grams 19104
or thirty times the maximum daily dose in the usual dose range 19105
specified in a standard pharmaceutical reference manual of a 19106
compound, mixture, preparation, or substance that is or contains 19107

any amount of a schedule III or IV substance other than an 19108
anabolic steroid or a schedule III opiate or opium derivative; 19109

(3) An amount equal to or exceeding twenty grams or five 19110
times the maximum daily dose in the usual dose range specified in 19111
a standard pharmaceutical reference manual of a compound, mixture, 19112
preparation, or substance that is or contains any amount of a 19113
schedule III opiate or opium derivative; 19114

(4) An amount equal to or exceeding two hundred fifty 19115
milliliters or two hundred fifty grams of a compound, mixture, 19116
preparation, or substance that is or contains any amount of a 19117
schedule V substance; 19118

(5) An amount equal to or exceeding two hundred solid dosage 19119
units, sixteen grams, or sixteen milliliters of a compound, 19120
mixture, preparation, or substance that is or contains any amount 19121
of a schedule III anabolic steroid; 19122

(6) For any compound, mixture, preparation, or substance that 19123
is a combination of a fentanyl-related compound and any other 19124
compound, mixture, preparation, or substance included in schedule 19125
III, schedule IV, or schedule V, if the defendant is charged with 19126
a violation of section 2925.11 of the Revised Code and the 19127
sentencing provisions set forth in divisions (C)(10)(b) and 19128
(C)(11) of that section will not apply regarding the defendant and 19129
the violation, the bulk amount of the controlled substance for 19130
purposes of the violation is the amount specified in division 19131
(D)(1), (2), (3), (4), or (5) of this section for the other 19132
schedule III, IV, or V controlled substance that is combined with 19133
the fentanyl-related compound. 19134

(E) "Unit dose" means an amount or unit of a compound, 19135
mixture, or preparation containing a controlled substance that is 19136
separately identifiable and in a form that indicates that it is 19137
the amount or unit by which the controlled substance is separately 19138

administered to or taken by an individual. 19139

(F) "Cultivate" includes planting, watering, fertilizing, or 19140
tilling. 19141

(G) "Drug abuse offense" means any of the following: 19142

(1) A violation of division (A) of section 2913.02 that 19143
constitutes theft of drugs, or a violation of section 2925.02, 19144
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 19145
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 19146
2925.37 of the Revised Code; 19147

(2) A violation of an existing or former law of this or any 19148
other state or of the United States that is substantially 19149
equivalent to any section listed in division (G)(1) of this 19150
section; 19151

(3) An offense under an existing or former law of this or any 19152
other state, or of the United States, of which planting, 19153
cultivating, harvesting, processing, making, manufacturing, 19154
producing, shipping, transporting, delivering, acquiring, 19155
possessing, storing, distributing, dispensing, selling, inducing 19156
another to use, administering to another, using, or otherwise 19157
dealing with a controlled substance is an element; 19158

(4) A conspiracy to commit, attempt to commit, or complicity 19159
in committing or attempting to commit any offense under division 19160
(G)(1), (2), or (3) of this section. 19161

(H) "Felony drug abuse offense" means any drug abuse offense 19162
that would constitute a felony under the laws of this state, any 19163
other state, or the United States. 19164

(I) "Harmful intoxicant" does not include beer or 19165
intoxicating liquor but means any of the following: 19166

(1) Any compound, mixture, preparation, or substance the gas, 19167
fumes, or vapor of which when inhaled can induce intoxication, 19168

excitement, giddiness, irrational behavior, depression, 19169
stupefaction, paralysis, unconsciousness, asphyxiation, or other 19170
harmful physiological effects, and includes, but is not limited 19171
to, any of the following: 19172

(a) Any volatile organic solvent, plastic cement, model 19173
cement, fingernail polish remover, lacquer thinner, cleaning 19174
fluid, gasoline, or other preparation containing a volatile 19175
organic solvent; 19176

(b) Any aerosol propellant; 19177

(c) Any fluorocarbon refrigerant; 19178

(d) Any anesthetic gas. 19179

(2) Gamma Butyrolactone; 19180

(3) 1,4 Butanediol. 19181

(J) "Manufacture" means to plant, cultivate, harvest, 19182
process, make, prepare, or otherwise engage in any part of the 19183
production of a drug, by propagation, extraction, chemical 19184
synthesis, or compounding, or any combination of the same, and 19185
includes packaging, repackaging, labeling, and other activities 19186
incident to production. 19187

(K) "Possess" or "possession" means having control over a 19188
thing or substance, but may not be inferred solely from mere 19189
access to the thing or substance through ownership or occupation 19190
of the premises upon which the thing or substance is found. 19191

(L) "Sample drug" means a drug or pharmaceutical preparation 19192
that would be hazardous to health or safety if used without the 19193
supervision of a licensed health professional authorized to 19194
prescribe drugs, or a drug of abuse, and that, at one time, had 19195
been placed in a container plainly marked as a sample by a 19196
manufacturer. 19197

(M) "Standard pharmaceutical reference manual" means the 19198

current edition, with cumulative changes if any, of references 19199
that are approved by the state board of pharmacy. 19200

(N) "Juvenile" means a person under eighteen years of age. 19201

(O) "Counterfeit controlled substance" means any of the 19202
following: 19203

(1) Any drug that bears, or whose container or label bears, a 19204
trademark, trade name, or other identifying mark used without 19205
authorization of the owner of rights to that trademark, trade 19206
name, or identifying mark; 19207

(2) Any unmarked or unlabeled substance that is represented 19208
to be a controlled substance manufactured, processed, packed, or 19209
distributed by a person other than the person that manufactured, 19210
processed, packed, or distributed it; 19211

(3) Any substance that is represented to be a controlled 19212
substance but is not a controlled substance or is a different 19213
controlled substance; 19214

(4) Any substance other than a controlled substance that a 19215
reasonable person would believe to be a controlled substance 19216
because of its similarity in shape, size, and color, or its 19217
markings, labeling, packaging, distribution, or the price for 19218
which it is sold or offered for sale. 19219

(P) An offense is "committed in the vicinity of a school" if 19220
the offender commits the offense on school premises, in a school 19221
building, or within one thousand feet of the boundaries of any 19222
school premises, regardless of whether the offender knows the 19223
offense is being committed on school premises, in a school 19224
building, or within one thousand feet of the boundaries of any 19225
school premises. 19226

(Q) "School" means any school operated by a board of 19227
education, any community school established under Chapter 3314. of 19228

the Revised Code, or any nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a criminal offense is committed.

(R) "School premises" means either of the following:

(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed;

(2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under Chapter 3314. of the Revised Code, or the governing body of a nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code and on which some of the instruction, extracurricular activities, or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.

(S) "School building" means any building in which any of the instruction, extracurricular activities, or training provided by a school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted in the school building at the time a criminal offense is committed.

(T) "Disciplinary counsel" means the disciplinary counsel appointed by the board of commissioners on grievances and discipline of the supreme court under the Rules for the Government of the Bar of Ohio.

(U) "Certified grievance committee" means a duly constituted and organized committee of the Ohio state bar association or of one or more local bar associations of the state of Ohio that complies with the criteria set forth in Rule V, section 6 of the Rules for the Government of the Bar of Ohio.

(V) "Professional license" means any license, permit, certificate, registration, qualification, admission, temporary license, temporary permit, temporary certificate, or temporary registration that is described in divisions (W)(1) to (37) of this section and that qualifies a person as a professionally licensed person.

(W) "Professionally licensed person" means any of the following:

(1) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under Chapter 4701. of the Revised Code and who holds an Ohio permit issued under that chapter;

(2) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code;

(3) A person who is registered as a landscape architect under Chapter 4703. of the Revised Code or who holds a permit as a landscape architect issued under that chapter;

(4) A person licensed under Chapter 4707. of the Revised Code;

(5) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;

(6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under

authority of Chapter 4710. of the Revised Code;	19290
(7) A person who has been issued a cosmetologist's license,	19291
hair designer's license, manicurist's license, esthetician's	19292
license, natural hair stylist's license, advanced cosmetologist's	19293
license, advanced hair designer's license, advanced manicurist's	19294
license, advanced esthetician's license, advanced natural hair	19295
stylist's license, cosmetology instructor's license, hair design	19296
instructor's license, manicurist instructor's license, esthetics	19297
instructor's license, natural hair style instructor's license,	19298
independent contractor's license, or tanning facility permit under	19299
Chapter 4713. of the Revised Code;	19300
(8) A person who has been issued a license to practice	19301
dentistry, a general anesthesia permit, a conscious sedation	19302
permit, a limited resident's license, a limited teaching license,	19303
a dental hygienist's license, or a dental hygienist's teacher's	19304
certificate under Chapter 4715. of the Revised Code;	19305
(9) A person who has been issued an embalmer's license, a	19306
funeral director's license, a funeral home license, or a crematory	19307
license, or who has been registered for an embalmer's or funeral	19308
director's apprenticeship under Chapter 4717. of the Revised Code;	19309
(10) A person who has been licensed as a registered nurse or	19310
practical nurse, or who has been issued a certificate for the	19311
practice of nurse-midwifery under Chapter 4723. of the Revised	19312
Code;	19313
(11) A person who has been licensed to practice optometry or	19314
to engage in optical dispensing under Chapter 4725. of the Revised	19315
Code;	19316
(12) A person licensed to act as a pawnbroker under Chapter	19317
4727. of the Revised Code;	19318
(13) A person licensed to act as a precious metals dealer	19319
under Chapter 4728. of the Revised Code;	19320

- (14) A person licensed under Chapter 4729. of the Revised Code as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee; 19321
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- (15) A person licensed under Chapter 4729. of the Revised Code as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs; 19325
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- (16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code; 19330
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- (17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter; 19332
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- (18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code; 19337
19338
- (19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code; 19339
19340
- (20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code; 19341
19342
- (21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code; 19343
19344
- (22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code; 19345
19346
- (23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code; 19347
19348
- (24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code; 19349
19350

(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	19351 19352
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	19353 19354 19355 19356
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	19357 19358 19359
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	19360 19361 19362
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	19363 19364 19365
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	19366 19367 19368
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	19369 19370
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	19371 19372 19373 19374 19375
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	19376 19377
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	19378 19379 19380

(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	19381 19382
(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;	19383 19384
(37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	19385 19386 19387
(X) "Cocaine" means any of the following:	19388
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	19389 19390
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	19391 19392 19393 19394
(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.	19395 19396 19397 19398 19399 19400
(Y) "L.S.D." means lysergic acid diethylamide.	19401
(Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.	19402 19403 19404
(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.	19405 19406
(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender	19407 19408 19409 19410

knows the offense is being committed within one hundred feet of or 19411
within view of the juvenile, or whether the juvenile actually 19412
views the commission of the offense. 19413

(CC) "Presumption for a prison term" or "presumption that a 19414
prison term shall be imposed" means a presumption, as described in 19415
division (D) of section 2929.13 of the Revised Code, that a prison 19416
term is a necessary sanction for a felony in order to comply with 19417
the purposes and principles of sentencing under section 2929.11 of 19418
the Revised Code. 19419

(DD) "Major drug offender" has the same meaning as in section 19420
2929.01 of the Revised Code. 19421

(EE) "Minor drug possession offense" means either of the 19422
following: 19423

(1) A violation of section 2925.11 of the Revised Code as it 19424
existed prior to July 1, 1996; 19425

(2) A violation of section 2925.11 of the Revised Code as it 19426
exists on and after July 1, 1996, that is a misdemeanor or a 19427
felony of the fifth degree. 19428

(FF) "Mandatory prison term" has the same meaning as in 19429
section 2929.01 of the Revised Code. 19430

(GG) "Adulterate" means to cause a drug to be adulterated as 19431
described in section 3715.63 of the Revised Code. 19432

(HH) "Public premises" means any hotel, restaurant, tavern, 19433
store, arena, hall, or other place of public accommodation, 19434
business, amusement, or resort. 19435

(II) "Methamphetamine" means methamphetamine, any salt, 19436
isomer, or salt of an isomer of methamphetamine, or any compound, 19437
mixture, preparation, or substance containing methamphetamine or 19438
any salt, isomer, or salt of an isomer of methamphetamine. 19439

(JJ) "Deception" has the same meaning as in section 2913.01 19440

of the Revised Code.	19441
(KK) "Fentanyl-related compound" means any of the following:	19442
(1) Fentanyl;	19443
(2) Alpha-methylfentanyl	19444
(N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide;	19445
1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	19446
(3) Alpha-methylthiofentanyl	19447
(N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);	19448
(4) Beta-hydroxyfentanyl	19449
(N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl]-N-phenylpropanamide);	19450
(5) Beta-hydroxy-3-methylfentanyl (other name:	19451
N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-	19452
phenylpropanamide);	19453
(6) 3-methylfentanyl	19454
(N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	19455
(7) 3-methylthiofentanyl	19456
(N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);	19457
(8) Para-fluorofentanyl	19458
(N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide;	19459
(9) Thiofentanyl	19460
(N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;	19461
(10) Alfentanil;	19462
(11) Carfentanil;	19463
(12) Remifentanil;	19464
(13) Sufentanil;	19465
(14) Acetyl-alpha-methylfentanyl	19466
(N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);	19467
and	19468

(15) Any compound that meets all of the following fentanyl 19469
pharmacophore requirements to bind at the mu receptor, as 19470
identified by a report from an established forensic laboratory, 19471
including acetylfentanyl, furanylfentanyl, valerylfentanyl, 19472
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, 19473
para-fluorobutyrylfentanyl, acrylfentanyl, and 19474
ortho-fluorofentanyl: 19475

(a) A chemical scaffold consisting of both of the following: 19476

(i) A five, six, or seven member ring structure containing a 19477
nitrogen, whether or not further substituted; 19478

(ii) An attached nitrogen to the ring, whether or not that 19479
nitrogen is enclosed in a ring structure, including an attached 19480
aromatic ring or other lipophilic group to that nitrogen. 19481

(b) A polar functional group attached to the chemical 19482
scaffold, including but not limited to a hydroxyl, ketone, amide, 19483
or ester; 19484

(c) An alkyl or aryl substitution off the ring nitrogen of 19485
the chemical scaffold; and 19486

(d) The compound has not been approved for medical use by the 19487
United States food and drug administration. 19488

(LL) "First degree felony mandatory prison term" means one of 19489
the definite prison terms prescribed in division (A)(1)(b) of 19490
section 2929.14 of the Revised Code for a felony of the first 19491
degree, except that if the violation for which sentence is being 19492
imposed is committed on or after the effective date of this 19493
amendment, it means one of the minimum prison terms prescribed in 19494
division (A)(1)(a) of that section for a felony of the first 19495
degree. 19496

(MM) "Second degree felony mandatory prison term" means one 19497
of the definite prison terms prescribed in division (A)(2)(b) of 19498

section 2929.14 of the Revised Code for a felony of the second 19499
degree, except that if the violation for which sentence is being 19500
imposed is committed on or after the effective date of this 19501
amendment, it means one of the minimum prison terms prescribed in 19502
division (A)(2)(a) of that section for a felony of the second 19503
degree. 19504

(NN) "Maximum first degree felony mandatory prison term" 19505
means the maximum definite prison term prescribed in division 19506
(A)(1)(b) of section 2929.14 of the Revised Code for a felony of 19507
the first degree, except that if the violation for which sentence 19508
is being imposed is committed on or after the effective date of 19509
this amendment, it means the longest minimum prison term 19510
prescribed in division (A)(1)(a) of that section for a felony of 19511
the first degree. 19512

(OO) "Maximum second degree felony mandatory prison term" 19513
means the maximum definite prison term prescribed in division 19514
(A)(2)(b) of section 2929.14 of the Revised Code for a felony of 19515
the second degree, except that if the violation for which sentence 19516
is being imposed is committed on or after the effective date of 19517
this amendment, it means the longest minimum prison term 19518
prescribed in division (A)(2)(a) of that section for a felony of 19519
the second degree. 19520

Sec. 2927.02. (A) As used in this section and sections 19521
2927.021 and 2927.022 of the Revised Code: 19522

(1) "Age verification" means a service provided by an 19523
independent third party (other than a manufacturer, producer, 19524
distributor, wholesaler, or retailer of cigarettes, other tobacco 19525
products, alternative nicotine products, or papers used to roll 19526
cigarettes) that compares information available from a 19527
commercially available database, or aggregate of databases, that 19528
regularly are used by government and businesses for the purpose of 19529

age and identity verification to personal information provided 19530
during an internet sale or other remote method of sale to 19531
establish that the purchaser is ~~eighteen~~ twenty-one years of age 19532
or older. 19533

(2)(a) "Alternative nicotine product" means, subject to 19534
division (A)(2)(b) of this section, an electronic ~~eigarette~~ 19535
smoking device, vapor product, or any other product or device that 19536
consists of or contains nicotine that can be ingested into the 19537
body by any means, including, but not limited to, chewing, 19538
smoking, absorbing, dissolving, or inhaling. 19539

(b) "Alternative nicotine product" does not include any of 19540
the following: 19541

(i) Any cigarette or other tobacco product; 19542

(ii) Any product that is a "drug" as that term is defined in 19543
21 U.S.C. 321(g)(1); 19544

(iii) Any product that is a "device" as that term is defined 19545
in 21 U.S.C. 321(h); 19546

(iv) Any product that is a "combination product" as described 19547
in 21 U.S.C. 353(g). 19548

~~(3) "Child" has the same meaning as in section 2151.011 of~~ 19549
~~the Revised Code.~~ 19550

~~(4) "Cigarette" includes clove cigarettes and hand-rolled~~ 19551
~~cigarettes.~~ 19552

~~(5)~~(4) "Distribute" means to furnish, give, or provide 19553
cigarettes, other tobacco products, alternative nicotine products, 19554
or papers used to roll cigarettes to the ultimate consumer of the 19555
cigarettes, other tobacco products, alternative nicotine products, 19556
or papers used to roll cigarettes. 19557

~~(6)(a)~~(5) "Electronic eigarette smoking device" means, 19558
~~subject to division (A)(6)(b) of this section, any electronic~~ 19559

~~product or device that produces a vapor that delivers any device~~ 19560
~~that can be used to deliver aerosolized or vaporized nicotine or~~ 19561
~~any other substance to the person inhaling from the device to~~ 19562
~~simulate smoking and that is likely to be offered to or purchased~~ 19563
~~by consumers as including an electronic cigarette, electronic~~ 19564
~~cigar, electronic e-cigarette hookah, vaping pen, or electronic~~ 19565
~~pipe. "Electronic smoking device" includes any component, part, or~~ 19566
~~accessory of such a device, whether or not sold separately, and~~ 19567
~~includes any substance intended to be aerosolized or vaporized~~ 19568
~~during the use of the device. "Electronic smoking device" does not~~ 19569
~~include any product that is a drug, device, or combination~~ 19570
~~product, as those terms are defined or described in 21 U.S.C. 321~~ 19571
~~and 353(g).~~ 19572

~~(b) "Electronic cigarette" does not include any item,~~ 19573
~~product, or device described in divisions (A)(2)(b)(i) to (iv) of~~ 19574
~~this section.~~ 19575

~~(7)(6)~~ "Proof of age" means a driver's license, a commercial 19576
driver's license, a military identification card, a passport, or 19577
an identification card issued under sections 4507.50 to 4507.52 of 19578
the Revised Code that shows that a person is eighteen years of age 19579
or older. 19580

~~(8)(7)~~ "Tobacco product" means any product that is made or 19581
derived from tobacco or that contains any form of nicotine, if it 19582
is intended for human consumption or is likely to be consumed, 19583
whether smoked, heated, chewed, absorbed, dissolved, inhaled, or 19584
ingested by any other means, including, but not limited to, a 19585
cigarette, a cigar, pipe tobacco, chewing tobacco, ~~or~~ snuff, or 19586
snus. "Tobacco product" also means any component or accessory used 19587
in the consumption of a tobacco product, such as filters, rolling 19588
papers, pipes, blunt or hemp wraps, and liquids used in electronic 19589
smoking devices, whether or not they contain nicotine. "Tobacco 19590
product" does not include any product that is a drug, device, or 19591

combination product, as those terms are defined or described in 21 19592
U.S.C. 321 and 353(g). 19593

(9)(8) "Vapor product" means a product, other than a 19594
cigarette or other tobacco product as defined in Chapter 5743. of 19595
the Revised Code, that contains or is made or derived from 19596
nicotine and that is intended and marketed for human consumption, 19597
including by smoking, inhaling, snorting, or sniffing. "Vapor 19598
product" includes any component, part, or additive that is 19599
intended for use in an electronic smoking device, a mechanical 19600
heating element, battery, or electronic circuit and is used to 19601
deliver the product. "Vapor product" does not include any product 19602
that is a drug, device, or combination product, as those terms are 19603
defined or described in 21 U.S.C. 321 and 353(g). "Vapor product" 19604
includes any product containing nicotine, regardless of 19605
concentration. 19606

(9) "Vending machine" has the same meaning as "coin machine" 19607
in section 2913.01 of the Revised Code. 19608

(B) No manufacturer, producer, distributor, wholesaler, or 19609
retailer of cigarettes, other tobacco products, alternative 19610
nicotine products, or papers used to roll cigarettes, no agent, 19611
employee, or representative of a manufacturer, producer, 19612
distributor, wholesaler, or retailer of cigarettes, other tobacco 19613
products, alternative nicotine products, or papers used to roll 19614
cigarettes, and no other person shall do any of the following: 19615

(1) Give, sell, or otherwise distribute cigarettes, other 19616
tobacco products, alternative nicotine products, or papers used to 19617
roll cigarettes to any ~~child~~ person under twenty-one years of age; 19618

(2) Give away, sell, or distribute cigarettes, other tobacco 19619
products, alternative nicotine products, or papers used to roll 19620
cigarettes in any place that does not have posted in a conspicuous 19621
place a legibly printed sign in letters at least one-half inch 19622

high stating that giving, selling, or otherwise distributing 19623
cigarettes, other tobacco products, alternative nicotine products, 19624
or papers used to roll cigarettes to a person under ~~eighteen~~ 19625
twenty-one years of age is prohibited by law; 19626

(3) Knowingly furnish any false information regarding the 19627
name, age, or other identification of any ~~child~~ person under 19628
twenty-one years of age with purpose to obtain cigarettes, other 19629
tobacco products, alternative nicotine products, or papers used to 19630
roll cigarettes for that ~~child~~ person; 19631

(4) Manufacture, sell, or distribute in this state any pack 19632
or other container of cigarettes containing fewer than twenty 19633
cigarettes or any package of roll-your-own tobacco containing less 19634
than six-tenths of one ounce of tobacco; 19635

(5) Sell cigarettes or alternative nicotine products in a 19636
smaller quantity than that placed in the pack or other container 19637
by the manufacturer; 19638

(6) Give, sell, or otherwise distribute alternative nicotine 19639
products, papers used to roll cigarettes, or tobacco products 19640
other than cigarettes over the internet or through another remote 19641
method without age verification. 19642

(C) No person shall sell or offer to sell cigarettes, other 19643
tobacco products, or alternative nicotine products by or from a 19644
vending machine, except in the following locations: 19645

(1) An area within a factory, business, office, or other 19646
place not open to the general public; 19647

(2) An area to which ~~children~~ persons under twenty-one years 19648
of age are not generally permitted access; 19649

(3) Any other place not identified in division (C)(1) or (2) 19650
of this section, upon all of the following conditions: 19651

(a) The vending machine is located within the immediate 19652

vicinity, plain view, and control of the person who owns or 19653
operates the place, or an employee of that person, so that all 19654
cigarettes, other tobacco product, and alternative nicotine 19655
product purchases from the vending machine will be readily 19656
observed by the person who owns or operates the place or an 19657
employee of that person. For the purpose of this section, a 19658
vending machine located in any unmonitored area, including an 19659
unmonitored coatroom, restroom, hallway, or outer waiting area, 19660
shall not be considered located within the immediate vicinity, 19661
plain view, and control of the person who owns or operates the 19662
place, or an employee of that person. 19663

(b) The vending machine is inaccessible to the public when 19664
the place is closed. 19665

(c) A clearly visible notice is posted in the area where the 19666
vending machine is located that states the following in letters 19667
that are legibly printed and at least one-half inch high: 19668

"It is illegal for any person under the age of 21 to purchase 19669
tobacco or alternative nicotine products." 19670

(D) The following are affirmative defenses to a charge under 19671
division (B)(1) of this section: 19672

(1) The ~~child~~ person under twenty-one years of age was 19673
accompanied by a parent, spouse who is ~~eighteen~~ twenty-one years 19674
of age or older, or legal guardian of the ~~child~~ person under 19675
twenty-one years of age. 19676

(2) The person who gave, sold, or distributed cigarettes, 19677
other tobacco products, alternative nicotine products, or papers 19678
used to roll cigarettes to a ~~child~~ person under twenty-one years 19679
of age under division (B)(1) of this section is a parent, spouse 19680
who is ~~eighteen~~ twenty-one years of age or older, or legal 19681
guardian of the ~~child~~ person under twenty-one years of age. 19682

(E) It is not a violation of division (B)(1) or (2) of this 19683

section for a person to give or otherwise distribute to a ~~child~~ 19684
person under twenty-one years of age cigarettes, other tobacco 19685
products, alternative nicotine products, or papers used to roll 19686
cigarettes while the ~~child~~ person under twenty-one years of age is 19687
participating in a research protocol if all of the following 19688
apply: 19689

(1) The parent, guardian, or legal custodian of the ~~child~~ 19690
person under twenty-one years of age has consented in writing to 19691
the ~~child~~ person under twenty-one years of age participating in 19692
the research protocol. 19693

(2) An institutional human subjects protection review board, 19694
or an equivalent entity, has approved the research protocol. 19695

(3) The ~~child~~ person under twenty-one years of age is 19696
participating in the research protocol at the facility or location 19697
specified in the research protocol. 19698

(F)(1) Whoever violates division (B)(1), (2), (4), (5), or 19699
(6) or (C) of this section is guilty of illegal distribution of 19700
cigarettes, other tobacco products, or alternative nicotine 19701
products. Except as otherwise provided in this division, illegal 19702
distribution of cigarettes, other tobacco products, or alternative 19703
nicotine products is a misdemeanor of the fourth degree. If the 19704
offender previously has been convicted of a violation of division 19705
(B)(1), (2), (4), (5), or (6) or (C) of this section, illegal 19706
distribution of cigarettes, other tobacco products, or alternative 19707
nicotine products is a misdemeanor of the third degree. 19708

(2) Whoever violates division (B)(3) of this section is 19709
guilty of permitting ~~children~~ a person under twenty-one years of 19710
age to use cigarettes, other tobacco products, or alternative 19711
nicotine products. Except as otherwise provided in this division, 19712
permitting ~~children~~ a person under twenty-one years of age to use 19713
cigarettes, other tobacco products, or alternative nicotine 19714

products is a misdemeanor of the fourth degree. If the offender 19715
previously has been convicted of a violation of division (B)(3) of 19716
this section, permitting ~~children~~ a person under twenty-one years 19717
of age to use cigarettes, other tobacco products, or alternative 19718
nicotine products is a misdemeanor of the third degree. 19719

(G) Any cigarettes, other tobacco products, alternative 19720
nicotine products, or papers used to roll cigarettes that are 19721
given, sold, or otherwise distributed to a ~~child~~ person under 19722
twenty-one years of age in violation of this section and that are 19723
used, possessed, purchased, or received by a ~~child~~ person under 19724
twenty-one years of age in violation of section 2151.87 of the 19725
Revised Code are subject to seizure and forfeiture as contraband 19726
under Chapter 2981. of the Revised Code. 19727

Sec. 2927.022. (A) A seller or an agent or employee of a 19728
seller may not be found guilty of a charge of a violation of 19729
section 2927.02 of the Revised Code in which the age of the 19730
purchaser or other recipient of cigarettes, other tobacco 19731
products, or alternative nicotine products is an element of the 19732
alleged violation, if the seller, agent, or employee raises and 19733
proves as an affirmative defense that all of the following 19734
occurred: 19735

(1) A card holder attempting to purchase or receive 19736
cigarettes, other tobacco products, or alternative nicotine 19737
products presented a driver's or commercial driver's license or an 19738
identification card. 19739

(2) A transaction scan of the driver's or commercial driver's 19740
license or identification card that the card holder presented 19741
indicated that the license or card was valid. 19742

(3) The cigarettes, other tobacco products, or alternative 19743
nicotine products were sold, given away, or otherwise distributed 19744
to the card holder in reasonable reliance upon the identification 19745

presented and the completed transaction scan. 19746

(B) In determining whether a seller or an agent or employee 19747
of a seller has proven the affirmative defense provided by 19748
division (A) of this section, the trier of fact in the action for 19749
the alleged violation of section 2927.02 of the Revised Code shall 19750
consider any written policy that the seller has adopted and 19751
implemented and that is intended to prevent violations of section 19752
2927.02 of the Revised Code. For purposes of division (A)(3) of 19753
this section, the trier of fact shall consider that reasonable 19754
reliance upon the identification presented and the completed 19755
transaction scan may require a seller or an agent or employee of a 19756
seller to exercise reasonable diligence to determine, and that the 19757
use of a transaction scan device does not excuse a seller or an 19758
agent or employee of a seller from exercising reasonable diligence 19759
to determine, the following: 19760

(1) Whether a person to whom the seller or agent or employee 19761
of a seller sells, gives away, or otherwise distributes 19762
cigarettes, other tobacco products, or alternative nicotine 19763
products is ~~eighteen~~ twenty-one years of age or older; 19764

(2) Whether the description and picture appearing on the 19765
driver's or commercial driver's license or identification card 19766
presented by a card holder is that of the card holder. 19767

(C) In any criminal action in which the affirmative defense 19768
provided by division (A) of this section is raised, the registrar 19769
of motor vehicles or a deputy registrar who issued an 19770
identification card under sections 4507.50 to 4507.52 of the 19771
Revised Code shall be permitted to submit certified copies of the 19772
records of that issuance in lieu of the testimony of the personnel 19773
of or contractors with the bureau of motor vehicles in the action. 19774

Sec. 2929.13. (A) Except as provided in division (E), (F), or 19775
(G) of this section and unless a specific sanction is required to 19776

be imposed or is precluded from being imposed pursuant to law, a 19777
court that imposes a sentence upon an offender for a felony may 19778
impose any sanction or combination of sanctions on the offender 19779
that are provided in sections 2929.14 to 2929.18 of the Revised 19780
Code. 19781

If the offender is eligible to be sentenced to community 19782
control sanctions, the court shall consider the appropriateness of 19783
imposing a financial sanction pursuant to section 2929.18 of the 19784
Revised Code or a sanction of community service pursuant to 19785
section 2929.17 of the Revised Code as the sole sanction for the 19786
offense. Except as otherwise provided in this division, if the 19787
court is required to impose a mandatory prison term for the 19788
offense for which sentence is being imposed, the court also shall 19789
impose any financial sanction pursuant to section 2929.18 of the 19790
Revised Code that is required for the offense and may impose any 19791
other financial sanction pursuant to that section but may not 19792
impose any additional sanction or combination of sanctions under 19793
section 2929.16 or 2929.17 of the Revised Code. 19794

If the offender is being sentenced for a fourth degree felony 19795
OVI offense or for a third degree felony OVI offense, in addition 19796
to the mandatory term of local incarceration or the mandatory 19797
prison term required for the offense by division (G)(1) or (2) of 19798
this section, the court shall impose upon the offender a mandatory 19799
fine in accordance with division (B)(3) of section 2929.18 of the 19800
Revised Code and may impose whichever of the following is 19801
applicable: 19802

(1) For a fourth degree felony OVI offense for which sentence 19803
is imposed under division (G)(1) of this section, an additional 19804
community control sanction or combination of community control 19805
sanctions under section 2929.16 or 2929.17 of the Revised Code. If 19806
the court imposes upon the offender a community control sanction 19807

and the offender violates any condition of the community control 19808
sanction, the court may take any action prescribed in division (B) 19809
of section 2929.15 of the Revised Code relative to the offender, 19810
including imposing a prison term on the offender pursuant to that 19811
division. 19812

(2) For a third or fourth degree felony OVI offense for which 19813
sentence is imposed under division (G)(2) of this section, an 19814
additional prison term as described in division (B)(4) of section 19815
2929.14 of the Revised Code or a community control sanction as 19816
described in division (G)(2) of this section. 19817

(B)(1)(a) Except as provided in division (B)(1)(b) of this 19818
section, if an offender is convicted of or pleads guilty to a 19819
felony of the fourth or fifth degree that is not an offense of 19820
violence or that is a qualifying assault offense, the court shall 19821
sentence the offender to a community control sanction or 19822
combination of community control sanctions if all of the following 19823
apply: 19824

(i) The offender previously has not been convicted of or 19825
pleaded guilty to a felony offense. 19826

(ii) The most serious charge against the offender at the time 19827
of sentencing is a felony of the fourth or fifth degree. 19828

~~(iii) If the court made a request of the department of 19829
rehabilitation and correction pursuant to division (B)(1)(c) of 19830
this section, the department, within the forty five day period 19831
specified in that division, provided the court with the names of, 19832
contact information for, and program details of one or more 19833
community control sanctions that are available for persons 19834
sentenced by the court. 19835~~

~~(iv)~~ The offender previously has not been convicted of or 19836
pleaded guilty to a misdemeanor offense of violence that the 19837
offender committed within two years prior to the offense for which 19838

sentence is being imposed. 19839

(b) The court has discretion to impose a prison term upon an 19840
offender who is convicted of or pleads guilty to a felony of the 19841
fourth or fifth degree that is not an offense of violence or that 19842
is a qualifying assault offense if any of the following apply: 19843

(i) The offender committed the offense while having a firearm 19844
on or about the offender's person or under the offender's control. 19845

(ii) If the offense is a qualifying assault offense, the 19846
offender caused serious physical harm to another person while 19847
committing the offense, and, if the offense is not a qualifying 19848
assault offense, the offender caused physical harm to another 19849
person while committing the offense. 19850

(iii) The offender violated a term of the conditions of bond 19851
as set by the court. 19852

~~(iv) The court made a request of the department of 19853
rehabilitation and correction pursuant to division (B)(1)(c) of 19854
this section, and the department, within the forty five day period 19855
specified in that division, did not provide the court with the 19856
name of, contact information for, and program details of any 19857
community control sanction that is available for persons sentenced 19858
by the court. 19859~~

~~(v)~~ The offense is a sex offense that is a fourth or fifth 19860
degree felony violation of any provision of Chapter 2907. of the 19861
Revised Code. 19862

~~(vi)~~(v) In committing the offense, the offender attempted to 19863
cause or made an actual threat of physical harm to a person with a 19864
deadly weapon. 19865

~~(vii)~~(vi) In committing the offense, the offender attempted 19866
to cause or made an actual threat of physical harm to a person, 19867
and the offender previously was convicted of an offense that 19868

caused physical harm to a person. 19869

~~(viii)~~(vii) The offender held a public office or position of 19870
trust, and the offense related to that office or position; the 19871
offender's position obliged the offender to prevent the offense or 19872
to bring those committing it to justice; or the offender's 19873
professional reputation or position facilitated the offense or was 19874
likely to influence the future conduct of others. 19875

~~(ix)~~(viii) The offender committed the offense for hire or as 19876
part of an organized criminal activity. 19877

~~(x)~~(ix) The offender at the time of the offense was serving, 19878
or the offender previously had served, a prison term. 19879

~~(xi)~~(x) The offender committed the offense while under a 19880
community control sanction, while on probation, or while released 19881
from custody on a bond or personal recognizance. 19882

(c) ~~If a court that is sentencing an offender who is 19883
convicted of or pleads guilty to a felony of the fourth or fifth 19884
degree that is not an offense of violence or that is a qualifying 19885
assault offense believes that no community control sanctions are 19886
available for its use that, if imposed on the offender, will 19887
adequately fulfill the overriding principles and purposes of 19888
sentencing, the court shall contact the department of 19889
rehabilitation and correction and ask the department to provide 19890
the court with the names of, contact information for, and program 19891
details of one or more community control sanctions that are 19892
available for persons sentenced by the court. Not later than 19893
forty five days after receipt of a request from a court under this 19894
division, the department shall provide the court with the names 19895
of, contact information for, and program details of one or more 19896
community control sanctions that are available for persons 19897
sentenced by the court, if any. Upon making a request under this 19898
division that relates to a particular offender, a court shall 19899~~

~~defer sentencing of that offender until it receives from the
department the names of, contact information for, and program
details of one or more community control sanctions that are
available for persons sentenced by the court or for forty five
days, whichever is the earlier.~~

~~If the department provides the court with the names of,
contact information for, and program details of one or more
community control sanctions that are available for persons
sentenced by the court within the forty five day period specified
in this division, the court shall impose upon the offender a
community control sanction under division (B)(1)(a) of this
section, except that the court may impose a prison term under
division (B)(1)(b) of this section if a factor described in
division (B)(1)(b)(i) or (ii) of this section applies. If the
department does not provide the court with the names of, contact
information for, and program details of one or more community
control sanctions that are available for persons sentenced by the
court within the forty five day period specified in this division,
the court may impose upon the offender a prison term under
division (B)(1)(b)(iv) of this section.~~

~~(d) A sentencing court may impose an additional penalty under
division (B) of section 2929.15 of the Revised Code upon an
offender sentenced to a community control sanction under division
(B)(1)(a) of this section if the offender violates the conditions
of the community control sanction, violates a law, or leaves the
state without the permission of the court or the offender's
probation officer.~~

~~(2) If division (B)(1) of this section does not apply, except
as provided in division (E), (F), or (G) of this section, in
determining whether to impose a prison term as a sanction for a
felony of the fourth or fifth degree, the sentencing court shall
comply with the purposes and principles of sentencing under~~

section 2929.11 of the Revised Code and with section 2929.12 of 19932
the Revised Code. 19933

(C) Except as provided in division (D), (E), (F), or (G) of 19934
this section, in determining whether to impose a prison term as a 19935
sanction for a felony of the third degree or a felony drug offense 19936
that is a violation of a provision of Chapter 2925. of the Revised 19937
Code and that is specified as being subject to this division for 19938
purposes of sentencing, the sentencing court shall comply with the 19939
purposes and principles of sentencing under section 2929.11 of the 19940
Revised Code and with section 2929.12 of the Revised Code. 19941

(D)(1) Except as provided in division (E) or (F) of this 19942
section, for a felony of the first or second degree, for a felony 19943
drug offense that is a violation of any provision of Chapter 19944
2925., 3719., or 4729. of the Revised Code for which a presumption 19945
in favor of a prison term is specified as being applicable, and 19946
for a violation of division (A)(4) or (B) of section 2907.05 of 19947
the Revised Code for which a presumption in favor of a prison term 19948
is specified as being applicable, it is presumed that a prison 19949
term is necessary in order to comply with the purposes and 19950
principles of sentencing under section 2929.11 of the Revised 19951
Code. Division (D)(2) of this section does not apply to a 19952
presumption established under this division for a violation of 19953
division (A)(4) of section 2907.05 of the Revised Code. 19954

(2) Notwithstanding the presumption established under 19955
division (D)(1) of this section for the offenses listed in that 19956
division other than a violation of division (A)(4) or (B) of 19957
section 2907.05 of the Revised Code, the sentencing court may 19958
impose a community control sanction or a combination of community 19959
control sanctions instead of a prison term on an offender for a 19960
felony of the first or second degree or for a felony drug offense 19961
that is a violation of any provision of Chapter 2925., 3719., or 19962
4729. of the Revised Code for which a presumption in favor of a 19963

prison term is specified as being applicable if it makes both of 19964
the following findings: 19965

(a) A community control sanction or a combination of 19966
community control sanctions would adequately punish the offender 19967
and protect the public from future crime, because the applicable 19968
factors under section 2929.12 of the Revised Code indicating a 19969
lesser likelihood of recidivism outweigh the applicable factors 19970
under that section indicating a greater likelihood of recidivism. 19971

(b) A community control sanction or a combination of 19972
community control sanctions would not demean the seriousness of 19973
the offense, because one or more factors under section 2929.12 of 19974
the Revised Code that indicate that the offender's conduct was 19975
less serious than conduct normally constituting the offense are 19976
applicable, and they outweigh the applicable factors under that 19977
section that indicate that the offender's conduct was more serious 19978
than conduct normally constituting the offense. 19979

(E)(1) Except as provided in division (F) of this section, 19980
for any drug offense that is a violation of any provision of 19981
Chapter 2925. of the Revised Code and that is a felony of the 19982
third, fourth, or fifth degree, the applicability of a presumption 19983
under division (D) of this section in favor of a prison term or of 19984
division (B) or (C) of this section in determining whether to 19985
impose a prison term for the offense shall be determined as 19986
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 19987
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 19988
Revised Code, whichever is applicable regarding the violation. 19989

(2) If an offender who was convicted of or pleaded guilty to 19990
a felony violates the conditions of a community control sanction 19991
imposed for the offense solely by reason of producing positive 19992
results on a drug test or by acting pursuant to division (B)(2)(b) 19993
of section 2925.11 of the Revised Code with respect to a minor 19994
drug possession offense, the court, as punishment for the 19995

violation of the sanction, shall not order that the offender be 19996
imprisoned unless the court determines on the record either of the 19997
following: 19998

(a) The offender had been ordered as a sanction for the 19999
felony to participate in a drug treatment program, in a drug 20000
education program, or in narcotics anonymous or a similar program, 20001
and the offender continued to use illegal drugs after a reasonable 20002
period of participation in the program. 20003

(b) The imprisonment of the offender for the violation is 20004
consistent with the purposes and principles of sentencing set 20005
forth in section 2929.11 of the Revised Code. 20006

(3) A court that sentences an offender for a drug abuse 20007
offense that is a felony of the third, fourth, or fifth degree may 20008
require that the offender be assessed by a properly credentialed 20009
professional within a specified period of time. The court shall 20010
require the professional to file a written assessment of the 20011
offender with the court. If the offender is eligible for a 20012
community control sanction and after considering the written 20013
assessment, the court may impose a community control sanction that 20014
includes addiction services and recovery supports included in a 20015
community-based continuum of care established under section 20016
340.032 of the Revised Code. If the court imposes addiction 20017
services and recovery supports as a community control sanction, 20018
the court shall direct the level and type of addiction services 20019
and recovery supports after considering the assessment and 20020
recommendation of community addiction services providers. 20021

(F) Notwithstanding divisions (A) to (E) of this section, the 20022
court shall impose a prison term or terms under sections 2929.02 20023
to 2929.06, section 2929.14, section 2929.142, or section 2971.03 20024
of the Revised Code and except as specifically provided in section 20025
2929.20, divisions (C) to (I) of section 2967.19, or section 20026
2967.191 of the Revised Code or when parole is authorized for the 20027

offense under section 2967.13 of the Revised Code shall not reduce 20028
the term or terms pursuant to section 2929.20, section 2967.19, 20029
section 2967.193, or any other provision of Chapter 2967. or 20030
Chapter 5120. of the Revised Code for any of the following 20031
offenses: 20032

(1) Aggravated murder when death is not imposed or murder; 20033

(2) Any rape, regardless of whether force was involved and 20034
regardless of the age of the victim, or an attempt to commit rape 20035
if, had the offender completed the rape that was attempted, the 20036
offender would have been guilty of a violation of division 20037
(A)(1)(b) of section 2907.02 of the Revised Code and would be 20038
sentenced under section 2971.03 of the Revised Code; 20039

(3) Gross sexual imposition or sexual battery, if the victim 20040
is less than thirteen years of age and if any of the following 20041
applies: 20042

(a) Regarding gross sexual imposition, the offender 20043
previously was convicted of or pleaded guilty to rape, the former 20044
offense of felonious sexual penetration, gross sexual imposition, 20045
or sexual battery, and the victim of the previous offense was less 20046
than thirteen years of age; 20047

(b) Regarding gross sexual imposition, the offense was 20048
committed on or after August 3, 2006, and evidence other than the 20049
testimony of the victim was admitted in the case corroborating the 20050
violation. 20051

(c) Regarding sexual battery, either of the following 20052
applies: 20053

(i) The offense was committed prior to August 3, 2006, the 20054
offender previously was convicted of or pleaded guilty to rape, 20055
the former offense of felonious sexual penetration, or sexual 20056
battery, and the victim of the previous offense was less than 20057
thirteen years of age. 20058

- (ii) The offense was committed on or after August 3, 2006. 20059
- (4) A felony violation of section 2903.04, 2903.06, 2903.08, 20060
2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, or 2923.132 20061
of the Revised Code if the section requires the imposition of a 20062
prison term; 20063
- (5) A first, second, or third degree felony drug offense for 20064
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 20065
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 20066
4729.99 of the Revised Code, whichever is applicable regarding the 20067
violation, requires the imposition of a mandatory prison term; 20068
- (6) Any offense that is a first or second degree felony and 20069
that is not set forth in division (F)(1), (2), (3), or (4) of this 20070
section, if the offender previously was convicted of or pleaded 20071
guilty to aggravated murder, murder, any first or second degree 20072
felony, or an offense under an existing or former law of this 20073
state, another state, or the United States that is or was 20074
substantially equivalent to one of those offenses; 20075
- (7) Any offense that is a third degree felony and either is a 20076
violation of section 2903.04 of the Revised Code or an attempt to 20077
commit a felony of the second degree that is an offense of 20078
violence and involved an attempt to cause serious physical harm to 20079
a person or that resulted in serious physical harm to a person if 20080
the offender previously was convicted of or pleaded guilty to any 20081
of the following offenses: 20082
- (a) Aggravated murder, murder, involuntary manslaughter, 20083
rape, felonious sexual penetration as it existed under section 20084
2907.12 of the Revised Code prior to September 3, 1996, a felony 20085
of the first or second degree that resulted in the death of a 20086
person or in physical harm to a person, or complicity in or an 20087
attempt to commit any of those offenses; 20088
- (b) An offense under an existing or former law of this state, 20089

another state, or the United States that is or was substantially 20090
equivalent to an offense listed in division (F)(7)(a) of this 20091
section that resulted in the death of a person or in physical harm 20092
to a person. 20093

(8) Any offense, other than a violation of section 2923.12 of 20094
the Revised Code, that is a felony, if the offender had a firearm 20095
on or about the offender's person or under the offender's control 20096
while committing the felony, with respect to a portion of the 20097
sentence imposed pursuant to division (B)(1)(a) of section 2929.14 20098
of the Revised Code for having the firearm; 20099

(9) Any offense of violence that is a felony, if the offender 20100
wore or carried body armor while committing the felony offense of 20101
violence, with respect to the portion of the sentence imposed 20102
pursuant to division (B)(1)(d) of section 2929.14 of the Revised 20103
Code for wearing or carrying the body armor; 20104

(10) Corrupt activity in violation of section 2923.32 of the 20105
Revised Code when the most serious offense in the pattern of 20106
corrupt activity that is the basis of the offense is a felony of 20107
the first degree; 20108

(11) Any violent sex offense or designated homicide, assault, 20109
or kidnapping offense if, in relation to that offense, the 20110
offender is adjudicated a sexually violent predator; 20111

(12) A violation of division (A)(1) or (2) of section 2921.36 20112
of the Revised Code, or a violation of division (C) of that 20113
section involving an item listed in division (A)(1) or (2) of that 20114
section, if the offender is an officer or employee of the 20115
department of rehabilitation and correction; 20116

(13) A violation of division (A)(1) or (2) of section 2903.06 20117
of the Revised Code if the victim of the offense is a peace 20118
officer, as defined in section 2935.01 of the Revised Code, or an 20119
investigator of the bureau of criminal identification and 20120

investigation, as defined in section 2903.11 of the Revised Code, 20121
with respect to the portion of the sentence imposed pursuant to 20122
division (B)(5) of section 2929.14 of the Revised Code; 20123

(14) A violation of division (A)(1) or (2) of section 2903.06 20124
of the Revised Code if the offender has been convicted of or 20125
pleaded guilty to three or more violations of division (A) or (B) 20126
of section 4511.19 of the Revised Code or an equivalent offense, 20127
as defined in section 2941.1415 of the Revised Code, or three or 20128
more violations of any combination of those divisions and 20129
offenses, with respect to the portion of the sentence imposed 20130
pursuant to division (B)(6) of section 2929.14 of the Revised 20131
Code; 20132

(15) Kidnapping, in the circumstances specified in section 20133
2971.03 of the Revised Code and when no other provision of 20134
division (F) of this section applies; 20135

(16) Kidnapping, abduction, compelling prostitution, 20136
promoting prostitution, engaging in a pattern of corrupt activity, 20137
a violation of division (A)(1) or (2) of section 2907.323 of the 20138
Revised Code that involves a minor, or endangering children in 20139
violation of division (B)(1), (2), (3), (4), or (5) of section 20140
2919.22 of the Revised Code, if the offender is convicted of or 20141
pleads guilty to a specification as described in section 2941.1422 20142
of the Revised Code that was included in the indictment, count in 20143
the indictment, or information charging the offense; 20144

(17) A felony violation of division (A) or (B) of section 20145
2919.25 of the Revised Code if division (D)(3), (4), or (5) of 20146
that section, and division (D)(6) of that section, require the 20147
imposition of a prison term; 20148

(18) A felony violation of section 2903.11, 2903.12, or 20149
2903.13 of the Revised Code, if the victim of the offense was a 20150
woman that the offender knew was pregnant at the time of the 20151

violation, with respect to a portion of the sentence imposed 20152
pursuant to division (B)(8) of section 2929.14 of the Revised 20153
Code; 20154

(19)(a) Any violent felony offense if the offender is a 20155
violent career criminal and had a firearm on or about the 20156
offender's person or under the offender's control during the 20157
commission of the violent felony offense and displayed or 20158
brandished the firearm, indicated that the offender possessed a 20159
firearm, or used the firearm to facilitate the offense, with 20160
respect to the portion of the sentence imposed under division (K) 20161
of section 2929.14 of the Revised Code. 20162

(b) As used in division (F)(19)(a) of this section, "violent 20163
career criminal" and "violent felony offense" have the same 20164
meanings as in section 2923.132 of the Revised Code; 20165

(20) Any violation of division (A)(1) of section 2903.11 of 20166
the Revised Code if the offender used an accelerant in committing 20167
the violation and the serious physical harm to another or 20168
another's unborn caused by the violation resulted in a permanent, 20169
serious disfigurement or permanent, substantial incapacity or any 20170
violation of division (A)(2) of that section if the offender used 20171
an accelerant in committing the violation, the violation caused 20172
physical harm to another or another's unborn, and the physical 20173
harm resulted in a permanent, serious disfigurement or permanent, 20174
substantial incapacity, with respect to a portion of the sentence 20175
imposed pursuant to division (B)(9) of section 2929.14 of the 20176
Revised Code. The provisions of this division and of division 20177
(D)(2) of section 2903.11, divisions (B)(9) and (C)(6) of section 20178
2929.14, and section 2941.1425 of the Revised Code shall be known 20179
as "Judy's Law." 20180

(21) Any violation of division (A) of section 2903.11 of the 20181
Revised Code if the victim of the offense suffered permanent 20182
disabling harm as a result of the offense and the victim was under 20183

ten years of age at the time of the offense, with respect to a 20184
portion of the sentence imposed pursuant to division (B)(10) of 20185
section 2929.14 of the Revised Code. 20186

(22) A felony violation of section 2925.03, 2925.05, or 20187
2925.11 of the Revised Code, if the drug involved in the violation 20188
is a fentanyl-related compound or a compound, mixture, 20189
preparation, or substance containing a fentanyl-related compound 20190
and the offender is convicted of or pleads guilty to a 20191
specification of the type described in division (B) of section 20192
2941.1410 of the Revised Code that was included in the indictment, 20193
count in the indictment, or information charging the offense, with 20194
respect to the portion of the sentence imposed under division 20195
(B)(11) of section 2929.14 of the Revised Code. 20196

(G) Notwithstanding divisions (A) to (E) of this section, if 20197
an offender is being sentenced for a fourth degree felony OVI 20198
offense or for a third degree felony OVI offense, the court shall 20199
impose upon the offender a mandatory term of local incarceration 20200
or a mandatory prison term in accordance with the following: 20201

(1) If the offender is being sentenced for a fourth degree 20202
felony OVI offense and if the offender has not been convicted of 20203
and has not pleaded guilty to a specification of the type 20204
described in section 2941.1413 of the Revised Code, the court may 20205
impose upon the offender a mandatory term of local incarceration 20206
of sixty days or one hundred twenty days as specified in division 20207
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 20208
not reduce the term pursuant to section 2929.20, 2967.193, or any 20209
other provision of the Revised Code. The court that imposes a 20210
mandatory term of local incarceration under this division shall 20211
specify whether the term is to be served in a jail, a 20212
community-based correctional facility, a halfway house, or an 20213
alternative residential facility, and the offender shall serve the 20214
term in the type of facility specified by the court. A mandatory 20215

term of local incarceration imposed under division (G)(1) of this 20216
section is not subject to any other Revised Code provision that 20217
pertains to a prison term except as provided in division (A)(1) of 20218
this section. 20219

(2) If the offender is being sentenced for a third degree 20220
felony OVI offense, or if the offender is being sentenced for a 20221
fourth degree felony OVI offense and the court does not impose a 20222
mandatory term of local incarceration under division (G)(1) of 20223
this section, the court shall impose upon the offender a mandatory 20224
prison term of one, two, three, four, or five years if the 20225
offender also is convicted of or also pleads guilty to a 20226
specification of the type described in section 2941.1413 of the 20227
Revised Code or shall impose upon the offender a mandatory prison 20228
term of sixty days or one hundred twenty days as specified in 20229
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 20230
if the offender has not been convicted of and has not pleaded 20231
guilty to a specification of that type. Subject to divisions (C) 20232
to (I) of section 2967.19 of the Revised Code, the court shall not 20233
reduce the term pursuant to section 2929.20, 2967.19, 2967.193, or 20234
any other provision of the Revised Code. The offender shall serve 20235
the one-, two-, three-, four-, or five-year mandatory prison term 20236
consecutively to and prior to the prison term imposed for the 20237
underlying offense and consecutively to any other mandatory prison 20238
term imposed in relation to the offense. In no case shall an 20239
offender who once has been sentenced to a mandatory term of local 20240
incarceration pursuant to division (G)(1) of this section for a 20241
fourth degree felony OVI offense be sentenced to another mandatory 20242
term of local incarceration under that division for any violation 20243
of division (A) of section 4511.19 of the Revised Code. In 20244
addition to the mandatory prison term described in division (G)(2) 20245
of this section, the court may sentence the offender to a 20246
community control sanction under section 2929.16 or 2929.17 of the 20247
Revised Code, but the offender shall serve the prison term prior 20248

to serving the community control sanction. The department of 20249
rehabilitation and correction may place an offender sentenced to a 20250
mandatory prison term under this division in an intensive program 20251
prison established pursuant to section 5120.033 of the Revised 20252
Code if the department gave the sentencing judge prior notice of 20253
its intent to place the offender in an intensive program prison 20254
established under that section and if the judge did not notify the 20255
department that the judge disapproved the placement. Upon the 20256
establishment of the initial intensive program prison pursuant to 20257
section 5120.033 of the Revised Code that is privately operated 20258
and managed by a contractor pursuant to a contract entered into 20259
under section 9.06 of the Revised Code, both of the following 20260
apply: 20261

(a) The department of rehabilitation and correction shall 20262
make a reasonable effort to ensure that a sufficient number of 20263
offenders sentenced to a mandatory prison term under this division 20264
are placed in the privately operated and managed prison so that 20265
the privately operated and managed prison has full occupancy. 20266

(b) Unless the privately operated and managed prison has full 20267
occupancy, the department of rehabilitation and correction shall 20268
not place any offender sentenced to a mandatory prison term under 20269
this division in any intensive program prison established pursuant 20270
to section 5120.033 of the Revised Code other than the privately 20271
operated and managed prison. 20272

(H) If an offender is being sentenced for a sexually oriented 20273
offense or child-victim oriented offense that is a felony 20274
committed on or after January 1, 1997, the judge shall require the 20275
offender to submit to a DNA specimen collection procedure pursuant 20276
to section 2901.07 of the Revised Code. 20277

(I) If an offender is being sentenced for a sexually oriented 20278
offense or a child-victim oriented offense committed on or after 20279
January 1, 1997, the judge shall include in the sentence a summary 20280

of the offender's duties imposed under sections 2950.04, 2950.041, 20281
2950.05, and 2950.06 of the Revised Code and the duration of the 20282
duties. The judge shall inform the offender, at the time of 20283
sentencing, of those duties and of their duration. If required 20284
under division (A)(2) of section 2950.03 of the Revised Code, the 20285
judge shall perform the duties specified in that section, or, if 20286
required under division (A)(6) of section 2950.03 of the Revised 20287
Code, the judge shall perform the duties specified in that 20288
division. 20289

(J)(1) Except as provided in division (J)(2) of this section, 20290
when considering sentencing factors under this section in relation 20291
to an offender who is convicted of or pleads guilty to an attempt 20292
to commit an offense in violation of section 2923.02 of the 20293
Revised Code, the sentencing court shall consider the factors 20294
applicable to the felony category of the violation of section 20295
2923.02 of the Revised Code instead of the factors applicable to 20296
the felony category of the offense attempted. 20297

(2) When considering sentencing factors under this section in 20298
relation to an offender who is convicted of or pleads guilty to an 20299
attempt to commit a drug abuse offense for which the penalty is 20300
determined by the amount or number of unit doses of the controlled 20301
substance involved in the drug abuse offense, the sentencing court 20302
shall consider the factors applicable to the felony category that 20303
the drug abuse offense attempted would be if that drug abuse 20304
offense had been committed and had involved an amount or number of 20305
unit doses of the controlled substance that is within the next 20306
lower range of controlled substance amounts than was involved in 20307
the attempt. 20308

(K) As used in this section: 20309

(1) "Community addiction services provider" has the same 20310
meaning as in section 5119.01 of the Revised Code. 20311

(2) "Drug abuse offense" has the same meaning as in section 20312
2925.01 of the Revised Code. 20313

(3) "Minor drug possession offense" has the same meaning as 20314
in section 2925.11 of the Revised Code. 20315

(4) "Qualifying assault offense" means a violation of section 20316
2903.13 of the Revised Code for which the penalty provision in 20317
division (C)(8)(b) or (C)(9)(b) of that section applies. 20318

(L) At the time of sentencing an offender for any sexually 20319
oriented offense, if the offender is a tier III sex 20320
offender/child-victim offender relative to that offense and the 20321
offender does not serve a prison term or jail term, the court may 20322
require that the offender be monitored by means of a global 20323
positioning device. If the court requires such monitoring, the 20324
cost of monitoring shall be borne by the offender. If the offender 20325
is indigent, the cost of compliance shall be paid by the crime 20326
victims reparations fund. 20327

Sec. 2929.15. (A)(1) If in sentencing an offender for a 20328
felony the court is not required to impose a prison term, a 20329
mandatory prison term, or a term of life imprisonment upon the 20330
offender, the court may directly impose a sentence that consists 20331
of one or more community control sanctions authorized pursuant to 20332
section 2929.16, 2929.17, or 2929.18 of the Revised Code. If the 20333
court is sentencing an offender for a fourth degree felony OVI 20334
offense under division (G)(1) of section 2929.13 of the Revised 20335
Code, in addition to the mandatory term of local incarceration 20336
imposed under that division and the mandatory fine required by 20337
division (B)(3) of section 2929.18 of the Revised Code, the court 20338
may impose upon the offender a community control sanction or 20339
combination of community control sanctions in accordance with 20340
sections 2929.16 and 2929.17 of the Revised Code. If the court is 20341
sentencing an offender for a third or fourth degree felony OVI 20342

offense under division (G)(2) of section 2929.13 of the Revised Code, in addition to the mandatory prison term or mandatory prison term and additional prison term imposed under that division, the court also may impose upon the offender a community control sanction or combination of community control sanctions under section 2929.16 or 2929.17 of the Revised Code, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

The duration of all community control sanctions imposed upon an offender under this division shall not exceed five years. If the offender absconds or otherwise leaves the jurisdiction of the court in which the offender resides without obtaining permission from the court or the offender's probation officer to leave the jurisdiction of the court, or if the offender is confined in any institution for the commission of any offense while under a community control sanction, the period of the community control sanction ceases to run until the offender is brought before the court for its further action. If the court sentences the offender to one or more nonresidential sanctions under section 2929.17 of the Revised Code, the court shall impose as a condition of the nonresidential sanctions that, during the period of the sanctions, the offender must abide by the law and must not leave the state without the permission of the court or the offender's probation officer. The court may impose any other conditions of release under a community control sanction that the court considers appropriate, including, but not limited to, requiring that the offender not ingest or be injected with a drug of abuse and submit to random drug testing as provided in division (D) of this section to determine whether the offender ingested or was injected with a drug of abuse and requiring that the results of the drug test indicate that the offender did not ingest or was not injected with a drug of abuse.

(2)(a) If a court sentences an offender to any community control sanction or combination of community control sanctions authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code, the court shall place the offender under the general control and supervision of a department of probation in the county that serves the court for purposes of reporting to the court a violation of any condition of the sanctions, any condition of release under a community control sanction imposed by the court, a violation of law, or the departure of the offender from this state without the permission of the court or the offender's probation officer. Alternatively, if the offender resides in another county and a county department of probation has been established in that county or that county is served by a multicounty probation department established under section 2301.27 of the Revised Code, the court may request the court of common pleas of that county to receive the offender into the general control and supervision of that county or multicounty department of probation for purposes of reporting to the court a violation of any condition of the sanctions, any condition of release under a community control sanction imposed by the court, a violation of law, or the departure of the offender from this state without the permission of the court or the offender's probation officer, subject to the jurisdiction of the trial judge over and with respect to the person of the offender, and to the rules governing that department of probation.

If there is no department of probation in the county that serves the court, the court shall place the offender, regardless of the offender's county of residence, under the general control and supervision of the adult parole authority if the court has entered into an agreement with the authority as described in division (B) of section 2301.32 of the Revised Code or under an entity authorized under division (B) of section 2301.27 of the Revised Code to provide probation and supervisory services to

counties for purposes of reporting to the court a violation of any 20408
of the sanctions, any condition of release under a community 20409
control sanction imposed by the court, a violation of law, or the 20410
departure of the offender from this state without the permission 20411
of the court or the offender's probation officer. 20412

(b) If the court imposing sentence upon an offender sentences 20413
the offender to any community control sanction or combination of 20414
community control sanctions authorized pursuant to section 20415
2929.16, 2929.17, or 2929.18 of the Revised Code, and if the 20416
offender violates any condition of the sanctions, any condition of 20417
release under a community control sanction imposed by the court, 20418
violates any law, or departs the state without the permission of 20419
the court or the offender's probation officer, the public or 20420
private person or entity that operates or administers the sanction 20421
or the program or activity that comprises the sanction shall 20422
report the violation or departure directly to the sentencing 20423
court, or shall report the violation or departure to the county or 20424
multicounty department of probation with general control and 20425
supervision over the offender under division (A)(2)(a) of this 20426
section or the officer of that department who supervises the 20427
offender, or, if there is no such department with general control 20428
and supervision over the offender under that division, to the 20429
adult parole authority if the court has entered into an agreement 20430
with the authority as described in division (B) of section 2301.32 20431
of the Revised Code, or an entity authorized under division (B) of 20432
section 2301.27 of the Revised Code to provide probation and 20433
supervisory services to the county. If the public or private 20434
person or entity that operates or administers the sanction or the 20435
program or activity that comprises the sanction reports the 20436
violation or departure to the county or multicounty department of 20437
probation, the adult parole authority, or any other entity 20438
providing probation and supervisory services to the county, the 20439
department's, authority's, or other entity's officers may treat 20440

the offender as if the offender were on probation and in violation 20441
of the probation, and shall report the violation of the condition 20442
of the sanction, any condition of release under a community 20443
control sanction imposed by the court, the violation of law, or 20444
the departure from the state without the required permission to 20445
the sentencing court. 20446

(3) If an offender who is eligible for community control 20447
sanctions under this section admits to being drug addicted or the 20448
court has reason to believe that the offender is drug addicted, 20449
and if the offense for which the offender is being sentenced was 20450
related to the addiction, the court may require that the offender 20451
be assessed by a properly credentialed professional within a 20452
specified period of time and shall require the professional to 20453
file a written assessment of the offender with the court. If a 20454
court imposes treatment and recovery support services as a 20455
community control sanction, the court shall direct the level and 20456
type of treatment and recovery support services after 20457
consideration of the written assessment, if available at the time 20458
of sentencing, and recommendations of the professional and other 20459
treatment and recovery support services providers. 20460

(4) If an assessment completed pursuant to division (A)(3) of 20461
this section indicates that the offender is addicted to drugs or 20462
alcohol, the court may include in any community control sanction 20463
imposed for a violation of section 2925.02, 2925.03, 2925.04, 20464
2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 20465
2925.37 of the Revised Code a requirement that the offender 20466
participate in alcohol and drug addiction services and recovery 20467
supports certified under section 5119.36 of the Revised Code or 20468
offered by a properly credentialed community addiction services 20469
provider. 20470

(B)(1) If the conditions of a community control sanction are 20471
violated or if the offender violates a law or leaves the state 20472

without the permission of the court or the offender's probation officer, the sentencing court may impose upon the violator one or more of the following penalties:

(a) A longer time under the same sanction if the total time under the sanctions does not exceed the five-year limit specified in division (A) of this section;

(b) A more restrictive sanction under section 2929.16, 2929.17, or 2929.18 of the Revised Code, including but not limited to, a new term in a community-based correctional facility, halfway house, or jail pursuant to division (A)(6) of section 2929.16 of the Revised Code;

(c) A prison term on the offender pursuant to section 2929.14 of the Revised Code and division (B)(3) of this section, provided that a prison term imposed under this division is subject to the following limitations, as applicable:

(i) If the prison term is imposed for any technical violation of the conditions of a community control sanction imposed for a felony of the fifth degree or for any violation of law committed while under a community control sanction imposed for such a felony that consists of a new criminal offense and that is not a felony, the prison term shall not exceed ninety days.

(ii) If the prison term is imposed for any technical violation of the conditions of a community control sanction imposed for a felony of the fourth degree that is not an offense of violence and is not a sexually oriented offense or for any violation of law committed while under a community control sanction imposed for such a felony that consists of a new criminal offense and that is not a felony, the prison term shall not exceed one hundred eighty days.

(2) If an offender was acting pursuant to division (B)(2)(b) of section 2925.11 of the Revised Code and in so doing violated

the conditions of a community control sanction based on a minor drug possession offense, as defined in section 2925.11 of the Revised Code, the sentencing court may consider the offender's conduct in seeking or obtaining medical assistance for another in good faith or for self or may consider the offender being the subject of another person seeking or obtaining medical assistance in accordance with that division as a mitigating factor before imposing any of the penalties described in division (B)(1) of this section.

(3) The prison term, if any, imposed upon a violator pursuant to this division and division (B)(1) of this section shall be within the range of prison terms described in this division and shall not exceed the prison term specified in the notice provided to the offender at the sentencing hearing pursuant to division (B)(2) of section 2929.19 of the Revised Code. The court may reduce the longer period of time that the offender is required to spend under the longer sanction, the more restrictive sanction, or a prison term imposed pursuant to division (B)(1) of this section by the time the offender successfully spent under the sanction that was initially imposed. Except as otherwise specified in this division, the prison term imposed under this division and division (B)(1) of this section shall be within the range of prison terms available as a definite term for the offense for which the sanction that was violated was imposed. If the offense for which the sanction that was violated was imposed is a felony of the first or second degree committed on or after ~~the effective date of this amendment~~ March 22, 2019, the prison term so imposed under this division shall be within the range of prison terms available as a minimum term for the offense under division (A)(1)(a) or (2)(a) of section 2929.14 of the Revised Code.

(C) If an offender, for a significant period of time, fulfills the conditions of a sanction imposed pursuant to section

2929.16, 2929.17, or 2929.18 of the Revised Code in an exemplary 20536
manner, the court may reduce the period of time under the sanction 20537
or impose a less restrictive sanction, but the court shall not 20538
permit the offender to violate any law or permit the offender to 20539
leave the state without the permission of the court or the 20540
offender's probation officer. 20541

(D)(1) If a court under division (A)(1) of this section 20542
imposes a condition of release under a community control sanction 20543
that requires the offender to submit to random drug testing, the 20544
department of probation, the adult parole authority, or any other 20545
entity that has general control and supervision of the offender 20546
under division (A)(2)(a) of this section may cause the offender to 20547
submit to random drug testing performed by a laboratory or entity 20548
that has entered into a contract with any of the governmental 20549
entities or officers authorized to enter into a contract with that 20550
laboratory or entity under section 341.26, 753.33, or 5120.63 of 20551
the Revised Code. 20552

(2) If no laboratory or entity described in division (D)(1) 20553
of this section has entered into a contract as specified in that 20554
division, the department of probation, the adult parole authority, 20555
or any other entity that has general control and supervision of 20556
the offender under division (A)(2)(a) of this section shall cause 20557
the offender to submit to random drug testing performed by a 20558
reputable public laboratory to determine whether the individual 20559
who is the subject of the drug test ingested or was injected with 20560
a drug of abuse. 20561

(3) A laboratory or entity that has entered into a contract 20562
pursuant to section 341.26, 753.33, or 5120.63 of the Revised Code 20563
shall perform the random drug tests under division (D)(1) of this 20564
section in accordance with the applicable standards that are 20565
included in the terms of that contract. A public laboratory shall 20566
perform the random drug tests under division (D)(2) of this 20567

section in accordance with the standards set forth in the policies 20568
and procedures established by the department of rehabilitation and 20569
correction pursuant to section 5120.63 of the Revised Code. An 20570
offender who is required under division (A)(1) of this section to 20571
submit to random drug testing as a condition of release under a 20572
community control sanction and whose test results indicate that 20573
the offender ingested or was injected with a drug of abuse shall 20574
pay the fee for the drug test if the department of probation, the 20575
adult parole authority, or any other entity that has general 20576
control and supervision of the offender requires payment of a fee. 20577
A laboratory or entity that performs the random drug testing on an 20578
offender under division (D)(1) or (2) of this section shall 20579
transmit the results of the drug test to the appropriate 20580
department of probation, the adult parole authority, or any other 20581
entity that has general control and supervision of the offender 20582
under division (A)(2)(a) of this section. 20583

Sec. 2929.34. (A) A person who is convicted of or pleads 20584
guilty to aggravated murder, murder, or an offense punishable by 20585
life imprisonment and who is sentenced to a term of life 20586
imprisonment or a prison term pursuant to that conviction shall 20587
serve that term in an institution under the control of the 20588
department of rehabilitation and correction. 20589

(B)(1) A person who is convicted of or pleads guilty to a 20590
felony other than aggravated murder, murder, or an offense 20591
punishable by life imprisonment and who is sentenced to a term of 20592
imprisonment or a prison term pursuant to that conviction shall 20593
serve that term as follows: 20594

(a) Subject to divisions (B)(1)(b), (B)(2), and (B)(3) of 20595
this section, in an institution under the control of the 20596
department of rehabilitation and correction if the term is a 20597
prison term or as otherwise determined by the sentencing court 20598

pursuant to section 2929.16 of the Revised Code if the term is not a prison term;

(b) In a facility of a type described in division (G)(1) of section 2929.13 of the Revised Code, if the offender is sentenced pursuant to that division.

(2) If the term is a prison term, the person may be imprisoned in a jail that is not a minimum security jail pursuant to agreement under section 5120.161 of the Revised Code between the department of rehabilitation and correction and the local authority that operates the jail.

(3)(a) As used in divisions (B)(3)(a) to (d) of this section:

~~(i) "Target county" means Franklin county, Cuyahoga county, Hamilton county, Summit county, Montgomery county, Lucas county, Butler county, Stark county, Lorain county, and Mahoning county.~~

~~(ii) "Voluntary, "voluntary county" means any county in which the board of county commissioners of the county and the administrative judge of the general division of the court of common pleas of the county enter into an agreement of the type described in division (B)(3)(b) of this section and in which the agreement has not been terminated as described in that division.~~

(b) In any voluntary county ~~other than a target county~~, the board of county commissioners of the county and the administrative judge of the general division of the court of common pleas of the county may agree to having the county participate in the procedures regarding local and state confinement established under division (B)(3)(c) of this section. A board of county commissioners and an administrative judge of a court of common pleas that enter into an agreement of the type described in this division may terminate the agreement, but a termination under this division shall take effect only at the end of the state fiscal biennium in which the termination decision is made.

(c) Except as provided in division (B)(3)(d) of this section, 20630
on and after July 1, 2018, no person sentenced by the court of 20631
common pleas of a ~~target county or of a~~ voluntary county to a 20632
prison term ~~that is twelve months or less~~ for a felony of the 20633
fifth degree shall serve the term in an institution under the 20634
control of the department of rehabilitation and correction. The 20635
person shall instead serve the sentence as a term of confinement 20636
in a facility of a type described in division (C) or (D) of this 20637
section. Nothing in this division relieves the state of its 20638
obligation to pay for the cost of confinement of the person in a 20639
community-based correctional facility under division (D) of this 20640
section. 20641

(d) Division (B)(3)(c) of this section does not apply to any 20642
person to whom any of the following apply: 20643

(i) The felony of the fifth degree was an offense of 20644
violence, as defined in section 2901.01 of the Revised Code, a sex 20645
offense under Chapter 2907. of the Revised Code, a violation of 20646
section 2925.03 of the Revised Code, or any offense for which a 20647
mandatory prison term is required. 20648

(ii) The person previously has been convicted of or pleaded 20649
guilty to any felony offense of violence, as defined in section 20650
2901.01 of the Revised Code, unless the felony of the fifth degree 20651
for which the person is being sentenced is a violation of division 20652
(I)(1) of section 2903.43 of the Revised Code. 20653

(iii) The person previously has been convicted of or pleaded 20654
guilty to any felony sex offense under Chapter 2907. of the 20655
Revised Code. 20656

(iv) The person's sentence is required to be served 20657
concurrently to any other sentence imposed upon the person for a 20658
felony that is required to be served in an institution under the 20659
control of the department of rehabilitation and correction. 20660

(C) A person who is convicted of or pleads guilty to one or 20661
more misdemeanors and who is sentenced to a jail term or term of 20662
imprisonment pursuant to the conviction or convictions shall serve 20663
that term in a county, multicounty, municipal, municipal-county, 20664
or multicounty-municipal jail or workhouse; in a community 20665
alternative sentencing center or district community alternative 20666
sentencing center when authorized by section 307.932 of the 20667
Revised Code; or, if the misdemeanor or misdemeanors are not 20668
offenses of violence, in a minimum security jail. 20669

(D) Nothing in this section prohibits the commitment, 20670
referral, or sentencing of a person who is convicted of or pleads 20671
guilty to a felony to a community-based correctional facility. 20672

Sec. 2941.51. (A) Counsel appointed to a case or selected by 20673
an indigent person under division (E) of section 120.16 or 20674
division (E) of section 120.26 of the Revised Code, or otherwise 20675
appointed by the court, except for counsel appointed by the court 20676
to provide legal representation for a person charged with a 20677
violation of an ordinance of a municipal corporation, shall be 20678
paid for their services by the county the compensation and 20679
expenses that the trial court approves. Each request for payment 20680
shall include a financial disclosure form completed by the 20681
indigent person on a form prescribed by the state public defender. 20682
Compensation and expenses shall not exceed the amounts fixed by 20683
the board of county commissioners pursuant to division (B) of this 20684
section. 20685

(B) The board of county commissioners shall establish a 20686
schedule of fees by case or on an hourly basis to be paid by the 20687
county for legal services provided by appointed counsel. Prior to 20688
establishing such schedule, the board shall request the bar 20689
association or associations of the county to submit a proposed 20690
schedule for cases other than capital cases. The schedule 20691

submitted shall be subject to the review, amendment, and approval 20692
of the board of county commissioners, except with respect to 20693
capital cases. With respect to capital cases, the schedule shall 20694
provide for fees by case or on an hourly basis to be paid to 20695
counsel in the amount or at the rate set by the capital case 20696
attorney fee council pursuant to division (D) of section 120.33 of 20697
the Revised Code, and the board of county commissioners shall 20698
approve that amount or rate. 20699

With respect to capital cases, counsel shall be paid 20700
compensation and expenses in accordance with the amount or at the 20701
rate set by the capital case attorney fee council pursuant to 20702
division (D) of section 120.33 of the Revised Code. 20703

(C) In a case where counsel have been appointed to conduct an 20704
appeal under Chapter 120. of the Revised Code, such compensation 20705
shall be fixed by the court of appeals or the supreme court, as 20706
provided in divisions (A) and (B) of this section. 20707

(D) The fees and expenses approved by the court under this 20708
section shall not be taxed as part of the costs and shall be paid 20709
by the county. However, if the person represented has, or 20710
reasonably may be expected to have, the means to meet some part of 20711
the cost of the services rendered to the person, the person shall 20712
pay the county an amount that the person reasonably can be 20713
expected to pay. Pursuant to section 120.04 of the Revised Code, 20714
the county shall pay to the state public defender a percentage of 20715
the payment received from the person in an amount proportionate to 20716
the percentage of the costs of the person's case that were paid to 20717
the county by the state public defender pursuant to this section. 20718
The money paid to the state public defender shall be credited to 20719
the client payment fund created pursuant to division (B)(5) of 20720
section 120.04 of the Revised Code. 20721

(E) The county auditor shall draw a warrant on the county 20722
treasurer for the payment of such counsel in the amount fixed by 20723

the court, plus the expenses that the court fixes and certifies to 20724
the auditor. The county auditor shall report periodically, but not 20725
less than annually, to the board of county commissioners and to 20726
the Ohio public defender commission the amounts paid out pursuant 20727
to the approval of the court under this section, separately 20728
stating costs and expenses that are reimbursable under section 20729
120.35 of the Revised Code. The board, after review and approval 20730
of the auditor's report, may then certify it to the state public 20731
defender for reimbursement. The request for reimbursement shall be 20732
accompanied by a financial disclosure form completed by each 20733
indigent person for whom counsel was provided on a form prescribed 20734
by the state public defender. The state public defender shall 20735
review the report and, in accordance with the standards, 20736
guidelines, and maximums established pursuant to divisions (B)(7) 20737
and (8) of section 120.04 of the Revised Code, pay ~~fifty per cent~~ 20738
~~of up to~~ the total cost, other than costs and expenses that are 20739
reimbursable under section 120.35 of the Revised Code, if any, of 20740
paying appointed counsel in each county and pay ~~fifty per cent of~~ 20741
costs and expenses that are reimbursable under section 120.35 of 20742
the Revised Code, if any, to the board. 20743

(F) If any county system for paying appointed counsel fails 20744
to maintain the standards for the conduct of the system 20745
established by the rules of the Ohio public defender commission 20746
pursuant to divisions (B) and (C) of section 120.03 of the Revised 20747
Code or the standards established by the state public defender 20748
pursuant to division (B)(7) of section 120.04 of the Revised Code, 20749
the commission shall notify the board of county commissioners of 20750
the county that the county system for paying appointed counsel has 20751
failed to comply with its rules. Unless the board corrects the 20752
conduct of its appointed counsel system to comply with the rules 20753
within ninety days after the date of the notice, the state public 20754
defender may deny all or part of the county's reimbursement from 20755
the state provided for in this section. 20756

Sec. 2950.08. (A) Subject to division (B) of this section, 20757
the statements, information, photographs, fingerprints, and 20758
material required by sections 2950.04, 2950.041, 2950.05, and 20759
2950.06 of the Revised Code and provided by a person who 20760
registers, who provides notice of a change of residence, school, 20761
institution of higher education, or place of employment address 20762
and registers the new residence, school, institution of higher 20763
education, or place of employment address, or who provides 20764
verification of a current residence, school, institution of higher 20765
education, or place of employment address pursuant to those 20766
sections and that are in the possession of the bureau of criminal 20767
identification and investigation and the information in the 20768
possession of the bureau that was received by the bureau pursuant 20769
to section 2950.14 of the Revised Code shall not be open to 20770
inspection by the public or by any person other than the following 20771
persons: 20772

(1) A regularly employed peace officer or other law 20773
enforcement officer; 20774

(2) An authorized employee of the bureau of criminal 20775
identification and investigation for the purpose of providing 20776
information to a board, administrator, or person pursuant to 20777
division (F) or (G) of section 109.57 of the Revised Code; 20778

(3) The registrar of motor vehicles, or an employee of the 20779
registrar of motor vehicles, for the purpose of verifying and 20780
updating any of the information so provided, upon the request of 20781
the bureau of criminal identification and investigation; 20782

(4) The director of job and family services, or an employee 20783
of the director, for the purpose of complying with division (D) of 20784
section 5104.013 of the Revised Code. 20785

(B) Division (A) of this section does not apply to any 20786
information that is contained in the internet sex offender and 20787

child-victim offender database established by the attorney general 20788
under division (A)(11) of section 2950.13 of the Revised Code 20789
regarding offenders and that is disseminated as described in that 20790
division. 20791

Sec. 3107.035. (A) At the time of the initial home study, and 20792
every two years thereafter, if the home study is updated, and 20793
until it becomes part of a final decree of adoption or an 20794
interlocutory order of adoption, the agency or attorney that 20795
arranges an adoption for the prospective adoptive parent shall 20796
conduct a search of the United States department of justice 20797
national sex offender public web site regarding the prospective 20798
adoptive parent and all persons eighteen years of age or older who 20799
reside with the prospective adoptive parent. 20800

(B) A petition for adoption may be denied based solely on the 20801
results of the search of the national sex offender public web 20802
site. 20803

(C) The director of job and family services shall adopt rules 20804
in accordance with Chapter 119. of the Revised Code necessary for 20805
the implementation and execution of this section. 20806

Sec. 3107.14. (A) The petitioner and the person sought to be 20807
adopted shall appear at the hearing on the petition, unless the 20808
presence of either is excused by the court for good cause shown. 20809

(B) The court may continue the hearing from time to time to 20810
permit further observation, investigation, or consideration of any 20811
facts or circumstances affecting the granting of the petition, and 20812
may examine the petitioners separate and apart from each other. 20813

(C) If, at the conclusion of the hearing, the court finds 20814
that the required consents have been obtained or excused and that 20815
the adoption is in the best interest of the person sought to be 20816
adopted as supported by the evidence, it may issue, subject to 20817

division (C)(1)~~(a)~~ of section 2151.86, section 3107.064, and 20818
division (E) of section 3107.09 of the Revised Code, and any other 20819
limitations specified in this chapter, a final decree of adoption 20820
or an interlocutory order of adoption, which by its own terms 20821
automatically becomes a final decree of adoption on a date 20822
specified in the order, which, except as provided in division (B) 20823
of section 3107.13 of the Revised Code, shall not be less than six 20824
months or more than one year from the date the person to be 20825
adopted is placed in the petitioner's home, unless sooner vacated 20826
by the court for good cause shown. In determining whether the 20827
adoption is in the best interest of the person sought to be 20828
adopted, the court shall not consider the age of the petitioner if 20829
the petitioner is old enough to adopt as provided by section 20830
3107.03 of the Revised Code. 20831

In an interlocutory order of adoption, the court shall 20832
provide for observation, investigation, and a further report on 20833
the adoptive home during the interlocutory period. 20834

(D) If the requirements for a decree under division (C) of 20835
this section have not been satisfied or the court vacates an 20836
interlocutory order of adoption, or if the court finds that a 20837
person sought to be adopted was placed in the home of the 20838
petitioner in violation of law, the court shall dismiss the 20839
petition and may determine the agency or person to have temporary 20840
or permanent custody of the person, which may include the agency 20841
or person that had custody prior to the filing of the petition or 20842
the petitioner, if the court finds it is in the best interest of 20843
the person as supported by the evidence, or if the person is a 20844
minor, the court may certify the case to the juvenile court of the 20845
county where the minor is then residing for appropriate action and 20846
disposition. 20847

(E) The issuance of a final decree or interlocutory order of 20848
adoption for an adult adoption under division (A)(4) of section 20849

3107.02 of the Revised Code shall not disqualify that adult for 20850
services under section 2151.82 or 2151.83 of the Revised Code. 20851

Sec. 3119.023. (A) At least once every four years, the 20852
department of job and family services shall review the basic child 20853
support schedule issued by the department pursuant to section 20854
3119.021 of the Revised Code to determine whether child support 20855
orders issued in accordance with that schedule and the worksheets 20856
created under rules adopted under section 3119.022 of the Revised 20857
Code adequately provide for the needs of children who are subject 20858
to the child support orders. ~~The department may consider the 20859
adequacy and appropriateness of the current schedule, whether 20860
there are substantial and permanent changes in household 20861
consumption and savings patterns, particularly those resulting in 20862
substantial and permanent changes in the per cent of total 20863
household expenditures on children, and whether there have been 20864
substantial and permanent changes to the federal and state income 20865
tax code other than inflationary adjustments to such things as the 20866
exemption amount and income tax brackets, and other factors when 20867
conducting its review.~~ The review is in addition to, and 20868
independent of, any schedule update completed as set forth in 20869
section 3119.021 of the Revised Code. The department shall prepare 20870
a report of its review and include recommendations for statutory 20871
changes, and submit a copy of the report to both houses of the 20872
general assembly. 20873

(B) Each review shall include all of the following: 20874

(1) Consideration of all of the following: 20875

(a) Economic data on the cost of raising children; 20876

(b) Labor market data, such as unemployment rates, employment 20877
rates, hours worked, and earnings, by occupation and skill level 20878
for the state and local job markets; 20879

<u>(c) The impact of guidelines policies and amounts on</u>	20880
<u>custodial and noncustodial parents who have family incomes below</u>	20881
<u>two hundred per cent of the federal poverty level;</u>	20882
<u>(d) Factors that influence employment rates among</u>	20883
<u>noncustodial parents and compliance with child support orders.</u>	20884
<u>(2) Analysis of all of the following, to be used to ensure</u>	20885
<u>that deviations from the basic child support schedule are limited</u>	20886
<u>and that support amounts are appropriate based on criteria</u>	20887
<u>established under division (G) of section 3119.05 of the Revised</u>	20888
<u>Code:</u>	20889
<u>(a) Case data on the application of and deviations from the</u>	20890
<u>basic child support schedule, as gathered through sampling or</u>	20891
<u>other methods;</u>	20892
<u>(b) Rates of default, child support orders with imputed</u>	20893
<u>income, and orders determined using low-income adjustments such as</u>	20894
<u>a self-support reserve or another method as determined by the</u>	20895
<u>state;</u>	20896
<u>(c) A comparison of payments on child support orders by case</u>	20897
<u>characteristics, including whether the order was entered by</u>	20898
<u>default, based on imputed income, or determined using the</u>	20899
<u>low-income adjustment, as described in division (B)(2)(b) of this</u>	20900
<u>section.</u>	20901
<u>(3) Meaningful opportunity for public input, including input</u>	20902
<u>from low-income custodial and noncustodial parents and their</u>	20903
<u>representatives.</u>	20904
<u>(C) For each review, the department shall establish a child</u>	20905
<u>support guideline advisory council to assist the department in the</u>	20906
<u>completion of its reviews and reports. Each council shall be</u>	20907
<u>composed of:</u>	20908
<u>(1) Obligor;</u>	20909

(2) Obligees;	20910
(3) Judges of courts of common pleas who have jurisdiction over domestic relations and juvenile court cases that involve the determination of child support;	20911 20912 20913
(4) Attorneys whose practice includes a significant number of domestic relations or juvenile court cases that involve the determination of child support;	20914 20915 20916
(5) Representatives of child support enforcement agencies;	20917
(6) Other persons interested in the welfare of children;	20918
(7) Three members of the senate appointed by the president of the senate, not more than two of whom are members of the same political party; and	20919 20920 20921
(8) Three members of the house of representatives appointed by the speaker of the house, not more than two of whom are members of the same political party.	20922 20923 20924
(C) (D) The department shall consider input from the council prior to the completion of any report under this section. The department shall submit its report on or before the first day of March of every fourth year after 2015.	20925 20926 20927 20928
(D) (E) <u>The department shall publish on the internet and make accessible to the public all of the following:</u>	20929 20930
<u>(1) All reports of the council;</u>	20931
<u>(2) The membership of the council;</u>	20932
<u>(3) The effective date of new or modified guidelines adopted after the review;</u>	20933 20934
<u>(4) The date of the next review.</u>	20935
(F) The advisory council shall cease to exist at the time that the department submits its review to the general assembly under this section.	20936 20937 20938

~~(E)~~(G) Any expenses incurred by an advisory council shall be 20939
paid by the department. 20940

Sec. 3119.05. When a court computes the amount of child 20941
support required to be paid under a court child support order or a 20942
child support enforcement agency computes the amount of child 20943
support to be paid pursuant to an administrative child support 20944
order, all of the following apply: 20945

(A) The parents' current and past income and personal 20946
earnings shall be verified by electronic means or with suitable 20947
documents, including, but not limited to, paystubs, employer 20948
statements, receipts and expense vouchers related to 20949
self-generated income, tax returns, and all supporting 20950
documentation and schedules for the tax returns. 20951

(B) The annual amount of any court-ordered spousal support 20952
actually paid, excluding any ordered payment on arrears, shall be 20953
deducted from the annual income of that parent to the extent that 20954
payment of that court-ordered spousal support is verified by 20955
supporting documentation. 20956

(C) The court or agency shall adjust the amount of child 20957
support paid by a parent to give credit for children not included 20958
in the current calculation. When calculating the adjusted amount, 20959
the court or agency shall use the schedule and do the following: 20960

(1) Determine the amount of child support that each parent 20961
would be ordered to pay for all children for whom the parent has 20962
the legal duty to support, according to each parent's annual 20963
income. If the number of children subject to the order is greater 20964
than six, multiply the amount for three children in accordance 20965
with division (C)(4) of this section to determine the amount of 20966
child support. 20967

(2) Compute a child support credit amount for each parent's 20968

children who are not subject to this order by dividing the amount 20969
determined in division (C)(1) of this section by the total number 20970
of children whom the parent is obligated to support and 20971
multiplying that number by the number of the parent's children who 20972
are not subject to this order. 20973

(3) Determine the adjusted income of the parents by 20974
subtracting the credit for minor children not subject to this 20975
order computed under division (C)(2) of this section, from the 20976
annual income of each parent for the children each has a duty to 20977
support that are not subject to this order. 20978

(4) If the number of children is greater than six, multiply 20979
the amount for three children by: 20980

(a) 1.440 for seven children; 20981

(b) 1.540 for eight children; 20982

(c) 1.638 for nine children; 20983

(d) 1.734 for ten children; 20984

(e) 1.827 for eleven children; 20985

(f) 1.919 for twelve children; 20986

(g) 2.008 for thirteen children; 20987

(h) 2.096 for fourteen children; 20988

(i) 2.182 for more than fourteen children. 20989

(D) When the court or agency calculates the annual income of 20990
a parent, it shall include the lesser of the following as income 20991
from overtime and bonuses: 20992

(1) The yearly average of all overtime, commissions, and 20993
bonuses received during the three years immediately prior to the 20994
time when the person's child support obligation is being computed; 20995

(2) The total overtime, commissions, and bonuses received 20996
during the year immediately prior to the time when the person's 20997

child support obligation is being computed. 20998

(E) When the court or agency calculates the annual income of 20999
a parent, it shall not include any income earned by the spouse of 21000
that parent. 21001

(F) The court shall issue a separate medical support order 21002
for extraordinary medical expenses, including orthodontia, dental, 21003
optical, and psychological services. 21004

If the court makes an order for payment of private education, 21005
and other appropriate expenses, it shall do so by issuing a 21006
separate order. 21007

The court may consider these expenses in adjusting a child 21008
support order. 21009

(G) When a court or agency calculates the amount of child 21010
support to be paid pursuant to a court child support order or an 21011
administrative child support order, the following shall apply: 21012

(1) The court or agency shall apply the basic child support 21013
schedule to the parents' combined annual incomes and to each 21014
parent's individual income. 21015

(2) If the combined annual income of both parents or the 21016
individual annual income of a parent is an amount that is between 21017
two amounts set forth in the first column of the schedule, the 21018
court or agency may use the basic child support obligation that 21019
corresponds to the higher of the two amounts in the first column 21020
of the schedule, use the basic child support obligation that 21021
corresponds to the lower of the two amounts in the first column of 21022
the schedule, or calculate a basic child support obligation that 21023
is between those two amounts and corresponds proportionally to the 21024
parents' actual combined annual income or the individual parent's 21025
annual income. 21026

(3) If the annual individual income of either or both of the 21027

parents is within the self-sufficiency reserve in the basic child support schedule, the court or agency shall do both of the following:

(a) Calculate the basic child support obligation for the parents using the schedule amount applicable to the combined annual income and the schedule amount applicable to the income in the self-sufficiency reserve;

(b) Determine the lesser of the following amounts to be the applicable basic child support obligation:

(i) The amount that results from using the combined annual income of the parents not in the self-sufficiency reserve of the schedule; or

(ii) The amount that results from using the individual parent's income within the self-sufficiency reserve of the schedule.

(H) When the court or agency calculates annual income, the court or agency, when appropriate, may average income over a reasonable period of years.

(I) Unless it would be unjust or inappropriate and therefore not in the best interests of the child, a court or agency shall not determine a parent to be voluntarily unemployed or underemployed and shall not impute income to that parent if any of the following conditions exist:

(1) The parent is receiving recurring monetary income from means-tested public assistance benefits, including cash assistance payments under the Ohio works first program established under Chapter 5107. of the Revised Code, general assistance under former Chapter 5113. of the Revised Code, supplemental security income, or means-tested veterans' benefits;

(2) The parent is approved for social security disability

insurance benefits because of a mental or physical disability, or 21058
the court or agency determines that the parent is unable to work 21059
based on medical documentation that includes a physician's 21060
diagnosis and a physician's opinion regarding the parent's mental 21061
or physical disability and inability to work. 21062

(3) The parent has proven that the parent has made continuous 21063
and diligent efforts without success to find and accept 21064
employment, including temporary employment, part-time employment, 21065
or employment at less than the parent's previous salary or wage. 21066

(4) The parent is complying with court-ordered family 21067
reunification efforts in a child abuse, neglect, or dependency 21068
proceeding, to the extent that compliance with those efforts 21069
limits the parent's ability to earn income. 21070

(5) The parent is ~~incarcerated or~~ institutionalized for a 21071
period of twelve months or more with no other available income or 21072
~~assets, unless the parent is incarcerated for an offense relating~~ 21073
~~to the abuse or neglect of a child who is the subject of the~~ 21074
~~support order or an offense under Title XXIX of the Revised Code~~ 21075
~~against the obligee or a child who is the subject of the support~~ 21076
~~order.~~ 21077

(J) When a court or agency calculates the income of a parent, 21078
it shall not determine a parent to be voluntarily unemployed or 21079
underemployed and shall not impute income to that parent if the 21080
parent is incarcerated. 21081

(K) When a court or agency requires a parent to pay an amount 21082
for that parent's failure to support a child for a period of time 21083
prior to the date the court modifies or issues a court child 21084
support order or an agency modifies or issues an administrative 21085
child support order for the current support of the child, the 21086
court or agency shall calculate that amount using the basic child 21087
support schedule, worksheets, and child support laws in effect, 21088

and the incomes of the parents as they existed, for that prior 21089
period of time. 21090

~~(K)~~(L) A court or agency may disregard a parent's additional 21091
income from overtime or additional employment when the court or 21092
agency finds that the additional income was generated primarily to 21093
support a new or additional family member or members, or under 21094
other appropriate circumstances. 21095

~~(L)~~(M) If both parents involved in the immediate child 21096
support determination have a prior order for support relative to a 21097
minor child or children born to both parents, the court or agency 21098
shall collect information about the existing order or orders and 21099
consider those together with the current calculation for support 21100
to ensure that the total of all orders for all children of the 21101
parties does not exceed the amount that would have been ordered if 21102
all children were addressed in a single judicial or administrative 21103
proceeding. 21104

~~(M)~~(N) A support obligation of a parent with annual income 21105
subject to the self-sufficiency reserve of the basic child support 21106
schedule shall not exceed the support obligation that would result 21107
from application of the schedule without the reserve. 21108

~~(N)~~(O) Any non-means tested benefit received by the child or 21109
children subject to the order resulting from the claims of either 21110
parent shall be deducted from that parent's annual child support 21111
obligation after all other adjustments have been made. If that 21112
non-means tested benefit exceeds the child support obligation of 21113
the parent from whose claim the benefit is realized, the child 21114
support obligation for that parent shall be zero. 21115

~~(O)~~(P) As part of the child support calculation, the parents 21116
shall be ordered to share the costs of child care. Subject to the 21117
limitations in this division, a child support obligor shall pay an 21118
amount equal to the obligor's income share of the child care cost 21119

incurred for the child or children subject to the order. 21120

(1) The child care cost used in the calculation: 21121

(a) Shall be for the child determined to be necessary to 21122
allow a parent to work, or for activities related to employment 21123
training; 21124

(b) Shall be verifiable by credible evidence as determined by 21125
a court or child support enforcement agency; 21126

(c) Shall exclude any reimbursed or subsidized child care 21127
cost, including any state or federal tax credit for child care 21128
available to the parent or caretaker, whether or not claimed; 21129

(d) Shall not exceed the maximum state-wide average cost 21130
estimate ~~issued by the department of job and family services,~~ 21131
~~using the data collected and reported as required in section~~ 21132
~~5104.04 of the Revised Code~~ determined in accordance with 45 21133
C.F.R. 98.45. 21134

(2) When the annual income of the obligor is subject to the 21135
self-sufficiency reserve of the basic support schedule, the share 21136
of the child care cost paid by the obligor shall be equal to the 21137
lower of the obligor's income share of the child care cost, or 21138
fifty per cent of the child care cost. 21139

(O) As used in this section, a parent is considered 21140
"incarcerated" if the parent is confined under a sentence imposed 21141
for an offense or serving a term of imprisonment, jail, or local 21142
incarceration, or other term under a sentence imposed by a 21143
government entity authorized to order such confinement. 21144

Sec. 3119.23. The court may consider any of the following 21145
factors in determining whether to grant a deviation pursuant to 21146
section 3119.22 of the Revised Code: 21147

(A) Special and unusual needs of the child or children, 21148
including needs arising from the physical or psychological 21149

condition of the child or children;	21150
(B) Other court-ordered payments;	21151
(C) Extended parenting time or extraordinary costs associated with parenting time, including extraordinary travel expenses when exchanging the child or children for parenting time;	21152 21153 21154
(D) The financial resources and the earning ability of the child or children;	21155 21156
(E) The relative financial resources, including the disparity in income between parties or households, other assets, and the needs of each parent;	21157 21158 21159
(F) The obligee's income, if the obligee's annual income is equal to or less than one hundred per cent of the federal poverty level;	21160 21161 21162
(G) Benefits that either parent receives from remarriage or sharing living expenses with another person;	21163 21164
(H) The amount of federal, state, and local taxes actually paid or estimated to be paid by a parent or both of the parents;	21165 21166
(I) Significant in-kind contributions from a parent, including, but not limited to, direct payment for lessons, sports equipment, schooling, or clothing;	21167 21168 21169
(J) Extraordinary work-related expenses incurred by either parent;	21170 21171
(K) The standard of living and circumstances of each parent and the standard of living the child would have enjoyed had the marriage continued or had the parents been married;	21172 21173 21174
(L) The educational opportunities that would have been available to the child had the circumstances requiring a child support order not arisen;	21175 21176 21177
(M) The responsibility of each parent for the support of	21178

others, including support of a child or children with disabilities 21179
who are not subject to the support order; 21180

(N) Post-secondary educational expenses paid for by a parent 21181
for the parent's own child or children, regardless of whether the 21182
child or children are emancipated; 21183

(O) Costs incurred or reasonably anticipated to be incurred 21184
by the parents in compliance with court-ordered reunification 21185
efforts in child abuse, neglect, or dependency cases; 21186

(P) Extraordinary child care costs required for the child or 21187
children that exceed the maximum state-wide average cost estimate 21188
~~provided as described~~ in division ~~(O)~~(P)(1)(d) of section 3119.05 21189
of the Revised Code, including extraordinary costs associated with 21190
caring for a child or children with specialized physical, 21191
psychological, or educational needs; 21192

(Q) Any other relevant factor. 21193

If the court grants a deviation based on division (Q) of this 21194
section, it shall specifically state in the order the facts that 21195
are the basis for the deviation. 21196

Sec. 3119.27. (A) A court that issues or modifies a court 21197
support order, or an administrative agency that issues or modifies 21198
an administrative child support order, shall impose on the obligor 21199
under the support order a processing charge in the amount of two 21200
per cent of the support payment to be collected under a support 21201
order. No court or agency may call the charge a poundage fee. 21202

(B) In each child support case that is a Title IV-D case, the 21203
department of job and family services shall annually claim 21204
~~twenty-five~~ thirty-five dollars from the processing charge 21205
described in division (A) of this section for federal reporting 21206
purposes if the obligee has never received assistance under Title 21207
IV-A and the department has collected at least five hundred fifty 21208

dollars of child support for the obligee. The director of job and family services shall adopt rules under Chapter 119. of the Revised Code to implement this division, and the department shall implement this division not later than March 31, 2008.

(C) As used in this section:

(1) "Annual" means the period as defined in regulations issued by the United States secretary of health and human services to implement the Deficit Reduction Act of 2005 (P.L. 109-171).

(2) "Title IV-A" has the same meaning as in section 5107.02 of the Revised Code.

(3) "Title IV-D case" has the same meaning as in section 3125.01 of the Revised Code.

Sec. 3119.29. As used in this section and sections 3119.30 to 3119.56 of the Revised Code:

~~(A) "Family coverage" means the health insurance plan that provides coverage for the children who are the subject of a child support order.~~

~~(B)~~ "Health care coverage" means such medical support that includes ~~coverage under~~ a health insurance coverage or a public health care plan, payment of costs of premiums, copayments, and deductibles, or payment for medical expenses incurred on behalf of the child.

~~(C)~~(B) "Health insurance coverage" means accessible private health insurance that provides primary care services within thirty miles from the residence of the child subject to the child support order.

~~(D)~~(C) "Health plan administrator" means any entity authorized under Title XXXIX of the Revised Code to engage in the business of insurance in this state, any health insuring corporation, any legal entity that is self-insured and provides

benefits to its employees or members, and the administrator of any 21239
such entity or corporation. 21240

~~(E)~~(D) "National medical support notice" means a form 21241
required by the "Child Support Performance and Incentive Act of 21242
1998," P.L. 105-200, 112 Stat. 659, 42 U.S.C. 666(a)(19), as 21243
amended, and jointly developed and promulgated by the secretary of 21244
health and human services and the secretary of labor in federal 21245
regulations adopted under that act as modified by the department 21246
of job and family services under section 3119.291 of the Revised 21247
Code. 21248

~~(F)~~(E) "Person required to provide health insurance coverage" 21249
means the obligor, obligee, or both, required by the court under a 21250
court child support order or by the child support enforcement 21251
agency under an administrative child support order to provide 21252
health insurance coverage pursuant to section 3119.30 of the 21253
Revised Code. 21254

~~(G)~~(F) "Reasonable cost" means that the cost of ~~private~~ 21255
health insurance coverage to the person required to provide health 21256
insurance coverage for the children who are the subject of the 21257
child support order does not exceed an amount equal to five per 21258
cent of the annual income of that person. ~~For purposes of this~~ 21259
~~division, the cost of health insurance is an amount equal to the~~ 21260
~~difference in cost between self only and family coverage.~~ 21261

~~However, if the United States secretary of health and human 21262
services issues a regulation that redefines "reasonable cost" or a 21263
similar term or phrase, or clarifies the elements of cost used 21264
when determining reasonable cost relating to the provision of 21265
health care for children in a child support order, and if those 21266
changes are substantively different than the definitions and terms 21267
used in this section, those terms shall have the meaning as 21268
defined by the United States secretary of health and human 21269
services.~~ 21270

Sec. 3119.30. (A) In any action or proceeding in which a 21271
child support order is issued or modified, the court, with respect 21272
to court child support orders, and the child support enforcement 21273
agency, with respect to administrative child support orders, shall 21274
determine the person or persons responsible for the health care 21275
coverage of the children subject to the child support order and 21276
shall include provisions for the health care coverage of the 21277
children in the child support order. The order shall specify that 21278
the obligor and obligee are both liable for the health care 21279
expenses for the children who are not covered by private health 21280
insurance according to a formula established by each court, with 21281
respect to a court child support order, or each child support 21282
enforcement agency, with respect to an administrative child 21283
support order. 21284

(B) The child support obligee is rebuttably presumed to be 21285
the appropriate parent to provide health insurance coverage for 21286
the children subject to the child support order. The order shall 21287
specify that the obligee must provide the health insurance 21288
coverage unless rebutted pursuant to division (B)(1) of this 21289
section. 21290

(1) The court or child support enforcement agency may 21291
consider the following factors to rebut the presumption when 21292
determining if the child support obligor is the appropriate parent 21293
to provide health insurance coverage: 21294

(a) The obligor already has health insurance coverage for the 21295
child that is reasonable in cost; 21296

(b) The obligor already has health insurance coverage in 21297
place for the child that is not reasonable in cost, but the 21298
obligor wishes to be named the health insurance obligor and 21299
provide coverage under division (A)(2)(a) of section 3119.302 of 21300
the Revised Code; 21301

(c) The obligor can obtain health insurance coverage for the 21302
child that is reasonable in cost through an employer or other 21303
source. For employer-based coverage, the court or child support 21304
enforcement agency shall consider the length of time the obligor 21305
has worked with the employer and the stability of the insurance. 21306

(d) The obligee is a non-parent individual or agency that has 21307
no duty to provide medical support. 21308

(2) If ~~private~~ health insurance coverage for the children is 21309
not available at a reasonable cost to the obligor or the obligee 21310
at the time the court or agency issues the order, the order shall 21311
include a requirement that the obligee obtain ~~private~~ health 21312
insurance care coverage for the children not later than thirty 21313
days after it becomes available to the obligee at a reasonable 21314
cost, and to inform the child support enforcement agency when 21315
~~private~~ health insurance care coverage for the children has been 21316
obtained. 21317

(3) If ~~private~~ health insurance coverage becomes available to 21318
the obligor at a reasonable cost, the obligor shall inform the 21319
child support enforcement agency and may seek a modification of 21320
health insurance care coverage from the court with respect to a 21321
court child support order, or from the agency with respect to an 21322
administrative support order. 21323

(C) When a child support order is issued or modified, the 21324
order shall include a cash medical support amount consistent with 21325
division (B) of section 3119.302 of the Revised Code for each 21326
child subject to the order. The cash medical support amount shall 21327
be ordered based on the number of children subject to the order 21328
and split between the parties using the parents' income share. 21329

(D) Any cash medical support paid pursuant to division (C) of 21330
this section shall be paid through the department of job and 21331
family services by the obligor to either the obligee if the 21332

children are not medicaid recipients, or to the department of 21333
medicaid when a medicaid assignment is in effect for any child 21334
under the support order. 21335

(E) The cost of providing health insurance coverage for a 21336
child subject to an order shall be defrayed by a credit against 21337
that parent's annual income when calculating support as required 21338
under section 3119.02 of the Revised Code using the basic child 21339
support schedule and applicable worksheet. The credit shall be 21340
equal to the total actual out-of-pocket cost for health insurance 21341
premiums for the coverage. Any credit given will be less any 21342
subsidy, including a premium tax credit or cost-sharing reduction 21343
received by the parent providing coverage. 21344

(F) Both parents may be ordered to provide health care 21345
coverage and pay cash medical support if the obligee is a 21346
nonparent individual or agency that has no duty to provide medical 21347
support. 21348

Sec. 3119.302. (A) When the court, with respect to a court 21349
child support order, or the child support enforcement agency, with 21350
respect to an administrative child support order, determines the 21351
person or persons responsible for the health care coverage of the 21352
children subject to the order pursuant to section 3119.30 of the 21353
Revised Code, all of the following apply: 21354

(1) The court or agency shall consider any ~~private~~ health 21355
insurance coverage in which the obligor, obligee, or children, are 21356
enrolled at the time the court or agency issues the order. 21357

(2) If the cost of ~~private~~ health insurance coverage to 21358
either parent exceeds a reasonable cost, that parent shall not be 21359
ordered to provide ~~private~~ health insurance coverage for the child 21360
except as follows: 21361

(a) When the parent requests to obtain or maintain the 21362

~~private~~ health insurance coverage that exceeds a reasonable cost; 21363

(b) When the court determines that it is in the best interest 21364
of the children for a parent to obtain and maintain ~~private~~ health 21365
insurance coverage that exceeds a reasonable cost and the cost 21366
will not impose an undue financial burden on either parent. If the 21367
court makes such a determination, the court must include the facts 21368
and circumstances of the determination in the child support order. 21369

(3) If ~~private~~ health insurance coverage is available at a 21370
reasonable cost to either parent through a group policy, contract, 21371
or plan, and the court determines that it is not in the best 21372
interest of the children to utilize the available ~~private~~ health 21373
insurance coverage, the court shall state the facts and 21374
circumstances of the determination in the child support order. 21375

(4) Notwithstanding division ~~(C)~~(B) of section 3119.29 of the 21376
Revised Code, the court or agency may do either of the following: 21377

(a) Permit primary care services to be farther than thirty 21378
miles if residents in part or all of the immediate geographic area 21379
customarily travel farther distances ; 21380

(b) Require primary care services be accessible by public 21381
transportation if public transportation is the obligee's only 21382
source of transportation. 21383

If the court or agency makes either accessibility 21384
determination, it shall include this accessibility determination 21385
in the child support order. 21386

(B) The director of job and family services shall 21387
periodically update the amount of the cash medical support 21388
obligation to be paid pursuant to division (C) of section 3119.30 21389
of the Revised Code. The updates shall be made in consideration of 21390
the medical expenditure panel survey, conducted by the United 21391
States department of health and human services for health care 21392
research and quality. The amount shall be based on the most recent 21393

survey year data available and shall be calculated by multiplying 21394
the total amount expended for health services for children by the 21395
percentage that is out-of-pocket divided by the number of 21396
individuals less than eighteen years of age that have any private 21397
insurance. 21398

Sec. 3119.31. In any action or proceeding in which a court or 21399
child support enforcement agency is determining the person 21400
responsible for the health care coverage of the children who are 21401
or will be the subject of a child support order, each party shall 21402
provide to the court or child support enforcement agency a list of 21403
any group health insurance policies, contracts, or plans available 21404
to the party and the cost ~~for self only and family~~ of coverage 21405
under the available policies, contracts, or plans. 21406

Sec. 3119.32. A child support order shall contain all of the 21407
following: 21408

(A)(1) If the obligor, obligee, or both obligor and obligee, 21409
are required under section 3119.30 of the Revised Code to provide 21410
~~private~~ health ~~insurance~~ care coverage for the children, a 21411
requirement that whoever is required to provide ~~private~~ health 21412
~~insurance~~ care coverage provide to the other, not later than 21413
thirty days after the issuance of the order, information regarding 21414
the benefits, limitations, and exclusions of the coverage, copies 21415
of any ~~insurance~~ forms necessary to receive reimbursement, 21416
payment, or other benefits under the coverage, and a copy of any 21417
necessary ~~insurance cards~~ proof of coverage; 21418

(2) If the obligor, obligee, or both obligor and obligee, are 21419
required under section 3119.30 of the Revised Code to provide 21420
~~private~~ health ~~insurance~~ care coverage for the children, a 21421
requirement that whoever is required to provide ~~private~~ health 21422
~~insurance~~ care coverage provide to the child support enforcement 21423

agency, not later than thirty days after the issuance of the 21424
order, documentation that verifies that coverage is being provided 21425
as ordered. 21426

(B) A statement setting forth the name and address of the 21427
individual who is to be reimbursed for medical expenses. 21428

(C) A requirement that a person required to provide ~~private~~ 21429
health ~~insurance~~ care coverage for the children designate the 21430
children as covered dependents under any ~~private~~ health ~~insurance~~ 21431
care coverage policy, contract, or plan ~~for which the person~~ 21432
~~contracts~~. 21433

(D) A requirement that the obligor, the obligee, or both of 21434
them under a formula established by the court, with respect to a 21435
court child support order, or the child support enforcement 21436
agency, with respect to an administrative child support order, pay 21437
extraordinary medical expenses for the children. 21438

(E) A notice that the employer of the person required to 21439
obtain ~~private~~ health ~~insurance~~ care coverage through that 21440
employer is required to release to the other parent, any person 21441
subject to an order issued under section 3109.19 of the Revised 21442
Code, or the child support enforcement agency on written request 21443
any necessary information on the ~~private~~ health ~~insurance~~ care 21444
coverage, including the name and address of the health plan 21445
administrator and any policy, contract, or plan number, and to 21446
otherwise comply with this section and any order or notice issued 21447
under this section. 21448

(F) A statement setting forth the full name and date of birth 21449
of each child who is the subject of the child support order. 21450

(G) A notice that states the following: "If the person 21451
required to obtain ~~private~~ health care ~~insurance~~ coverage for the 21452
children subject to this child support order obtains new 21453
employment, the agency shall comply with the requirements of 21454

section 3119.34 of the Revised Code, which may result in the 21455
issuance of a notice requiring the new employer to take whatever 21456
action is necessary to enroll the children in private health care 21457
insurance coverage provided by the new employer, when insurance is 21458
not being provided by any other source." 21459

Sec. 3125.25. The director of job and family services shall 21460
adopt rules under Chapter 119. of the Revised Code governing the 21461
operation of support enforcement by child support enforcement 21462
agencies. The rules shall include, but shall not be limited to, 21463
the following: 21464

(A) Provisions relating to plans of cooperation between the 21465
agencies and boards of county commissioners entered into under 21466
section 3125.12 of the Revised Code; 21467

(B) Provisions for the compromise and waiver of child support 21468
arrearages owed to the state and federal government, consistent 21469
with Title IV-D of the "Social Security Act," 88 Stat. 2351 21470
(1975), 42 U.S.C. 651 et seq., as amended; 21471

(C) Requirements for public hearings by the agencies; 21472

(D) Provisions for appeals of agency decisions under 21473
procedures established by the director; 21474

(E) Provisions requiring the investigation and documentation 21475
of the factual basis for establishment and modification of support 21476
obligations in accordance with Title IV-D of the "Social Security 21477
Act," 88 Stat. 2351 (1975), 42 U.S.C. 651 et seq., and any 21478
regulations promulgated by the United States department of health 21479
and human services; 21480

(F) Provisions establishing criteria for child support 21481
enforcement agencies to initiate an action under section 2705.031 21482
of the Revised Code in any case administered under Title IV-D of 21483
the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651 et 21484

seq. 21485

Sec. 3301.07. The state board of education shall exercise 21486
under the acts of the general assembly general supervision of the 21487
system of public education in the state. In addition to the powers 21488
otherwise imposed on the state board under the provisions of law, 21489
the board shall have the powers described in this section. 21490

(A) The state board shall exercise policy forming, planning, 21491
and evaluative functions for the public schools of the state 21492
except as otherwise provided by law. 21493

(B)(1) The state board shall exercise leadership in the 21494
improvement of public education in this state, and administer the 21495
educational policies of this state relating to public schools, and 21496
relating to instruction and instructional material, building and 21497
equipment, transportation of pupils, administrative 21498
responsibilities of school officials and personnel, and finance 21499
and organization of school districts, educational service centers, 21500
and territory. Consultative and advisory services in such matters 21501
shall be provided by the board to school districts and educational 21502
service centers of this state. 21503

(2) The state board also shall develop a standard of 21504
financial reporting which shall be used by each school district 21505
board of education and each governing board of an educational 21506
service center, each governing authority of a community school 21507
established under Chapter 3314., each governing body of a STEM 21508
school established under Chapter 3328., and each board of trustees 21509
of a college-preparatory boarding school established under Chapter 21510
3328. of the Revised Code to make its financial information and 21511
annual budgets for each school building under its control 21512
available to the public in a format understandable by the average 21513
citizen. The format shall show, both at the district and at the 21514
school building level, revenue by source; expenditures for 21515

salaries, wages, and benefits of employees, showing such amounts 21516
separately for classroom teachers, other employees required to 21517
hold licenses issued pursuant to sections 3319.22 to 3319.31 of 21518
the Revised Code, and all other employees; expenditures other than 21519
for personnel, by category, including utilities, textbooks and 21520
other educational materials, equipment, permanent improvements, 21521
pupil transportation, extracurricular athletics, and other 21522
extracurricular activities; and per pupil expenditures. The format 21523
shall also include information on total revenue and expenditures, 21524
per pupil revenue, and expenditures for both classroom and 21525
nonclassroom purposes, as defined by the standards adopted under 21526
section 3302.20 of the Revised Code in the aggregate and for each 21527
subgroup of students, as defined by section 3317.40 of the Revised 21528
Code, that receives services provided for by state or federal 21529
funding. 21530

(3) Each school district board, governing authority, 21531
governing body, or board of trustees, or its respective designee, 21532
shall annually report, to the department of education, all 21533
financial information required by the standards for financial 21534
reporting, as prescribed by division (B)(2) of this section and 21535
adopted by the state board. The department shall make all reports 21536
submitted pursuant to this division available in such a way that 21537
allows for comparison between financial information included in 21538
these reports and financial information included in reports 21539
produced prior to July 1, 2013. The department shall post these 21540
reports in a prominent location on its web site and shall notify 21541
each school when reports are made available. 21542

(C) The state board shall administer and supervise the 21543
allocation and distribution of all state and federal funds for 21544
public school education under the provisions of law, and may 21545
prescribe such systems of accounting as are necessary and proper 21546
to this function. It may require county auditors and treasurers, 21547

boards of education, educational service center governing boards, 21548
treasurers of such boards, teachers, and other school officers and 21549
employees, or other public officers or employees, to file with it 21550
such reports as it may prescribe relating to such funds, or to the 21551
management and condition of such funds. 21552

(D)(1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 21553
XLVII, and LI of the Revised Code a reference is made to standards 21554
prescribed under this section or division (D) of this section, 21555
that reference shall be construed to refer to the standards 21556
prescribed under division (D)(2) of this section, unless the 21557
context specifically indicates a different meaning or intent. 21558

(2) The state board shall formulate and prescribe minimum 21559
standards to be applied to all elementary and secondary schools in 21560
this state for the purpose of providing children access to a 21561
general education of high quality according to the learning needs 21562
of each individual, including students with disabilities, 21563
economically disadvantaged students, ~~limited English proficient~~ 21564
~~students~~ learners, and students identified as gifted. Such 21565
standards shall provide adequately for: the licensing of teachers, 21566
administrators, and other professional personnel and their 21567
assignment according to training and qualifications; efficient and 21568
effective instructional materials and equipment, including library 21569
facilities; the proper organization, administration, and 21570
supervision of each school, including regulations for preparing 21571
all necessary records and reports and the preparation of a 21572
statement of policies and objectives for each school; the 21573
provision of safe buildings, grounds, health and sanitary 21574
facilities and services; admission of pupils, and such 21575
requirements for their promotion from grade to grade as will 21576
assure that they are capable and prepared for the level of study 21577
to which they are certified; requirements for graduation; and such 21578
other factors as the board finds necessary. 21579

The state board shall base any standards governing the 21580
promotion of students or requirements for graduation on the 21581
ability of students, at any grade level, to earn credits or 21582
advance upon demonstration of mastery of knowledge and skills 21583
through competency-based learning models. Credits of grade level 21584
advancement shall not require a minimum number of days or hours in 21585
a classroom. 21586

The state board shall base any standards governing the 21587
assignment of staff on ensuring each school has a sufficient 21588
number of teachers to ensure a student has an appropriate level of 21589
interaction to meet each student's personal learning goals. 21590

In the formulation and administration of such standards for 21591
nonpublic schools the board shall also consider the particular 21592
needs, methods and objectives of those schools, provided they do 21593
not conflict with the provision of a general education of a high 21594
quality and provided that regular procedures shall be followed for 21595
promotion from grade to grade of pupils who have met the 21596
educational requirements prescribed. 21597

(3) In addition to the minimum standards required by division 21598
(D)(2) of this section, the state board may formulate and 21599
prescribe the following additional minimum operating standards for 21600
school districts: 21601

(a) Standards for the effective and efficient organization, 21602
administration, and supervision of each school district with a 21603
commitment to high expectations for every student based on the 21604
learning needs of each individual, including students with 21605
disabilities, economically disadvantaged students, ~~limited~~ English 21606
~~proficient students~~ learners, and students identified as gifted, 21607
and commitment to closing the achievement gap without suppressing 21608
the achievement levels of higher achieving students so that all 21609
students achieve core knowledge and skills in accordance with the 21610
statewide academic standards adopted under section 3301.079 of the 21611

Revised Code; 21612

(b) Standards for the establishment of business advisory 21613
councils under section 3313.82 of the Revised Code; 21614

(c) Standards for school district buildings that may require 21615
the effective and efficient organization, administration, and 21616
supervision of each school district building with a commitment to 21617
high expectations for every student based on the learning needs of 21618
each individual, including students with disabilities, 21619
economically disadvantaged students, ~~limited English proficient~~ 21620
~~students~~ learners, and students identified as gifted, and 21621
commitment to closing the achievement gap without suppressing the 21622
achievement levels of higher achieving students so that all 21623
students achieve core knowledge and skills in accordance with the 21624
statewide academic standards adopted under section 3301.079 of the 21625
Revised Code. 21626

(E) The state board may require as part of the health 21627
curriculum information developed under section 2108.34 of the 21628
Revised Code promoting the donation of anatomical gifts pursuant 21629
to Chapter 2108. of the Revised Code and may provide the 21630
information to high schools, educational service centers, and 21631
joint vocational school district boards of education; 21632

(F) The state board shall prepare and submit annually to the 21633
governor and the general assembly a report on the status, needs, 21634
and major problems of the public schools of the state, with 21635
recommendations for necessary legislative action and a ten-year 21636
projection of the state's public and nonpublic school enrollment, 21637
by year and by grade level. 21638

(G) The state board shall prepare and submit to the director 21639
of budget and management the biennial budgetary requests of the 21640
state board of education, for its agencies and for the public 21641
schools of the state. 21642

(H) The state board shall cooperate with federal, state, and local agencies concerned with the health and welfare of children and youth of the state.

(I) The state board shall require such reports from school districts and educational service centers, school officers, and employees as are necessary and desirable. The superintendents and treasurers of school districts and educational service centers shall certify as to the accuracy of all reports required by law or state board or state department of education rules to be submitted by the district or educational service center and which contain information necessary for calculation of state funding. Any superintendent who knowingly falsifies such report shall be subject to license revocation pursuant to section 3319.31 of the Revised Code.

(J) In accordance with Chapter 119. of the Revised Code, the state board shall adopt procedures, standards, and guidelines for the education of children with disabilities pursuant to Chapter 3323. of the Revised Code, including procedures, standards, and guidelines governing programs and services operated by county boards of developmental disabilities pursuant to section 3323.09 of the Revised Code.

(K) For the purpose of encouraging the development of special programs of education for academically gifted children, the state board shall employ competent persons to analyze and publish data, promote research, advise and counsel with boards of education, and encourage the training of teachers in the special instruction of gifted children. The board may provide financial assistance out of any funds appropriated for this purpose to boards of education and educational service center governing boards for developing and conducting programs of education for academically gifted children.

(L) The state board shall require that all public schools emphasize and encourage, within existing units of study, the

teaching of energy and resource conservation as recommended to 21675
each district board of education by leading business persons 21676
involved in energy production and conservation, beginning in the 21677
primary grades. 21678

(M) The state board shall formulate and prescribe minimum 21679
standards requiring the use of phonics as a technique in the 21680
teaching of reading in grades kindergarten through three. In 21681
addition, the state board shall provide in-service training 21682
programs for teachers on the use of phonics as a technique in the 21683
teaching of reading in grades kindergarten through three. 21684

(N) The state board may adopt rules necessary for carrying 21685
out any function imposed on it by law, and may provide rules as 21686
are necessary for its government and the government of its 21687
employees, and may delegate to the superintendent of public 21688
instruction the management and administration of any function 21689
imposed on it by law. It may provide for the appointment of board 21690
members to serve on temporary committees established by the board 21691
for such purposes as are necessary. Permanent or standing 21692
committees shall not be created. 21693

(O) Upon application from the board of education of a school 21694
district, the superintendent of public instruction may issue a 21695
waiver exempting the district from compliance with the standards 21696
adopted under divisions (B)(2) and (D) of this section, as they 21697
relate to the operation of a school operated by the district. The 21698
state board shall adopt standards for the approval or disapproval 21699
of waivers under this division. The state superintendent shall 21700
consider every application for a waiver, and shall determine 21701
whether to grant or deny a waiver in accordance with the state 21702
board's standards. For each waiver granted, the state 21703
superintendent shall specify the period of time during which the 21704
waiver is in effect, which shall not exceed five years. A district 21705
board may apply to renew a waiver. 21706

Sec. 3301.0710. The state board of education shall adopt 21707
rules establishing a statewide program to assess student 21708
achievement. The state board shall ensure that all assessments 21709
administered under the program are aligned with the academic 21710
standards and model curricula adopted by the state board and are 21711
created with input from Ohio parents, Ohio classroom teachers, 21712
Ohio school administrators, and other Ohio school personnel 21713
pursuant to section 3301.079 of the Revised Code. 21714

The assessment program shall be designed to ensure that 21715
students who receive a high school diploma demonstrate at least 21716
high school levels of achievement in English language arts, 21717
mathematics, science, and social studies. 21718

(A)(1) The state board shall prescribe all of the following: 21719

(a) Two statewide achievement assessments, one each designed 21720
to measure the level of English language arts and mathematics 21721
skill expected at the end of third grade; 21722

(b) Two statewide achievement assessments, one each designed 21723
to measure the level of English language arts and mathematics 21724
skill expected at the end of fourth grade; 21725

(c) Three statewide achievement assessments, one each 21726
designed to measure the level of English language arts, 21727
mathematics, and science skill expected at the end of fifth grade; 21728

(d) Two statewide achievement assessments, one each designed 21729
to measure the level of English language arts and mathematics 21730
skill expected at the end of sixth grade; 21731

(e) Two statewide achievement assessments, one each designed 21732
to measure the level of English language arts and mathematics 21733
skill expected at the end of seventh grade; 21734

(f) Three statewide achievement assessments, one each 21735
designed to measure the level of English language arts, 21736

mathematics, and science skill expected at the end of eighth grade. 21737
21738

(2) The state board shall determine and designate at least 21739
five ranges of scores on each of the achievement assessments 21740
described in divisions (A)(1) and (B)(1) of this section. Each 21741
range of scores shall be deemed to demonstrate a level of 21742
achievement so that any student attaining a score within such 21743
range has achieved one of the following: 21744

(a) An advanced level of skill; 21745

(b) An accelerated level of skill; 21746

(c) A proficient level of skill; 21747

(d) A basic level of skill; 21748

(e) A limited level of skill. 21749

(3) For the purpose of implementing division (A) of section 21750
3313.608 of the Revised Code, the state board shall determine and 21751
designate a level of achievement, not lower than the level 21752
designated in division (A)(2)(e) of this section, on the third 21753
grade English language arts assessment for a student to be 21754
promoted to the fourth grade. The state board shall review and 21755
adjust upward the level of achievement designated under this 21756
division each year the test is administered until the level is set 21757
equal to the level designated in division (A)(2)(c) of this 21758
section. 21759

(4) Each school district or school shall teach and assess 21760
social studies in at least the fourth and sixth grades. Any 21761
assessment in such area shall be determined by the district or 21762
school and may be formative or summative in nature. The results of 21763
such assessment shall not be reported to the department of 21764
education. 21765

(B)(1) The assessments prescribed under division (B)(1) of 21766

this section shall collectively be known as the Ohio graduation 21767
tests. The state board shall prescribe five statewide high school 21768
achievement assessments, one each designed to measure the level of 21769
reading, writing, mathematics, science, and social studies skill 21770
expected at the end of tenth grade. The state board shall 21771
designate a score in at least the range designated under division 21772
(A)(2)(c) of this section on each such assessment that shall be 21773
deemed to be a passing score on the assessment as a condition 21774
toward granting high school diplomas under sections 3313.61, 21775
3313.611, 3313.612, and 3325.08 of the Revised Code until the 21776
assessment system prescribed by section 3301.0712 of the Revised 21777
Code is implemented in accordance with division (B)(2) of this 21778
section. 21779

(2) The state board shall prescribe an assessment system in 21780
accordance with section 3301.0712 of the Revised Code that shall 21781
replace the Ohio graduation tests beginning with students who 21782
enter the ninth grade for the first time on or after July 1, 2014. 21783

(3) The state board may enter into a reciprocal agreement 21784
with the appropriate body or agency of any other state that has 21785
similar statewide achievement assessment requirements for 21786
receiving high school diplomas, under which any student who has 21787
met an achievement assessment requirement of one state is 21788
recognized as having met the similar requirement of the other 21789
state for purposes of receiving a high school diploma. For 21790
purposes of this section and sections 3301.0711 and 3313.61 of the 21791
Revised Code, any student enrolled in any public high school in 21792
this state who has met an achievement assessment requirement 21793
specified in a reciprocal agreement entered into under this 21794
division shall be deemed to have attained at least the applicable 21795
score designated under this division on each assessment required 21796
by division (B)(1) or (2) of this section that is specified in the 21797
agreement. 21798

(C) The superintendent of public instruction shall designate 21799
dates and times for the administration of the assessments 21800
prescribed by divisions (A) and (B) of this section. 21801

In prescribing administration dates pursuant to this 21802
division, the superintendent shall designate the dates in such a 21803
way as to allow a reasonable length of time between the 21804
administration of assessments prescribed under this section and 21805
any administration of the national assessment of educational 21806
progress given to students in the same grade level pursuant to 21807
section 3301.27 of the Revised Code or federal law. 21808

(D) The state board shall prescribe a practice version of 21809
each Ohio graduation test described in division (B)(1) of this 21810
section that is of comparable length to the actual test. 21811

(E) Any committee established by the department of education 21812
for the purpose of making recommendations to the state board 21813
regarding the state board's designation of scores on the 21814
assessments described by this section shall inform the state board 21815
of the probable percentage of students who would score in each of 21816
the ranges established under division (A)(2) of this section on 21817
the assessments if the committee's recommendations are adopted by 21818
the state board. To the extent possible, these percentages shall 21819
be disaggregated by gender, major racial and ethnic groups, 21820
~~limited English proficient students~~ learners, economically 21821
disadvantaged students, students with disabilities, and migrant 21822
students. 21823

Sec. 3301.0711. (A) The department of education shall: 21824

(1) Annually furnish to, grade, and score all assessments 21825
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 21826
the Revised Code to be administered by city, local, exempted 21827
village, and joint vocational school districts, except that each 21828
district shall score any assessment administered pursuant to 21829

division (B)(10) of this section. Each assessment so furnished 21830
shall include the data verification code of the student to whom 21831
the assessment will be administered, as assigned pursuant to 21832
division (D)(2) of section 3301.0714 of the Revised Code. In 21833
furnishing the practice versions of Ohio graduation tests 21834
prescribed by division (D) of section 3301.0710 of the Revised 21835
Code, the department shall make the tests available on its web 21836
site for reproduction by districts. In awarding contracts for 21837
grading assessments, the department shall give preference to 21838
Ohio-based entities employing Ohio residents. 21839

(2) Adopt rules for the ethical use of assessments and 21840
prescribing the manner in which the assessments prescribed by 21841
section 3301.0710 of the Revised Code shall be administered to 21842
students. 21843

(B) Except as provided in divisions (C) and (J) of this 21844
section, the board of education of each city, local, and exempted 21845
village school district shall, in accordance with rules adopted 21846
under division (A) of this section: 21847

(1) Administer the English language arts assessments 21848
prescribed under division (A)(1)(a) of section 3301.0710 of the 21849
Revised Code twice annually to all students in the third grade who 21850
have not attained the score designated for that assessment under 21851
division (A)(2)(c) of section 3301.0710 of the Revised Code. 21852

(2) Administer the mathematics assessment prescribed under 21853
division (A)(1)(a) of section 3301.0710 of the Revised Code at 21854
least once annually to all students in the third grade. 21855

(3) Administer the assessments prescribed under division 21856
(A)(1)(b) of section 3301.0710 of the Revised Code at least once 21857
annually to all students in the fourth grade. 21858

(4) Administer the assessments prescribed under division 21859
(A)(1)(c) of section 3301.0710 of the Revised Code at least once 21860

annually to all students in the fifth grade. 21861

(5) Administer the assessments prescribed under division 21862
(A)(1)(d) of section 3301.0710 of the Revised Code at least once 21863
annually to all students in the sixth grade. 21864

(6) Administer the assessments prescribed under division 21865
(A)(1)(e) of section 3301.0710 of the Revised Code at least once 21866
annually to all students in the seventh grade. 21867

(7) Administer the assessments prescribed under division 21868
(A)(1)(f) of section 3301.0710 of the Revised Code at least once 21869
annually to all students in the eighth grade. 21870

(8) Except as provided in division (B)(9) of this section, 21871
administer any assessment prescribed under division (B)(1) of 21872
section 3301.0710 of the Revised Code as follows: 21873

(a) At least once annually to all tenth grade students and at 21874
least twice annually to all students in eleventh or twelfth grade 21875
who have not yet attained the score on that assessment designated 21876
under that division; 21877

(b) To any person who has successfully completed the 21878
curriculum in any high school or the individualized education 21879
program developed for the person by any high school pursuant to 21880
section 3323.08 of the Revised Code but has not received a high 21881
school diploma and who requests to take such assessment, at any 21882
time such assessment is administered in the district. 21883

(9) In lieu of the board of education of any city, local, or 21884
exempted village school district in which the student is also 21885
enrolled, the board of a joint vocational school district shall 21886
administer any assessment prescribed under division (B)(1) of 21887
section 3301.0710 of the Revised Code at least twice annually to 21888
any student enrolled in the joint vocational school district who 21889
has not yet attained the score on that assessment designated under 21890
that division. A board of a joint vocational school district may 21891

also administer such an assessment to any student described in 21892
division (B)(8)(b) of this section. 21893

(10) If the district has a three-year average graduation rate 21894
of not more than seventy-five per cent, administer each assessment 21895
prescribed by division (D) of section 3301.0710 of the Revised 21896
Code in September to all ninth grade students who entered ninth 21897
grade prior to July 1, 2014. 21898

Except as provided in section 3313.614 of the Revised Code 21899
for administration of an assessment to a person who has fulfilled 21900
the curriculum requirement for a high school diploma but has not 21901
passed one or more of the required assessments, the assessments 21902
prescribed under division (B)(1) of section 3301.0710 of the 21903
Revised Code shall not be administered after the date specified in 21904
the rules adopted by the state board of education under division 21905
(D)(1) of section 3301.0712 of the Revised Code. 21906

(11)(a) Except as provided in division (B)(11)(b) of this 21907
section, administer the assessments prescribed by division (B)(2) 21908
of section 3301.0710 and section 3301.0712 of the Revised Code in 21909
accordance with the timeline and plan for implementation of those 21910
assessments prescribed by rule of the state board adopted under 21911
division (D)(1) of section 3301.0712 of the Revised Code; 21912

(b) A student who has presented evidence to the district or 21913
school of having satisfied the condition prescribed by division 21914
(A)(1) of section 3313.618 of the Revised Code to qualify for a 21915
high school diploma prior to the date of the administration of the 21916
assessment prescribed under division (B)(1) of section 3301.0712 21917
of the Revised Code shall not be required to take that assessment. 21918
However, no board shall prohibit a student who is not required to 21919
take such assessment from taking the assessment. 21920

(C)(1)(a) In the case of a student receiving special 21921
education services under Chapter 3323. of the Revised Code, the 21922

individualized education program developed for the student under 21923
that chapter shall specify the manner in which the student will 21924
participate in the assessments administered under this section, 21925
except that a student with significant cognitive disabilities to 21926
whom an alternate assessment is administered in accordance with 21927
division (C)(1) of this section and a student determined to have a 21928
disability that includes an intellectual disability as outlined in 21929
guidance issued by the department shall not be required to take 21930
the assessment prescribed under division (B)(1) of section 21931
3301.0712 of the Revised Code. The individualized education 21932
program may excuse the student from taking any particular 21933
assessment required to be administered under this section if it 21934
instead specifies an alternate assessment method approved by the 21935
department of education as conforming to requirements of federal 21936
law for receipt of federal funds for disadvantaged pupils. To the 21937
extent possible, the individualized education program shall not 21938
excuse the student from taking an assessment unless no reasonable 21939
accommodation can be made to enable the student to take the 21940
assessment. No board shall prohibit a student who is not required 21941
to take an assessment under division (C)(1) of this section from 21942
taking the assessment. 21943

(b) Any alternate assessment approved by the department for a 21944
student under this division shall produce measurable results 21945
comparable to those produced by the assessment it replaces in 21946
order to allow for the student's results to be included in the 21947
data compiled for a school district or building under section 21948
3302.03 of the Revised Code. 21949

(c)(i) Any student enrolled in a chartered nonpublic school 21950
who has been identified, based on an evaluation conducted in 21951
accordance with section 3323.03 of the Revised Code or section 504 21952
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 21953
794, as amended, as a child with a disability shall be excused 21954

from taking any particular assessment required to be administered 21955
under this section if a either of the following apply: 21956

(I) A plan developed for the student pursuant to rules 21957
adopted by the state board excuses the student from taking that 21958
assessment. 21959

(II) The chartered nonpublic school develops a written plan 21960
in which the school, in consultation with the student's parents, 21961
determines that an assessment or alternative assessment with 21962
accommodations does not accurately assess the student's academic 21963
performance. The plan shall include an academic profile of the 21964
student's academic performance and shall be reviewed annually to 21965
determine if the student's needs continue to require excusal from 21966
taking the assessment. 21967

(ii) A student with significant cognitive disabilities to 21968
whom an alternate assessment is administered in accordance with 21969
division (C)(1) of this section and a student determined to have a 21970
disability that includes an intellectual disability as outlined in 21971
guidance issued by the department shall not be required to take 21972
the assessment prescribed under division (B)(1) of section 21973
3301.0712 of the Revised Code. 21974

(iii) In the case of any student so excused from taking an 21975
assessment under division (C)(1)(c) of this section, the chartered 21976
nonpublic school shall not prohibit the student from taking the 21977
assessment. 21978

(2) A district board may, for medical reasons or other good 21979
cause, excuse a student from taking an assessment administered 21980
under this section on the date scheduled, but that assessment 21981
shall be administered to the excused student not later than nine 21982
days following the scheduled date. The district board shall 21983
annually report the number of students who have not taken one or 21984
more of the assessments required by this section to the state 21985

board not later than the thirtieth day of June. 21986

(3) As used in this division, "~~limited English proficient student learner~~" has the same meaning as in 20 U.S.C. 7801. 21987
21988

No school district board shall excuse any ~~limited English proficient student learner~~ from taking any particular assessment required to be administered under this section, except as follows: 21989
21990
21991

(a) Any ~~limited English proficient student learner~~ who has been enrolled in United States schools for less than two years and for whom no appropriate accommodations are available based on guidance issued by the department shall not be required to take the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code. 21992
21993
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(b) Any ~~limited English proficient student learner~~ who has been enrolled in United States schools for less than one full school year shall not be required to take any reading, writing, or English language arts assessment. 21998
21999
22000
22001

However, no board shall prohibit a ~~limited~~ an English ~~proficient student learner~~ who is not required to take an assessment under division (C)(3) of this section from taking the assessment. A board may permit any ~~limited English proficient student learner~~ to take an assessment required to be administered under this section with appropriate accommodations, as determined by the department. For each ~~limited English proficient student learner~~, each school district shall annually assess that student's progress in learning English, in accordance with procedures approved by the department. 22002
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(4)(a) The governing authority of a chartered nonpublic school may excuse a ~~limited~~ an English ~~proficient student learner~~ from taking any assessment administered under this section. 22012
22013
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(b) No governing authority shall require a ~~limited~~ an English ~~proficient student learner~~ who has been enrolled in United States 22015
22016

schools for less than two years and for whom no appropriate 22017
accommodations are available based on guidance issued by the 22018
department to take the assessment prescribed under division (B)(1) 22019
of section 3301.0712 of the Revised Code. 22020

(c) No governing authority shall prohibit ~~a limited~~ an 22021
English ~~proficient student~~ learner from taking an assessment from 22022
which the student was excused under division (C)(4) of this 22023
section. 22024

(D)(1) In the school year next succeeding the school year in 22025
which the assessments prescribed by division (A)(1) or (B)(1) of 22026
section 3301.0710 of the Revised Code or former division (A)(1), 22027
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 22028
existed prior to September 11, 2001, are administered to any 22029
student, the board of education of any school district in which 22030
the student is enrolled in that year shall provide to the student 22031
intervention services commensurate with the student's performance, 22032
including any intensive intervention required under section 22033
3313.608 of the Revised Code, in any skill in which the student 22034
failed to demonstrate at least a score at the proficient level on 22035
the assessment. 22036

(2) Following any administration of the assessments 22037
prescribed by division (D) of section 3301.0710 of the Revised 22038
Code to ninth grade students, each school district that has a 22039
three-year average graduation rate of not more than seventy-five 22040
per cent shall determine for each high school in the district 22041
whether the school shall be required to provide intervention 22042
services to any students who took the assessments. In determining 22043
which high schools shall provide intervention services based on 22044
the resources available, the district shall consider each school's 22045
graduation rate and scores on the practice assessments. The 22046
district also shall consider the scores received by ninth grade 22047
students on the English language arts and mathematics assessments 22048

prescribed under division (A)(1)(f) of section 3301.0710 of the Revised Code in the eighth grade in determining which high schools shall provide intervention services.

Each high school selected to provide intervention services under this division shall provide intervention services to any student whose results indicate that the student is failing to make satisfactory progress toward being able to attain scores at the proficient level on the Ohio graduation tests. Intervention services shall be provided in any skill in which a student demonstrates unsatisfactory progress and shall be commensurate with the student's performance. Schools shall provide the intervention services prior to the end of the school year, during the summer following the ninth grade, in the next succeeding school year, or at any combination of those times.

(E) Except as provided in section 3313.608 of the Revised Code and division (N) of this section, no school district board of education shall utilize any student's failure to attain a specified score on an assessment administered under this section as a factor in any decision to deny the student promotion to a higher grade level. However, a district board may choose not to promote to the next grade level any student who does not take an assessment administered under this section or make up an assessment as provided by division (C)(2) of this section and who is not exempt from the requirement to take the assessment under division (C)(3) of this section.

(F) No person shall be charged a fee for taking any assessment administered under this section.

(G)(1) Each school district board shall designate one location for the collection of assessments administered in the spring under division (B)(1) of this section and those administered under divisions (B)(2) to (7) of this section. Each district board shall submit the assessments to the entity with

which the department contracts for the scoring of the assessments 22081
as follows: 22082

(a) If the district's total enrollment in grades kindergarten 22083
through twelve during the first full school week of October was 22084
less than two thousand five hundred, not later than the Friday 22085
after all of the assessments have been administered; 22086

(b) If the district's total enrollment in grades kindergarten 22087
through twelve during the first full school week of October was 22088
two thousand five hundred or more, but less than seven thousand, 22089
not later than the Monday after all of the assessments have been 22090
administered; 22091

(c) If the district's total enrollment in grades kindergarten 22092
through twelve during the first full school week of October was 22093
seven thousand or more, not later than the Tuesday after all of 22094
the assessments have been administered. 22095

However, any assessment that a student takes during the 22096
make-up period described in division (C)(2) of this section shall 22097
be submitted not later than the Friday following the day the 22098
student takes the assessment. 22099

(2) The department or an entity with which the department 22100
contracts for the scoring of the assessment shall send to each 22101
school district board a list of the individual scores of all 22102
persons taking a state achievement assessment as follows: 22103

(a) Except as provided in division (G)(2)(b) or (c) of this 22104
section, within forty-five days after the administration of the 22105
assessments prescribed by sections 3301.0710 and 3301.0712 of the 22106
Revised Code, but in no case shall the scores be returned later 22107
than the thirtieth day of June following the administration; 22108

(b) In the case of the third-grade English language arts 22109
assessment, within forty-five days after the administration of 22110
that assessment, but in no case shall the scores be returned later 22111

than the fifteenth day of June following the administration; 22112

(c) In the case of the writing component of an assessment or 22113
end-of-course examination in the area of English language arts, 22114
except for the third-grade English language arts assessment, the 22115
results may be sent after forty-five days of the administration of 22116
the writing component, but in no case shall the scores be returned 22117
later than the thirtieth day of June following the administration. 22118

(3) For assessments administered under this section by a 22119
joint vocational school district, the department or entity shall 22120
also send to each city, local, or exempted village school district 22121
a list of the individual scores of any students of such city, 22122
local, or exempted village school district who are attending 22123
school in the joint vocational school district. 22124

(4) Beginning with the 2019-2020 school year, a school 22125
district, other public school, or chartered nonpublic school may 22126
administer the third-grade English language arts or mathematics 22127
assessment, or both, in a paper format in any school year for 22128
which the district board of education or school governing body 22129
adopts a resolution indicating that the district or school chooses 22130
to administer the assessment in a paper format. The board or 22131
governing body shall submit a copy of the resolution to the 22132
department of education not later than the first day of May prior 22133
to the school year for which it will apply. If the resolution is 22134
submitted, the district or school shall administer the assessment 22135
in a paper format to all students in the third grade, except that 22136
any student whose individualized education program or plan 22137
developed under section 504 of the "Rehabilitation Act of 1973," 22138
87 Stat. 355, 29 U.S.C. 794, as amended, specifies that taking the 22139
assessment in an online format is an appropriate accommodation for 22140
the student may take the assessment in an online format. 22141

(H) Individual scores on any assessments administered under 22142
this section shall be released by a district board only in 22143

accordance with section 3319.321 of the Revised Code and the rules 22144
adopted under division (A) of this section. No district board or 22145
its employees shall utilize individual or aggregate results in any 22146
manner that conflicts with rules for the ethical use of 22147
assessments adopted pursuant to division (A) of this section. 22148

(I) Except as provided in division (G) of this section, the 22149
department or an entity with which the department contracts for 22150
the scoring of the assessment shall not release any individual 22151
scores on any assessment administered under this section. The 22152
state board shall adopt rules to ensure the protection of student 22153
confidentiality at all times. The rules may require the use of the 22154
data verification codes assigned to students pursuant to division 22155
(D)(2) of section 3301.0714 of the Revised Code to protect the 22156
confidentiality of student scores. 22157

(J) Notwithstanding division (D) of section 3311.52 of the 22158
Revised Code, this section does not apply to the board of 22159
education of any cooperative education school district except as 22160
provided under rules adopted pursuant to this division. 22161

(1) In accordance with rules that the state board shall 22162
adopt, the board of education of any city, exempted village, or 22163
local school district with territory in a cooperative education 22164
school district established pursuant to divisions (A) to (C) of 22165
section 3311.52 of the Revised Code may enter into an agreement 22166
with the board of education of the cooperative education school 22167
district for administering any assessment prescribed under this 22168
section to students of the city, exempted village, or local school 22169
district who are attending school in the cooperative education 22170
school district. 22171

(2) In accordance with rules that the state board shall 22172
adopt, the board of education of any city, exempted village, or 22173
local school district with territory in a cooperative education 22174
school district established pursuant to section 3311.521 of the 22175

Revised Code shall enter into an agreement with the cooperative 22176
district that provides for the administration of any assessment 22177
prescribed under this section to both of the following: 22178

(a) Students who are attending school in the cooperative 22179
district and who, if the cooperative district were not 22180
established, would be entitled to attend school in the city, 22181
local, or exempted village school district pursuant to section 22182
3313.64 or 3313.65 of the Revised Code; 22183

(b) Persons described in division (B)(8)(b) of this section. 22184

Any assessment of students pursuant to such an agreement 22185
shall be in lieu of any assessment of such students or persons 22186
pursuant to this section. 22187

(K)(1) Except as otherwise provided in division (K)(1) or (2) 22188
of this section, each chartered nonpublic school for which at 22189
least sixty-five per cent of its total enrollment is made up of 22190
students who are participating in state scholarship programs shall 22191
administer the ~~elementary~~ assessments prescribed by division (A) 22192
of section 3301.0710 of the Revised Code or an alternative 22193
standardized assessment determined by the department. In 22194
accordance with procedures and deadlines prescribed by the 22195
department, the parent or guardian of a student enrolled in the 22196
school who is not participating in a state scholarship program may 22197
submit notice to the chief administrative officer of the school 22198
that the parent or guardian does not wish to have the student take 22199
the ~~elementary~~ assessments prescribed for the student's grade 22200
level under division (A) of section 3301.0710 of the Revised Code. 22201
If a parent or guardian submits an opt-out notice, the school 22202
shall not administer the assessments to that student. This option 22203
does not apply to any assessment required for a high school 22204
diploma under section 3313.612 of the Revised Code. 22205

Each chartered nonpublic school subject to division (K)(1) of 22206

this section shall report the results of each assessment 22207
administered under that division to the department. 22208

(2) A chartered nonpublic school may submit to the 22209
superintendent of public instruction a request for a waiver from 22210
administering the elementary assessments prescribed by division 22211
(A) of section 3301.0710 of the Revised Code. The state 22212
superintendent shall approve or disapprove a request for a waiver 22213
submitted under division (K)(2) of this section. No waiver shall 22214
be approved for any school year prior to the 2015-2016 school 22215
year. 22216

To be eligible to submit a request for a waiver, a chartered 22217
nonpublic school shall meet the following conditions: 22218

(a) At least ninety-five per cent of the students enrolled in 22219
the school are children with disabilities, as defined under 22220
section 3323.01 of the Revised Code, or have received a diagnosis 22221
by a school district or from a physician, including a 22222
neuropsychiatrist or psychiatrist, or a psychologist who is 22223
authorized to practice in this or another state as having a 22224
condition that impairs academic performance, such as dyslexia, 22225
dyscalculia, attention deficit hyperactivity disorder, or 22226
Asperger's syndrome. 22227

(b) The school has solely served a student population 22228
described in division (K)(1)(a) of this section for at least ten 22229
years. 22230

(c) The school provides to the department at least five years 22231
of records of internal testing conducted by the school that 22232
affords the department data required for accountability purposes, 22233
including diagnostic assessments and nationally standardized 22234
norm-referenced achievement assessments that measure reading and 22235
math skills. 22236

(3) Any chartered nonpublic school that is not subject to 22237

division (K)(1) of this section may participate in the assessment 22238
program by administering any of the assessments prescribed by 22239
division (A) of section 3301.0710 of the Revised Code. The chief 22240
administrator of the school shall specify which assessments the 22241
school will administer. Such specification shall be made in 22242
writing to the superintendent of public instruction prior to the 22243
first day of August of any school year in which assessments are 22244
administered and shall include a pledge that the nonpublic school 22245
will administer the specified assessments in the same manner as 22246
public schools are required to do under this section and rules 22247
adopted by the department. 22248

(4) The department of education shall furnish the assessments 22249
prescribed by section 3301.0710 of the Revised Code to each 22250
chartered nonpublic school that is subject to division (K)(1) of 22251
this section or participates under division (K)(3) of this 22252
section. 22253

(L) If a chartered nonpublic school is educating students in 22254
grades nine through twelve, the following shall apply: 22255

(1) Except as provided in division (L)(4) of this section, 22256
for a student who is enrolled in a chartered nonpublic school that 22257
is accredited through the independent schools association of the 22258
central states and who is attending the school under a state 22259
scholarship program, the student shall either take all of the 22260
assessments prescribed by division (B) of section 3301.0712 of the 22261
Revised Code or take an alternative assessment approved by the 22262
department under section 3313.619 of the Revised Code. However, a 22263
student who is excused from taking an assessment under division 22264
(C) of this section or has presented evidence to the chartered 22265
nonpublic school of having satisfied the condition prescribed by 22266
division (A)(1) of section 3313.618 of the Revised Code to qualify 22267
for a high school diploma prior to the date of the administration 22268
of the assessment prescribed under division (B)(1) of section 22269

3301.0712 of the Revised Code shall not be required to take that 22270
assessment. No governing authority of a chartered nonpublic school 22271
shall prohibit a student who is not required to take such 22272
assessment from taking the assessment. 22273

(2) For a student who is enrolled in a chartered nonpublic 22274
school that is accredited through the independent schools 22275
association of the central states, and who is not attending the 22276
school under a state scholarship program, the student shall not be 22277
required to take any assessment prescribed under section 3301.0712 22278
or 3313.619 of the Revised Code. 22279

(3)(a) Except as provided in divisions (L)(3)(b) and (4) of 22280
this section, for a student who is enrolled in a chartered 22281
nonpublic school that is not accredited through the independent 22282
schools association of the central states, regardless of whether 22283
the student is attending or is not attending the school under a 22284
state scholarship program, the student shall do one of the 22285
following: 22286

(i) Take all of the assessments prescribed by division (B) of 22287
section 3301.0712 of the Revised Code; 22288

(ii) Take only the assessment prescribed by division (B)(1) 22289
of section 3301.0712 of the Revised Code, provided that the 22290
student's school publishes the results of that assessment for each 22291
graduating class. The published results of that assessment shall 22292
include the overall composite scores, mean scores, twenty-fifth 22293
percentile scores, and seventy-fifth percentile scores for each 22294
subject area of the assessment. 22295

(iii) Take an alternative assessment approved by the 22296
department under section 3313.619 of the Revised Code. 22297

(b) A student who is excused from taking an assessment under 22298
division (C) of this section or has presented evidence to the 22299
chartered nonpublic school of having satisfied the condition 22300

prescribed by division (A)(1) of section 3313.618 of the Revised Code to qualify for a high school diploma prior to the date of the administration of the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code shall not be required to take that assessment. No governing authority of a chartered nonpublic school shall prohibit a student who is not required to take such assessment from taking the assessment.

(4) The assessments prescribed by sections 3301.0712 and 3313.619 of the Revised Code shall not be administered to any student attending the school, if the school meets all of the following conditions:

(a) At least ninety-five per cent of the students enrolled in the school are children with disabilities, as defined under section 3323.01 of the Revised Code, or have received a diagnosis by a school district or from a physician, including a neuropsychologist or psychiatrist, or a psychologist who is authorized to practice in this or another state as having a condition that impairs academic performance, such as dyslexia, dyscalculia, attention deficit hyperactivity disorder, or Asperger's syndrome.

(b) The school has solely served a student population described in division (L)(4)(a) of this section for at least ten years.

(c) The school makes available to the department at least five years of records of internal testing conducted by the school that affords the department data required for accountability purposes, including growth in student achievement in reading or mathematics, or both, as measured by nationally norm-referenced assessments that have developed appropriate standards for students.

Division (L)(4) of this section applies to any student

attending such school regardless of whether the student receives 22332
special education or related services and regardless of whether 22333
the student is attending the school under a state scholarship 22334
program. 22335

(M)(1) The superintendent of the state school for the blind 22336
and the superintendent of the state school for the deaf shall 22337
administer the assessments described by sections 3301.0710 and 22338
3301.0712 of the Revised Code. Each superintendent shall 22339
administer the assessments in the same manner as district boards 22340
are required to do under this section and rules adopted by the 22341
department of education and in conformity with division (C)(1)(a) 22342
of this section. 22343

(2) The department of education shall furnish the assessments 22344
described by sections 3301.0710 and 3301.0712 of the Revised Code 22345
to each superintendent. 22346

(N) Notwithstanding division (E) of this section, a school 22347
district may use a student's failure to attain a score in at least 22348
the proficient range on the mathematics assessment described by 22349
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 22350
an assessment described by division (A)(1)(b), (c), (d), (e), or 22351
(f) of section 3301.0710 of the Revised Code as a factor in 22352
retaining that student in the current grade level. 22353

(O)(1) In the manner specified in divisions (O)(3), (4), (6), 22354
and (7) of this section, the assessments required by division 22355
(A)(1) of section 3301.0710 of the Revised Code shall become 22356
public records pursuant to section 149.43 of the Revised Code on 22357
the thirty-first day of July following the school year that the 22358
assessments were administered. 22359

(2) The department may field test proposed questions with 22360
samples of students to determine the validity, reliability, or 22361
appropriateness of questions for possible inclusion in a future 22362

year's assessment. The department also may use anchor questions on 22363
assessments to ensure that different versions of the same 22364
assessment are of comparable difficulty. 22365

Field test questions and anchor questions shall not be 22366
considered in computing scores for individual students. Field test 22367
questions and anchor questions may be included as part of the 22368
administration of any assessment required by division (A)(1) or 22369
(B) of section 3301.0710 and division (B) of section 3301.0712 of 22370
the Revised Code. 22371

(3) Any field test question or anchor question administered 22372
under division (O)(2) of this section shall not be a public 22373
record. Such field test questions and anchor questions shall be 22374
redacted from any assessments which are released as a public 22375
record pursuant to division (O)(1) of this section. 22376

(4) This division applies to the assessments prescribed by 22377
division (A) of section 3301.0710 of the Revised Code. 22378

(a) The first administration of each assessment, as specified 22379
in former section 3301.0712 of the Revised Code, shall be a public 22380
record. 22381

(b) For subsequent administrations of each assessment prior 22382
to the 2011-2012 school year, not less than forty per cent of the 22383
questions on the assessment that are used to compute a student's 22384
score shall be a public record. The department shall determine 22385
which questions will be needed for reuse on a future assessment 22386
and those questions shall not be public records and shall be 22387
redacted from the assessment prior to its release as a public 22388
record. However, for each redacted question, the department shall 22389
inform each city, local, and exempted village school district of 22390
the statewide academic standard adopted by the state board under 22391
section 3301.079 of the Revised Code and the corresponding 22392
benchmark to which the question relates. The preceding sentence 22393

does not apply to field test questions that are redacted under 22394
division (O)(3) of this section. 22395

(c) The administrations of each assessment in the 2011-2012, 22396
2012-2013, and 2013-2014 school years shall not be a public 22397
record. 22398

(5) Each assessment prescribed by division (B)(1) of section 22399
3301.0710 of the Revised Code shall not be a public record. 22400

(6)(a) Except as provided in division (O)(6)(b) of this 22401
section, for the administrations in the 2014-2015, 2015-2016, and 22402
2016-2017 school years, questions on the assessments prescribed 22403
under division (A) of section 3301.0710 and division (B)(2) of 22404
section 3301.0712 of the Revised Code and the corresponding 22405
preferred answers that are used to compute a student's score shall 22406
become a public record as follows: 22407

(i) Forty per cent of the questions and preferred answers on 22408
the assessments on the thirty-first day of July following the 22409
administration of the assessment; 22410

(ii) Twenty per cent of the questions and preferred answers 22411
on the assessment on the thirty-first day of July one year after 22412
the administration of the assessment; 22413

(iii) The remaining forty per cent of the questions and 22414
preferred answers on the assessment on the thirty-first day of 22415
July two years after the administration of the assessment. 22416

The entire content of an assessment shall become a public 22417
record within three years of its administration. 22418

The department shall make the questions that become a public 22419
record under this division readily accessible to the public on the 22420
department's web site. Questions on the spring administration of 22421
each assessment shall be released on an annual basis, in 22422
accordance with this division. 22423

(b) No questions and corresponding preferred answers shall 22424
become a public record under division (O)(6) of this section after 22425
July 31, 2017. 22426

(7) Division (O)(7) of this section applies to the 22427
assessments prescribed by division (A) of section 3301.0710 and 22428
division (B)(2) of section 3301.0712 of the Revised Code. 22429

Beginning with the assessments administered in the spring of 22430
the 2017-2018 school year, not less than forty per cent of the 22431
questions on each assessment that are used to compute a student's 22432
score shall be a public record. The department shall determine 22433
which questions will be needed for reuse on a future assessment 22434
and those questions shall not be public records and shall be 22435
redacted from the assessment prior to its release as a public 22436
record. However, for each redacted question, the department shall 22437
inform each city, local, and exempted village school district of 22438
the corresponding statewide academic standard adopted by the state 22439
board under section 3301.079 of the Revised Code and the 22440
corresponding benchmark to which the question relates. The 22441
department is not required to provide corresponding standards and 22442
benchmarks to field test questions that are redacted under 22443
division (O)(3) of this section. 22444

(P) As used in this section: 22445

(1) "Three-year average" means the average of the most recent 22446
consecutive three school years of data. 22447

(2) "Dropout" means a student who withdraws from school 22448
before completing course requirements for graduation and who is 22449
not enrolled in an education program approved by the state board 22450
of education or an education program outside the state. "Dropout" 22451
does not include a student who has departed the country. 22452

(3) "Graduation rate" means the ratio of students receiving a 22453
diploma to the number of students who entered ninth grade four 22454

years earlier. Students who transfer into the district are added 22455
to the calculation. Students who transfer out of the district for 22456
reasons other than dropout are subtracted from the calculation. If 22457
a student who was a dropout in any previous year returns to the 22458
same school district, that student shall be entered into the 22459
calculation as if the student had entered ninth grade four years 22460
before the graduation year of the graduating class that the 22461
student joins. 22462

(4) "State scholarship programs" means the educational choice 22463
scholarship pilot program established under sections 3310.01 to 22464
3310.17 of the Revised Code, the autism scholarship program 22465
established under section 3310.41 of the Revised Code, the Jon 22466
Peterson special needs scholarship program established under 22467
sections 3310.51 to 3310.64 of the Revised Code, and the pilot 22468
project scholarship program established under sections 3313.974 to 22469
3313.979 of the Revised Code. 22470

(5) "Other public school" means a community school 22471
established under Chapter 3314., a STEM school established under 22472
Chapter 3326., or a college-preparatory boarding school 22473
established under Chapter 3328. of the Revised Code. 22474

Sec. 3301.0714. (A) The state board of education shall adopt 22475
rules for a statewide education management information system. The 22476
rules shall require the state board to establish guidelines for 22477
the establishment and maintenance of the system in accordance with 22478
this section and the rules adopted under this section. The 22479
guidelines shall include: 22480

(1) Standards identifying and defining the types of data in 22481
the system in accordance with divisions (B) and (C) of this 22482
section; 22483

(2) Procedures for annually collecting and reporting the data 22484
to the state board in accordance with division (D) of this 22485

section;	22486
(3) Procedures for annually compiling the data in accordance with division (G) of this section;	22487 22488
(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section;	22489 22490
(5) Standards to provide strict safeguards to protect the confidentiality of personally identifiable student data.	22491 22492
(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following:	22493 22494 22495
(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes:	22496 22497 22498
(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for students with disabilities, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of disability. The categories of instructional services required by the guidelines under this division shall be the same as the categories of instructional services used in determining cost units pursuant to division (C)(3) of this section.	22499 22500 22501 22502 22503 22504 22505 22506 22507 22508 22509 22510 22511 22512 22513 22514 22515 22516

(b) The numbers of students receiving support or	22517
extracurricular services for each of the support services or	22518
extracurricular programs offered by the school district, such as	22519
counseling services, health services, and extracurricular sports	22520
and fine arts programs. The categories of services required by the	22521
guidelines under this division shall be the same as the categories	22522
of services used in determining cost units pursuant to division	22523
(C)(4)(a) of this section.	22524
(c) Average student grades in each subject in grades nine	22525
through twelve;	22526
(d) Academic achievement levels as assessed under sections	22527
3301.0710, 3301.0711, and 3301.0712 of the Revised Code;	22528
(e) The number of students designated as having a disabling	22529
condition pursuant to division (C)(1) of section 3301.0711 of the	22530
Revised Code;	22531
(f) The numbers of students reported to the state board	22532
pursuant to division (C)(2) of section 3301.0711 of the Revised	22533
Code;	22534
(g) Attendance rates and the average daily attendance for the	22535
year. For purposes of this division, a student shall be counted as	22536
present for any field trip that is approved by the school	22537
administration.	22538
(h) Expulsion rates;	22539
(i) Suspension rates;	22540
(j) Dropout rates;	22541
(k) Rates of retention in grade;	22542
(l) For pupils in grades nine through twelve, the average	22543
number of carnegie units, as calculated in accordance with state	22544
board of education rules;	22545
(m) Graduation rates, to be calculated in a manner specified	22546

by the department of education that reflects the rate at which 22547
students who were in the ninth grade three years prior to the 22548
current year complete school and that is consistent with 22549
nationally accepted reporting requirements; 22550

(n) Results of diagnostic assessments administered to 22551
kindergarten students as required under section 3301.0715 of the 22552
Revised Code to permit a comparison of the academic readiness of 22553
kindergarten students. However, no district shall be required to 22554
report to the department the results of any diagnostic assessment 22555
administered to a kindergarten student, except for the language 22556
and reading assessment described in division (A)(2) of section 22557
3301.0715 of the Revised Code, if the parent of that student 22558
requests the district not to report those results. 22559

(o) Beginning on the first day of July that next succeeds ~~the~~ 22560
~~effective date of this amendment~~ September 29, 2017, for each 22561
disciplinary action which is required to be reported under 22562
division (B)(4) of this section, districts and schools also shall 22563
include an identification of the person or persons, if any, at 22564
whom the student's violent behavior that resulted in discipline 22565
was directed. The person or persons shall be identified by the 22566
respective classification at the district or school, such as 22567
student, teacher, or nonteaching employee, but shall not be 22568
identified by name. 22569

Division (B)(1)(o) of this section does not apply after the 22570
date that is two years following the submission of the report 22571
required by Section 733.13 of H.B. 49 of the 132nd general 22572
assembly. 22573

(2) Personnel and classroom enrollment data for each school 22574
district, including: 22575

(a) The total numbers of licensed employees and nonlicensed 22576
employees and the numbers of full-time equivalent licensed 22577

employees and nonlicensed employees providing each category of 22578
instructional service, instructional support service, and 22579
administrative support service used pursuant to division (C)(3) of 22580
this section. The guidelines adopted under this section shall 22581
require these categories of data to be maintained for the school 22582
district as a whole and, wherever applicable, for each grade in 22583
the school district as a whole, for each school building as a 22584
whole, and for each grade in each school building. 22585

(b) The total number of employees and the number of full-time 22586
equivalent employees providing each category of service used 22587
pursuant to divisions (C)(4)(a) and (b) of this section, and the 22588
total numbers of licensed employees and nonlicensed employees and 22589
the numbers of full-time equivalent licensed employees and 22590
nonlicensed employees providing each category used pursuant to 22591
division (C)(4)(c) of this section. The guidelines adopted under 22592
this section shall require these categories of data to be 22593
maintained for the school district as a whole and, wherever 22594
applicable, for each grade in the school district as a whole, for 22595
each school building as a whole, and for each grade in each school 22596
building. 22597

(c) The total number of regular classroom teachers teaching 22598
classes of regular education and the average number of pupils 22599
enrolled in each such class, in each of grades kindergarten 22600
through five in the district as a whole and in each school 22601
building in the school district. 22602

(d) The number of lead teachers employed by each school 22603
district and each school building. 22604

(3)(a) Student demographic data for each school district, 22605
including information regarding the gender ratio of the school 22606
district's pupils, the racial make-up of the school district's 22607
pupils, the number of ~~limited English proficient students~~ learners 22608
in the district, and an appropriate measure of the number of the 22609

school district's pupils who reside in economically disadvantaged households. The demographic data shall be collected in a manner to allow correlation with data collected under division (B)(1) of this section. Categories for data collected pursuant to division (B)(3) of this section shall conform, where appropriate, to standard practices of agencies of the federal government.

(b) With respect to each student entering kindergarten, whether the student previously participated in a public preschool program, a private preschool program, or a head start program, and the number of years the student participated in each of these programs.

(4) Any data required to be collected pursuant to federal law.

(C) The education management information system shall include cost accounting data for each district as a whole and for each school building in each school district. The guidelines adopted under this section shall require the cost data for each school district to be maintained in a system of mutually exclusive cost units and shall require all of the costs of each school district to be divided among the cost units. The guidelines shall require the system of mutually exclusive cost units to include at least the following:

(1) Administrative costs for the school district as a whole. The guidelines shall require the cost units under this division (C)(1) to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil in formula ADM in the school district, as determined pursuant to section 3317.03 of the Revised Code.

(2) Administrative costs for each school building in the school district. The guidelines shall require the cost units under this division (C)(2) to be designed so that each of them may be

compiled and reported in terms of average expenditure per 22641
full-time equivalent pupil receiving instructional or support 22642
services in each building. 22643

(3) Instructional services costs for each category of 22644
instructional service provided directly to students and required 22645
by guidelines adopted pursuant to division (B)(1)(a) of this 22646
section. The guidelines shall require the cost units under 22647
division (C)(3) of this section to be designed so that each of 22648
them may be compiled and reported in terms of average expenditure 22649
per pupil receiving the service in the school district as a whole 22650
and average expenditure per pupil receiving the service in each 22651
building in the school district and in terms of a total cost for 22652
each category of service and, as a breakdown of the total cost, a 22653
cost for each of the following components: 22654

(a) The cost of each instructional services category required 22655
by guidelines adopted under division (B)(1)(a) of this section 22656
that is provided directly to students by a classroom teacher; 22657

(b) The cost of the instructional support services, such as 22658
services provided by a speech-language pathologist, classroom 22659
aide, multimedia aide, or librarian, provided directly to students 22660
in conjunction with each instructional services category; 22661

(c) The cost of the administrative support services related 22662
to each instructional services category, such as the cost of 22663
personnel that develop the curriculum for the instructional 22664
services category and the cost of personnel supervising or 22665
coordinating the delivery of the instructional services category. 22666

(4) Support or extracurricular services costs for each 22667
category of service directly provided to students and required by 22668
guidelines adopted pursuant to division (B)(1)(b) of this section. 22669
The guidelines shall require the cost units under division (C)(4) 22670
of this section to be designed so that each of them may be 22671

compiled and reported in terms of average expenditure per pupil 22672
receiving the service in the school district as a whole and 22673
average expenditure per pupil receiving the service in each 22674
building in the school district and in terms of a total cost for 22675
each category of service and, as a breakdown of the total cost, a 22676
cost for each of the following components: 22677

(a) The cost of each support or extracurricular services 22678
category required by guidelines adopted under division (B)(1)(b) 22679
of this section that is provided directly to students by a 22680
licensed employee, such as services provided by a guidance 22681
counselor or any services provided by a licensed employee under a 22682
supplemental contract; 22683

(b) The cost of each such services category provided directly 22684
to students by a nonlicensed employee, such as janitorial 22685
services, cafeteria services, or services of a sports trainer; 22686

(c) The cost of the administrative services related to each 22687
services category in division (C)(4)(a) or (b) of this section, 22688
such as the cost of any licensed or nonlicensed employees that 22689
develop, supervise, coordinate, or otherwise are involved in 22690
administering or aiding the delivery of each services category. 22691

(D)(1) The guidelines adopted under this section shall 22692
require school districts to collect information about individual 22693
students, staff members, or both in connection with any data 22694
required by division (B) or (C) of this section or other reporting 22695
requirements established in the Revised Code. The guidelines may 22696
also require school districts to report information about 22697
individual staff members in connection with any data required by 22698
division (B) or (C) of this section or other reporting 22699
requirements established in the Revised Code. The guidelines shall 22700
not authorize school districts to request social security numbers 22701
of individual students. The guidelines shall prohibit the 22702
reporting under this section of a student's name, address, and 22703

social security number to the state board of education or the 22704
department of education. The guidelines shall also prohibit the 22705
reporting under this section of any personally identifiable 22706
information about any student, except for the purpose of assigning 22707
the data verification code required by division (D)(2) of this 22708
section, to any other person unless such person is employed by the 22709
school district or the information technology center operated 22710
under section 3301.075 of the Revised Code and is authorized by 22711
the district or technology center to have access to such 22712
information or is employed by an entity with which the department 22713
contracts for the scoring or the development of state assessments. 22714
The guidelines may require school districts to provide the social 22715
security numbers of individual staff members and the county of 22716
residence for a student. Nothing in this section prohibits the 22717
state board of education or department of education from providing 22718
a student's county of residence to the department of taxation to 22719
facilitate the distribution of tax revenue. 22720

(2)(a) The guidelines shall provide for each school district 22721
or community school to assign a data verification code that is 22722
unique on a statewide basis over time to each student whose 22723
initial Ohio enrollment is in that district or school and to 22724
report all required individual student data for that student 22725
utilizing such code. The guidelines shall also provide for 22726
assigning data verification codes to all students enrolled in 22727
districts or community schools on the effective date of the 22728
guidelines established under this section. The assignment of data 22729
verification codes for other entities, as described in division 22730
(D)(2)(d) of this section, the use of those codes, and the 22731
reporting and use of associated individual student data shall be 22732
coordinated by the department in accordance with state and federal 22733
law. 22734

School districts shall report individual student data to the 22735

department through the information technology centers utilizing 22736
the code. The entities described in division (D)(2)(d) of this 22737
section shall report individual student data to the department in 22738
the manner prescribed by the department. 22739

(b)(i) Except as provided in sections 3301.941, 3310.11, 22740
3310.42, 3310.63, 3313.978, and 3317.20 of the Revised Code, and 22741
in division (D)(2)(b)(ii) of this section, at no time shall the 22742
state board or the department have access to information that 22743
would enable any data verification code to be matched to 22744
personally identifiable student data. 22745

(ii) For the purpose of making per-pupil payments to 22746
community schools under division (C) of section 3314.08 of the 22747
Revised Code, the department shall have access to information that 22748
would enable any data verification code to be matched to 22749
personally identifiable student data. 22750

(c) Each school district and community school shall ensure 22751
that the data verification code is included in the student's 22752
records reported to any subsequent school district, community 22753
school, or state institution of higher education, as defined in 22754
section 3345.011 of the Revised Code, in which the student 22755
enrolls. Any such subsequent district or school shall utilize the 22756
same identifier in its reporting of data under this section. 22757

(d) The director of any state agency that administers a 22758
publicly funded program providing services to children who are 22759
younger than compulsory school age, as defined in section 3321.01 22760
of the Revised Code, including the directors of health, job and 22761
family services, mental health and addiction services, and 22762
developmental disabilities, shall request and receive, pursuant to 22763
sections 3301.0723 and 5123.0423 of the Revised Code, a data 22764
verification code for a child who is receiving those services. 22765

(E) The guidelines adopted under this section may require 22766

school districts to collect and report data, information, or 22767
reports other than that described in divisions (A), (B), and (C) 22768
of this section for the purpose of complying with other reporting 22769
requirements established in the Revised Code. The other data, 22770
information, or reports may be maintained in the education 22771
management information system but are not required to be compiled 22772
as part of the profile formats required under division (G) of this 22773
section or the annual statewide report required under division (H) 22774
of this section. 22775

(F) Beginning with the school year that begins July 1, 1991, 22776
the board of education of each school district shall annually 22777
collect and report to the state board, in accordance with the 22778
guidelines established by the board, the data required pursuant to 22779
this section. A school district may collect and report these data 22780
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 22781

(G) The state board shall, in accordance with the procedures 22782
it adopts, annually compile the data reported by each school 22783
district pursuant to division (D) of this section. The state board 22784
shall design formats for profiling each school district as a whole 22785
and each school building within each district and shall compile 22786
the data in accordance with these formats. These profile formats 22787
shall: 22788

(1) Include all of the data gathered under this section in a 22789
manner that facilitates comparison among school districts and 22790
among school buildings within each school district; 22791

(2) Present the data on academic achievement levels as 22792
assessed by the testing of student achievement maintained pursuant 22793
to division (B)(1)(d) of this section. 22794

(H)(1) The state board shall, in accordance with the 22795
procedures it adopts, annually prepare a statewide report for all 22796
school districts and the general public that includes the profile 22797

of each of the school districts developed pursuant to division (G) 22798
of this section. Copies of the report shall be sent to each school 22799
district. 22800

(2) The state board shall, in accordance with the procedures 22801
it adopts, annually prepare an individual report for each school 22802
district and the general public that includes the profiles of each 22803
of the school buildings in that school district developed pursuant 22804
to division (G) of this section. Copies of the report shall be 22805
sent to the superintendent of the district and to each member of 22806
the district board of education. 22807

(3) Copies of the reports received from the state board under 22808
divisions (H)(1) and (2) of this section shall be made available 22809
to the general public at each school district's offices. Each 22810
district board of education shall make copies of each report 22811
available to any person upon request and payment of a reasonable 22812
fee for the cost of reproducing the report. The board shall 22813
annually publish in a newspaper of general circulation in the 22814
school district, at least twice during the two weeks prior to the 22815
week in which the reports will first be available, a notice 22816
containing the address where the reports are available and the 22817
date on which the reports will be available. 22818

(I) Any data that is collected or maintained pursuant to this 22819
section and that identifies an individual pupil is not a public 22820
record for the purposes of section 149.43 of the Revised Code. 22821

(J) As used in this section: 22822

(1) "School district" means any city, local, exempted 22823
village, or joint vocational school district and, in accordance 22824
with section 3314.17 of the Revised Code, any community school. As 22825
used in division (L) of this section, "school district" also 22826
includes any educational service center or other educational 22827
entity required to submit data using the system established under 22828

this section. 22829

(2) "Cost" means any expenditure for operating expenses made 22830
by a school district excluding any expenditures for debt 22831
retirement except for payments made to any commercial lending 22832
institution for any loan approved pursuant to section 3313.483 of 22833
the Revised Code. 22834

(K) Any person who removes data from the information system 22835
established under this section for the purpose of releasing it to 22836
any person not entitled under law to have access to such 22837
information is subject to section 2913.42 of the Revised Code 22838
prohibiting tampering with data. 22839

(L)(1) In accordance with division (L)(2) of this section and 22840
the rules adopted under division (L)(10) of this section, the 22841
department of education may sanction any school district that 22842
reports incomplete or inaccurate data, reports data that does not 22843
conform to data requirements and descriptions published by the 22844
department, fails to report data in a timely manner, or otherwise 22845
does not make a good faith effort to report data as required by 22846
this section. 22847

(2) If the department decides to sanction a school district 22848
under this division, the department shall take the following 22849
sequential actions: 22850

(a) Notify the district in writing that the department has 22851
determined that data has not been reported as required under this 22852
section and require the district to review its data submission and 22853
submit corrected data by a deadline established by the department. 22854
The department also may require the district to develop a 22855
corrective action plan, which shall include provisions for the 22856
district to provide mandatory staff training on data reporting 22857
procedures. 22858

(b) Withhold up to ten per cent of the total amount of state 22859

funds due to the district for the current fiscal year and, if not 22860
previously required under division (L)(2)(a) of this section, 22861
require the district to develop a corrective action plan in 22862
accordance with that division; 22863

(c) Withhold an additional amount of up to twenty per cent of 22864
the total amount of state funds due to the district for the 22865
current fiscal year; 22866

(d) Direct department staff or an outside entity to 22867
investigate the district's data reporting practices and make 22868
recommendations for subsequent actions. The recommendations may 22869
include one or more of the following actions: 22870

(i) Arrange for an audit of the district's data reporting 22871
practices by department staff or an outside entity; 22872

(ii) Conduct a site visit and evaluation of the district; 22873

(iii) Withhold an additional amount of up to thirty per cent 22874
of the total amount of state funds due to the district for the 22875
current fiscal year; 22876

(iv) Continue monitoring the district's data reporting; 22877

(v) Assign department staff to supervise the district's data 22878
management system; 22879

(vi) Conduct an investigation to determine whether to suspend 22880
or revoke the license of any district employee in accordance with 22881
division (N) of this section; 22882

(vii) If the district is issued a report card under section 22883
3302.03 of the Revised Code, indicate on the report card that the 22884
district has been sanctioned for failing to report data as 22885
required by this section; 22886

(viii) If the district is issued a report card under section 22887
3302.03 of the Revised Code and incomplete or inaccurate data 22888
submitted by the district likely caused the district to receive a 22889

higher performance rating than it deserved under that section, 22890
issue a revised report card for the district; 22891

(ix) Any other action designed to correct the district's data 22892
reporting problems. 22893

(3) Any time the department takes an action against a school 22894
district under division (L)(2) of this section, the department 22895
shall make a report of the circumstances that prompted the action. 22896
The department shall send a copy of the report to the district 22897
superintendent or chief administrator and maintain a copy of the 22898
report in its files. 22899

(4) If any action taken under division (L)(2) of this section 22900
resolves a school district's data reporting problems to the 22901
department's satisfaction, the department shall not take any 22902
further actions described by that division. If the department 22903
withheld funds from the district under that division, the 22904
department may release those funds to the district, except that if 22905
the department withheld funding under division (L)(2)(c) of this 22906
section, the department shall not release the funds withheld under 22907
division (L)(2)(b) of this section and, if the department withheld 22908
funding under division (L)(2)(d) of this section, the department 22909
shall not release the funds withheld under division (L)(2)(b) or 22910
(c) of this section. 22911

(5) Notwithstanding anything in this section to the contrary, 22912
the department may use its own staff or an outside entity to 22913
conduct an audit of a school district's data reporting practices 22914
any time the department has reason to believe the district has not 22915
made a good faith effort to report data as required by this 22916
section. If any audit conducted by an outside entity under 22917
division (L)(2)(d)(i) or (5) of this section confirms that a 22918
district has not made a good faith effort to report data as 22919
required by this section, the district shall reimburse the 22920
department for the full cost of the audit. The department may 22921

withhold state funds due to the district for this purpose. 22922

(6) Prior to issuing a revised report card for a school 22923
district under division (L)(2)(d)(viii) of this section, the 22924
department may hold a hearing to provide the district with an 22925
opportunity to demonstrate that it made a good faith effort to 22926
report data as required by this section. The hearing shall be 22927
conducted by a referee appointed by the department. Based on the 22928
information provided in the hearing, the referee shall recommend 22929
whether the department should issue a revised report card for the 22930
district. If the referee affirms the department's contention that 22931
the district did not make a good faith effort to report data as 22932
required by this section, the district shall bear the full cost of 22933
conducting the hearing and of issuing any revised report card. 22934

(7) If the department determines that any inaccurate data 22935
reported under this section caused a school district to receive 22936
excess state funds in any fiscal year, the district shall 22937
reimburse the department an amount equal to the excess funds, in 22938
accordance with a payment schedule determined by the department. 22939
The department may withhold state funds due to the district for 22940
this purpose. 22941

(8) Any school district that has funds withheld under 22942
division (L)(2) of this section may appeal the withholding in 22943
accordance with Chapter 119. of the Revised Code. 22944

(9) In all cases of a disagreement between the department and 22945
a school district regarding the appropriateness of an action taken 22946
under division (L)(2) of this section, the burden of proof shall 22947
be on the district to demonstrate that it made a good faith effort 22948
to report data as required by this section. 22949

(10) The state board of education shall adopt rules under 22950
Chapter 119. of the Revised Code to implement division (L) of this 22951
section. 22952

(M) No information technology center or school district shall 22953
acquire, change, or update its student administration software 22954
package to manage and report data required to be reported to the 22955
department unless it converts to a student software package that 22956
is certified by the department. 22957

(N) The state board of education, in accordance with sections 22958
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 22959
license as defined under division (A) of section 3319.31 of the 22960
Revised Code that has been issued to any school district employee 22961
found to have willfully reported erroneous, inaccurate, or 22962
incomplete data to the education management information system. 22963

(O) No person shall release or maintain any information about 22964
any student in violation of this section. Whoever violates this 22965
division is guilty of a misdemeanor of the fourth degree. 22966

(P) The department shall disaggregate the data collected 22967
under division (B)(1)(n) of this section according to the race and 22968
socioeconomic status of the students assessed. 22969

(Q) If the department cannot compile any of the information 22970
required by division (H) of section 3302.03 of the Revised Code 22971
based upon the data collected under this section, the department 22972
shall develop a plan and a reasonable timeline for the collection 22973
of any data necessary to comply with that division. 22974

Sec. 3301.52. As used in sections 3301.52 to 3301.59 of the 22975
Revised Code: 22976

(A) "Preschool program" means either of the following: 22977

(1) A child care program for preschool children that is 22978
operated by a school district board of education or an eligible 22979
nonpublic school. 22980

(2) A child care program for preschool children age three or 22981
older that is operated by a county board of developmental 22982

disabilities or a community school.	22983
(B) "Preschool child" or "child" means a child who has not entered kindergarten and is not of compulsory school age.	22984 22985
(C) "Parent, guardian, or custodian" means the person or government agency that is or will be responsible for a child's school attendance under section 3321.01 of the Revised Code.	22986 22987 22988
(D) "Superintendent" means the superintendent of a school district or the chief administrative officer of a community school or an eligible nonpublic school.	22989 22990 22991
(E) "Director" means the director, head teacher, elementary principal, or site administrator who is the individual on site and responsible for supervision of a preschool program.	22992 22993 22994
(F) "Preschool staff member" means a preschool employee whose primary responsibility is care, teaching, or supervision of preschool children.	22995 22996 22997
(G) "Nonteaching employee" means a preschool program or school child program employee whose primary responsibilities are duties other than care, teaching, and supervision of preschool children or school children.	22998 22999 23000 23001
(H) "Eligible nonpublic school" means a nonpublic school chartered as described in division (B) (8) (7) of section 5104.02 of the Revised Code or chartered by the state board of education for any combination of grades one through twelve, regardless of whether it also offers kindergarten.	23002 23003 23004 23005 23006
(I) "School child program" means a child care program for only school children that is operated by a school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school.	23007 23008 23009 23010
(J) "School child" means a child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above but is	23011 23012

less than fifteen years old. 23013

(K) "School child program staff member" means an employee 23014
whose primary responsibility is the care, teaching, or supervision 23015
of children in a school child program. 23016

(L) "Child care" means administering to the needs of infants, 23017
toddlers, preschool children, and school children outside of 23018
school hours by persons other than their parents or guardians, 23019
custodians, or relatives by blood, marriage, or adoption for any 23020
part of the twenty-four-hour day in a place or residence other 23021
than a child's own home. 23022

(M) "Child day-care center," and "publicly funded child 23023
care," ~~and "school-age child care center"~~ have the same meanings 23024
as in section 5104.01 of the Revised Code. 23025

(N) "Community school" means either of the following: 23026

(1) A community school established under Chapter 3314. of the 23027
Revised Code that is sponsored by an entity that is rated 23028
"exemplary" under section 3314.016 of the Revised Code. 23029

(2) A community school established under Chapter 3314. of the 23030
Revised Code that has received, on its most recent report card, 23031
either of the following: 23032

(a) If the school offers any of grade levels four through 23033
twelve, a grade of "C" or better for the overall value-added 23034
progress dimension under division (C)(1)(e) of section 3302.03 of 23035
the Revised Code ~~and~~ or for the performance index score under 23036
division (C)(1)(b) of section 3302.03 of the Revised Code; 23037

(b) If the school does not offer a grade level higher than 23038
three, a grade of "C" or better for making progress in improving 23039
literacy in grades kindergarten through three under division 23040
(C)(1)(g) of section 3302.03 of the Revised Code. 23041

Sec. 3301.53. (A) The state board of education, in 23042

consultation with the director of job and family services, shall 23043
formulate and prescribe by rule adopted under Chapter 119. of the 23044
Revised Code minimum standards to be applied to preschool programs 23045
operated by school district boards of education, county boards of 23046
developmental disabilities, community schools, or eligible 23047
nonpublic schools. The rules shall include the following: 23048

(1) Standards ensuring that the preschool program is located 23049
in a safe and convenient facility that accommodates the enrollment 23050
of the program, is of the quality to support the growth and 23051
development of the children according to the program objectives, 23052
and meets the requirements of section 3301.55 of the Revised Code; 23053

(2) Standards ensuring that supervision, discipline, and 23054
programs will be administered according to established objectives 23055
and procedures; 23056

(3) Standards ensuring that preschool staff members and 23057
nonteaching employees are recruited, employed, assigned, 23058
evaluated, and provided inservice education without discrimination 23059
on the basis of age, color, national origin, race, or sex; and 23060
that preschool staff members and nonteaching employees are 23061
assigned responsibilities in accordance with written position 23062
descriptions commensurate with their training and experience; 23063

(4) A requirement that boards of education intending to 23064
establish a preschool program demonstrate a need for a preschool 23065
program prior to establishing the program; 23066

(5) Requirements that children participating in preschool 23067
programs have been immunized to the extent considered appropriate 23068
by the state board to prevent the spread of communicable disease; 23069

(6) Requirements that the parents of preschool children 23070
complete the emergency medical authorization form specified in 23071
section 3313.712 of the Revised Code. 23072

(B) The state board of education in consultation with the 23073
director of job and family services shall ensure that the rules 23074
adopted by the state board under sections 3301.52 to 3301.58 of 23075
the Revised Code are consistent with and meet or exceed the 23076
requirements of Chapter 5104. of the Revised Code with regard to 23077
child day-care centers that serve preschool children. The state 23078
board and the director of job and family services shall review all 23079
such rules at least once every five years. 23080

(C) The state board of education, in consultation with the 23081
director of job and family services, shall adopt rules for school 23082
child programs that are consistent with and meet or exceed the 23083
requirements of the rules adopted for ~~school-age child care~~ child 23084
day-care centers that serve school-age children under Chapter 23085
5104. of the Revised Code. 23086

Sec. 3302.01. As used in this chapter: 23087

(A) "Performance index score" means the average of the totals 23088
derived from calculations, for each subject area, of the weighted 23089
proportion of untested students and students scoring at each level 23090
of skill described in division (A)(2) of section 3301.0710 of the 23091
Revised Code on the state achievement assessments, as follows: 23092

(1) For the assessments prescribed by division (A)(1) of 23093
section 3301.0710 of the Revised Code, the average for each of the 23094
subject areas of English language arts, mathematics, and science. 23095

(2) For the assessments prescribed by division (B)(1) of 23096
section 3301.0710 and division (B)(2) of section 3301.0712 of the 23097
Revised Code, the average for each of the subject areas of English 23098
language arts and mathematics. 23099

The department of education shall assign weights such that 23100
students who do not take an assessment receive a weight of zero 23101
and students who take an assessment receive progressively larger 23102

weights dependent upon the level of skill attained on the 23103
assessment. The department shall assign additional weights to 23104
students who have been permitted to pass over a subject in 23105
accordance with a student acceleration policy adopted under 23106
section 3324.10 of the Revised Code. If such a student attains the 23107
proficient score prescribed under division (A)(2)(c) of section 23108
3301.0710 of the Revised Code or higher on an assessment, the 23109
department shall assign the student the weight prescribed for the 23110
next higher scoring level. If such a student attains the advanced 23111
score, prescribed under division (A)(2)(a) of section 3301.0710 of 23112
the Revised Code, on an assessment, the department shall assign to 23113
the student an additional proportional weight, as approved by the 23114
state board. For each school year that such a student's score is 23115
included in the performance index score and the student attains 23116
the proficient score on an assessment, that additional weight 23117
shall be assigned to the student on a subject-by-subject basis. 23118

Students shall be included in the "performance index score" 23119
in accordance with division (K)(2) of section 3302.03 of the 23120
Revised Code. 23121

(B) "Subgroup" means a subset of the entire student 23122
population of the state, a school district, or a school building 23123
and includes each of the following: 23124

(1) Major racial and ethnic groups; 23125

(2) Students with disabilities; 23126

(3) Economically disadvantaged students; 23127

(4) ~~Limited English proficient students~~ learners; 23128

(5) Students identified as gifted in superior cognitive 23129
ability and specific academic ability fields under Chapter 3324. 23130
of the Revised Code. For students who are gifted in specific 23131
academic ability fields, the department shall use data for those 23132
students with specific academic ability in math and reading. If 23133

any other academic field is assessed, the department shall also 23134
include data for students with specific academic ability in that 23135
field. 23136

(6) Students in the lowest quintile for achievement 23137
statewide, as determined by a method prescribed by the state board 23138
of education. 23139

(C) "No Child Left Behind Act of 2001" includes the statutes 23140
codified at 20 U.S.C. 6301 et seq. and any amendments, waivers, or 23141
both thereto, rules and regulations promulgated pursuant to those 23142
statutes, guidance documents, and any other policy directives 23143
regarding implementation of that act issued by the United States 23144
department of education. 23145

(D) "Adequate yearly progress" means a measure of annual 23146
academic performance as calculated in accordance with the "No 23147
Child Left Behind Act of 2001." 23148

(E) "Supplemental educational services" means additional 23149
academic assistance, such as tutoring, remediation, or other 23150
educational enrichment activities, that is conducted outside of 23151
the regular school day by a provider approved by the department in 23152
accordance with the "No Child Left Behind Act of 2001." 23153

(F) "Value-added progress dimension" means a measure of 23154
academic gain for a student or group of students over a specific 23155
period of time that is calculated by applying a statistical 23156
methodology to individual student achievement data derived from 23157
the achievement assessments prescribed by section 3301.0710 of the 23158
Revised Code. The "value-added progress dimension" shall be 23159
developed and implemented in accordance with section 3302.021 of 23160
the Revised Code. 23161

(G)(1) "Four-year adjusted cohort graduation rate" means the 23162
number of students who graduate in four years or less with a 23163
regular high school diploma divided by the number of students who 23164

form the adjusted cohort for the graduating class. 23165

(2) "Five-year adjusted cohort graduation rate" means the 23166
number of students who graduate in five years with a regular high 23167
school diploma divided by the number of students who form the 23168
adjusted cohort for the four-year graduation rate. 23169

(H) "State institution of higher education" has the same 23170
meaning as in section 3345.011 of the Revised Code. 23171

(I) "Annual measurable objectives" means a measure of student 23172
progress determined in accordance with an agreement between the 23173
department of education and the United States department of 23174
education. 23175

(J) "Community school" means a community school established 23176
under Chapter 3314. of the Revised Code. 23177

(K) "STEM school" means a science, technology, engineering, 23178
and mathematics school established under Chapter 3326. of the 23179
Revised Code. 23180

(L) "Entitled to attend school in the district" means 23181
entitled to attend school in a school district under section 23182
3313.64 or 3313.65 of the Revised Code. 23183

Sec. 3302.021. (A) Not earlier than July 1, 2005, and not 23184
later than July 1, 2007, the department of education shall 23185
implement a value-added progress dimension for school districts 23186
and buildings and shall incorporate the value-added progress 23187
dimension into the report cards and performance ratings issued for 23188
districts and buildings under section 3302.03 of the Revised Code. 23189

The state board of education shall adopt rules, pursuant to 23190
Chapter 119. of the Revised Code, for the implementation of the 23191
value-added progress dimension. The rules adopted under this 23192
division shall specify ~~both~~ all of the following: 23193

(1) A scale for describing the levels of academic progress in 23194

reading and mathematics relative to a standard year of academic 23195
growth in those subjects for each of grades three through eight; 23196

(2) That the department shall maintain the confidentiality of 23197
individual student test scores and individual student reports in 23198
accordance with sections 3301.0711, 3301.0714, and 3319.321 of the 23199
Revised Code and federal law. The department may require school 23200
districts to use a unique identifier for each student for this 23201
purpose. Individual student test scores and individual student 23202
reports shall be made available only to a student's classroom 23203
teacher and other appropriate educational personnel and to the 23204
student's parent or guardian. 23205

(3) That the department may use not more than one academic 23206
year of value-added growth data to calculate the measure. 23207

(B) The department shall use a system designed for collecting 23208
necessary data, calculating the value-added progress dimension, 23209
analyzing data, and generating reports, which system has been used 23210
previously by a nonprofit organization led by the Ohio business 23211
community for at least one year in the operation of a pilot 23212
program in cooperation with school districts to collect and report 23213
student achievement data via electronic means and to provide 23214
information to the districts regarding the academic performance of 23215
individual students, grade levels, school buildings, and the 23216
districts as a whole. 23217

(C) The department shall not pay more than two dollars per 23218
student for data analysis and reporting to implement the 23219
value-added progress dimension in the same manner and with the 23220
same services as under the pilot program described by division (B) 23221
of this section. However, nothing in this section shall preclude 23222
the department or any school district from entering into a 23223
contract for the provision of more services at a higher fee per 23224
student. Any data analysis conducted under this section by an 23225
entity under contract with the department shall be completed in 23226

accordance with timelines established by the superintendent of public instruction. 23227
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(D) The department shall share any aggregate student data and any calculation, analysis, or report utilizing aggregate student data that is generated under this section with the chancellor of ~~the Ohio board of regents~~ higher education. The department shall not share individual student test scores and individual student reports with the chancellor. 23229
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Sec. 3302.03. ~~Annually,~~ Not later than the thirty-first day of July of each year, the department of education shall submit preliminary report card data for overall academic performance and for each separate performance measure for each school district, and each school building, in accordance with this section. 23235
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Annually, not later than the fifteenth day of September or the preceding Friday when that day falls on a Saturday or Sunday, the department ~~of education~~ shall assign a letter grade for overall academic performance and for each separate performance measure for each school district, and each school building in a district, in accordance with this section. The state board shall adopt rules pursuant to Chapter 119. of the Revised Code to establish performance criteria for each letter grade and prescribe a method by which the department assigns each letter grade. For a school building to which any of the performance measures do not apply, due to grade levels served by the building, the state board shall designate the performance measures that are applicable to the building and that must be calculated separately and used to calculate the building's overall grade. The department shall issue annual report cards reflecting the performance of each school district, each building within each district, and for the state as a whole using the performance measures and letter grade system described in this section. The department shall include on the 23240
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report card for each district and each building within each 23258
district the most recent two-year trend data in student 23259
achievement for each subject and each grade. 23260

If the department fails to assign letter grades by the date 23261
specified, a school district or building shall be assigned the 23262
same grade for each measure that it was assigned for the previous 23263
school year or a "B" for each measure, whichever is the higher per 23264
measure. However, for the purposes of prescribing new buildings 23265
where students are eligible for the educational choice scholarship 23266
under section 3310.03 of the Revised Code or defining "challenged 23267
school districts" in which new start-up community schools may be 23268
located, as prescribed in section 3314.02 of the Revised Code, the 23269
department shall use the actual calculated letter grade a district 23270
or building received for each measure. 23271

(A)(1) For the 2012-2013 school year, the department shall 23272
issue grades as described in division (E) of this section for each 23273
of the following performance measures: 23274

(a) Annual measurable objectives; 23275

(b) Performance index score for a school district or 23276
building. Grades shall be awarded as a percentage of the total 23277
possible points on the performance index system as adopted by the 23278
state board. In adopting benchmarks for assigning letter grades 23279
under division (A)(1)(b) of this section, the state board of 23280
education shall designate ninety per cent or higher for an "A," at 23281
least seventy per cent but not more than eighty per cent for a 23282
"C," and less than fifty per cent for an "F." 23283

(c) The extent to which the school district or building meets 23284
each of the applicable performance indicators established by the 23285
state board under section 3302.02 of the Revised Code and the 23286
percentage of applicable performance indicators that have been 23287
achieved. In adopting benchmarks for assigning letter grades under 23288

division (A)(1)(c) of this section, the state board shall 23289
designate ninety per cent or higher for an "A." 23290

(d) The four- and five-year adjusted cohort graduation rates. 23291

In adopting benchmarks for assigning letter grades under 23292
division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the 23293
department shall designate a four-year adjusted cohort graduation 23294
rate of ninety-three per cent or higher for an "A" and a five-year 23295
cohort graduation rate of ninety-five per cent or higher for an 23296
"A." 23297

(e) The overall score under the value-added progress 23298
dimension of a school district or building, for which the 23299
department shall use up to three years of value-added data as 23300
available. The letter grade assigned for this growth measure shall 23301
be as follows: 23302

(i) A score that is at least two standard errors of measure 23303
above the mean score shall be designated as an "A." 23304

(ii) A score that is at least one standard error of measure 23305
but less than two standard errors of measure above the mean score 23306
shall be designated as a "B." 23307

(iii) A score that is less than one standard error of measure 23308
above the mean score but greater than or equal to one standard 23309
error of measure below the mean score shall be designated as a 23310
"C." 23311

(iv) A score that is not greater than one standard error of 23312
measure below the mean score but is greater than or equal to two 23313
standard errors of measure below the mean score shall be 23314
designated as a "D." 23315

(v) A score that is not greater than two standard errors of 23316
measure below the mean score shall be designated as an "F." 23317

Whenever the value-added progress dimension is used as a 23318

graded performance measure, whether as an overall measure or as a 23319
measure of separate subgroups, the grades for the measure shall be 23320
calculated in the same manner as prescribed in division (A)(1)(e) 23321
of this section. 23322

(f) The value-added progress dimension score for a school 23323
district or building disaggregated for each of the following 23324
subgroups: students identified as gifted, students with 23325
disabilities, and students whose performance places them in the 23326
lowest quintile for achievement on a statewide basis. Each 23327
subgroup shall be a separate graded measure. 23328

(2) Not later than April 30, 2013, the state board of 23329
education shall adopt a resolution describing the performance 23330
measures, benchmarks, and grading system for the 2012-2013 school 23331
year and, not later than June 30, 2013, shall adopt rules in 23332
accordance with Chapter 119. of the Revised Code that prescribe 23333
the methods by which the performance measures under division 23334
(A)(1) of this section shall be assessed and assigned a letter 23335
grade, including performance benchmarks for each letter grade. 23336

At least forty-five days prior to the state board's adoption 23337
of rules to prescribe the methods by which the performance 23338
measures under division (A)(1) of this section shall be assessed 23339
and assigned a letter grade, the department shall conduct a public 23340
presentation before the standing committees of the house of 23341
representatives and the senate that consider education legislation 23342
describing such methods, including performance benchmarks. 23343

(3) There shall not be an overall letter grade for a school 23344
district or building for the 2012-2013 school year. 23345

(B)(1) For the 2013-2014 and 2014-2015 school years, the 23346
department shall issue grades as described in division (E) of this 23347
section for each of the following performance measures: 23348

(a) Annual measurable objectives; 23349

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (B)(1)(b) of this section, the state board shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."

(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board under section 3302.03 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (B)(1)(c) of this section, the state board shall designate ninety per cent or higher for an "A."

(d) The four- and five-year adjusted cohort graduation rates;

(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available.

(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure.

(g) Whether a school district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the state board. The state

board shall adopt rules to prescribe benchmarks and standards for 23381
assigning grades to districts and buildings for purposes of 23382
division (B)(1)(g) of this section. In adopting benchmarks for 23383
assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of 23384
this section, the state board shall determine progress made based 23385
on the reduction in the total percentage of students scoring below 23386
grade level, or below proficient, compared from year to year on 23387
the reading and writing diagnostic assessments administered under 23388
section 3301.0715 of the Revised Code and the third grade English 23389
language arts assessment under section 3301.0710 of the Revised 23390
Code, as applicable. The state board shall designate for a "C" 23391
grade a value that is not lower than the statewide average value 23392
for this measure. No grade shall be issued under divisions 23393
(B)(1)(g) and (C)(1)(g) of this section for a district or building 23394
in which less than five per cent of students have scored below 23395
grade level on the diagnostic assessment administered to students 23396
in kindergarten under division (B)(1) of section 3313.608 of the 23397
Revised Code. 23398

(h) For a high mobility school district or building, an 23399
additional value-added progress dimension score. For this measure, 23400
the department shall use value-added data from the most recent 23401
school year available and shall use assessment scores for only 23402
those students to whom the district or building has administered 23403
the assessments prescribed by section 3301.0710 of the Revised 23404
Code for each of the two most recent consecutive school years. 23405

As used in this division, "high mobility school district or 23406
building" means a school district or building where at least 23407
twenty-five per cent of its total enrollment is made up of 23408
students who have attended that school district or building for 23409
less than one year. 23410

(2) In addition to the graded measures in division (B)(1) of 23411
this section, the department shall include on a school district's 23412

or building's report card all of the following without an assigned 23413
letter grade: 23414

(a) The percentage of students enrolled in a district or 23415
building participating in advanced placement classes and the 23416
percentage of those students who received a score of three or 23417
better on advanced placement examinations; 23418

(b) The number of a district's or building's students who 23419
have earned at least three college credits through dual enrollment 23420
or advanced standing programs, such as the post-secondary 23421
enrollment options program under Chapter 3365. of the Revised Code 23422
and state-approved career-technical courses offered through dual 23423
enrollment or statewide articulation, that appear on a student's 23424
transcript or other official document, either of which is issued 23425
by the institution of higher education from which the student 23426
earned the college credit. The credits earned that are reported 23427
under divisions (B)(2)(b) and (C)(2)(c) of this section shall not 23428
include any that are remedial or developmental and shall include 23429
those that count toward the curriculum requirements established 23430
for completion of a degree. 23431

(c) The percentage of students enrolled in a district or 23432
building who have taken a national standardized test used for 23433
college admission determinations and the percentage of those 23434
students who are determined to be remediation-free in accordance 23435
with standards adopted under division (F) of section 3345.061 of 23436
the Revised Code; 23437

(d) The percentage of the district's or the building's 23438
students who receive industry-recognized credentials as approved 23439
under section 3313.6113 of the Revised Code. 23440

(e) The percentage of students enrolled in a district or 23441
building who are participating in an international baccalaureate 23442
program and the percentage of those students who receive a score 23443

of four or better on the international baccalaureate examinations. 23444

(f) The percentage of the district's or building's students 23445
who receive an honors diploma under division (B) of section 23446
3313.61 of the Revised Code. 23447

(3) Not later than December 31, 2013, the state board shall 23448
adopt rules in accordance with Chapter 119. of the Revised Code 23449
that prescribe the methods by which the performance measures under 23450
divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed 23451
and assigned a letter grade, including performance benchmarks for 23452
each grade. 23453

At least forty-five days prior to the stateboard's adoption 23454
of rules to prescribe the methods by which the performance 23455
measures under division (B)(1) of this section shall be assessed 23456
and assigned a letter grade, the department shall conduct a public 23457
presentation before the standing committees of the house of 23458
representatives and the senate that consider education legislation 23459
describing such methods, including performance benchmarks. 23460

(4) There shall not be an overall letter grade for a school 23461
district or building for the 2013-2014, 2014-2015, 2015-2016, and 23462
2016-2017 school years. 23463

(C)(1) For the 2014-2015 school year and each school year 23464
thereafter, the department shall issue grades as described in 23465
division (E) of this section for each of the performance measures 23466
prescribed in division (C)(1) of this section. The graded measures 23467
are as follows: 23468

(a) Annual measurable objectives. For the 2017-2018 school 23469
year, the department shall not include any subgroup data in the 23470
annual measurable objectives that includes data from fewer than 23471
twenty-five students. For the 2018-2019 school year, the 23472
department shall not include any subgroup data in the annual 23473
measurable objectives that includes data from fewer than twenty 23474

students. Beginning with the 2019-2020 school year, the department 23475
shall not include any subgroup data in the annual measurable 23476
objectives that includes data from fewer than fifteen students. 23477

(b) Performance index score for a school district or 23478
building. Grades shall be awarded as a percentage of the total 23479
possible points on the performance index system as created by the 23480
department. In adopting benchmarks for assigning letter grades 23481
under division (C)(1)(b) of this section, the state board shall 23482
designate ninety per cent or higher for an "A," at least seventy 23483
per cent but not more than eighty per cent for a "C," and less 23484
than fifty per cent for an "F." 23485

(c) The extent to which the school district or building meets 23486
each of the applicable performance indicators established by the 23487
state board under section 3302.03 of the Revised Code and the 23488
percentage of applicable performance indicators that have been 23489
achieved. In adopting benchmarks for assigning letter grades under 23490
division (C)(1)(c) of this section, the state board shall 23491
designate ninety per cent or higher for an "A." 23492

(d) The four- and five-year adjusted cohort graduation rates; 23493

(e) The overall score under the value-added progress 23494
dimension, or another measure of student academic progress if 23495
adopted by the state board, of a school district or building, for 23496
which the department shall use ~~up to three years~~ not more than one 23497
academic year of value-added growth data ~~as available~~. 23498

In adopting benchmarks for assigning letter grades for 23499
overall score on value-added progress dimension under division 23500
(C)(1)(e) of this section, the state board shall prohibit the 23501
assigning of a grade of "A" for that measure unless the district's 23502
or building's grade assigned for value-added progress dimension 23503
for all subgroups under division (C)(1)(f) of this section is a 23504
"B" or higher. 23505

For the metric prescribed by division (C)(1)(e) of this section, the state board may adopt a student academic progress measure to be used instead of the value-added progress dimension. If the state board adopts such a measure, it also shall prescribe a method for assigning letter grades for the new measure that is comparable to the method prescribed in division (A)(1)(e) of this section.

(f) The value-added progress dimension score of a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board. Each subgroup shall be a separate graded measure.

The state board may adopt student academic progress measures to be used instead of the value-added progress dimension. If the state board adopts such measures, it also shall prescribe a method for assigning letter grades for the new measures that is comparable to the method prescribed in division (A)(1)(e) of this section.

(g) Whether a school district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the state board. The state board shall adopt rules to prescribe benchmarks and standards for assigning grades to a district or building for purposes of division (C)(1)(g) of this section. The state board shall designate for a "C" grade a value that is not lower than the statewide average value for this measure. No grade shall be issued under division (C)(1)(g) of this section for a district or building in which less than five per cent of students have scored

below grade level on the kindergarten diagnostic assessment under 23538
division (B)(1) of section 3313.608 of the Revised Code. 23539

(h) For a high mobility school district or building, an 23540
additional value-added progress dimension score. For this measure, 23541
the department shall use value-added data from the most recent 23542
school year available and shall use assessment scores for only 23543
those students to whom the district or building has administered 23544
the assessments prescribed by section 3301.0710 of the Revised 23545
Code for each of the two most recent consecutive school years. 23546

As used in this division, "high mobility school district or 23547
building" means a school district or building where at least 23548
twenty-five per cent of its total enrollment is made up of 23549
students who have attended that school district or building for 23550
less than one year. 23551

(2) In addition to the graded measures in division (C)(1) of 23552
this section, the department shall include on a school district's 23553
or building's report card all of the following without an assigned 23554
letter grade: 23555

(a) The percentage of students enrolled in a district or 23556
building who have taken a national standardized test used for 23557
college admission determinations and the percentage of those 23558
students who are determined to be remediation-free in accordance 23559
with the standards adopted under division (F) of section 3345.061 23560
of the Revised Code; 23561

(b) The percentage of students enrolled in a district or 23562
building participating in advanced placement classes and the 23563
percentage of those students who received a score of three or 23564
better on advanced placement examinations; 23565

(c) The percentage of a district's or building's students who 23566
have earned at least three college credits through advanced 23567
standing programs, such as the college credit plus program under 23568

Chapter 3365. of the Revised Code and state-approved 23569
career-technical courses offered through dual enrollment or 23570
statewide articulation, that appear on a student's college 23571
transcript issued by the institution of higher education from 23572
which the student earned the college credit. The credits earned 23573
that are reported under divisions (B)(2)(b) and (C)(2)(c) of this 23574
section shall not include any that are remedial or developmental 23575
and shall include those that count toward the curriculum 23576
requirements established for completion of a degree. 23577

(d) The percentage of the district's or building's students 23578
who receive an honor's diploma under division (B) of section 23579
3313.61 of the Revised Code; 23580

(e) The percentage of the district's or building's students 23581
who receive industry-recognized credentials as approved under 23582
section 3313.6113 of the Revised Code; 23583

(f) The percentage of students enrolled in a district or 23584
building who are participating in an international baccalaureate 23585
program and the percentage of those students who receive a score 23586
of four or better on the international baccalaureate examinations; 23587

(g) The results of the college and career-ready assessments 23588
administered under division (B)(1) of section 3301.0712 of the 23589
Revised Code; 23590

(h) Whether the school district or building has implemented a 23591
positive behavior intervention and supports framework in 23592
compliance with the requirements of section 3319.46 of the Revised 23593
Code, notated as a "yes" or "no" answer. 23594

(3) The state board shall adopt rules pursuant to Chapter 23595
119. of the Revised Code that establish a method to assign an 23596
overall grade for a school district or school building for the 23597
2017-2018 school year and each school year thereafter. The rules 23598
shall group the performance measures in divisions (C)(1) and (2) 23599

of this section into the following components:	23600
(a) Gap closing, which shall include the performance measure in division (C)(1)(a) of this section;	23601 23602
(b) Achievement, which shall include the performance measures in divisions (C)(1)(b) and (c) of this section;	23603 23604
(c) Progress, which shall include the performance measures in divisions (C)(1)(e) and (f) of this section;	23605 23606
(d) Graduation, which shall include the performance measure in division (C)(1)(d) of this section;	23607 23608
(e) Kindergarten through third-grade literacy, which shall include the performance measure in division (C)(1)(g) of this section;	23609 23610 23611
(f) Prepared for success, which shall include the performance measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of this section. The state board shall develop a method to determine a grade for the component in division (C)(3)(f) of this section using the performance measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of this section. When available, the state board may incorporate the performance measure under division (C)(2)(g) of this section into the component under division (C)(3)(f) of this section. When determining the overall grade for the prepared for success component prescribed by division (C)(3)(f) of this section, no individual student shall be counted in more than one performance measure. However, if a student qualifies for more than one performance measure in the component, the state board may, in its method to determine a grade for the component, specify an additional weight for such a student that is not greater than or equal to 1.0. In determining the overall score under division (C)(3)(f) of this section, the state board shall ensure that the pool of students included in the performance measures aggregated under that division are all of the students included in the four-	23612 23613 23614 23615 23616 23617 23618 23619 23620 23621 23622 23623 23624 23625 23626 23627 23628 23629 23630

and five-year adjusted graduation cohort. 23631

In the rules adopted under division (C)(3) of this section, 23632
the state board shall adopt a method for determining a grade for 23633
each component in divisions (C)(3)(a) to (f) of this section. The 23634
state board also shall establish a method to assign an overall 23635
grade of "A," "B," "C," "D," or "F" using the grades assigned for 23636
each component. The method the state board adopts for assigning an 23637
overall grade shall ~~give equal weight to the components in~~ 23638
~~divisions (C)(3)(b) and (c) of this section~~ use either the 23639
performance index score measure under division (C)(1)(b) or the 23640
value-added progress dimension measure under division (C)(1)(e) of 23641
this section, whichever is higher, but not both measures. The 23642
rules adopted by the state board shall prohibit the calculation of 23643
the overall grade to include both the performance index score and 23644
value-added progress dimension measures and shall ensure that a 23645
district or building receives the highest overall grade possible 23646
using the appropriate measure. However, for the purposes of 23647
prescribing new buildings where students are eligible for the 23648
educational choice scholarship under section 3310.03 of the 23649
Revised Code or defining "challenged school districts" in which 23650
new start-up community schools may be located, as prescribed in 23651
section 3314.02 of the Revised Code, the department shall use both 23652
measures to determine the overall letter grade for a district or a 23653
building. 23654

At least forty-five days prior to the state board's adoption 23655
of rules to prescribe the methods for calculating the overall 23656
grade for the report card, as required by this division, the 23657
department shall conduct a public presentation before the standing 23658
committees of the house of representatives and the senate that 23659
consider education legislation describing the format for the 23660
report card, weights that will be assigned to the components of 23661
the overall grade, and the method for calculating the overall 23662

grade. 23663

(D) On or after July 1, 2015, the state board may develop a 23664
measure of student academic progress for high school students 23665
using only data from assessments in English language arts and 23666
mathematics. If the state board develops this measure, each school 23667
district and applicable school building shall be assigned a 23668
separate letter grade for it not sooner than the 2017-2018 school 23669
year. The district's or building's grade for that measure shall 23670
not be included in determining the district's or building's 23671
overall letter grade. 23672

(E) The letter grades assigned to a school district or 23673
building under this section shall be as follows: 23674

(1) "A" for a district or school making excellent progress; 23675

(2) "B" for a district or school making above average 23676
progress; 23677

(3) "C" for a district or school making average progress; 23678

(4) "D" for a district or school making below average 23679
progress; 23680

(5) "F" for a district or school failing to meet minimum 23681
progress. 23682

(F) When reporting data on student achievement and progress, 23683
the department shall disaggregate that data according to the 23684
following categories: 23685

(1) Performance of students by grade-level; 23686

(2) Performance of students by race and ethnic group; 23687

(3) Performance of students by gender; 23688

(4) Performance of students grouped by those who have been 23689
enrolled in a district or school for three or more years; 23690

(5) Performance of students grouped by those who have been 23691

enrolled in a district or school for more than one year and less than three years;	23692 23693
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	23694 23695
(7) Performance of students grouped by those who are economically disadvantaged;	23696 23697
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	23698 23699 23700
(9) Performance of students grouped by those who are classified as limited English proficient <u>learners</u> ;	23701 23702
(10) Performance of students grouped by those who have disabilities;	23703 23704
(11) Performance of students grouped by those who are classified as migrants;	23705 23706
(12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well.	23707 23708 23709 23710 23711 23712 23713 23714 23715
(13) Performance of students grouped by those who perform in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board.	23716 23717 23718
The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall	23719 23720 23721

disaggregate data on student performance according to any 23722
combinations of two or more of the categories listed in divisions 23723
(F)(1) to (13) of this section that it deems relevant. 23724

In reporting data pursuant to division (F) of this section, 23725
the department shall not include in the report cards any data 23726
statistical in nature that is statistically unreliable or that 23727
could result in the identification of individual students. For 23728
this purpose, the department shall not report student performance 23729
data for any group identified in division (F) of this section that 23730
contains less than ten students. If the department does not report 23731
student performance data for a group because it contains less than 23732
ten students, the department shall indicate on the report card 23733
that is why data was not reported. 23734

(G) The department may include with the report cards any 23735
additional education and fiscal performance data it deems 23736
valuable. 23737

(H) The department shall include on each report card a list 23738
of additional information collected by the department that is 23739
available regarding the district or building for which the report 23740
card is issued. When available, such additional information shall 23741
include student mobility data disaggregated by race and 23742
socioeconomic status, college enrollment data, and the reports 23743
prepared under section 3302.031 of the Revised Code. 23744

The department shall maintain a site on the world wide web. 23745
The report card shall include the address of the site and shall 23746
specify that such additional information is available to the 23747
public at that site. The department shall also provide a copy of 23748
each item on the list to the superintendent of each school 23749
district. The district superintendent shall provide a copy of any 23750
item on the list to anyone who requests it. 23751

(I)(1)(a) Except as provided in division (I)(1)(b) of this 23752

section, for any district that sponsors a conversion community 23753
school under Chapter 3314. of the Revised Code, the department 23754
shall combine data regarding the academic performance of students 23755
enrolled in the community school with comparable data from the 23756
schools of the district for the purpose of determining the 23757
performance of the district as a whole on the report card issued 23758
for the district under this section or section 3302.033 of the 23759
Revised Code. 23760

(b) The department shall not combine data from any conversion 23761
community school that a district sponsors if a majority of the 23762
students enrolled in the conversion community school are enrolled 23763
in a dropout prevention and recovery program that is operated by 23764
the school, as described in division (A)~~(4)~~(2)(a) of section 23765
3314.35 of the Revised Code. The department shall include as an 23766
addendum to the district's report card the ratings and performance 23767
measures that are required under section 3314.017 of the Revised 23768
Code for any community school to which division (I)(1)(b) of this 23769
section applies. This addendum shall include, at a minimum, the 23770
data specified in divisions (C)(1)(a), (C)(2), and (C)(3) of 23771
section 3314.017 of the Revised Code. 23772

(2) Any district that leases a building to a community school 23773
located in the district or that enters into an agreement with a 23774
community school located in the district whereby the district and 23775
the school endorse each other's programs may elect to have data 23776
regarding the academic performance of students enrolled in the 23777
community school combined with comparable data from the schools of 23778
the district for the purpose of determining the performance of the 23779
district as a whole on the district report card. Any district that 23780
so elects shall annually file a copy of the lease or agreement 23781
with the department. 23782

(3) Any municipal school district, as defined in section 23783
3311.71 of the Revised Code, that sponsors a community school 23784

located within the district's territory, or that enters into an 23785
agreement with a community school located within the district's 23786
territory whereby the district and the community school endorse 23787
each other's programs, may exercise either or both of the 23788
following elections: 23789

(a) To have data regarding the academic performance of 23790
students enrolled in that community school combined with 23791
comparable data from the schools of the district for the purpose 23792
of determining the performance of the district as a whole on the 23793
district's report card; 23794

(b) To have the number of students attending that community 23795
school noted separately on the district's report card. 23796

The election authorized under division (I)(3)(a) of this 23797
section is subject to approval by the governing authority of the 23798
community school. 23799

Any municipal school district that exercises an election to 23800
combine or include data under division (I)(3) of this section, by 23801
the first day of October of each year, shall file with the 23802
department documentation indicating eligibility for that election, 23803
as required by the department. 23804

(J) The department shall include on each report card the 23805
percentage of teachers in the district or building who are 23806
properly certified or licensed teachers, as defined in section 23807
3319.074 of the Revised Code, and a comparison of that percentage 23808
with the percentages of such teachers in similar districts and 23809
buildings. 23810

(K)(1) In calculating English language arts, mathematics, or 23811
science assessment passage rates used to determine school district 23812
or building performance under this section, the department shall 23813
include all students taking an assessment with accommodation or to 23814
whom an alternate assessment is administered pursuant to division 23815

(C)(1) or (3) of section 3301.0711 of the Revised Code. 23816

(2) In calculating performance index scores, rates of 23817
achievement on the performance indicators established by the state 23818
board under section 3302.02 of the Revised Code, and annual 23819
measurable objectives for determining adequate yearly progress for 23820
school districts and buildings under this section, the department 23821
shall do all of the following: 23822

(a) Include for each district or building only those students 23823
who are included in the ADM certified for the first full school 23824
week of October and are continuously enrolled in the district or 23825
building through the time of the spring administration of any 23826
assessment prescribed by division (A)(1) or (B)(1) of section 23827
3301.0710 or division (B) of section 3301.0712 of the Revised Code 23828
that is administered to the student's grade level; 23829

(b) Include cumulative totals from both the fall and spring 23830
administrations of the third grade English language arts 23831
achievement assessment; 23832

(c) Except as required by the No Child Left Behind Act of 23833
2001, exclude for each district or building any ~~limited~~ English 23834
~~proficient student~~ learner who has been enrolled in United States 23835
schools for less than one full school year. 23836

(L) Beginning with the 2015-2016 school year and at least 23837
once every three years thereafter, the state board of education 23838
shall review and may adjust the benchmarks for assigning letter 23839
grades to the performance measures and components prescribed under 23840
divisions (C)(3) and (D) of this section. 23841

Sec. 3302.036. (A) Notwithstanding anything in the Revised 23842
Code to the contrary, the department of education shall not assign 23843
an overall letter grade under division (C)(3) of section 3302.03 23844
of the Revised Code for any school district or building for the 23845

2014-2015, 2015-2016, ~~or~~ and 2016-2017 school years, may, at the
discretion of the state board of education, not assign an
individual grade to any component prescribed under division (C)(3)
of section 3302.03 of the Revised Code, and shall not rank school
districts, community schools established under Chapter 3314. of
the Revised Code, or STEM schools established under Chapter 3326.
of the Revised Code under section 3302.21 of the Revised Code for
those school years. The report card ratings issued for the
2014-2015, 2015-2016, ~~or~~ and 2016-2017 school years shall not be
considered in determining whether a school district or a school is
subject to sanctions or penalties. However, the report card
ratings of any previous or subsequent years shall be considered in
determining whether a school district or building is subject to
sanctions or penalties. Accordingly, the report card ratings for
the 2014-2015, 2015-2016, ~~or~~ and 2016-2017 school years shall have
no effect in determining sanctions or penalties, but shall not
create a new starting point for determinations that are based on
ratings over multiple years.

(B) The provisions from which a district or school is exempt
under division (A) of this section shall be the following:

(1) Any restructuring provisions established under this
chapter, except as required under the "No Child Left Behind Act of
2001";

(2) Provisions for the Columbus city school pilot project
under section 3302.042 of the Revised Code;

~~(3) Provisions for academic distress commissions under former
section 3302.10 of the Revised Code as it existed prior to the
effective date of this amendment. The provisions of this section
do not apply to academic distress commissions under the version of
that section as it exists on or after the effective date of this
amendment.~~

(4) Provisions prescribing new buildings where students are eligible for the educational choice scholarships under section 3310.03 of the Revised Code;	23877 23878 23879
(5)(4) Provisions defining "challenged school districts" in which new start-up community schools may be located, as prescribed in section 3314.02 of the Revised Code;	23880 23881 23882
(6)(5) Provisions prescribing community school closure requirements under section 3314.35 or 3314.351 of the Revised Code.	23883 23884 23885
(C) Notwithstanding anything in the Revised Code to the contrary and except as provided in Section 3 of H.B. 7 of the 131st general assembly, no school district, community school, or STEM school shall utilize at any time during a student's academic career a student's score on any assessment administered under division (A) of section 3301.0710 or division (B)(2) of section 3301.0712 of the Revised Code in the 2014-2015, 2015-2016, or <u>and</u> 2016-2017 school year <u>years</u> as a factor in any decision to promote or to deny the student promotion to a higher grade level or in any decision to grant course credit. No individual student score reports on such assessments administered in the 2014-2015, 2015-2016, or 2016-2017 school years shall be released, except to a student's school district or school or to the student or the student's parent or guardian.	23886 23887 23888 23889 23890 23891 23892 23893 23894 23895 23896 23897 23898 23899
<u>Sec. 3302.037. (A) If any change is made to the calculation or determination of grades, or to the graded measures, on the report card issued under section 3302.03 of the Revised Code, the report card ratings issued for the school year in which the change takes effect shall not be considered in determining whether a school district or a school is subject to sanctions or penalties. Furthermore, the report card ratings of any previous years shall not be considered in determining whether a school district or</u>	23900 23901 23902 23903 23904 23905 23906 23907

building is subject to sanctions or penalties. Accordingly, the 23908
change in report card shall create a new starting point for 23909
determinations that are based on ratings over multiple years. 23910

(B) The provisions for which a district or school's rating 23911
are reset under division (A) of this section include the 23912
following: 23913

(1) Any restructuring provisions established under this 23914
chapter, except as required under federal law; 23915

(2) Provisions for the Columbus city school pilot project 23916
under section 3302.042 of the Revised Code; 23917

(3) Provisions for academic distress commissions under 23918
section 3302.10 of the Revised Code; 23919

(4) Provisions prescribing community school closure 23920
requirements under section 3314.35 or 3314.351 of the Revised 23921
Code. 23922

(C) This section does not apply to either of the following: 23923

(1) Provisions prescribing new buildings where students are 23924
eligible for the educational choice scholarships under section 23925
3310.03 of the Revised Code; 23926

(2) Provisions defining "challenged school districts" in 23927
which new start-up community schools may be located, as prescribed 23928
in section 3314.02 of the Revised Code. 23929

Sec. 3302.038. (A) Notwithstanding anything in the Revised 23930
Code to the contrary, when a school district's or school's grade 23931
for the value-added progress dimension or the performance index 23932
score calculated under section 3302.03 of the Revised Code is 23933
considered in determining whether a school district or a school is 23934
subject to sanctions or penalties on or after the effective date 23935
of this section, the department of education shall apply the 23936
higher grade of the two measures, regardless of which measure is 23937

specified. At no time shall both grades be used to determine any 23938
sanctions or penalties. 23939

(B) This section does not apply to either of the following: 23940

(1) Provisions prescribing new buildings where students are 23941
eligible for the educational choice scholarships under section 23942
3310.03 of the Revised Code; 23943

(2) Provisions defining "challenged school districts" in 23944
which new start-up community schools may be located, as prescribed 23945
in section 3314.02 of the Revised Code. 23946

Sec. 3302.039. (A) If the department of education fails to 23947
assign report card ratings by the date required under section 23948
3302.03 of the Revised Code or sponsor ratings by the date 23949
required under section 3314.016 of the Revised Code, the report 23950
card ratings or sponsor ratings issued for the school year in 23951
which the department misses the deadline shall not be considered 23952
in determining whether a school district or building is subject to 23953
sanctions or penalties. Furthermore, the report card ratings or 23954
sponsor ratings of any previous years shall not be considered in 23955
determining whether a school district, building, or sponsor is 23956
subject to sanctions or penalties. Accordingly, the missed 23957
deadline shall create a new starting point for determinations that 23958
are based on ratings over multiple years. 23959

(B) This section does not apply to either of the following: 23960

(1) Provisions prescribing new buildings where students are 23961
eligible for the educational choice scholarships under section 23962
3310.03 of the Revised Code; 23963

(2) Provisions defining "challenged school districts" in 23964
which new start-up community schools may be located, as prescribed 23965
in section 3314.02 of the Revised Code. 23966

Sec. 3302.042. (A) This section shall operate as a pilot 23967
project that applies to any school that has been ranked according 23968
to performance index score under section 3302.21 of the Revised 23969
Code in the lowest five per cent of all public school buildings 23970
statewide for three or more consecutive school years and is 23971
operated by the Columbus city school district. This section does 23972
not apply to a school building that is ranked according to the 23973
value-added progress dimension under section 3302.03 of the 23974
Revised Code above the lowest five per cent of all public school 23975
buildings statewide for three or more consecutive years. The pilot 23976
project shall commence once the department of education 23977
establishes implementation guidelines for the pilot project in 23978
consultation with the Columbus city school district. 23979

(B) Except as provided in division (D), (E), or (F) of this 23980
section, if the parents or guardians of at least fifty per cent of 23981
the students enrolled in a school to which this section applies, 23982
or if the parents or guardians of at least fifty per cent of the 23983
total number of students enrolled in that school and the schools 23984
of lower grade levels whose students typically matriculate into 23985
that school, by the thirty-first day of December of any school 23986
year in which the school is subject to this section, sign and file 23987
with the school district treasurer a petition requesting the 23988
district board of education to implement one of the following 23989
reforms in the school, and if the validity and sufficiency of the 23990
petition is certified in accordance with division (C) of this 23991
section, the board shall implement the requested reform in the 23992
next school year: 23993

(1) Reopen the school as a community school under Chapter 23994
3314. of the Revised Code; 23995

(2) Replace at least seventy per cent of the school's 23996
personnel who are related to the school's poor academic 23997

performance or, at the request of the petitioners, retain not more than thirty per cent of the personnel; 23998
23999

(3) Contract with another school district or a nonprofit or for-profit entity with a demonstrated record of effectiveness to operate the school; 24000
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(4) Turn operation of the school over to the department; 24003

(5) Any other major restructuring of the school that makes fundamental reforms in the school's staffing or governance. 24004
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(C) Not later than thirty days after receipt of a petition under division (B) of this section, the district treasurer shall verify the validity and sufficiency of the signatures on the petition and certify to the district board whether the petition contains the necessary number of valid signatures to require the board to implement the reform requested by the petitioners. If the treasurer certifies to the district board that the petition does not contain the necessary number of valid signatures, any person who signed the petition may file an appeal with the county auditor within ten days after the certification. Not later than thirty days after the filing of an appeal, the county auditor shall conduct an independent verification of the validity and sufficiency of the signatures on the petition and certify to the district board whether the petition contains the necessary number of valid signatures to require the board to implement the requested reform. If the treasurer or county auditor certifies that the petition contains the necessary number of valid signatures, the district board shall notify the superintendent of public instruction and the state board of education of the certification. 24006
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(D) The district board shall not implement the reform requested by the petitioners in any of the following circumstances: 24026
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(1) The district board has determined that the request is for reasons other than improving student academic achievement or student safety.

(2) The state superintendent has determined that implementation of the requested reform would not comply with the model of differentiated accountability described in section 3302.041 of the Revised Code.

(3) The petitioners have requested the district board to implement the reform described in division (B)(4) of this section and the department has not agreed to take over the school's operation.

(4) When all of the following have occurred:

(a) After a public hearing on the matter, the district board issued a written statement explaining the reasons that it is unable to implement the requested reform and agreeing to implement one of the other reforms described in division (B) of this section.

(b) The district board submitted its written statement to the state superintendent and the state board along with evidence showing how the alternative reform the district board has agreed to implement will enable the school to improve its academic performance.

(c) Both the state superintendent and the state board have approved implementation of the alternative reform.

(E) If the provisions of this section conflict in any way with the requirements of federal law, federal law shall prevail over the provisions of this section.

(F) If a school is restructured under this section, ~~section 3302.10 or 3302.12 of the Revised Code,~~ or federal law, the school shall not be required to restructure again under state law for

three consecutive years after the implementation of that prior restructuring. 24059
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(G) Beginning not later than six months after the first petition under this section has been resolved, the department of education shall annually evaluate the pilot program and submit a report to the general assembly under section 101.68 of the Revised Code. Such reports shall contain its recommendations to the general assembly with respect to the continuation of the pilot program, its expansion to other school districts, or the enactment of further legislation establishing the program statewide under permanent law. 24061
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Sec. 3302.061. (A) A school district board of education shall review each application received under section 3302.06 of the Revised Code and, within sixty days after receipt of the application, shall approve or disapprove the application. In reviewing applications, the board shall give preference to applications that propose innovations in one or more of the following areas: 24070
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(1) Curriculum; 24077

(2) Student assessments, other than the assessments prescribed by sections 3301.0710 and 3301.0712 of the Revised Code; 24078
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(3) Class scheduling; 24081

(4) Accountability measures, including innovations that expand the number and variety of measures used in order to collect more complete data about student academic performance. For this purpose, schools may consider use of measures such as end-of-course examinations, portfolios of student work, nationally or internationally normed assessments, the percentage of students enrolling in post-secondary education, or the percentage of 24082
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students simultaneously obtaining a high school diploma and an	24089
associate's degree or certification to work in an industry or	24090
career field.	24091
(5) Provision of student services, including services for	24092
students who are disabled, identified as gifted under Chapter	24093
3324. of the Revised Code, limited English proficient <u>learners</u> , at	24094
risk of academic failure or dropping out, or at risk of suspension	24095
or expulsion;	24096
(6) Provision of health, counseling, or other social services	24097
to students;	24098
(7) Preparation of students for transition to higher	24099
education or the workforce;	24100
(8) Teacher recruitment, employment, and evaluation;	24101
(9) Compensation for school personnel;	24102
(10) Professional development;	24103
(11) School governance and the roles and responsibilities of	24104
principals;	24105
(12) Use of financial or other resources.	24106
(B)(1) If the board approves an application seeking	24107
designation as an innovation school, it shall so designate the	24108
school that submitted the application. If the board approves an	24109
application seeking designation as an innovation school zone, it	24110
shall so designate the participating schools that submitted the	24111
application.	24112
(2) If the board disapproves an application, it shall provide	24113
a written explanation of the basis for its decision to the school	24114
or schools that submitted the application. The school or schools	24115
may reapply for designation as an innovation school or innovation	24116
school zone at any time.	24117
(C) The board may approve an application that allows an	24118

innovation school or a school participating in an innovation 24119
school zone to determine the compensation of board employees 24120
working in the school, but the total compensation for all such 24121
employees shall not exceed the financial resources allocated to 24122
the school by the board. The school shall not be required to 24123
comply with the salary schedule adopted by the board under section 24124
3311.78, 3317.14, or 3317.141 of the Revised Code. The board may 24125
approve an application that allows an innovation school or a 24126
school participating in an innovation school zone to remove board 24127
employees from the school, but no employee shall be terminated 24128
except as provided in section 3311.82, 3319.081, or 3319.16 of the 24129
Revised Code. 24130

(D) The board may do either of the following at any time: 24131

(1) Designate a school as an innovation school by creating an 24132
innovation plan for that school and offering the school an 24133
opportunity to participate in the plan's creation; 24134

(2) Designate as an innovation school zone two or more 24135
schools that share common interests based on factors such as 24136
geographical proximity or similar educational programs or that 24137
serve the same classes of students as they advance to higher grade 24138
levels, by creating an innovation plan for those schools and 24139
offering the schools an opportunity to participate in the plan's 24140
creation. 24141

Sec. 3302.10. (A) Any academic distress commission organized 24142
for a school district under former section 3302.10 of the Revised 24143
Code, as it existed prior to the effective date of this section, 24144
is hereby dissolved. The board of education of each district 24145
wherein an academic distress commission previously had been 24146
established shall reassume all of the powers granted to it under 24147
the Revised Code. 24148

(B)(1) Beginning July 1, 2019, this section shall apply to 24149

each building operated by a school district for which an academic distress commission had been established under former section 3302.10 of the Revised Code, as it existed prior to the effective date of this section, and which building also received an overall grade of "F" under division (C)(3) of section 3302.03 of the Revised Code for the previous school year. Each building to which this division applies shall commence the procedure prescribed by division (C)(1) of this section. 24150
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(2) Beginning July 1, 2020, this section shall apply to any school building operated by a city, local, or exempted village school district which is not subject to division (B)(1) of this section and which building receives an overall grade of "F" under division (C)(3) of section 3302.03 of the Revised Code for the previous school year. Each building to which this division applies shall commence the procedure prescribed by division (C)(1) of this section. 24158
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(C)(1) For each school building, in the first year, to which this section applies, the superintendent of public instruction shall designate the building as "in need of improvement," and the district board shall establish a school improvement team for the building. Each team shall be comprised of administrators and teachers, and may include community stakeholders, with oversight from the district board. 24166
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The improvement team shall do the following: 24173

(a) Conduct a performance audit that reviews the needs of students, parents, teachers, and administrators of the school building. As part of the performance audit, the improvement team shall convene a group of parents and community stakeholders from within the attendance zone of the building and seek input on student needs and school improvement strategies. 24174
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(b) Develop a school improvement plan based on a 24180

multi-tiered, evidence-based model. The plan may include 24181
measurable benchmarks for improvement in the following areas: 24182

- (i) Parent and family engagement; 24183
- (ii) Creating a culture of academic success among students; 24184
- (iii) Building a culture of student support among school 24185
faculty and staff; 24186
- (iv) Student attendance; 24187
- (v) Dismissal and exclusion rates; 24188
- (vi) Student safety and discipline; 24189
- (vii) Student promotion and dropout rates; 24190
- (viii) Graduation rates. 24191

(c) Submit the improvement plan to the district board for 24192
approval not later than the final day of the school year in which 24193
the process described in division (C)(1) of this section began. 24194
The district board and the district superintendent shall review 24195
the plan and may change elements of the plan in consultation with 24196
the improvement team. Prior to approving the plan, the district 24197
board shall seek community feedback in one or more public 24198
hearings. 24199

(d) An improvement team may request technical support from 24200
the department of education during development of the plan. 24201

(e) An improvement team may recommend that the district board 24202
voluntarily initiate a community learning center model process for 24203
the building, as described in section 3302.17 of the Revised Code. 24204

(2) If a school building receives an overall grade of "F" 24205
under division (C)(3) of section 3302.03 of the Revised Code for a 24206
second consecutive year, the building shall retain "in need of 24207
improvement status," and the district board and the improvement 24208
team shall begin implementing the improvement plan developed under 24209

division (C)(1) of this section. The improvement team shall 24210
monitor progress on the implementation of the improvement plan, 24211
with oversight from the district board. The improvement team may 24212
hire an academic coordinator or request technical support from the 24213
department during implementation of the plan. 24214

(3) If a school building receives an overall grade of "F" 24215
under division (C)(3) of section 3302.03 of the Revised Code for a 24216
third consecutive year, the building shall retain "in need of 24217
improvement status," and the improvement team shall continue 24218
implementing the improvement plan, with oversight from the 24219
district board. The department of education may perform a mid-year 24220
and end-of-year review of the measurable benchmarks in the 24221
improvement plan and provide feedback to the improvement team, 24222
district board, and district superintendent. 24223

(4)(a) If a school building receives an overall grade of "F" 24224
under division (C)(3) of section 3302.03 of the Revised Code for a 24225
fourth consecutive year, the building shall retain "in need of 24226
improvement status," and the improvement team shall continue 24227
implementing the improvement plan, with oversight from the 24228
district board. The state superintendent shall review the progress 24229
made under the school improvement plan and determine if the 24230
building may move out of "in need of improvement status." 24231

(b) In determining whether a building shall move out of "in 24232
need of improvement status," the state superintendent shall review 24233
whether the school has made marked improvement under the 24234
improvement plan in accordance with the criteria developed under 24235
division (C)(5) of this section. 24236

(5) The state board of education shall adopt rules 24237
establishing criteria for the state superintendent to consider 24238
when determining whether a building may move out of "in need of 24239
improvement status." 24240

(D)(1) Beginning July 1, 2019, the state superintendent, in conjunction with the state board, shall convene a meeting of stakeholders to determine the best method to support school buildings that fail to meet improvement benchmarks under the improvement plan developed under division (C)(1) of this section and prepare a report of the recommendations.

(2) The state superintendent shall submit this report to the standing committees of the house of representatives and senate that consider education legislation not later than January 1, 2020.

Sec. 3302.16. (A)(1) As used in sections 3302.10, 3302.17, and 3302.18 of the Revised Code, "community learning center" means a school operated by a city, exempted village, or local school district or community school established under Chapter 3314. of the Revised Code that participates in a coordinated, community-based effort with community partners to provide comprehensive educational, developmental, family, and health services to students, families, and community members during school hours and hours in which school is not in session.

(2) For purposes of this section and sections 3302.10, 3302.17, and 3302.18 of the Revised Code, "community partner" means a provider to students, families, or community members of health care services, on-site resource coordinators, and any other services or programs determined appropriate by a school action team created under section 3302.18 of the Revised Code.

(B) Prior to providing health services to a student, a community learning center shall obtain the written consent of the student's parent, guardian, or custodian, if the student is less than eighteen years old, or the written consent of the student, if the student is at least eighteen years old.

(C) A community learning center and any employee, contractor,

or volunteer of a community learning center shall, in accordance 24272
with all applicable state and federal laws, maintain the 24273
confidentiality of patient-identifying information obtained in the 24274
course of providing health services. 24275

Sec. 3302.17. (A) Any school building operated by a city, 24276
exempted village, or local school district, or a community school 24277
established under Chapter 3314. of the Revised Code is eligible to 24278
initiate the community learning center process as prescribed by 24279
this section. 24280

(B) ~~Beginning with the 2015-2016 school year, each~~ Each 24281
district board of education or community school governing 24282
authority may initiate a community learning center process for any 24283
school building ~~to which this section applies~~ in the manner 24284
prescribed by this division. 24285

First, the board or governing authority shall conduct a 24286
public information hearing at each school building to which this 24287
section applies to inform the community of the community learning 24288
center process. The board or governing authority may do all of the 24289
following with regard to the public information hearing: 24290

(1) Announce the meeting not less than forty-five days in 24291
advance at the school and on the school's or district's web sites 24292
and using tools to ensure effective communication with individuals 24293
with disabilities; 24294

(2) Schedule the meeting for an evening or weekend time; 24295

(3) Provide interpretation services and written materials in 24296
all languages spoken by five per cent or more of the students 24297
enrolled in the school; 24298

(4) Provide child care services for parents attending the 24299
meeting; 24300

(5) Provide parents, students, teachers, nonteaching 24301

employees, and community members with the opportunity to speak at 24302
the meeting; 24303

(6) Comply with section 149.43 of the Revised Code. 24304

In preparing for the public information hearing, the board or 24305
governing authority shall ensure that information about the 24306
hearing is broadly distributed throughout the community. 24307

The board or governing authority may enter into an agreement 24308
with any civic engagement organizations, community organizations, 24309
or employee organizations to support the implementation of the 24310
community learning center process. 24311

The board or governing authority shall conduct a follow-up 24312
hearing at least once annually until action is further taken under 24313
the section with respect to the school building or until the 24314
conditions described in division (A) of this section no longer 24315
apply to the school building. 24316

(C) Not sooner than forty-five days after the first public 24317
information hearing, the board or governing authority shall 24318
conduct an election, by paper ballot, to initiate the process to 24319
become a community learning center. Only parents or guardians of 24320
students enrolled in the school and students enrolled in a 24321
different school operated by a joint vocational school district 24322
but are otherwise entitled to attend the school, and teachers and 24323
nonteaching employees who are assigned to the school may vote in 24324
the election. 24325

The board or governing authority shall distribute the ballots 24326
by mail and shall make copies available at the school and on the 24327
web site of the school. The board or governing authority also may 24328
distribute the ballots by directly giving ballots to teachers and 24329
nonteaching employees and sending home ballots with every student 24330
enrolled in the school building. 24331

(D) The board or governing authority shall initiate the 24332

transition of the building to a community learning center if the 24333
results of the election held under division (C) of this section 24334
are as follows: 24335

(1) At least fifty per cent of parents and guardians of 24336
students enrolled in the eligible school building and students 24337
enrolled in a different building operated by a joint vocational 24338
school district but who are entitled to attend the school cast 24339
ballots by a date set by the board or governing authority, and of 24340
those ballots at least sixty-seven per cent are in favor of 24341
initiating the process; and 24342

(2) At least fifty per cent of teachers and nonteaching 24343
employees who are assigned to the school cast ballots by a date 24344
set by the board or governing authority, and of those ballots at 24345
least sixty-seven per cent are in favor of initiating the process. 24346

(E) If a community learning center process is initiated under 24347
this section, the board or governing authority shall create a 24348
school action team under section 3302.18 of the Revised Code. 24349
Within four months upon selection, the school action team shall 24350
conduct and complete, in consultation with community partners, a 24351
performance audit of the school and review, with parental input, 24352
the needs of the school with regard to restructuring under section 24353
~~3302.10, 3302.12, or~~ 3302.042 of the Revised Code, or federal law. 24354

The school action team shall provide quarterly updates of its 24355
work in a public hearing that complies with the same 24356
specifications prescribed in division (B) of this section. 24357

(F) Upon completion of the audit and review, the school 24358
action team shall present its findings at a public hearing that 24359
complies with the same specifications prescribed in division (B) 24360
of this section. After the school action team presents its 24361
findings at the public hearing, it shall create a community 24362
learning center improvement plan that designates appropriate 24363

interventions, which may be based on the recommendations developed 24364
by the department under division (H)(1)(b) of this section. 24365

If there is a federally mandated school improvement planning 24366
process, the team shall coordinate its work with that plan. 24367

The school action team shall approve the plan by a majority 24368
vote. 24369

(G) Upon approval of the plan by the school action team, the 24370
team shall submit the community learning center improvement plan 24371
to the same individuals described in division (C) of this section. 24372
Ballots shall be distributed and an election shall be conducted in 24373
the same manner as indicated under that division. 24374

The school action team shall submit the plan to the district 24375
board of education or community school governing authority, if the 24376
results of the election under division (G) of this section are as 24377
follows: 24378

(1) At least thirty per cent of parents and guardians of 24379
students enrolled in the eligible school building and students 24380
enrolled in a different building operated by a joint vocational 24381
school district but who are entitled to attend the school cast 24382
ballots by a date set by the board or governing authority, and of 24383
those ballots at least fifty per cent are in favor of initiating 24384
the process; and 24385

(2) At least thirty per cent of teachers and nonteaching 24386
employees who are assigned to the school cast ballots by a date 24387
set by the board or governing authority, and of those ballots at 24388
least fifty per cent are in favor of initiating the process. 24389

The board or governing authority shall evaluate the plan and 24390
determine whether to adopt it. The board or governing authority 24391
shall adopt the plan in full or adopt portions of the plan. If the 24392
board or governing authority does not adopt the plan in full, it 24393
shall provide a written explanation of why portions of the plan 24394

were rejected. 24395

(H)(1) The department shall do all of the following with 24396
respect to this section: 24397

(a) Adopt rules regarding the elections required under this 24398
section; 24399

(b) Develop appropriate interventions for a community 24400
learning center improvement plan that may be used by a school 24401
action team under division (F) of this section; 24402

(c) Publish a menu of programs and services that may be 24403
offered by community learning centers. The information shall be 24404
posted on the department's web site. To compile this information 24405
the department shall solicit input from resource coordinators of 24406
existing community learning centers+ 24407

(d) Provide information regarding implementation of 24408
comprehensive community-based programs and supportive services 24409
including the community learning center model to school buildings 24410
meeting any of the following conditions: 24411

(i) The building is in improvement status as defined by the 24412
"No Child Left Behind Act of 2001" or under an agreement between 24413
the Ohio department of education and the United States secretary 24414
of education. 24415

(ii) The building is a secondary school that is among the 24416
lowest achieving fifteen per cent of secondary schools statewide, 24417
as determined by the department. 24418

(iii) The building is a secondary school with a graduation 24419
rate of sixty per cent or lower for three or more consecutive 24420
years. 24421

(iv) The building is a school that the department determines 24422
is persistently low-performing. 24423

(2) The department may do the following with respect to this 24424

section:	24425
(a) Provide assistance, facilitation, and training to school action teams in the conducting of the audit required under this section;	24426 24427 24428
(b) Provide opportunities for members of school action teams from different schools to share school improvement strategies with parents, teachers, and other relevant stakeholders in higher performing schools;	24429 24430 24431 24432
(c) Provide financial support in a school action team's planning process and create a grant program to assist in the implementation of a qualified community learning center plan.	24433 24434 24435
(I) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the requirements of this section prevail over any conflicting provisions of a collective bargaining agreement entered into on or after the effective date of this section <u>October 15, 2015</u> . However, the board or governing authority and the teachers' labor organization may negotiate additional factors to be considered in the adoption of a community learning center plan.	24436 24437 24438 24439 24440 24441 24442 24443
Sec. 3302.18. (A)(1) If a community learning center process is initiated under section 3302.17 of the Revised Code for any school building operated by a city, exempted village, or local school district or a community school established under Chapter 3314. of the Revised Code, the district board of education or community school governing authority shall create a school action team for the school building. The team shall consist of twelve members, as follows:	24444 24445 24446 24447 24448 24449 24450 24451
(a) Seven individuals, consisting of parents or guardians of students enrolled in the school and members of the community who are not teachers or nonteaching employees, as elected by their	24452 24453 24454

peers;	24455
(b) Five teachers and nonteaching employees who are assigned to the school building and are not parents or guardians of students enrolled in the school, as elected by their peers.	24456 24457 24458
(2) To assist a school action team initiated under section 3302.17 of the Revised Code, the district board, community school governing authority, or community partner shall select an individual who is employed by the district, school, or community partner to serve as the resource coordinator for the community learning center. The school action team shall make recommendations to the board, governing authority, or community partner on potential candidates. The resource coordinator shall not be considered a member of a school action team. The resource coordinator shall assist in the development and coordination of programs and services for the community learning center.	24459 24460 24461 24462 24463 24464 24465 24466 24467 24468 24469
(B) All members of a school action team shall serve as voting members. Terms of office shall be for three years, and vacancies shall be filled in the same manner as the original appointment.	24470 24471 24472
Members shall serve without compensation.	24473
(C) In addition to the responsibilities listed in section 3302.17 of the Revised Code, the school action team shall do all of the following:	24474 24475 24476
(1) Monitor and assist in the implementation of the school improvement plan, if adopted;	24477 24478
(2) Meet with candidates for principal and other administrative positions and make recommendations to the superintendent and board of education of the district or governing authority of the community school;	24479 24480 24481 24482
(3) Advise on school budgets;	24483
(4) Establish ongoing mechanisms that engage students,	24484

parents, and community members in the school;	24485
(5) Continue to collect feedback and information from parents using an annual survey;	24486 24487
(6) Develop and approve a written parent involvement policy that outlines the role of parents and guardians in the school;	24488 24489
(7) Monitor school progress on data related to academic achievement; attendance, suspensions, and expulsions; graduation rates; and reclassifications disaggregated by major racial and ethnic groups, limited English proficient students <u>learners</u> , economically disadvantaged students, and students with disabilities;	24490 24491 24492 24493 24494 24495
(8) Receive regular updates from the principal on policy matters affecting the school and provide advice on such matters;	24496 24497
(9) Meet regularly with parents and community members to discuss policy matters affecting the school.	24498 24499
Sec. 3307.152. (A) As used in this section and in section 3307.154 of the Revised Code:	24500 24501
(1) "Agent" means a dealer, as defined in section 1707.01 of the Revised Code, who is licensed under sections 1707.01 to 1707.45 <u>1707.50</u> of the Revised Code or under comparable laws of another state or of the United States.	24502 24503 24504 24505
(2) "Minority business enterprise" has the same meaning as in section 122.71 of the Revised Code.	24506 24507
(3) "Ohio-qualified agent" means an agent designated as such by the state teachers retirement board.	24508 24509
(4) "Ohio-qualified investment manager" means an investment manager designated as such by the state teachers retirement board.	24510 24511
(5) "Principal place of business" means an office in which the agent regularly provides securities or investment advisory	24512 24513

services and solicits, meets with, or otherwise communicates with clients. 24514
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(B) The state teachers retirement board shall, for the purposes of this section, designate an agent as an Ohio-qualified agent if the agent meets all of the following requirements: 24516
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(1) The agent is subject to taxation under Chapter 5725., 5726., 5733., 5747., or 5751. of the Revised Code. 24519
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(2) The agent is authorized to conduct business in this state. 24521
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(3) The agent maintains a principal place of business in this state and employs at least five residents of this state. 24523
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(C) The state teachers retirement board shall adopt and implement a written policy to establish criteria and procedures used to select agents to execute securities transactions on behalf of the retirement system. The policy shall address each of the following: 24525
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(1) Commissions charged by the agent, both in the aggregate and on a per share basis; 24530
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(2) The execution speed and trade settlement capabilities of the agent; 24532
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(3) The responsiveness, reliability, and integrity of the agent; 24534
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(4) The nature and value of research provided by the agent; 24536

(5) Any special capabilities of the agent. 24537

(D)(1) The board shall, at least annually, establish a policy with the goal to increase utilization by the board of Ohio-qualified agents for the execution of domestic equity and fixed income trades on behalf of the retirement system, when an Ohio-qualified agent offers quality, services, and safety comparable to other agents otherwise available to the board and 24538
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meets the criteria established under division (C) of this section. 24544

(2) The board shall review, at least annually, the 24545
performance of the agents that execute securities transactions on 24546
behalf of the board. 24547

(3) The board shall determine whether an agent is an 24548
Ohio-qualified agent, meets the criteria established by the board 24549
pursuant to division (C) of this section, and offers quality, 24550
services, and safety comparable to other agents otherwise 24551
available to the board. The board's determination shall be final. 24552

Sec. 3309.157. (A) As used in this section and in section 24553
3309.159 of the Revised Code: 24554

(1) "Agent" means a dealer, as defined in section 1707.01 of 24555
the Revised Code, who is licensed under sections 1707.01 to 24556
~~1707.45~~ 1707.50 of the Revised Code or under comparable laws of 24557
another state or of the United States. 24558

(2) "Minority business enterprise" has the same meaning as in 24559
section 122.71 of the Revised Code. 24560

(3) "Ohio-qualified agent" means an agent designated as such 24561
by the school employees retirement board. 24562

(4) "Ohio-qualified investment manager" means an investment 24563
manager designated as such by the school employees retirement 24564
board. 24565

(5) "Principal place of business" means an office in which 24566
the agent regularly provides securities or investment advisory 24567
services and solicits, meets with, or otherwise communicates with 24568
clients. 24569

(B) The school employees retirement board shall, for the 24570
purposes of this section, designate an agent as an Ohio-qualified 24571
agent if the agent meets all of the following requirements: 24572

(1) The agent is subject to taxation under Chapter 5725.,	24573
5726., 5733., 5747., or 5751. of the Revised Code.	24574
(2) The agent is authorized to conduct business in this	24575
state.	24576
(3) The agent maintains a principal place of business in this	24577
state and employs at least five residents of this state.	24578
(C) The school employees retirement board shall adopt and	24579
implement a written policy to establish criteria and procedures	24580
used to select agents to execute securities transactions on behalf	24581
of the retirement system. The policy shall address each of the	24582
following:	24583
(1) Commissions charged by the agent, both in the aggregate	24584
and on a per share basis;	24585
(2) The execution speed and trade settlement capabilities of	24586
the agent;	24587
(3) The responsiveness, reliability, and integrity of the	24588
agent;	24589
(4) The nature and value of research provided by the agent;	24590
(5) Any special capabilities of the agent.	24591
(D)(1) The board shall, at least annually, establish a policy	24592
with the goal to increase utilization by the board of	24593
Ohio-qualified agents for the execution of domestic equity and	24594
fixed income trades on behalf of the retirement system, when an	24595
Ohio-qualified agent offers quality, services, and safety	24596
comparable to other agents otherwise available to the board and	24597
meets the criteria established under division (C) of this section.	24598
(2) The board shall review, at least annually, the	24599
performance of the agents that execute securities transactions on	24600
behalf of the board.	24601
(3) The board shall determine whether an agent is an	24602

Ohio-qualified agent, meets the criteria established by the board 24603
pursuant to division (C) of this section, and offers quality, 24604
services, and safety comparable to other agents otherwise 24605
available to the board. The board's determination shall be final. 24606

Sec. 3310.03. A student is an "eligible student" for purposes 24607
of the educational choice scholarship pilot program if the 24608
student's resident district is not a school district in which the 24609
pilot project scholarship program is operating under sections 24610
3313.974 to 3313.979 of the Revised Code and the student satisfies 24611
one of the conditions in division (A), (B), (C), (D), or (E) of 24612
this section: 24613

(A)(1) The student is enrolled in a school building operated 24614
by the student's resident district that, on the report card issued 24615
under section 3302.03 of the Revised Code published prior to the 24616
first day of July of the school year for which a scholarship is 24617
sought, did not receive a rating as described in division ~~(H)~~(I) 24618
of this section, and to which any or a combination of any of the 24619
following apply for two of the three most recent report cards 24620
published prior to the first day of July of the school year for 24621
which a scholarship is sought: 24622

(a) The building was declared to be in a state of academic 24623
emergency or academic watch under section 3302.03 of the Revised 24624
Code as that section existed prior to March 22, 2013. 24625

(b) The building received a grade of "D" or "F" for the 24626
performance index score under division (A)(1)(b) or (B)(1)(b) of 24627
section 3302.03 of the Revised Code and for the value-added 24628
progress dimension under division (A)(1)(e) or (B)(1)(e) of 24629
section 3302.03 of the Revised Code for the 2012-2013, 2013-2014, 24630
2014-2015, or 2015-2016 school year; or if the building serves 24631
only grades ten through twelve, the building received a grade of 24632
"D" or "F" for the performance index score under division 24633

(A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and 24634
had a four-year adjusted cohort graduation rate of less than 24635
seventy-five per cent. 24636

(c) The building received an overall grade of "D" or "F" 24637
under division (C)(3) of section 3302.03 of the Revised Code or a 24638
grade of "F" for the value-added progress dimension under division 24639
(C)(1)(e) of section 3302.03 of the Revised Code for the 2016-2017 24640
school year or any school year thereafter. 24641

(2) The student will be enrolling in any of grades 24642
kindergarten through twelve in this state for the first time in 24643
the school year for which a scholarship is sought, will be at 24644
least five years of age by the first day of January of the school 24645
year for which a scholarship is sought, and otherwise would be 24646
assigned under section 3319.01 of the Revised Code in the school 24647
year for which a scholarship is sought, to a school building 24648
described in division (A)(1) of this section. 24649

(3) The student is enrolled in a community school established 24650
under Chapter 3314. of the Revised Code but otherwise would be 24651
assigned under section 3319.01 of the Revised Code to a building 24652
described in division (A)(1) of this section. 24653

(4) The student is enrolled in a school building operated by 24654
the student's resident district or in a community school 24655
established under Chapter 3314. of the Revised Code and otherwise 24656
would be assigned under section 3319.01 of the Revised Code to a 24657
school building described in division (A)(1) of this section in 24658
the school year for which the scholarship is sought. 24659

(5) The student will be both enrolling in any of grades 24660
kindergarten through twelve in this state for the first time and 24661
at least five years of age by the first day of January of the 24662
school year for which a scholarship is sought, or is enrolled in a 24663
community school established under Chapter 3314. of the Revised 24664

Code, and all of the following apply to the student's resident district: 24665
24666

(a) The district has in force an intradistrict open enrollment policy under which no student in the student's grade level is automatically assigned to a particular school building; 24667
24668
24669

(b) In the most recent rating published prior to the first day of July of the school year for which scholarship is sought, the district did not receive a rating described in division ~~(H)~~(I) of this section, and in at least two of the three most recent report cards published prior to the first day of July of that school year, any or a combination of the following apply to the district: 24670
24671
24672
24673
24674
24675
24676

(i) The district was declared to be in a state of academic emergency under section 3302.03 of the Revised Code as it existed prior to March 22, 2013. 24677
24678
24679

(ii) The district received a grade of "D" or "F" for the performance index score under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and for the value-added progress dimension under division (A)(1)(e) or (B)(1)(e) of section 3302.03 of the Revised Code for the 2012-2013, 2013-2014, 2014-2015, or 2015-2016 school year. 24680
24681
24682
24683
24684
24685

(c) The district received an overall grade of "D" or "F" under division (C)(3) of section 3302.03 of the Revised Code or a grade of "F" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code for the 2016-2017 school year or any school year thereafter. 24686
24687
24688
24689
24690

(6) Beginning in the 2016-2017 school year, the student is enrolled in or will be enrolling in a building in the school year for which the scholarship is sought that serves any of grades nine through twelve and that received a grade of "D" or "F" for the four-year adjusted cohort graduation rate under division 24691
24692
24693
24694
24695

(A)(1)(d), (B)(1)(d), or (C)(1)(d) of section 3302.03 of the Revised Code in two of the three most recent report cards published prior to the first day of July of the school year for which a scholarship is sought.

(B)(1) The student is enrolled in a school building operated by the student's resident district and to which both of the following apply:

(a) The building was ranked, for at least two of the three most recent rankings prior to the first day of July of the school year for which a scholarship is sought, in the lowest ten per cent of all buildings operated by city, local, and exempted village school districts according to performance index score as determined by the department of education.

(b) The building was not declared to be excellent or effective, or the equivalent of such ratings as determined by the department, under section 3302.03 of the Revised Code in the most recent rating published prior to the first day of July of the school year for which a scholarship is sought.

(2) The student will be enrolling in any of grades kindergarten through twelve in this state for the first time in the school year for which a scholarship is sought, will be at least five years of age, as defined in section 3321.01 of the Revised Code, by the first day of January of the school year for which a scholarship is sought, and otherwise would be assigned under section 3319.01 of the Revised Code in the school year for which a scholarship is sought, to a school building described in division (B)(1) of this section.

(3) The student is enrolled in a community school established under Chapter 3314. of the Revised Code but otherwise would be assigned under section 3319.01 of the Revised Code to a building described in division (B)(1) of this section.

(4) The student is enrolled in a school building operated by 24727
the student's resident district or in a community school 24728
established under Chapter 3314. of the Revised Code and otherwise 24729
would be assigned under section 3319.01 of the Revised Code to a 24730
school building described in division (B)(1) of this section in 24731
the school year for which the scholarship is sought. 24732

(C) The student is enrolled in a nonpublic school at the time 24733
the school is granted a charter by the state board of education 24734
under section 3301.16 of the Revised Code and the student meets 24735
the standards of division (B) of section 3310.031 of the Revised 24736
Code. 24737

(D) For the 2016-2017 school year and each school year 24738
thereafter, the student is in any of grades kindergarten through 24739
three, is enrolled in a school building that is operated by the 24740
student's resident district or will be enrolling in any of grades 24741
kindergarten through twelve in this state for the first time in 24742
the school year for which a scholarship is sought, and to which 24743
both of the following apply: 24744

(1) The building, in at least two of the three most recent 24745
ratings of school buildings published prior to the first day of 24746
July of the school year for which a scholarship is sought, 24747
received a grade of "D" or "F" for making progress in improving 24748
literacy in grades kindergarten through three under division 24749
(B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code; 24750

(2) The building did not receive a grade of "A" for making 24751
progress in improving literacy in grades kindergarten through 24752
three under division (B)(1)(g) or (C)(1)(g) of section 3302.03 of 24753
the Revised Code in the most recent rating published prior to the 24754
first day of July of the school year for which a scholarship is 24755
sought. 24756

(E) The student's resident district ~~is~~ was subject to former 24757

section 3302.10 of the Revised Code ~~and the student either:~~ 24758

~~(1) Is enrolled in a school building operated by the resident 24759
district or in a community school established under Chapter 3314.
of the Revised Code;~~ 24760
24761

~~(2) Will be both enrolling in any of grades kindergarten 24762
through twelve in this state for the first time and at least five 24763
years of age by the first day of January of the school year for 24764
which a scholarship is sought as it existed prior to the effective
date of this amendment. 24765
24766~~

(F) A student who receives a scholarship under the 24767
educational choice scholarship pilot program remains an eligible 24768
student and may continue to receive scholarships in subsequent 24769
school years until the student completes grade twelve, so long as 24770
all of the following apply: 24771

(1) The student's resident district remains the same, or the 24772
student transfers to a new resident district and otherwise would 24773
be assigned in the new resident district to a school building 24774
described in division (A)(1), (B)(1), (D), or (E) of this section. 24775

(2) Except as provided in divisions (K)(1) and (L) of section 24776
3301.0711 of the Revised Code, the student takes each assessment 24777
prescribed for the student's grade level under section 3301.0710 24778
or 3301.0712 of the Revised Code while enrolled in a chartered 24779
nonpublic school. 24780

(3) In each school year that the student is enrolled in a 24781
chartered nonpublic school, the student is absent from school for 24782
not more than twenty days that the school is open for instruction, 24783
not including excused absences. 24784

(G)(1) The department shall cease awarding first-time 24785
scholarships pursuant to divisions (A)(1) to (4) of this section 24786
with respect to a school building that, in the most recent ratings 24787
of school buildings published under section 3302.03 of the Revised 24788

Code prior to the first day of July of the school year, ceases to 24789
meet the criteria in division (A)(1) of this section. The 24790
department shall cease awarding first-time scholarships pursuant 24791
to division (A)(5) of this section with respect to a school 24792
district that, in the most recent ratings of school districts 24793
published under section 3302.03 of the Revised Code prior to the 24794
first day of July of the school year, ceases to meet the criteria 24795
in division (A)(5) of this section. 24796

(2) The department shall cease awarding first-time 24797
scholarships pursuant to divisions (B)(1) to (4) of this section 24798
with respect to a school building that, in the most recent ratings 24799
of school buildings under section 3302.03 of the Revised Code 24800
prior to the first day of July of the school year, ceases to meet 24801
the criteria in division (B)(1) of this section. 24802

(3) The department shall cease awarding first-time 24803
scholarships pursuant to division (D) of this section with respect 24804
to a school building that, in the most recent ratings of school 24805
buildings under section 3302.03 of the Revised Code prior to the 24806
first day of July of the school year, ceases to meet the criteria 24807
in division (D) of this section. 24808

(4) The department shall cease awarding first-time 24809
scholarships pursuant to division (E) of this section with respect 24810
to a school district subject to former section 3302.10 of the 24811
Revised Code as it existed prior to the effective date of this 24812
amendment when the academic distress commission established for 24813
the district ceases to exist. 24814

(5) However, students who have received scholarships in the 24815
prior school year remain eligible students pursuant to division 24816
(F) of this section. 24817

(H) The state board of education shall adopt rules defining 24818
excused absences for purposes of division (F)(3) of this section. 24819

(I)(1) A student who satisfies only the conditions prescribed 24820
in divisions (A)(1) to (4) of this section shall not be eligible 24821
for a scholarship if the student's resident building meets any of 24822
the following in the most recent rating under section 3302.03 of 24823
the Revised Code published prior to the first day of July of the 24824
school year for which a scholarship is sought: 24825

(a) The building has an overall designation of excellent or 24826
effective under section 3302.03 of the Revised Code as it existed 24827
prior to March 22, 2013. 24828

(b) For the 2012-2013, 2013-2014, 2014-2015, or 2015-2016 24829
school year, the building has a grade of "A" or "B" for the 24830
performance index score under division (A)(1)(b) or (B)(1)(b) of 24831
section 3302.03 of the Revised Code and for the value-added 24832
progress dimension under division (A)(1)(e) or (B)(1)(e) of 24833
section 3302.03 of the Revised Code; or if the building serves 24834
only grades ten through twelve, the building received a grade of 24835
"A" or "B" for the performance index score under division 24836
(A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and 24837
had a four-year adjusted cohort graduation rate of greater than or 24838
equal to seventy-five per cent. 24839

(c) For the 2016-2017 school year or any school year 24840
thereafter, the building has a grade of "A" or "B" under division 24841
(C)(3) of section 3302.03 of the Revised Code and a grade of "A" 24842
for the value-added progress dimension under division (C)(1)(e) of 24843
section 3302.03 of the Revised Code; or if the building serves 24844
only grades ten through twelve, the building received a grade of 24845
"A" or "B" for the performance index score under division 24846
(C)(1)(b) of section 3302.03 of the Revised Code and had a 24847
four-year adjusted cohort graduation rate of greater than or equal 24848
to seventy-five per cent. 24849

(2) A student who satisfies only the conditions prescribed in 24850
division (A)(5) of this section shall not be eligible for a 24851

scholarship if the student's resident district meets any of the 24852
following in the most recent rating under section 3302.03 of the 24853
Revised Code published prior to the first day of July of the 24854
school year for which a scholarship is sought: 24855

(a) The district has an overall designation of excellent or 24856
effective under section 3302.03 of the Revised Code as it existed 24857
prior to March 22, 2013. 24858

(b) The district has a grade of "A" or "B" for the 24859
performance index score under division (A)(1)(b) or (B)(1)(b) of 24860
section 3302.03 of the Revised Code and for the value-added 24861
progress dimension under division (A)(1)(e) or (B)(1)(e) of 24862
section 3302.03 of the Revised Code for the 2012-2013, 2013-2014, 24863
2014-2015, and 2015-2016 school years. 24864

(c) The district has an overall grade of "A" or "B" under 24865
division (C)(3) of section 3302.03 of the Revised Code and a grade 24866
of "A" for the value-added progress dimension under division 24867
(C)(1)(e) of section 3302.03 of the Revised Code for the 2016-2017 24868
school year or any school year thereafter. 24869

Sec. 3311.242. (A) As used in this section: 24870

(1) "Eligible township" means a township that contains the 24871
territory of two or more school districts. 24872

(2) "Qualified electors" means electors residing within the 24873
territory proposed to be transferred. 24874

(B) The board of education of a school district with 24875
territory in an eligible township shall promptly do both of the 24876
following regarding a proposal to transfer territory from the 24877
district to another school district to which the territory is 24878
adjoining if a petition that is certified under division (C) of 24879
this section requests such a transfer: 24880

(1) File the proposal, together with a map showing the 24881

boundaries of the territory to be transferred, with the state 24882
board of education; 24883

(2) Certify the proposal to the board of elections of the 24884
county in which the eligible township is located for the purposes 24885
of having the proposal placed on the ballot at the next general or 24886
primary election which occurs not less than ninety days after the 24887
date of the certification or at a special election, the date of 24888
which shall be specified in the certification, which date shall 24889
not be less than ninety days after the date of the certification. 24890

(C) Upon receiving a petition of transfer signed by at least 24891
ten per cent of qualified electors voting at the last general 24892
election, the board of education shall cause the board of 24893
elections to check the sufficiency of signatures on the petition. 24894
If the board of elections determines the petition has been signed 24895
by at least ten per cent of qualified electors voting at the last 24896
general election, the board of elections shall certify the 24897
petition to the board of education for the purposes of division 24898
(B) of this section. 24899

(D) Upon certification of a proposal under division (B)(2) of 24900
this section, the board of elections shall make the necessary 24901
arrangements for the submission of the question whether to approve 24902
the transfer to the qualified electors to vote thereon, and the 24903
election shall be conducted and canvassed and the results shall be 24904
certified in the same manner as in regular elections for the 24905
election of members of a district board of education. 24906

(E) If the proposal submitted to qualified electors under 24907
division (D) of this section is approved by at least a majority of 24908
the electors voting on the proposal, both of the following shall 24909
apply: 24910

(1) The board of education of the district from which the 24911
territory is being transferred shall notify the state board of 24912

education of the results of the vote. 24913

(2) The board of trustees of the eligible township shall 24914
enter into negotiations with the board of education of the 24915
district to which the territory is being transferred regarding the 24916
terms of the proposal to transfer the territory. 24917

(F) If the board of trustees of the eligible township and the 24918
board of education to which the territory is being transferred 24919
enter into a formal agreement based on negotiations under division 24920
(E)(2) of this section, the board of education shall file the 24921
proposal and a copy of the formal agreement with the state board. 24922
However, the district board of education shall not be required to 24923
enter into a formal agreement. 24924

(G) The state board shall approve any proposal submitted 24925
under division (F) of this section and thereafter provide written 24926
notification of the approval to the board of education of the 24927
district from which the territory is being transferred and the 24928
board of education to which the territory is being transferred. 24929

(H) Upon receipt of the written notification from the state 24930
board under division (G) of this section, the board of education 24931
of the district to which the territory is being transferred shall 24932
file a map showing the boundaries of the territory transferred 24933
with the county auditor of the county in which the eligible 24934
township is located. In addition, the two district boards and the 24935
township board of trustees shall execute an equitable division of 24936
the funds and indebtedness between the districts. Thereafter, the 24937
transfer shall be complete and the legal title of the school 24938
property in the territory transferred shall be vested in the board 24939
of education of the district to which the territory is 24940
transferred. 24941

Sec. 3311.29. (A) Except as provided under division (B), (C), 24942
or (D) of this section, no school district shall be created and no 24943

school district shall exist which does not maintain within such 24944
district public schools consisting of grades kindergarten through 24945
twelve and any such existing school district not maintaining such 24946
schools shall be dissolved and its territory joined with another 24947
school district or districts by order of the state board of 24948
education if no agreement is made among the surrounding districts 24949
voluntarily, which order shall provide an equitable division of 24950
the funds, property, and indebtedness of the dissolved school 24951
district among the districts receiving its territory. The state 24952
board of education may authorize exceptions to school districts 24953
where topography, sparsity of population, and other factors make 24954
compliance impracticable. 24955

The superintendent of public instruction is without authority 24956
to distribute funds under Chapter 3317. of the Revised Code to any 24957
school district that does not maintain schools with grades 24958
kindergarten through twelve and to which no exception has been 24959
granted by the state board of education. 24960

(B) Division (A) of this section does not apply to any joint 24961
vocational school district or any cooperative education school 24962
district established pursuant to divisions (A) to (C) of section 24963
3311.52 of the Revised Code. 24964

(C)(1)(a) Except as provided in division (C)(3) of this 24965
section, division (A) of this section does not apply to any 24966
cooperative education school district established pursuant to 24967
section 3311.521 of the Revised Code nor to the city, exempted 24968
village, or local school districts that have territory within such 24969
a cooperative education district. 24970

(b) The cooperative district and each city, exempted village, 24971
or local district with territory within the cooperative district 24972
shall maintain the grades that the resolution adopted or amended 24973
pursuant to section 3311.521 of the Revised Code specifies. 24974

(2) Any cooperative education school district described under 24975
division (C)(1) of this section that fails to maintain the grades 24976
it is specified to operate shall be dissolved by order of the 24977
state board of education unless prior to such an order the 24978
cooperative district is dissolved pursuant to section 3311.54 of 24979
the Revised Code. Any such order shall provide for the equitable 24980
adjustment, division, and disposition of the assets, property, 24981
debts, and obligations of the district among each city, local, and 24982
exempted village school district whose territory is in the 24983
cooperative district and shall provide that the tax duplicate of 24984
each city, local, and exempted village school district whose 24985
territory is in the cooperative district shall be bound for and 24986
assume its share of the outstanding indebtedness of the 24987
cooperative district. 24988

(3) If any city, exempted village, or local school district 24989
described under division (C)(1) of this section fails to maintain 24990
the grades it is specified to operate the cooperative district 24991
within which it has territory shall be dissolved in accordance 24992
with division (C)(2) of this section and upon that dissolution any 24993
city, exempted village, or local district failing to maintain 24994
grades kindergarten through twelve shall be subject to the 24995
provisions for dissolution in division (A) of this section. 24996

(D) Division (A) of this section does not apply to any school 24997
district that is or has ever been subject to former section 24998
3302.10 of the Revised Code, as it ~~exists on and after the~~ 24999
~~effective date of this amendment~~ existed prior to the effective 25000
date of this amendment, and has had a majority of its schools 25001
reconstituted or closed under that section. 25002

Sec. 3312.01. (A) The educational regional service system is 25003
hereby established. The system shall support state and regional 25004
education initiatives and efforts to improve school effectiveness 25005

and student achievement. Services, including special education and 25006
related services, shall be provided under the system to school 25007
districts, community schools established under Chapter 3314. of 25008
the Revised Code, and chartered nonpublic schools. 25009

It is the intent of the general assembly that the educational 25010
regional service system reduce the unnecessary duplication of 25011
programs and services and provide for a more streamlined and 25012
efficient delivery of educational services without reducing the 25013
availability of the services needed by school districts and 25014
schools. 25015

(B) The educational regional service system shall consist of 25016
the following: 25017

(1) The advisory councils and subcommittees established under 25018
sections 3312.03 and 3312.05 of the Revised Code; 25019

(2) A fiscal agent for each of the regions as configured 25020
under section 3312.02 of the Revised Code; 25021

(3) Educational service centers, information technology 25022
centers established under section 3301.075 of the Revised Code, 25023
and other regional education service providers. 25024

(C) Educational service centers shall provide the services 25025
that they are specifically required to provide by the Revised Code 25026
and may enter into agreements pursuant to section 3313.843, 25027
3313.844, or 3313.845 of the Revised Code for the provision of 25028
other services, which may include any of the following: 25029

(1) Assistance in improving student performance; 25030

(2) Services to enable a school district or school to operate 25031
more efficiently or economically; 25032

(3) Professional development for teachers or administrators; 25033

(4) Assistance in the recruitment and retention of teachers 25034

and administrators;	25035
(5) <u>Applying for any state or federal grant on behalf of a school district;</u>	25036 25037
(6) Any other educational, administrative, or operational services.	25038 25039
In addition to implementing state and regional education initiatives and school improvement efforts under the educational regional service system, educational service centers shall implement state or federally funded initiatives assigned to the service centers by the general assembly or the department of education.	25040 25041 25042 25043 25044 25045
Any educational service center selected to be a fiscal agent for its region pursuant to section 3312.07 of the Revised Code shall continue to operate as an educational service center for the part of the region that comprises its territory.	25046 25047 25048 25049
(D) <u>An educational service center shall be considered a school district for the purposes of eligibility in applying for any state or federal grant.</u>	25050 25051 25052
(E) Information technology centers may enter into agreements for the provision of services pursuant to section 3312.10 of the Revised Code.	25053 25054 25055
(E) (F) No school district, community school, or chartered nonpublic school shall be required to purchase services from an educational service center or information technology center in the region in which the district or school is located, except that a local school district shall receive any services required by the Revised Code to be provided by an educational service center to the local school districts in its territory from the educational service center in whose territory the district is located.	25056 25057 25058 25059 25060 25061 25062 25063
Sec. 3313.411. (A) As used in this section:	25064

(1) "College-preparatory boarding school" means a college-preparatory boarding school established under Chapter 3328. of the Revised Code.

(2) "Community school" means a community school established under Chapter 3314. of the Revised Code.

(3) "High-performing community school" has the same meaning as in section 3313.413 of the Revised Code.

(4) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code.

(5) "Unused school facilities" means any real property that has been used by a school district for school operations, including, but not limited to, academic instruction or administration, since July 1, 1998, but has not been used in that capacity for ~~two years~~ one year.

(B)(1) Except as provided in section 3313.412 of the Revised Code, on and after June 30, 2011, any school district board of education shall offer any unused school facilities it owns in its corporate capacity for lease or sale to the governing authorities of community schools, the boards of trustees of any college-preparatory boarding schools, and the governing bodies of any STEM schools, that are located within the territory of the district. Not later than sixty days after the district board makes the offer, interested governing authorities, boards of trustees, and governing bodies shall notify the district treasurer in writing of the intention to lease or purchase the property.

The district board shall give priority to the governing authorities of high-performing community schools that are located within the territory of the district.

(2) At the same time that a district board makes the offer required under division (B)(1) of this section, the board also

may, but shall not be required to, offer that property for sale or 25096
lease to the governing authorities of community schools with 25097
plans, stipulated in their contracts entered into under section 25098
3314.03 of the Revised Code, either to relocate their operations 25099
to the territory of the district or to add facilities, as 25100
authorized by division (B)(3) or (4) of section 3314.05 of the 25101
Revised Code, to be located within the territory of the district. 25102

(C)(1) If, not later than sixty days after the district board 25103
makes the offer, only one governing authority of a high-performing 25104
community school offered the property under division (B) of this 25105
section notifies the district treasurer in writing of the 25106
intention to purchase the property pursuant to that division, the 25107
district board shall sell the property to that party for the 25108
appraised fair market value of the property as determined in an 25109
appraisal of the property that is not more than one year old. 25110

If, not later than sixty days after the district board makes 25111
the offer, more than one governing authority of a high-performing 25112
community school offered the property under division (B) of this 25113
section notifies the district treasurer in writing of the 25114
intention to purchase the property pursuant to that division, the 25115
board shall conduct a public auction in the manner required for 25116
auctions of district property under division (A) of section 25117
3313.41 of the Revised Code. Only the governing authorities of 25118
high-performing community schools that notified the district 25119
treasurer of the intention to purchase the property pursuant to 25120
division (B) of this section are eligible to bid at the auction. 25121
The district board is not obligated to accept any bid for the 25122
property that is lower than the appraised fair market value of the 25123
property as determined in an appraisal that is not more than one 25124
year old. 25125

(2) If, not later than sixty days after the district board 25126
makes the offer, no governing authority of a high-performing 25127

community school notifies the district treasurer of its intention 25128
to purchase the property pursuant to division (B) of this section, 25129
the board shall then proceed with the offers from all other 25130
start-up community schools, college-preparatory boarding schools, 25131
and STEM schools made pursuant to that division. 25132

If more than one such entity notifies the district treasurer 25133
of its intention to purchase the property pursuant to division (B) 25134
of this section, the board shall conduct a public auction in the 25135
manner required for auctions of district property under division 25136
(A) of section 3313.41 of the Revised Code. Only the entities that 25137
notified the district treasurer pursuant to division (B) of this 25138
section are eligible to bid at the auction. 25139

(3) If more than one governing authority of a high-performing 25140
community school notifies the district treasurer in writing of the 25141
intention to lease the property pursuant to division (B) of this 25142
section, the district board shall conduct a lottery to select from 25143
among those governing authorities the one qualified governing 25144
authority to which the district board shall lease the property. 25145

If no such governing authority of a high-performing community 25146
school notifies the district treasurer of its intention to lease 25147
the property pursuant to division (B) of this section, the board 25148
shall then proceed with the offers from all other start-up 25149
community schools, college-preparatory boarding schools, and STEM 25150
schools made pursuant to that division. If more than one other 25151
start-up community school, college-preparatory boarding school, or 25152
STEM school notified the district treasurer of its intention to 25153
lease the property pursuant to division (B) of this section, the 25154
district board shall conduct a lottery to select from among those 25155
parties the one qualified party to which the district board shall 25156
lease the property. 25157

(4) The lease price offered by a district board to a 25158
community school, college-preparatory boarding school, or STEM 25159

school under this section shall not be higher than the fair market value for such a leasehold as determined in an appraisal that is not more than one year old.

(5) If no qualified party offered the property under division (B) of this section accepts the offer to lease or buy the property within sixty days after the offer is made, the district board may offer the property to any other entity in accordance with divisions (A) to (F) of section 3313.41 of the Revised Code.

(D) Notwithstanding division (B) of this section, a school district board may renew any agreement it originally entered into prior to June 30, 2011, to lease real property to an entity other than a community school, college-preparatory boarding school, or STEM school. Nothing in this section shall affect the leasehold arrangements between the district board and that other entity.

(E)(1) Except as provided in division (E)(2) of this section, the governing authority of a community school, board of trustees of a college-preparatory boarding school, or governing body of a STEM school shall not sell any property purchased under division (B) of this section within five years of purchasing that property.

(2) The governing authority, board of trustees, or governing body may sell a property purchased under division (B) of this section within five years of the purchase, only if the governing authority, board of trustees, or governing body sells or transfers that property to another entity described in that division.

Sec. 3313.413. (A) As used in this section, "high-performing community school" means either of the following:

(1) A community school established under Chapter 3314. of the Revised Code that meets the following conditions:

(a) Except as provided in division (A)(1)(b) or (c) of this section, the school both:

(i) Has received a grade of "A," "B," or "C" for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code or has increased its performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code in each of the previous three years of operation; and

(ii) Has received a grade of "A" or "B" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code on its most recent report card rating issued under that section.

(b) If the school serves only grades kindergarten through three, the school received a grade of "A" or "B" for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code on its most recent report card issued under that section.

(c) If the school primarily serves students enrolled in a dropout prevention and recovery program as described in division (A)~~(4)~~(2)(a) of section 3314.35 of the Revised Code, the school received a rating of "exceeds standards" on its most recent report card issued under section 3314.017 of the Revised Code.

(2) A newly established community school that is implementing a community school model that has a track record of high-quality academic performance, as determined by the department of education.

(B) When a school district board of education decides to dispose of real property it owns in its corporate capacity under section 3313.41 of the Revised Code, the board shall first offer that property to the governing authorities of all start-up community schools, the boards of trustees of any college-preparatory boarding schools, and the governing bodies of any STEM schools that are located within the territory of the district. Not later than sixty days after the district board makes

the offer, interested governing authorities, boards of trustees, 25221
and governing bodies shall notify the district treasurer in 25222
writing of the intention to purchase the property. 25223

The district board shall give priority to the governing 25224
authorities of high-performing community schools that are located 25225
within the territory of the district. 25226

(1) If more than one governing authority of a high-performing 25227
community school notifies the district treasurer of its intention 25228
to purchase the property pursuant to division (B) of this section, 25229
the board shall conduct a public auction in the manner required 25230
for auctions of district property under division (A) of section 25231
3313.41 of the Revised Code. Only the governing authorities of 25232
high-performing community schools that notified the district 25233
treasurer pursuant to division (B) of this section are eligible to 25234
bid at the auction. 25235

(2) If no governing authority of a high-performing community 25236
school notifies the district treasurer of its intention to 25237
purchase the property pursuant to division (B) of this section, 25238
the board shall then proceed with the offers from all other 25239
start-up community schools, college-preparatory boarding schools, 25240
and STEM schools made pursuant to that division. If more than one 25241
such entity notifies the district treasurer of its intention to 25242
purchase the property pursuant to division (B) of this section, 25243
the board shall conduct a public auction in the manner required 25244
for auctions of district property under division (A) of section 25245
3313.41 of the Revised Code. Only the entities that notified the 25246
district treasurer pursuant to division (B) of this section are 25247
eligible to bid at the auction. 25248

(3) If no governing authority, board of trustees, or 25249
governing body notifies the district treasurer of its intention to 25250
purchase the property pursuant to division (B) of this section, 25251
the district may then offer the property for sale in the manner 25252

prescribed under divisions (A) to (F) of section 3313.41 of the Revised Code. 25253
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(C) Notwithstanding anything to the contrary in sections 3313.41 and 3313.411 of the Revised Code, the purchase price of any real property sold to any of the entities in accordance with division (B) of this section shall not be more than the appraised fair market value of that property as determined in an appraisal of the property that is not more than one year old. 25255
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(D) Not later than the first day of October of each year, the department of education shall post in a prominent location on its web site a list of schools that qualify as high-performing community schools for purposes of this section and section 3313.411 of the Revised Code. 25261
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Sec. 3313.5315. Any student from a country or province outside the United States, who attends an elementary or secondary school in this state ~~that began operating a dormitory on its campus prior to 2014,~~ shall be permitted to participate in interscholastic athletics at that school on the same basis as students who are residents of this state, so long as the student holds an F-1 visa issued by the United States department of state. Such a student shall not be denied the opportunity to participate in interscholastic athletics solely because the student's parents do not reside in this state. 25266
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No school district, school, interscholastic conference, or organization that regulates interscholastic conferences or events shall have a rule, bylaw, or other regulation that conflicts with this section. 25276
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Sec. 3313.603. (A) As used in this section: 25280

(1) "One unit" means a minimum of one hundred twenty hours of course instruction, except that for a laboratory course, "one 25281
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unit" means a minimum of one hundred fifty hours of course	25283
instruction.	25284
(2) "One-half unit" means a minimum of sixty hours of course	25285
instruction, except that for physical education courses, "one-half	25286
unit" means a minimum of one hundred twenty hours of course	25287
instruction.	25288
(B) Beginning September 15, 2001, except as required in	25289
division (C) of this section and division (C) of section 3313.614	25290
of the Revised Code, the requirements for graduation from every	25291
high school shall include twenty units earned in grades nine	25292
through twelve and shall be distributed as follows:	25293
(1) English language arts, four units;	25294
(2) Health, one-half unit;	25295
(3) Mathematics, three units;	25296
(4) Physical education, one-half unit;	25297
(5) Science, two units until September 15, 2003, and three	25298
units thereafter, which at all times shall include both of the	25299
following:	25300
(a) Biological sciences, one unit;	25301
(b) Physical sciences, one unit.	25302
(6) History and government, one unit, which shall comply with	25303
division (M) of this section and shall include both of the	25304
following:	25305
(a) American history, one-half unit;	25306
(b) American government, one-half unit.	25307
(7) Social studies, two units.	25308
Beginning with students who enter ninth grade for the first	25309
time on or after July 1, 2017, the two units of instruction	25310
prescribed by division (B)(7) of this section shall include at	25311

least one-half unit of instruction in the study of world history 25312
and civilizations. 25313

(8) Elective units, seven units until September 15, 2003, and 25314
six units thereafter. 25315

Each student's electives shall include at least one unit, or 25316
two half units, chosen from among the areas of 25317
business/technology, fine arts, and/or foreign language. 25318

(C) Beginning with students who enter ninth grade for the 25319
first time on or after July 1, 2010, except as provided in 25320
divisions (D) to (F) of this section, the requirements for 25321
graduation from every public and chartered nonpublic high school 25322
shall include twenty units that are designed to prepare students 25323
for the workforce and college. The units shall be distributed as 25324
follows: 25325

(1) English language arts, four units; 25326

(2) Health, one-half unit, which shall include instruction in 25327
nutrition and the benefits of nutritious foods and physical 25328
activity for overall health; 25329

(3) Mathematics, four units, which shall include one unit of 25330
algebra II or the equivalent of algebra II, or one unit of 25331
advanced computer science as described in the standards adopted 25332
pursuant to division (A)(4) of section 3301.079 of the Revised 25333
Code. However, students who enter ninth grade for the first time 25334
on or after July 1, 2015, and who are pursuing a career-technical 25335
instructional track shall not be required to take algebra II or 25336
advanced computer science, and instead may complete a career-based 25337
pathway mathematics course approved by the department of education 25338
as an alternative. 25339

For students who choose to take advanced computer science in 25340
lieu of algebra II under division (C)(3) of this section, the 25341
school shall communicate to those students that some institutions 25342

of higher education may require algebra II for the purpose of 25343
college admission. Also, the parent, guardian, or legal custodian 25344
of each student who chooses to take advanced computer science in 25345
lieu of algebra II shall sign and submit to the school a document 25346
containing a statement acknowledging that not taking algebra II 25347
may have an adverse effect on college admission decisions. 25348

(4) Physical education, one-half unit; 25349

(5) Science, three units with inquiry-based laboratory 25350
experience that engages students in asking valid scientific 25351
questions and gathering and analyzing information, which shall 25352
include the following, or their equivalent: 25353

(a) Physical sciences, one unit; 25354

(b) Life sciences, one unit; 25355

(c) Advanced study in one or more of the following sciences, 25356
one unit: 25357

(i) Chemistry, physics, or other physical science; 25358

(ii) Advanced biology or other life science; 25359

(iii) Astronomy, physical geology, or other earth or space 25360
science; 25361

(iv) Computer science. 25362

No student shall substitute a computer science course for a 25363
life sciences or biology course under division (C)(5) of this 25364
section. 25365

(6) History and government, one unit, which shall comply with 25366
division (M) of this section and shall include both of the 25367
following: 25368

(a) American history, one-half unit; 25369

(b) American government, one-half unit. 25370

(7) Social studies, two units. 25371

Each school shall integrate the study of economics and 25372
financial literacy, as expressed in the social studies academic 25373
content standards adopted by the state board of education under 25374
division (A)(1) of section 3301.079 of the Revised Code and the 25375
academic content standards for financial literacy and 25376
entrepreneurship adopted under division (A)(2) of that section, 25377
into one or more existing social studies credits required under 25378
division (C)(7) of this section, or into the content of another 25379
class, so that every high school student receives instruction in 25380
those concepts. In developing the curriculum required by this 25381
paragraph, schools shall use available public-private partnerships 25382
and resources and materials that exist in business, industry, and 25383
through the centers for economics education at institutions of 25384
higher education in the state. 25385

Beginning with students who enter ninth grade for the first 25386
time on or after July 1, 2017, the two units of instruction 25387
prescribed by division (C)(7) of this section shall include at 25388
least one-half unit of instruction in the study of world history 25389
and civilizations. 25390

(8) Five units consisting of one or any combination of 25391
foreign language, fine arts, business, career-technical education, 25392
family and consumer sciences, technology which may include 25393
computer science, agricultural education, a junior reserve officer 25394
training corps (JROTC) program approved by the congress of the 25395
United States under title 10 of the United States Code, or English 25396
language arts, mathematics, science, or social studies courses not 25397
otherwise required under division (C) of this section. 25398

Ohioans must be prepared to apply increased knowledge and 25399
skills in the workplace and to adapt their knowledge and skills 25400
quickly to meet the rapidly changing conditions of the 25401
twenty-first century. National studies indicate that all high 25402
school graduates need the same academic foundation, regardless of 25403

the opportunities they pursue after graduation. The goal of Ohio's 25404
system of elementary and secondary education is to prepare all 25405
students for and seamlessly connect all students to success in 25406
life beyond high school graduation, regardless of whether the next 25407
step is entering the workforce, beginning an apprenticeship, 25408
engaging in post-secondary training, serving in the military, or 25409
pursuing a college degree. 25410

The requirements for graduation prescribed in division (C) of 25411
this section are the standard expectation for all students 25412
entering ninth grade for the first time at a public or chartered 25413
nonpublic high school on or after July 1, 2010. A student may 25414
satisfy this expectation through a variety of methods, including, 25415
but not limited to, integrated, applied, career-technical, and 25416
traditional coursework. 25417

Stronger coordination between high schools and institutions 25418
of higher education is necessary to prepare students for more 25419
challenging academic endeavors and to lessen the need for academic 25420
remediation in college, thereby reducing the costs of higher 25421
education for Ohio's students, families, and the state. The state 25422
board and the chancellor of higher education shall develop 25423
policies to ensure that only in rare instances will students who 25424
complete the requirements for graduation prescribed in division 25425
(C) of this section require academic remediation after high 25426
school. 25427

School districts, community schools, and chartered nonpublic 25428
schools shall integrate technology into learning experiences 25429
across the curriculum in order to maximize efficiency, enhance 25430
learning, and prepare students for success in the 25431
technology-driven twenty-first century. Districts and schools 25432
shall use distance and web-based course delivery as a method of 25433
providing or augmenting all instruction required under this 25434
division, including laboratory experience in science. Districts 25435

and schools shall utilize technology access and electronic 25436
learning opportunities provided by the broadcast educational media 25437
commission, chancellor, the Ohio learning network, education 25438
technology centers, public television stations, and other public 25439
and private providers. 25440

(D) Except as provided in division (E) of this section, a 25441
student who enters ninth grade on or after July 1, 2010, and 25442
before July 1, 2016, may qualify for graduation from a public or 25443
chartered nonpublic high school even though the student has not 25444
completed the requirements for graduation prescribed in division 25445
(C) of this section if all of the following conditions are 25446
satisfied: 25447

(1) During the student's third year of attending high school, 25448
as determined by the school, the student and the student's parent, 25449
guardian, or custodian sign and file with the school a written 25450
statement asserting the parent's, guardian's, or custodian's 25451
consent to the student's graduating without completing the 25452
requirements for graduation prescribed in division (C) of this 25453
section and acknowledging that one consequence of not completing 25454
those requirements is ineligibility to enroll in most state 25455
universities in Ohio without further coursework. 25456

(2) The student and parent, guardian, or custodian fulfill 25457
any procedural requirements the school stipulates to ensure the 25458
student's and parent's, guardian's, or custodian's informed 25459
consent and to facilitate orderly filing of statements under 25460
division (D)(1) of this section. Annually, each district or school 25461
shall notify the department of the number of students who choose 25462
to qualify for graduation under division (D) of this section and 25463
the number of students who complete the student's success plan and 25464
graduate from high school. 25465

(3) The student and the student's parent, guardian, or 25466
custodian and a representative of the student's high school 25467

jointly develop a student success plan for the student in the 25468
manner described in division (C)(1) of section 3313.6020 of the 25469
Revised Code that specifies the student matriculating to a 25470
two-year degree program, acquiring a business and 25471
industry-recognized credential, or entering an apprenticeship. 25472

(4) The student's high school provides counseling and support 25473
for the student related to the plan developed under division 25474
(D)(3) of this section during the remainder of the student's high 25475
school experience. 25476

(5)(a) Except as provided in division (D)(5)(b) of this 25477
section, the student successfully completes, at a minimum, the 25478
curriculum prescribed in division (B) of this section. 25479

(b) Beginning with students who enter ninth grade for the 25480
first time on or after July 1, 2014, a student shall be required 25481
to complete successfully, at the minimum, the curriculum 25482
prescribed in division (B) of this section, except as follows: 25483

(i) Mathematics, four units, one unit which shall be one of 25484
the following: 25485

(I) Probability and statistics; 25486

(II) Computer science; 25487

(III) Applied mathematics or quantitative reasoning; 25488

(IV) Any other course approved by the department using 25489
standards established by the superintendent not later than October 25490
1, 2014. 25491

(ii) Elective units, five units; 25492

(iii) Science, three units as prescribed by division (B) of 25493
this section which shall include inquiry-based laboratory 25494
experience that engages students in asking valid scientific 25495
questions and gathering and analyzing information. 25496

The department, in collaboration with the chancellor, shall 25497

analyze student performance data to determine if there are 25498
mitigating factors that warrant extending the exception permitted 25499
by division (D) of this section to high school classes beyond 25500
those entering ninth grade before July 1, 2016. The department 25501
shall submit its findings and any recommendations not later than 25502
December 1, 2015, to the speaker and minority leader of the house 25503
of representatives, the president and minority leader of the 25504
senate, the chairpersons and ranking minority members of the 25505
standing committees of the house of representatives and the senate 25506
that consider education legislation, the state board of education, 25507
and the superintendent of public instruction. 25508

(E) Each school district and chartered nonpublic school 25509
retains the authority to require an even more challenging minimum 25510
curriculum for high school graduation than specified in division 25511
(B) or (C) of this section. A school district board of education, 25512
through the adoption of a resolution, or the governing authority 25513
of a chartered nonpublic school may stipulate any of the 25514
following: 25515

(1) A minimum high school curriculum that requires more than 25516
twenty units of academic credit to graduate; 25517

(2) An exception to the district's or school's minimum high 25518
school curriculum that is comparable to the exception provided in 25519
division (D) of this section but with additional requirements, 25520
which may include a requirement that the student successfully 25521
complete more than the minimum curriculum prescribed in division 25522
(B) of this section; 25523

(3) That no exception comparable to that provided in division 25524
(D) of this section is available. 25525

If a school district or chartered nonpublic school requires a 25526
foreign language as an additional graduation requirement under 25527
division (E) of this section, a student may apply one unit of 25528

instruction in computer coding to satisfy one unit of foreign 25529
language. If a student applies more than one computer coding 25530
course to satisfy the foreign language requirement, the courses 25531
shall be sequential and progressively more difficult. 25532

(F) A student enrolled in a dropout prevention and recovery 25533
program, which program has received a waiver from the department, 25534
may qualify for graduation from high school by successfully 25535
completing a competency-based instructional program administered 25536
by the dropout prevention and recovery program in lieu of 25537
completing the requirements for graduation prescribed in division 25538
(C) of this section. The department shall grant a waiver to a 25539
dropout prevention and recovery program, within sixty days after 25540
the program applies for the waiver, if the program meets all of 25541
the following conditions: 25542

(1) The program serves only students not younger than sixteen 25543
years of age and not older than twenty-one years of age. 25544

(2) The program enrolls students who, at the time of their 25545
initial enrollment, either, or both, are at least one grade level 25546
behind their cohort age groups or experience crises that 25547
significantly interfere with their academic progress such that 25548
they are prevented from continuing their traditional programs. 25549

(3) The program requires students to attain at least the 25550
applicable score designated for each of the assessments prescribed 25551
under division (B)(1) of section 3301.0710 of the Revised Code or, 25552
to the extent prescribed by rule of the state board under division 25553
(D)(5) of section 3301.0712 of the Revised Code, division (B)(2) 25554
of that section. 25555

(4) The program develops a student success plan for the 25556
student in the manner described in division (C)(1) of section 25557
3313.6020 of the Revised Code that specifies the student's 25558
matriculating to a two-year degree program, acquiring a business 25559

and industry-recognized credential, or entering an apprenticeship. 25560

(5) The program provides counseling and support for the 25561
student related to the plan developed under division (F)(4) of 25562
this section during the remainder of the student's high school 25563
experience. 25564

(6) The program requires the student and the student's 25565
parent, guardian, or custodian to sign and file, in accordance 25566
with procedural requirements stipulated by the program, a written 25567
statement asserting the parent's, guardian's, or custodian's 25568
consent to the student's graduating without completing the 25569
requirements for graduation prescribed in division (C) of this 25570
section and acknowledging that one consequence of not completing 25571
those requirements is ineligibility to enroll in most state 25572
universities in Ohio without further coursework. 25573

(7) Prior to receiving the waiver, the program has submitted 25574
to the department an instructional plan that demonstrates how the 25575
academic content standards adopted by the state board under 25576
section 3301.079 of the Revised Code will be taught and assessed. 25577

(8) Prior to receiving the waiver, the program has submitted 25578
to the department a policy on career advising that satisfies the 25579
requirements of section 3313.6020 of the Revised Code, with an 25580
emphasis on how every student will receive career advising. 25581

(9) Prior to receiving the waiver, the program has submitted 25582
to the department a written agreement outlining the future 25583
cooperation between the program and any combination of local job 25584
training, postsecondary education, nonprofit, and health and 25585
social service organizations to provide services for students in 25586
the program and their families. 25587

Divisions (F)(8) and (9) of this section apply only to 25588
waivers granted on or after July 1, 2015. 25589

If the department does not act either to grant the waiver or 25590

to reject the program application for the waiver within sixty days 25591
as required under this section, the waiver shall be considered to 25592
be granted. 25593

(G) Every high school may permit students below the ninth 25594
grade to take advanced work. If a high school so permits, it shall 25595
award high school credit for successful completion of the advanced 25596
work and shall count such advanced work toward the graduation 25597
requirements of division (B) or (C) of this section if the 25598
advanced work was both: 25599

(1) Taught by a person who possesses a license or certificate 25600
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 25601
Code that is valid for teaching high school; 25602

(2) Designated by the board of education of the city, local, 25603
or exempted village school district, the board of the cooperative 25604
education school district, or the governing authority of the 25605
chartered nonpublic school as meeting the high school curriculum 25606
requirements. 25607

Each high school shall record on the student's high school 25608
transcript all high school credit awarded under division (G) of 25609
this section. In addition, if the student completed a seventh- or 25610
eighth-grade fine arts course described in division (K) of this 25611
section and the course qualified for high school credit under that 25612
division, the high school shall record that course on the 25613
student's high school transcript. 25614

(H) The department shall make its individual academic career 25615
plan available through its Ohio career information system web site 25616
for districts and schools to use as a tool for communicating with 25617
and providing guidance to students and families in selecting high 25618
school courses. 25619

(I) A school district or chartered nonpublic school may 25620
integrate academic content in a subject area for which the state 25621

board has adopted standards under section 3301.079 of the Revised Code into a course in a different subject area, including a career-technical education course, in accordance with guidance for integrated coursework developed by the department. Upon successful completion of an integrated course, a student may receive credit for both subject areas that were integrated into the course. Units earned for subject area content delivered through integrated academic and career-technical instruction are eligible to meet the graduation requirements of division (B) or (C) of this section.

For purposes of meeting graduation requirements, if an end-of-course examination has been prescribed under section 3301.0712 of the Revised Code for the subject area delivered through integrated instruction, the school district or school may administer the related subject area examinations upon the student's completion of the integrated course.

Nothing in division (I) of this section shall be construed to excuse any school district, chartered nonpublic school, or student from any requirement in the Revised Code related to curriculum, assessments, or the awarding of a high school diploma.

(J)(1) The state board, in consultation with the chancellor, shall adopt a statewide plan implementing methods for students to earn units of high school credit based on a demonstration of subject area competency, instead of or in combination with completing hours of classroom instruction. The state board shall adopt the plan not later than March 31, 2009, and commence phasing in the plan during the 2009-2010 school year. The plan shall include a standard method for recording demonstrated proficiency on high school transcripts. Each school district and community school shall comply with the state board's plan adopted under this division and award units of high school credit in accordance with the plan. The state board may adopt existing methods for earning high school credit based on a demonstration of subject area

competency as necessary prior to the 2009-2010 school year. 25654

(2) Not later than December 31, 2015, the state board shall 25655
update the statewide plan adopted pursuant to division (J)(1) of 25656
this section to also include methods for students enrolled in 25657
seventh and eighth grade to meet curriculum requirements based on 25658
a demonstration of subject area competency, instead of or in 25659
combination with completing hours of classroom instruction. 25660
Beginning with the 2017-2018 school year, each school district and 25661
community school also shall comply with the updated plan adopted 25662
pursuant to this division and permit students enrolled in seventh 25663
and eighth grade to meet curriculum requirements based on subject 25664
area competency in accordance with the plan. 25665

(3) Not later than December 31, 2017, the department shall 25666
develop a framework for school districts and community schools to 25667
use in granting units of high school credit to students who 25668
demonstrate subject area competency through work-based learning 25669
experiences, internships, or cooperative education. Beginning with 25670
the 2018-2019 school year, each district and community school 25671
shall comply with the framework. Each district and community 25672
school also shall review any policy it has adopted regarding the 25673
demonstration of subject area competency to identify ways to 25674
incorporate work-based learning experiences, internships, and 25675
cooperative education into the policy in order to increase student 25676
engagement and opportunities to earn units of high school credit. 25677

(K) This division does not apply to students who qualify for 25678
graduation from high school under division (D) or (F) of this 25679
section, or to students pursuing a career-technical instructional 25680
track as determined by the school district board of education or 25681
the chartered nonpublic school's governing authority. 25682
Nevertheless, the general assembly encourages such students to 25683
consider enrolling in a fine arts course as an elective. 25684

Beginning with students who enter ninth grade for the first 25685

time on or after July 1, 2010, each student enrolled in a public 25686
or chartered nonpublic high school shall complete two semesters or 25687
the equivalent of fine arts to graduate from high school. The 25688
coursework may be completed in any of grades seven to twelve. Each 25689
student who completes a fine arts course in grade seven or eight 25690
may elect to count that course toward the five units of electives 25691
required for graduation under division (C)(8) of this section, if 25692
the course satisfied the requirements of division (G) of this 25693
section. In that case, the high school shall award the student 25694
high school credit for the course and count the course toward the 25695
five units required under division (C)(8) of this section. If the 25696
course in grade seven or eight did not satisfy the requirements of 25697
division (G) of this section, the high school shall not award the 25698
student high school credit for the course but shall count the 25699
course toward the two semesters or the equivalent of fine arts 25700
required by this division. 25701

(L) Notwithstanding anything to the contrary in this section, 25702
the board of education of each school district and the governing 25703
authority of each chartered nonpublic school may adopt a policy to 25704
excuse from the high school physical education requirement each 25705
student who, during high school, has participated in 25706
interscholastic athletics, marching band, show choir, or 25707
cheerleading for at least two full seasons or in the junior 25708
reserve officer training corps for at least two full school years. 25709
If the board or authority adopts such a policy, the board or 25710
authority shall not require the student to complete any physical 25711
education course as a condition to graduate. However, the student 25712
shall be required to complete one-half unit, consisting of at 25713
least sixty hours of instruction, in another course of study. In 25714
the case of a student who has participated in the junior reserve 25715
officer training corps for at least two full school years, credit 25716
received for that participation may be used to satisfy the 25717
requirement to complete one-half unit in another course of study. 25718

(M) It is important that high school students learn and understand United States history and the governments of both the United States and the state of Ohio. Therefore, beginning with students who enter ninth grade for the first time on or after July 1, 2012, the study of American history and American government required by divisions (B)(6) and (C)(6) of this section shall include the study of all of the following documents:

(1) The Declaration of Independence;

(2) The Northwest Ordinance;

(3) The Constitution of the United States with emphasis on the Bill of Rights;

(4) The Ohio Constitution.

The study of each of the documents prescribed in divisions (M)(1) to (4) of this section shall include study of that document in its original context.

The study of American history and government required by divisions (B)(6) and (C)(6) of this section shall include the historical evidence of the role of documents such as the Federalist Papers and the Anti-Federalist Papers to firmly establish the historical background leading to the establishment of the provisions of the Constitution and Bill of Rights.

(N) A student may apply one unit of instruction in computer science to satisfy one unit of mathematics or one unit of science under division (C) of this section as the student chooses, regardless of the field of certification of the teacher who teaches the course, so long as that teacher meets the licensure requirements prescribed by section 3319.236 of the Revised Code and, prior to teaching the course, completes a professional development program determined to be appropriate by the district board.

If a student applies more than one computer science course to 25749
satisfy curriculum requirements under that division, the courses 25750
shall be sequential and progressively more difficult or cover 25751
different subject areas within computer science. 25752

Sec. 3313.608. (A)(1) Beginning with students who enter third 25753
grade in the school year that starts July 1, 2009, and until June 25754
30, 2013, unless the student is excused under division (C) of 25755
section 3301.0711 of the Revised Code from taking the assessment 25756
described in this section, for any student who does not attain at 25757
least the equivalent level of achievement designated under 25758
division (A)(3) of section 3301.0710 of the Revised Code on the 25759
assessment prescribed under that section to measure skill in 25760
English language arts expected at the end of third grade, each 25761
school district, in accordance with the policy adopted under 25762
section 3313.609 of the Revised Code, shall do one of the 25763
following: 25764

(a) Promote the student to fourth grade if the student's 25765
principal and reading teacher agree that other evaluations of the 25766
student's skill in reading demonstrate that the student is 25767
academically prepared to be promoted to fourth grade; 25768

(b) Promote the student to fourth grade but provide the 25769
student with intensive intervention services in fourth grade; 25770

(c) Retain the student in third grade. 25771

(2) Beginning with students who enter third grade in the 25772
2013-2014 school year, unless the student is excused under 25773
division (C) of section 3301.0711 of the Revised Code from taking 25774
the assessment described in this section, no school district shall 25775
promote to fourth grade any student who does not attain at least 25776
the equivalent level of achievement designated under division 25777
(A)(3) of section 3301.0710 of the Revised Code on the assessment 25778
prescribed under that section to measure skill in English language 25779

arts expected at the end of third grade, unless one of the 25780
following applies: 25781

(a) The student is a ~~limited~~ an English ~~proficient~~ student 25782
learner who has been enrolled in United States schools for less 25783
than three full school years and has had less than three years of 25784
instruction in an English as a second language program. 25785

(b) The student is a child with a disability entitled to 25786
special education and related services under Chapter 3323. of the 25787
Revised Code and the student's individualized education program 25788
exempts the student from retention under this division. 25789

(c) The student demonstrates an acceptable level of 25790
performance on an alternative standardized reading assessment as 25791
determined by the department of education. 25792

(d) All of the following apply: 25793

(i) The student is a child with a disability entitled to 25794
special education and related services under Chapter 3323. of the 25795
Revised Code. 25796

(ii) The student has taken the third grade English language 25797
arts achievement assessment prescribed under section 3301.0710 of 25798
the Revised Code. 25799

(iii) The student's individualized education program or plan 25800
under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 25801
355, 29 U.S.C. 794, as amended, shows that the student has 25802
received intensive remediation in reading for two school years but 25803
still demonstrates a deficiency in reading. 25804

(iv) The student previously was retained in any of grades 25805
kindergarten to three. 25806

(e)(i) The student received intensive remediation for reading 25807
for two school years but still demonstrates a deficiency in 25808
reading and was previously retained in any of grades kindergarten 25809

to three. 25810

(ii) A student who is promoted under division (A)(2)(e)(i) of 25811
this section shall continue to receive intensive reading 25812
instruction in grade four. The instruction shall include an 25813
altered instructional day that includes specialized diagnostic 25814
information and specific research-based reading strategies for the 25815
student that have been successful in improving reading among 25816
low-performing readers. 25817

(B)(1) Beginning in the 2012-2013 school year, to assist 25818
students in meeting the third grade guarantee established by this 25819
section, each school district board of education shall adopt 25820
policies and procedures with which it annually shall assess the 25821
reading skills of each student, except those students with 25822
significant cognitive disabilities or other disabilities as 25823
authorized by the department on a case-by-case basis, enrolled in 25824
kindergarten to third grade and shall identify students who are 25825
reading below their grade level. The reading skills assessment 25826
shall be completed by the thirtieth day of September for students 25827
in grades one to three, and by the first day of November for 25828
students in kindergarten. Each district shall use the diagnostic 25829
assessment to measure reading ability for the appropriate grade 25830
level adopted under section 3301.079 of the Revised Code, or a 25831
comparable tool approved by the department of education, to 25832
identify such students. The policies and procedures shall require 25833
the students' classroom teachers to be involved in the assessment 25834
and the identification of students reading below grade level. The 25835
assessment may be administered electronically using live, two-way 25836
video and audio connections whereby the teacher administering the 25837
assessment may be in a separate location from the student. 25838

(2) For each student identified by the diagnostic assessment 25839
prescribed under this section as having reading skills below grade 25840
level, the district shall do both of the following: 25841

(a) Provide to the student's parent or guardian, in writing,	25842
all of the following:	25843
(i) Notification that the student has been identified as	25844
having a substantial deficiency in reading;	25845
(ii) A description of the current services that are provided	25846
to the student;	25847
(iii) A description of the proposed supplemental	25848
instructional services and supports that will be provided to the	25849
student that are designed to remediate the identified areas of	25850
reading deficiency;	25851
(iv) Notification that if the student attains a score in the	25852
range designated under division (A)(3) of section 3301.0710 of the	25853
Revised Code on the assessment prescribed under that section to	25854
measure skill in English language arts expected at the end of	25855
third grade, the student shall be retained unless the student is	25856
exempt under division (A) of this section. The notification shall	25857
specify that the assessment under section 3301.0710 of the Revised	25858
Code is not the sole determinant of promotion and that additional	25859
evaluations and assessments are available to the student to assist	25860
parents and the district in knowing when a student is reading at	25861
or above grade level and ready for promotion.	25862
(b) Provide intensive reading instruction services and	25863
regular diagnostic assessments to the student immediately	25864
following identification of a reading deficiency until the	25865
development of the reading improvement and monitoring plan	25866
required by division (C) of this section. These intervention	25867
services shall include research-based reading strategies that have	25868
been shown to be successful in improving reading among	25869
low-performing readers and instruction targeted at the student's	25870
identified reading deficiencies.	25871
(3) For each student retained under division (A) of this	25872

section, the district shall do all of the following:	25873
(a) Provide intense remediation services until the student is able to read at grade level. The remediation services shall include intensive interventions in reading that address the areas of deficiencies identified under this section including, but not limited to, not less than ninety minutes of reading instruction per day, and may include any of the following:	25874
(i) Small group instruction;	25875
(ii) Reduced teacher-student ratios;	25876
(iii) More frequent progress monitoring;	25877
(iv) Tutoring or mentoring;	25878
(v) Transition classes containing third and fourth grade students;	25879
(vi) Extended school day, week, or year;	25880
(vii) Summer reading camps.	25881
(b) Establish a policy for the mid-year promotion of a student retained under division (A) of this section who demonstrates that the student is reading at or above grade level;	25882
(c) Provide each student with a teacher who satisfies one or more of the criteria set forth in division (H) of this section.	25883
The district shall offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade.	25884
(4) For each student retained under division (A) of this	25885
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section who has demonstrated proficiency in a specific academic 25902
ability field, each district shall provide instruction 25903
commensurate with student achievement levels in that specific 25904
academic ability field. 25905

As used in this division, "specific academic ability field" 25906
has the same meaning as in section 3324.01 of the Revised Code. 25907

(C) For each student required to be provided intervention 25908
services under this section, the district shall develop a reading 25909
improvement and monitoring plan within sixty days after receiving 25910
the student's results on the diagnostic assessment or comparable 25911
tool administered under division (B)(1) of this section. The 25912
district shall involve the student's parent or guardian and 25913
classroom teacher in developing the plan. The plan shall include 25914
all of the following: 25915

(1) Identification of the student's specific reading 25916
deficiencies; 25917

(2) A description of the additional instructional services 25918
and support that will be provided to the student to remediate the 25919
identified reading deficiencies; 25920

(3) Opportunities for the student's parent or guardian to be 25921
involved in the instructional services and support described in 25922
division (C)(2) of this section; 25923

(4) A process for monitoring the extent to which the student 25924
receives the instructional services and support described in 25925
division (C)(2) of this section; 25926

(5) A reading curriculum during regular school hours that 25927
does all of the following: 25928

(a) Assists students to read at grade level; 25929

(b) Provides scientifically based and reliable assessment; 25930

(c) Provides initial and ongoing analysis of each student's 25931

reading progress. 25932

(6) A statement that if the student does not attain at least 25933
the equivalent level of achievement designated under division 25934
(A)(3) of section 3301.0710 of the Revised Code on the assessment 25935
prescribed under that section to measure skill in English language 25936
arts expected by the end of third grade, the student may be 25937
retained in third grade. 25938

Each student with a reading improvement and monitoring plan 25939
under this division who enters third grade after July 1, 2013, 25940
shall be assigned to a teacher who satisfies one or more of the 25941
criteria set forth in division (H) of this section. 25942

The district shall report any information requested by the 25943
department about the reading improvement monitoring plans 25944
developed under this division in the manner required by the 25945
department. 25946

(D) Each school district shall report annually to the 25947
department on its implementation and compliance with this section 25948
using guidelines prescribed by the superintendent of public 25949
instruction. The superintendent of public instruction annually 25950
shall report to the governor and general assembly the number and 25951
percentage of students in grades kindergarten through four reading 25952
below grade level based on the diagnostic assessments administered 25953
under division (B) of this section and the achievement assessments 25954
administered under divisions (A)(1)(a) and (b) of section 25955
3301.0710 of the Revised Code in English language arts, aggregated 25956
by school district and building; the types of intervention 25957
services provided to students; and, if available, an evaluation of 25958
the efficacy of the intervention services provided. 25959

(E) Any summer remediation services funded in whole or in 25960
part by the state and offered by school districts to students 25961
under this section shall meet the following conditions: 25962

(1) The remediation methods are based on reliable educational research.	25963 25964
(2) The school districts conduct assessment before and after students participate in the program to facilitate monitoring results of the remediation services.	25965 25966 25967
(3) The parents of participating students are involved in programming decisions.	25968 25969
(F) Any intervention or remediation services required by this section shall include intensive, explicit, and systematic instruction.	25970 25971 25972
(G) This section does not create a new cause of action or a substantive legal right for any person.	25973 25974
(H)(1) Except as provided under divisions (H)(2), (3), and (4) of this section, each student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, shall be assigned a teacher who has at least one year of teaching experience and who satisfies one or more of the following criteria:	25975 25976 25977 25978 25979 25980
(a) The teacher holds a reading endorsement on the teacher's license and has attained a passing score on the corresponding assessment for that endorsement, as applicable.	25981 25982 25983
(b) The teacher has completed a master's degree program with a major in reading.	25984 25985
(c) The teacher was rated "most effective" for reading instruction consecutively for the most recent two years based on assessments of student growth measures developed by a vendor and that is on the list of student assessments approved by the state board under division (B)(2) of section 3319.112 of the Revised Code.	25986 25987 25988 25989 25990 25991
(d) The teacher was rated "above expected value added," in	25992

reading instruction, as determined by criteria established by the 25993
department, for the most recent, consecutive two years. 25994

(e) The teacher has earned a passing score on a rigorous test 25995
of principles of scientifically research-based reading instruction 25996
as approved by the state board. 25997

(f) The teacher holds an educator license for teaching grades 25998
pre-kindergarten through three or four through nine issued on or 25999
after July 1, 2017. 26000

(2) Notwithstanding division (H)(1) of this section, a 26001
student described in division (B)(3) or (C) of this section who 26002
enters third grade for the first time on or after July 1, 2013, 26003
may be assigned to a teacher with less than one year of teaching 26004
experience provided that the teacher meets one or more of the 26005
criteria described in divisions (H)(1)(a) to (f) of this section 26006
and that teacher is assigned a teacher mentor who meets the 26007
qualifications of division (H)(1) of this section. 26008

(3) Notwithstanding division (H)(1) of this section, a 26009
student described in division (B)(3) or (C) of this section who 26010
enters third grade for the first time on or after July 1, 2013, 26011
but prior to July 1, 2016, may be assigned to a teacher who holds 26012
an alternative credential approved by the department or who has 26013
successfully completed training that is based on principles of 26014
scientifically research-based reading instruction that has been 26015
approved by the department. Beginning on July 1, 2014, the 26016
alternative credentials and training described in division (H)(3) 26017
of this section shall be aligned with the reading competencies 26018
adopted by the state board of education under section 3301.077 of 26019
the Revised Code. 26020

(4) Notwithstanding division (H)(1) of this section, a 26021
student described in division (B)(3) or (C) of this section who 26022
enters third grade for the first time on or after July 1, 2013, 26023

may receive reading intervention or remediation services under 26024
this section from an individual employed as a speech-language 26025
pathologist who holds a license issued by the state speech and 26026
hearing professionals board under Chapter 4753. of the Revised 26027
Code and a professional pupil services license as a school 26028
speech-language pathologist issued by the state board of 26029
education. 26030

(5) A teacher, other than a student's teacher of record, may 26031
provide any services required under this section, so long as that 26032
other teacher meets the requirements of division (H) of this 26033
section and the teacher of record and the school principal agree 26034
to the assignment. Any such assignment shall be documented in the 26035
student's reading improvement and monitoring plan. 26036

As used in this division, "teacher of record" means the 26037
classroom teacher to whom a student is assigned. 26038

(I) Notwithstanding division (H) of this section, a teacher 26039
may teach reading to any student who is an English language 26040
learner, and has been in the United States for three years or 26041
less, or to a student who has an individualized education program 26042
developed under Chapter 3323. of the Revised Code if that teacher 26043
holds an alternative credential approved by the department or has 26044
successfully completed training that is based on principles of 26045
scientifically research-based reading instruction that has been 26046
approved by the department. Beginning on July 1, 2014, the 26047
alternative credentials and training described in this division 26048
shall be aligned with the reading competencies adopted by the 26049
state board of education under section 3301.077 of the Revised 26050
Code. 26051

(J) If, on or after June 4, 2013, a school district or 26052
community school cannot furnish the number of teachers needed who 26053
satisfy one or more of the criteria set forth in division (H) of 26054
this section for the 2013-2014 school year, the school district or 26055

community school shall develop and submit a staffing plan by June 26056
30, 2013. The staffing plan shall include criteria that will be 26057
used to assign a student described in division (B)(3) or (C) of 26058
this section to a teacher, credentials or training held by 26059
teachers currently teaching at the school, and how the school 26060
district or community school will meet the requirements of this 26061
section. The school district or community school shall post the 26062
staffing plan on its web site for the applicable school year. 26063

Not later than March 1, 2014, and on the first day of March 26064
in each year thereafter, a school district or community school 26065
that has submitted a plan under this division shall submit to the 26066
department a detailed report of the progress the district or 26067
school has made in meeting the requirements under this section. 26068

A school district or community school may request an 26069
extension of a staffing plan beyond the 2013-2014 school year. 26070
Extension requests must be submitted to the department not later 26071
than the thirtieth day of April prior to the start of the 26072
applicable school year. The department may grant extensions valid 26073
through the 2015-2016 school year. 26074

Until June 30, 2015, the department annually shall review all 26075
staffing plans and report to the state board not later than the 26076
thirtieth day of June of each year the progress of school 26077
districts and community schools in meeting the requirements of 26078
this section. 26079

(K) The department of education shall designate one or more 26080
staff members to provide guidance and assistance to school 26081
districts and community schools in implementing the third grade 26082
guarantee established by this section, including any standards or 26083
requirements adopted to implement the guarantee and to provide 26084
information and support for reading instruction and achievement. 26085

Sec. 3313.6024. (A) Annually, beginning in the 2019-2020 26086

school year, each school district shall report to the department 26087
of education, in the manner prescribed by the department, the 26088
types of prevention-focused programs, services, and supports used 26089
to assist students in developing the knowledge and skills to 26090
engage in healthy behaviors and decision-making and to increase 26091
their awareness of the dangers and consequences of risky 26092
behaviors, including substance abuse, suicide, bullying, and other 26093
harmful behaviors. The district shall report the following 26094
information regarding such programs, services, and supports for 26095
each building operated by the district and for each of grades 26096
kindergarten through twelve served by the building: 26097

(1) Curriculum and instruction provided during the school 26098
day; 26099

(2) Programs and supports provided outside of the classroom 26100
or outside of the school day; 26101

(3) Professional development for teachers, administrators, 26102
and other staff; 26103

(4) Partnerships with community coalitions and organizations 26104
to provide prevention services and resources to students and their 26105
families; 26106

(5) School efforts to engage parents and the community; 26107

(6) Activities designed to communicate with and learn from 26108
other schools or professionals with expertise in prevention 26109
education. 26110

(B) The department may use information reported under this 26111
section, and any other information collected by the department 26112
pursuant to law, as a factor in the distribution of any funding 26113
available for prevention-focused programs, services, and supports. 26114

Sec. 3313.61. (A) A diploma shall be granted by the board of 26115

education of any city, exempted village, or local school district 26116
that operates a high school to any person to whom all of the 26117
following apply: 26118

(1) The person has successfully completed the curriculum in 26119
any high school or the individualized education program developed 26120
for the person by any high school pursuant to section 3323.08 of 26121
the Revised Code, or has qualified under division (D) or (F) of 26122
section 3313.603 of the Revised Code, provided that no school 26123
district shall require a student to remain in school for any 26124
specific number of semesters or other terms if the student 26125
completes the required curriculum early; 26126

(2) Subject to section 3313.614 of the Revised Code, the 26127
person has met the assessment requirements of division (A)(2)(a) 26128
or (b) of this section, as applicable. 26129

(a) If the person entered the ninth grade prior to July 1, 26130
2014, the person either: 26131

(i) Has attained at least the applicable scores designated 26132
under division (B)(1) of section 3301.0710 of the Revised Code on 26133
all the assessments required by that division unless the person 26134
was excused from taking any such assessment pursuant to section 26135
3313.532 of the Revised Code or unless division (H) or (L) of this 26136
section applies to the person; 26137

(ii) Has satisfied the alternative conditions prescribed in 26138
section 3313.615 of the Revised Code. 26139

(b) If the person entered the ninth grade on or after July 1, 26140
2014, the person has met the requirement prescribed by section 26141
3313.618 of the Revised Code, except to the extent that the person 26142
is excused from an assessment prescribed by that section pursuant 26143
to section 3313.532 of the Revised Code or division (H) or (L) of 26144
this section. 26145

(3) The person is not eligible to receive an honors diploma 26146

granted pursuant to division (B) of this section. 26147

Except as provided in divisions (C), (E), (J), and (L) of 26148
this section, no diploma shall be granted under this division to 26149
anyone except as provided under this division. 26150

(B) In lieu of a diploma granted under division (A) of this 26151
section, an honors diploma shall be granted, in accordance with 26152
rules of the state board, by any such district board to anyone who 26153
accomplishes all of the following: 26154

(1) Successfully completes the curriculum in any high school 26155
or the individualized education program developed for the person 26156
by any high school pursuant to section 3323.08 of the Revised 26157
Code; 26158

(2) Subject to section 3313.614 of the Revised Code, has met 26159
the assessment requirements of division (B)(2)(a) or (b) of this 26160
section, as applicable. 26161

(a) If the person entered the ninth grade prior to July 1, 26162
2014, the person either: 26163

(i) Has attained at least the applicable scores designated 26164
under division (B)(1) of section 3301.0710 of the Revised Code on 26165
all the assessments required by that division; 26166

(ii) Has satisfied the alternative conditions prescribed in 26167
section 3313.615 of the Revised Code. 26168

(b) If the person entered the ninth grade on or after July 1, 26169
2014, the person has met the requirement prescribed under section 26170
3313.618 of the Revised Code. 26171

(3) Has met additional criteria established by the state 26172
board for the granting of such a diploma. 26173

An honors diploma shall not be granted to a student who is 26174
subject to the requirements prescribed in division (C) of section 26175
3313.603 of the Revised Code but elects the option of division (D) 26176

or (F) of that section. Except as provided in divisions (C), (E), 26177
and (J) of this section, no honors diploma shall be granted to 26178
anyone failing to comply with this division and no more than one 26179
honors diploma shall be granted to any student under this 26180
division. 26181

The state board shall adopt rules prescribing the granting of 26182
honors diplomas under this division. These rules may prescribe the 26183
granting of honors diplomas that recognize a student's achievement 26184
as a whole or that recognize a student's achievement in one or 26185
more specific subjects or both. The rules may prescribe the 26186
granting of an honors diploma recognizing technical expertise for 26187
a career-technical student. In any case, the rules shall designate 26188
two or more criteria for the granting of each type of honors 26189
diploma the board establishes under this division and the number 26190
of such criteria that must be met for the granting of that type of 26191
diploma. The number of such criteria for any type of honors 26192
diploma shall be at least one less than the total number of 26193
criteria designated for that type and no one or more particular 26194
criteria shall be required of all persons who are to be granted 26195
that type of diploma. 26196

(C) Any district board administering any of the assessments 26197
required by section 3301.0710 of the Revised Code to any person 26198
requesting to take such assessment pursuant to division (B)(8)(b) 26199
of section 3301.0711 of the Revised Code shall award a diploma to 26200
such person if the person attains at least the applicable scores 26201
designated under division (B)(1) of section 3301.0710 of the 26202
Revised Code on all the assessments administered and if the person 26203
has previously attained the applicable scores on all the other 26204
assessments required by division (B)(1) of that section or has 26205
been exempted or excused from attaining the applicable score on 26206
any such assessment pursuant to division (H) or (L) of this 26207
section or from taking any such assessment pursuant to section 26208

3313.532 of the Revised Code. 26209

(D) Each diploma awarded under this section shall be signed 26210
by the president and treasurer of the issuing board, the 26211
superintendent of schools, and the principal of the high school. 26212
Each diploma shall bear the date of its issue, be in such form as 26213
the district board prescribes, and be paid for out of the 26214
district's general fund. 26215

(E) A person who is a resident of Ohio and is eligible under 26216
state board of education minimum standards to receive a high 26217
school diploma based in whole or in part on credits earned while 26218
an inmate of a correctional institution operated by the state or 26219
any political subdivision thereof, shall be granted such diploma 26220
by the correctional institution operating the programs in which 26221
such credits were earned, and by the board of education of the 26222
school district in which the inmate resided immediately prior to 26223
the inmate's placement in the institution. The diploma granted by 26224
the correctional institution shall be signed by the director of 26225
the institution, and by the person serving as principal of the 26226
institution's high school and shall bear the date of issue. 26227

(F) Persons who are not residents of Ohio but who are inmates 26228
of correctional institutions operated by the state or any 26229
political subdivision thereof, and who are eligible under state 26230
board of education minimum standards to receive a high school 26231
diploma based in whole or in part on credits earned while an 26232
inmate of the correctional institution, shall be granted a diploma 26233
by the correctional institution offering the program in which the 26234
credits were earned. The diploma granted by the correctional 26235
institution shall be signed by the director of the institution and 26236
by the person serving as principal of the institution's high 26237
school and shall bear the date of issue. 26238

(G) The state board of education shall provide by rule for 26239
the administration of the assessments required by sections 26240

3301.0710 and 3301.0712 of the Revised Code to inmates of 26241
correctional institutions. 26242

(H) Any person to whom all of the following apply shall be 26243
exempted from attaining the applicable score on the assessment in 26244
social studies designated under division (B)(1) of section 26245
3301.0710 of the Revised Code, any American history end-of-course 26246
examination and any American government end-of-course examination 26247
required under division (B) of section 3301.0712 of the Revised 26248
Code if such an exemption is prescribed by rule of the state board 26249
under division (D)(3) of section 3301.0712 of the Revised Code, or 26250
the test in citizenship designated under former division (B) of 26251
section 3301.0710 of the Revised Code as it existed prior to 26252
September 11, 2001: 26253

(1) The person is not a citizen of the United States; 26254

(2) The person is not a permanent resident of the United 26255
States; 26256

(3) The person indicates no intention to reside in the United 26257
States after the completion of high school. 26258

(I) Notwithstanding division (D) of section 3311.19 and 26259
division (D) of section 3311.52 of the Revised Code, this section 26260
and section 3313.611 of the Revised Code do not apply to the board 26261
of education of any joint vocational school district or any 26262
cooperative education school district established pursuant to 26263
divisions (A) to (C) of section 3311.52 of the Revised Code. 26264

(J) Upon receipt of a notice under division (D) of section 26265
3325.08 or division (D) of section 3328.25 of the Revised Code 26266
that a student has received a diploma under either section, the 26267
board of education receiving the notice may grant a high school 26268
diploma under this section to the student, except that such board 26269
shall grant the student a diploma if the student meets the 26270
graduation requirements that the student would otherwise have had 26271

to meet to receive a diploma from the district. The diploma 26272
granted under this section shall be of the same type the notice 26273
indicates the student received under section 3325.08 or 3328.25 of 26274
the Revised Code. 26275

(K) As used in this division, "~~limited English proficient~~ 26276
~~student learner~~" has the same meaning as in division (C)(3) of 26277
section 3301.0711 of the Revised Code. 26278

Notwithstanding division (C)(3) of section 3301.0711 of the 26279
Revised Code, no ~~limited English proficient student learner~~ who 26280
has not either attained the applicable scores designated under 26281
division (B)(1) of section 3301.0710 of the Revised Code on all 26282
the assessments required by that division, or met the requirement 26283
prescribed by section 3313.618 of the Revised Code, shall be 26284
awarded a diploma under this section. 26285

(L) Any student described by division (A)(1) of this section 26286
may be awarded a diploma without meeting the requirement 26287
prescribed by section 3313.618 of the Revised Code provided an 26288
individualized education program specifically exempts the student 26289
from meeting such requirement. This division does not negate the 26290
requirement for a student to take the assessments prescribed by 26291
section 3301.0710 or under division (B) of section 3301.0712 of 26292
the Revised Code, or alternate assessments required by division 26293
(C)(1) of section 3301.0711 of the Revised Code, for the purpose 26294
of assessing student progress as required by federal law. 26295

Sec. 3313.611. (A) The state board of education shall adopt, 26296
by rule, standards for awarding high school credit equivalent to 26297
credit for completion of high school academic and vocational 26298
education courses to applicants for diplomas under this section. 26299
The standards may permit high school credit to be granted to an 26300
applicant for any of the following: 26301

(1) Work experiences or experiences as a volunteer; 26302

(2) Completion of academic, vocational, or self-improvement courses offered to persons over the age of twenty-one by a chartered public or nonpublic school;	26303 26304 26305
(3) Completion of academic, vocational, or self-improvement courses offered by an organization, individual, or educational institution other than a chartered public or nonpublic school;	26306 26307 26308
(4) Other life experiences considered by the board to provide knowledge and learning experiences comparable to that gained in a classroom setting.	26309 26310 26311
(B) The board of education of any city, exempted village, or local school district that operates a high school shall grant a diploma of adult education to any applicant if all of the following apply:	26312 26313 26314 26315
(1) The applicant is a resident of the district;	26316
(2) The applicant is over the age of twenty-one and has not been issued a diploma as provided in section 3313.61 of the Revised Code;	26317 26318 26319
(3) Subject to section 3313.614 of the Revised Code, the applicant has met the assessment requirements of division (B)(3)(a) or (b) of this section, as applicable.	26320 26321 26322
(a) Prior to July 1, 2014, the applicant either:	26323
(i) Has attained the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all of the assessments required by that division or was excused or exempted from any such assessment pursuant to section 3313.532 or was exempted from attaining the applicable score on any such assessment pursuant to division (H) or (L) of section 3313.61 of the Revised Code;	26324 26325 26326 26327 26328 26329 26330
(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.	26331 26332

(b) On or after July 1, 2014, has met the requirement 26333
prescribed by section 3313.618 of the Revised Code, except and 26334
only to the extent that the applicant is excused from some portion 26335
of that section pursuant to section 3313.532 of the Revised Code 26336
or division (H) or (L) of section 3313.61 of the Revised Code. 26337

(4) The district board determines, in accordance with the 26338
standards adopted under division (A) of this section, that the 26339
applicant has attained sufficient high school credits, including 26340
equivalent credits awarded under such standards, to qualify as 26341
having successfully completed the curriculum required by the 26342
district for graduation. 26343

(C) If a district board determines that an applicant is not 26344
eligible for a diploma under division (B) of this section, it 26345
shall inform the applicant of the reason the applicant is 26346
ineligible and shall provide a list of any courses required for 26347
the diploma for which the applicant has not received credit. An 26348
applicant may reapply for a diploma under this section at any 26349
time. 26350

(D) If a district board awards an adult education diploma 26351
under this section, the president and treasurer of the board and 26352
the superintendent of schools shall sign it. Each diploma shall 26353
bear the date of its issuance, be in such form as the district 26354
board prescribes, and be paid for from the district's general 26355
fund, except that the state board may by rule prescribe standard 26356
language to be included on each diploma. 26357

(E) As used in this division, "~~limited English proficient~~ 26358
~~student learner~~" has the same meaning as in division (C)(3) of 26359
section 3301.0711 of the Revised Code. 26360

Notwithstanding division (C)(3) of section 3301.0711 of the 26361
Revised Code, no ~~limited English proficient student learner~~ who 26362
has not either attained the applicable scores designated under 26363

division (B)(1) of section 3301.0710 of the Revised Code on all 26364
the assessments required by that division, or has not met the 26365
requirement prescribed by section 3313.618 of the Revised Code, 26366
shall be awarded a diploma under this section. 26367

Sec. 3313.612. (A) No nonpublic school chartered by the state 26368
board of education shall grant a high school diploma to any person 26369
unless, subject to section 3313.614 of the Revised Code, the 26370
person has met the assessment requirements of division (A)(1) or 26371
(2) of this section, as applicable. 26372

(1) If the person entered the ninth grade prior to July 1, 26373
2014, the person has attained at least the applicable scores 26374
designated under division (B)(1) of section 3301.0710 of the 26375
Revised Code on all the assessments required by that division, or 26376
has satisfied the alternative conditions prescribed in section 26377
3313.615 of the Revised Code. 26378

(2) If the person entered the ninth grade on or after July 1, 26379
2014, the person has met the requirement prescribed by section 26380
3313.618 or 3313.619 of the Revised Code. 26381

(B) This section does not apply to any of the following: 26382

(1) Any person with regard to any assessment from which the 26383
person was excused pursuant to division (C)(1)(c) of section 26384
3301.0711 of the Revised Code; 26385

(2) Except as provided in division (B)(4) of this section, 26386
any person who attends a nonpublic school accredited through the 26387
independent schools association of the central states, except for 26388
a student attending the school under a state scholarship program 26389
as defined in section 3301.0711 of the Revised Code; 26390

(3) Any person with regard to the social studies assessment 26391
under division (B)(1) of section 3301.0710 of the Revised Code, 26392
any American history end-of-course examination and any American 26393

government end-of-course examination required under division (B) 26394
of section 3301.0712 of the Revised Code if such an exemption is 26395
prescribed by rule of the state board of education under division 26396
(D)(3) of section 3301.0712 of the Revised Code, or the 26397
citizenship test under former division (B) of section 3301.0710 of 26398
the Revised Code as it existed prior to September 11, 2001, if all 26399
of the following apply: 26400

(a) The person is not a citizen of the United States; 26401

(b) The person is not a permanent resident of the United 26402
States; 26403

(c) The person indicates no intention to reside in the United 26404
States after completion of high school. 26405

(4) Any person who attends a chartered nonpublic school that 26406
satisfies the requirements of division (L)(4) of section 3301.0711 26407
of the Revised Code. In the case of such a student, the student's 26408
chartered nonpublic school shall determine the student's 26409
eligibility for graduation based on the standards of the school's 26410
accrediting body. 26411

(C) As used in this division, "~~limited English proficient~~ 26412
~~student learner~~" has the same meaning as in division (C)(3) of 26413
section 3301.0711 of the Revised Code. 26414

Notwithstanding division (C)(3) of section 3301.0711 of the 26415
Revised Code, no ~~limited English proficient student~~ learner who 26416
has not either attained the applicable scores designated under 26417
division (B)(1) of section 3301.0710 of the Revised Code on all 26418
the assessments required by that division, or met the requirement 26419
prescribed by section 3313.618 or 3313.619 of the Revised Code, 26420
shall be awarded a diploma under this section. 26421

(D) The state board shall not impose additional requirements 26422
or assessments for the granting of a high school diploma under 26423
this section that are not prescribed by this section. 26424

(E) The department of education shall furnish the assessment administered by a nonpublic school pursuant to division (B)(1) of section 3301.0712 of the Revised Code.

Sec. 3313.618. (A) In addition to the applicable curriculum requirements, each student entering ninth grade for the first time on or after July 1, 2014, shall satisfy at least one of the following conditions in order to qualify for a high school diploma:

(1) Be remediation-free, in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code, on each of the nationally standardized assessments in English, mathematics, and reading;

(2) Attain a score specified under division (B)(5)(c) of section 3301.0712 of the Revised Code on the end-of-course examinations prescribed under division (B) of section 3301.0712 of the Revised Code.

(3) Attain a score that demonstrates workforce readiness and employability on a nationally recognized job skills assessment selected by the state board of education under division (G) of section 3301.0712 of the Revised Code and obtain either an industry-recognized credential, ~~as described under division (B)(2)(d) of section 3302.03 of the Revised Code,~~ or a license issued by a state agency or board for practice in a vocation that requires an examination for issuance of that license.

The Subject to section 3313.912 of the Revised Code, the industry-recognized credentials and licenses shall be as approved under section 3313.6113 of the Revised Code.

A student may choose to qualify for a high school diploma by satisfying any of the separate requirements prescribed by divisions (A)(1) to (3) of this section. If the student's school

district or school does not administer the examination prescribed 26455
by one of those divisions that the student chooses to take to 26456
satisfy the requirements of this section, the school district or 26457
school may require that student to arrange for the applicable 26458
scores to be sent directly to the district or school by the 26459
company or organization that administers the examination. 26460

(B) The state board of education shall not create or require 26461
any additional assessment for the granting of any type of high 26462
school diploma other than as prescribed by this section. Except as 26463
provided in sections 3313.6111 and 3313.6112 of the Revised Code, 26464
the state board or the superintendent of public instruction shall 26465
not create any endorsement or designation that may be affiliated 26466
with a high school diploma. 26467

Sec. 3313.813. (A) As used in this section: 26468

(1) "Outdoor education center" means a public or nonprofit 26469
private entity that provides to pupils enrolled in any public or 26470
chartered nonpublic elementary or secondary school an outdoor 26471
educational curriculum that the school considers to be part of its 26472
educational program. 26473

(2) "Outside-school-hours care center" has the meaning 26474
established in 7 C.F.R. 226.2. 26475

(B) The state board of education shall establish standards 26476
for a school lunch program, school breakfast program, child and 26477
adult care food program, special food service program for 26478
children, summer food service program for children, special milk 26479
program for children, food service equipment assistance program, 26480
and commodity distribution program established under the "National 26481
School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as 26482
amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 26483
U.S.C. 1771, as amended. Any board of education of a school 26484
district, nonprofit private school, outdoor education center, 26485

child care institution, outside-school-hours care center, or 26486
summer camp desiring to participate in such a program or required 26487
to participate under this section shall, if eligible to 26488
participate under the "National School Lunch Act," as amended, or 26489
the "Child Nutrition Act of 1966," as amended, make application to 26490
the state board of education for assistance. The board shall 26491
administer the allocation and distribution of all state and 26492
federal funds for these programs. 26493

(C) The state board of education shall require the board of 26494
education of each school district to establish and maintain a 26495
school breakfast, lunch, and summer food service program pursuant 26496
to the "National School Lunch Act" and the "Child Nutrition Act of 26497
1966," as described in divisions (C)(1) to (4) of this section. 26498

(1) The state board shall require the board of education in 26499
each school district to establish a breakfast program in every 26500
school where at least one-fifth of the pupils in the school are 26501
eligible under federal requirements for free breakfasts and to 26502
establish a lunch program in every school where at least one-fifth 26503
of the pupils are eligible for free lunches. The board of 26504
education required to establish a breakfast program under this 26505
division may make a charge in accordance with federal requirements 26506
for each reduced price breakfast or paid breakfast to cover the 26507
cost incurred in providing that meal. 26508

(2) The state board shall require the board of education in 26509
each school district to establish a breakfast program in every 26510
school in which the parents of at least one-half of the children 26511
enrolled in the school have requested that the breakfast program 26512
be established. The board of education required to establish a 26513
program under this division may make a charge in accordance with 26514
federal requirements for each meal to cover all or part of the 26515
costs incurred in establishing such a program. 26516

A breakfast program established under division (C)(1) or (2) 26517

of this section shall be operated in accordance with section 26518
3313.818 of the Revised Code in any school meeting the conditions 26519
prescribed by that section. 26520

(3) The state board shall require the board of education in 26521
each school district to establish one of the following for summer 26522
intervention services described in division (D) of section 26523
3301.0711 or provided under section 3313.608 of the Revised Code, 26524
and any other summer intervention program required by law: 26525

(a) An extension of the school breakfast program pursuant to 26526
the "National School Lunch Act" and the "Child Nutrition Act of 26527
1966"; 26528

(b) An extension of the school lunch program pursuant to 26529
those acts; 26530

(c) A summer food service program pursuant to those acts. 26531

(4)(a) If the board of education of a school district 26532
determines that, for financial reasons, it cannot comply with 26533
division (C)(1) or (3) of this section, the district board may 26534
choose not to comply with either or both divisions, except as 26535
provided in divisions (C)(4)(b) and (c) of this section. The 26536
district board publicly shall communicate to the residents of the 26537
district, in the manner it determines appropriate, its decision 26538
not to comply. 26539

(b) If a district board chooses not to comply with division 26540
(C)(1) of this section, the state board nevertheless shall require 26541
the district board to establish a breakfast program in every 26542
school where at least one-third of the pupils in the school are 26543
eligible under federal requirements for free breakfasts and to 26544
establish a lunch program in every school where at least one-third 26545
of the pupils are eligible for free lunches. The district board 26546
may make a charge in accordance with federal requirements for each 26547
reduced price breakfast or paid breakfast to cover the cost 26548

incurred in providing that meal. 26549

(c) If the board of education of a school district chooses 26550
not to comply with division (C)(3) of this section, the state 26551
board nevertheless shall require the district board to permit an 26552
approved summer food service program sponsor to use school 26553
facilities located in a school building attendance area where at 26554
least one-half of the pupils are eligible for free lunches. 26555

The department of education shall post in a prominent 26556
location on the department's web site a list of approved summer 26557
food service program sponsors that may use school facilities under 26558
this division. 26559

Subject to the provisions of sections 3313.75 and 3313.77 of 26560
the Revised Code, a school district may charge the summer food 26561
service program sponsor a reasonable fee for the use of school 26562
facilities that may include the actual cost of custodial services, 26563
charges for the use of school equipment, and a prorated share of 26564
the utility costs as determined by the district board. A school 26565
district shall require the summer food service program sponsor to 26566
indemnify and hold harmless the district from any potential 26567
liability resulting from the operation of the summer food service 26568
program under this division. For this purpose, the district shall 26569
either add the summer food service program sponsor, as an 26570
additional insured party, to the district's existing liability 26571
insurance policy or require the summer food service program 26572
sponsor to submit evidence of a separate liability insurance 26573
policy, for an amount approved by the district board. The summer 26574
food service program sponsor shall be responsible for any costs 26575
incurred in obtaining coverage under either option. 26576

(d) If a school district cannot for good cause comply with 26577
the requirements of division (C)(2) or (4)(b) or (c) of this 26578
section at the time the state board determines that a district is 26579
subject to these requirements, the state board shall grant a 26580

reasonable extension of time. Good cause for an extension of time 26581
shall include, but need not be limited to, economic impossibility 26582
of compliance with the requirements at the time the state board 26583
determines that a district is subject to them. 26584

(D)(1) The state board shall accept the application of any 26585
outdoor education center in the state making application for 26586
participation in a program pursuant to division (B) of this 26587
section. 26588

(2) For purposes of participation in any program pursuant to 26589
this section, the board shall certify any outdoor education center 26590
making application as an educational unit that is part of the 26591
educational system of the state, if the center: 26592

(a) Meets the definition of an outdoor education center; 26593

(b) Provides its outdoor education curriculum to pupils on an 26594
overnight basis so that pupils are in residence at the center for 26595
more than twenty-four consecutive hours; 26596

(c) Operates under public or nonprofit private ownership in a 26597
single building or complex of buildings. 26598

(3) The board shall approve any outdoor education center 26599
certified under this division for participation in the program for 26600
which the center is making application on the same basis as any 26601
other applicant for that program. 26602

(E) Any school district board of education or chartered 26603
nonpublic school that participates in a breakfast program pursuant 26604
to this section may offer breakfast to pupils in their classrooms 26605
during the school day. However, any school that is subject to 26606
section 3313.818 of the Revised Code shall offer breakfast to 26607
pupils in accordance with that section. 26608

(F) Notwithstanding anything in this section to the contrary, 26609
in each fiscal year in which the general assembly appropriates 26610

funds for purposes of this division, the board of education of 26611
each school district and each chartered nonpublic school that 26612
participates in a breakfast program pursuant to this section shall 26613
provide a breakfast free of charge to each pupil who is eligible 26614
under federal requirements for a reduced price breakfast. 26615

Sec. 3313.818. (A)(1) The department of education shall 26616
establish a program under which public schools that meet the 26617
conditions prescribed in this section shall offer breakfast to all 26618
students during the school day. Each of the following shall apply: 26619

(a) In the first school year after the effective date of this 26620
section, the program shall apply to any public school in which 26621
seventy per cent or more of the students enrolled in the school 26622
during the previous school year were eligible under federal 26623
requirements for free or reduced-price breakfasts or lunches. 26624

(b) In the second school year after the effective date of 26625
this section, the program shall apply to any public school in 26626
which sixty per cent or more of the students enrolled in the 26627
school during the previous school year were eligible under federal 26628
requirements for free or reduced-price breakfasts or lunches. 26629

(c) In the third school year after the enactment date of this 26630
section and every school year thereafter, the program shall apply 26631
to any public school in which fifty per cent or more of the 26632
students enrolled in the school during the previous school year 26633
were eligible under federal requirements for free or reduced-price 26634
breakfasts or lunches. 26635

(2) In each school that meets the standards prescribed in 26636
division (A)(1) of this section, efforts shall be made to increase 26637
student participation in that school's breakfast program to at 26638
least seventy per cent of the school's free or reduced-price lunch 26639
participation rate. 26640

(3) The district superintendent or building principal, in consultation with the building staff, shall determine the model for serving breakfast under the program. Each breakfast served under the program shall comply with federal meal patterns and nutritional standards and with section 3313.814 of the Revised Code. A school district board of education may make a charge in accordance with federal requirements for each meal to cover all or part of the costs incurred in operating the program. 26641
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(B) The department shall publish a list of public schools that meet the conditions of division (A) of this section. The department shall offer technical assistance to school districts and schools regarding the implementation of a school breakfast program that complies with this section and the submission of claims for reimbursement under the federal school breakfast program. 26649
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(C)(1) The department shall monitor each school participating in the program and ensure that each participating school complies with the requirements of this section. If the department determines that a school participating in the program either has not increased the participation by all students in the program by at least ten percentage points, or less than seventy per cent of the school's students eligible for free or reduced-price lunch are not participating in the program, the department shall provide written notice of its findings to the school by the thirty-first day of May of that school year. 26656
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(2) A school that receives notice from the department under division (C)(1) of this section shall, within thirty days after the start of the next school year, submit to the department a plan for increasing participation in the program. 26666
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(D) Not later than the thirty-first day of December of each school year, the department shall provide statistical reports on its web site that specify the number and percentage of students 26670
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participating in school breakfast programs disaggregated by school 26673
district and individual schools, including community schools, 26674
established under Chapter 3314. of the Revised Code, and STEM 26675
schools, established under Chapter 3326. of the Revised Code. 26676

(E) Not later than the thirty-first day of December of each 26677
school year, the department shall prepare a report on the 26678
implementation and effectiveness of the program established under 26679
this section and submit the report to the general assembly, in 26680
accordance with section 101.68 of the Revised Code, and to the 26681
governor. The report shall include: 26682

(1) The number of students and participation rates in the 26683
free and reduced-price breakfast programs under this section for 26684
each school building; 26685

(2) The type of breakfast model used by each school building 26686
participating in the breakfast program; 26687

(3) The number of students and participation rates in free or 26688
reduced-price lunch for each school building. 26689

Sec. 3313.843. (A) Notwithstanding division (D) of section 26690
3311.52 of the Revised Code, this section does not apply to any 26691
cooperative education school district. 26692

(B)(1) The board of education of each city, exempted village, 26693
or local school district with an average daily student enrollment 26694
of sixteen thousand or less, reported for the district on the most 26695
recent report card issued under section 3302.03 of the Revised 26696
Code, shall enter into an agreement with the governing board of an 26697
educational service center, under which the educational service 26698
center governing board will provide services to the district. 26699

(2) The board of education of a city, exempted village, or 26700
local school district with an average daily student enrollment of 26701
more than sixteen thousand may enter into an agreement with the 26702

governing board of an educational service center, under which the 26703
educational service center governing board will provide services 26704
to the district. 26705

(3) Services provided under an agreement entered into under 26706
division (B)(1) or (2) of this section shall be specified in the 26707
agreement, and may include any of the following: supervisory 26708
teachers; in-service and continuing education programs for 26709
district personnel; curriculum services; research and development 26710
programs; academic instruction for which the governing board 26711
employs teachers pursuant to section 3319.02 of the Revised Code; 26712
assistance in the provision of special accommodations and classes 26713
for students with disabilities; or any other services the district 26714
board and service center governing board agree can be better 26715
provided by the service center and are not provided under an 26716
agreement entered into under section 3313.845 of the Revised Code. 26717
Services included in the agreement shall be provided to the 26718
district in the manner specified in the agreement. The district 26719
board of education shall reimburse the educational service center 26720
governing board pursuant to division (H) of this section. 26721

(C) Any agreement entered into pursuant to this section shall 26722
be filed with the department of education by the first day of July 26723
of the school year for which the agreement is in effect. 26724

(D)(1) An agreement for services from an educational service 26725
center entered into under this section may be terminated by the 26726
school district board of education, at its option, by notifying 26727
the governing board of the service center by March 1, 2012, or by 26728
the first day of January of any odd-numbered year thereafter, that 26729
the district board intends to terminate the agreement in that 26730
year, and that termination shall be effective on the thirtieth day 26731
of June of that year. The failure of a district board to notify an 26732
educational service center of its intent to terminate an agreement 26733
by March 1, 2012, shall result in renewal of the existing 26734

agreement for the following school year. Thereafter, the failure 26735
of a district board to notify an educational service center of its 26736
intent to terminate an agreement by the first day of January of an 26737
odd-numbered year shall result in renewal of the existing 26738
agreement for the following two school years. 26739

(2) If the school district that terminates an agreement for 26740
services under division (D)(1) of this section is also subject to 26741
the requirement of division (B)(1) of this section, the district 26742
board shall enter into a new agreement with any educational 26743
service center so that the new agreement is effective on the first 26744
day of July of that same year. 26745

(3) If all moneys owed by a school district to an educational 26746
service center under an agreement for services terminated under 26747
division (D)(1) of this section have been paid in full by the 26748
effective date of the termination, the governing board of the 26749
service center shall submit an affidavit to the department 26750
certifying that fact not later than fifteen days after the 26751
termination's effective date. Notwithstanding anything in the 26752
Revised Code to the contrary, until the department receives such 26753
an affidavit, it shall not make any payments to any other 26754
educational service center with which the district enters into an 26755
agreement under this section for services that the educational 26756
service center provides to the district. 26757

(E) An educational service center may apply to any state or 26758
federal agency for competitive grants. It may also apply to any 26759
private entity for additional funds. 26760

(F) Not later than January 1, 2014, each educational service 26761
center shall post on its web site a list of all of the services 26762
that it provides and the corresponding cost for each of those 26763
services. 26764

(G)(1) For purposes of calculating any state operating 26765

subsidy to be paid to an educational service center for the 26766
operation of that service center and any services required under 26767
Title XXXVIII of the Revised Code to be provided by the service 26768
center to a school district, the service center's student count 26769
shall be the sum of the total student counts of all the school 26770
districts with which the educational service center has entered 26771
into an agreement under this section. 26772

(2) When a district enters into a new agreement with a new 26773
educational service center, the department of education shall 26774
ensure that the state operating subsidy for services provided to 26775
the district is paid to the new educational service center and 26776
that the educational service center with which the district 26777
previously had an agreement is no longer paid a state operating 26778
subsidy for providing services to that district. 26779

(H) Pursuant to division (B) of section 3317.023 of the 26780
Revised Code, the department annually shall deduct from each 26781
school district that enters into an agreement with an educational 26782
service center under this section, and pay to the service center, 26783
an amount equal to six dollars and fifty cents times the school 26784
district's total student count. The district board of education, 26785
or the district superintendent acting on behalf of the district 26786
board, may agree to pay an amount in excess of six dollars and 26787
fifty cents per student in total student count. If a majority of 26788
the boards of education, or superintendents acting on behalf of 26789
the boards, of the districts that entered into an agreement under 26790
this section approve an amount in excess of six dollars and fifty 26791
cents per student in total student count, each district shall pay 26792
the excess amount to the service center. 26793

(I)(1) An educational service center may enter into a 26794
contract to purchase supplies, materials, equipment, and services, 26795
which may include those specified in division (B) of this section 26796
or Chapter 3312. of the Revised Code, or the delivery of such 26797

services, on behalf of a school district or political subdivision 26798
that has entered into an agreement with the service center under 26799
this section or section 3313.844, 3313.845, or 3313.846 of the 26800
Revised Code. 26801

(2) Purchases made by a school district or political 26802
subdivision that has entered into an agreement with the service 26803
center as described in this division are exempt from competitive 26804
bidding required by law for the purchase of supplies, materials, 26805
equipment, or services. No political subdivision shall make any 26806
purchase under this division when the political subdivision has 26807
received bids for such purchase, unless the same terms, 26808
conditions, and specifications at a lower price can be made for 26809
such purchase under this division. 26810

(J) Any school district, community school, or STEM school 26811
that has entered into an agreement with an educational service 26812
center under this section or section 3313.844 or 3313.845 of the 26813
Revised Code shall be in compliance with federal law and exempt 26814
from competitive bidding requirements for personnel-based services 26815
pursuant to the authority granted to the Ohio department of 26816
education under federal law, provided the service center has met 26817
the following conditions: 26818

(1) It is in compliance with division (F) of this section. 26819

(2) It has been designated "high performing" under rule of 26820
the state board of education. 26821

(3) It has been found to be substantially in compliance with 26822
audit rules and guidelines in its most recent audit by the auditor 26823
of state. 26824

(K) For purposes of this section, a school district's "total 26825
student count" means the average daily student enrollment reported 26826
on the most recent report card issued for the district pursuant to 26827
section 3302.03 of the Revised Code. 26828

Sec. 3313.912. (A) As used in this section, "career-technical planning district" and "lead district" have the same meanings as in section 3317.023 of the Revised Code. 26829
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(B) The business advisory committee of each career-technical planning district shall determine an appropriate point value for each industry-recognized credential approved under section 3313.6113 of the Revised Code that is offered by the career-technical planning district. The point value shall be for the purposes of attaining the number of credential points necessary to qualify for a high school diploma under division (A)(3) of section 3313.618 of the Revised Code. The business advisory committee shall submit each credential point value determined by the committee to the board of education of the lead district for approval. 26832
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(C) The district board of the lead district shall vote on each credential point value submitted by the career-technical planning district's business advisory committee. The district board may approve each credential point value by a majority vote of its members. The district board shall submit to the department of education, through either regular mail or electronic mail, a notice of an approved credential point value and a copy of the minutes of the board meeting at which the board approved the credential point value. Except as provided in division (D) of this section, an approval under this division shall take effect thirty calendar days after either the postage stamp date of the regular mail notice or the date of the electronic mail notice. 26843
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(D) The state board of education may, by a two-thirds vote of its membership, override a credential point value approval under division (C) of this section. An override shall take immediate effect if the state board vote occurs prior to the effective date of the approval prescribed under division (C) of this section. 26855
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However, if the state board vote occurs after that effective date, 26860
the override shall take effect at the beginning of the following 26861
school year. 26862

(E) Both of the following shall apply to any credential point 26863
value approved under division (C) of this section: 26864

(1) The approved credential point value shall only be valid 26865
in the career-technical planning district of the lead district 26866
board of education that issued the approval. 26867

(2) The district board may revoke any approved credential 26868
point value. 26869

(F) Subject to divisions (D) and (E) of this section, each 26870
student in a career-technical planning district may use a 26871
credential point value approved under division (C) of this section 26872
for the purposes of attaining the necessary number of 26873
industry-recognized credential points to qualify for a high school 26874
diploma under division (A)(3) of section 3313.613 of the Revised 26875
Code. 26876

Sec. 3313.978. (A) Annually by the first day of November, the 26877
superintendent of public instruction shall notify the pilot 26878
project school district of the number of initial scholarships that 26879
the state superintendent will be awarding in each of grades 26880
kindergarten through twelve. 26881

The state superintendent shall provide information about the 26882
scholarship program to all students residing in the district, 26883
shall accept applications from any such students ~~until such date~~ 26884
~~as shall be established by the state superintendent as a deadline~~ 26885
~~for applications~~ during the application periods established under 26886
division (H) of this section, and shall establish criteria for the 26887
selection of students to receive scholarships from among all those 26888
applying prior to the deadline, which criteria shall give 26889

preference to students from low-income families. The state 26890
superintendent shall notify students of their selection prior to 26891
~~the fifteenth day of January~~ a date established by the state 26892
superintendent. 26893

(1) A student receiving a pilot project scholarship may 26894
utilize it at an alternative public school by notifying the 26895
district superintendent, at any time before the beginning of the 26896
school year, of the name of the public school in an adjacent 26897
school district to which the student has been accepted pursuant to 26898
section 3327.06 of the Revised Code. 26899

(2) A student may decide to utilize a pilot project 26900
scholarship at a registered private school in the district if all 26901
of the following conditions are met: 26902

(a) By the fifteenth day of February of the preceding school 26903
year, or at any time prior to the start of the school year, the 26904
parent makes an application on behalf of the student to a 26905
registered private school. 26906

(b) The registered private school notifies the parent and the 26907
state superintendent as follows that the student has been 26908
admitted: 26909

(i) By the fifteenth day of March of the preceding school 26910
year if the student filed an application by the fifteenth day of 26911
February and was admitted by the school pursuant to division (A) 26912
of section 3313.977 of the Revised Code; 26913

(ii) Within one week of the decision to admit the student if 26914
the student is admitted pursuant to division (C) of section 26915
3313.977 of the Revised Code. 26916

(c) The student actually enrolls in the registered private 26917
school to which the student was first admitted or in another 26918
registered private school in the district or in a public school in 26919
an adjacent school district. 26920

(B) The state superintendent shall also award in any school year tutorial assistance grants to a number of students equal to the number of students who receive scholarships under division (A) of this section. Tutorial assistance grants shall be awarded solely to students who are enrolled in the public schools of the district in a grade level covered by the pilot project. Tutorial assistance grants may be used solely to obtain tutorial assistance from a provider approved pursuant to division (D) of section 3313.976 of the Revised Code.

All students wishing to obtain tutorial assistance grants shall make application to the state superintendent by the first day of the school year in which the assistance will be used. The state superintendent shall award assistance grants in accordance with criteria the superintendent shall establish.

(C)(1) In the case of basic scholarships for students in grades kindergarten through eight, the scholarship amount shall not exceed the lesser of the net tuition charges of the alternative school the scholarship recipient attends or four thousand six hundred fifty dollars.

In the case of basic scholarships for students in grades nine through twelve, the scholarship amount shall not exceed the lesser of the net tuition charges of the alternative school the scholarship recipient attends or six thousand dollars.

The net tuition and fees charged to a student shall be the tuition amount specified by the alternative school minus all other financial aid, discounts, and adjustments received for the student. In cases where discounts are offered for multiple students from the same family, and not all students in the same family are scholarship recipients, the net tuition amount attributable to the scholarship recipient shall be the lowest net tuition to which the family is entitled.

(2) The state superintendent shall provide for an increase in the basic scholarship amount in the case of any student who is a mainstreamed student with a disability and shall further increase such amount in the case of any separately educated student with a disability. Such increases shall take into account the instruction, related services, and transportation costs of educating such students.

(3) In the case of tutorial assistance grants, the grant amount shall not exceed the lesser of the provider's actual charges for such assistance or:

(a) Before fiscal year 2007, a percentage established by the state superintendent, not to exceed twenty per cent, of the amount of the pilot project school district's average basic scholarship amount;

(b) In fiscal year 2007 and thereafter, four hundred dollars.

(D)(1) Annually by the first day of November, the state superintendent shall estimate the maximum per-pupil scholarship amounts for the ensuing school year. The state superintendent shall make this estimate available to the general public at the offices of the district board of education together with the forms required by division (D)(2) of this section.

(2) Annually by the fifteenth day of January, the chief administrator of each registered private school located in the pilot project district and the principal of each public school in such district shall complete a parental information form and forward it to the president of the board of education. The parental information form shall be prescribed by the department of education and shall provide information about the grade levels offered, the numbers of students, tuition amounts, achievement test results, and any sectarian or other organizational affiliations.

(E)(1) Only for the purpose of administering the pilot project scholarship program, the department may request from any of the following entities the data verification code assigned under division (D)(2) of section 3301.0714 of the Revised Code to any student who is seeking a scholarship under the program:

(a) The school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code;

(b) If applicable, the community school in which the student is enrolled;

(c) The independent contractor engaged to create and maintain data verification codes.

(2) Upon a request by the department under division (E)(1) of this section for the data verification code of a student seeking a scholarship or a request by the student's parent for that code, the school district or community school shall submit that code to the department or parent in the manner specified by the department. If the student has not been assigned a code, because the student will be entering kindergarten during the school year for which the scholarship is sought, the district shall assign a code to that student and submit the code to the department or parent by a date specified by the department. If the district does not assign a code to the student by the specified date, the department shall assign a code to the student.

The department annually shall submit to each school district the name and data verification code of each student residing in the district who is entering kindergarten, who has been awarded a scholarship under the program, and for whom the department has assigned a code under this division.

(3) The department shall not release any data verification code that it receives under division (E) of this section to any

person except as provided by law. 27014

(F) Any document relative to the pilot project scholarship 27015
program that the department holds in its files that contains both 27016
a student's name or other personally identifiable information and 27017
the student's data verification code shall not be a public record 27018
under section 149.43 of the Revised Code. 27019

(G)(1) The department annually shall compile the scores 27020
attained by scholarship students enrolled in registered private 27021
schools on the assessments administered to the students pursuant 27022
to division (A)(11) of section 3313.976 of the Revised Code. The 27023
scores shall be aggregated as follows: 27024

(a) By school district, which shall include all scholarship 27025
students residing in the pilot project school district who are 27026
enrolled in a registered private school and were required to take 27027
an assessment pursuant to division (A)(11) of section 3313.976 of 27028
the Revised Code; 27029

(b) By registered private school, which shall include all 27030
scholarship students enrolled in that school who were required to 27031
take an assessment pursuant to division (A)(11) of section 27032
3313.976 of the Revised Code. 27033

(2) The department shall disaggregate the student performance 27034
data described in division (G)(1) of this section according to the 27035
following categories: 27036

(a) Grade level; 27037

(b) Race and ethnicity; 27038

(c) Gender; 27039

(d) Students who have participated in the scholarship program 27040
for three or more years; 27041

(e) Students who have participated in the scholarship program 27042
for more than one year and less than three years; 27043

(f) Students who have participated in the scholarship program 27044
for one year or less; 27045

(g) Economically disadvantaged students. 27046

(3) The department shall post the student performance data 27047
required under divisions (G)(1) and (2) of this section on its web 27048
site and shall include that data in the information about the 27049
scholarship program provided to students under division (A) of 27050
this section. In reporting student performance data under this 27051
division, the department shall not include any data that is 27052
statistically unreliable or that could result in the 27053
identification of individual students. For this purpose, the 27054
department shall not report performance data for any group that 27055
contains less than ten students. 27056

(4) The department shall provide the parent of each 27057
scholarship student enrolled in a registered private school with 27058
information comparing the student's performance on the assessments 27059
administered pursuant to division (A)(11) of section 3313.976 of 27060
the Revised Code with the average performance of similar students 27061
enrolled in the building operated by the pilot project school 27062
district that the scholarship student would otherwise attend. In 27063
calculating the performance of similar students, the department 27064
shall consider age, grade, race and ethnicity, gender, and 27065
socioeconomic status. 27066

(H)(1) Except as provided in division (H)(2) of this section, 27067
for scholarships awarded the 2020-2021 school year and for each 27068
school year thereafter, the department shall conduct two 27069
application periods each year for the pilot project scholarship 27070
program, as follows: 27071

(a) The first application period shall open not sooner than 27072
the first day of February prior to the first day of July of the 27073
school year for which a scholarship is sought and run not less 27074

than seventy-five days. 27075

(b) The second application period shall open not sooner than 27076
the first day of July of the school year for which the scholarship 27077
is sought and run not less than thirty days. 27078

(2) If the pilot scholarships awarded in the first 27079
application period for any school year use the entirety of the 27080
amount appropriated by the general assembly for such scholarships 27081
for that school year, the department need not conduct a second 27082
application period for scholarships. If, after the first 27083
application period, there are funds remaining to award, the 27084
department shall conduct a second application period in accordance 27085
with division (H)(1)(b) of this section. 27086

(3) Not later than the thirty-first day of May of each school 27087
year, the department shall determine whether funds remain 27088
available for pilot project scholarship program after the first 27089
application period. 27090

(4) For scholarships awarded for any school year prior to the 27091
2020-2021 school year, the state superintendent shall establish a 27092
deadline for a single application period. 27093

Sec. 3314.016. This section applies to any entity that 27094
sponsors a community school, regardless of whether section 27095
3314.021 or 3314.027 of the Revised Code exempts the entity from 27096
the requirement to be approved for sponsorship under divisions 27097
(A)(2) and (B)(1) of section 3314.015 of the Revised Code. The 27098
office of Ohio school sponsorship established under section 27099
3314.029 of the Revised Code shall be rated under division (B) of 27100
this section, but divisions (A) and (C) of this section do not 27101
apply to the office. 27102

(A) An entity that sponsors a community school shall be 27103
permitted to enter into contracts under section 3314.03 of the 27104

Revised Code to sponsor additional community schools only if the 27105
entity meets all of the following criteria: 27106

(1) The entity is in compliance with all provisions of this 27107
chapter requiring sponsors of community schools to report data or 27108
information to the department of education. 27109

(2) The entity is not rated as "ineffective" under division 27110
(B)(6) of this section. 27111

(3) Except as set forth in sections 3314.021 and 3314.027 of 27112
the Revised Code, the entity has received approval from and 27113
entered into an agreement with the department of education 27114
pursuant to section 3314.015 of the Revised Code. 27115

(B)(1) The department shall develop and implement an 27116
evaluation system that annually rates and assigns an overall 27117
rating to each entity that sponsors a community school. The 27118
department, not later than the first day of February of each year, 27119
shall post on the department's web site the framework for the 27120
evaluation system, including technical documentation that the 27121
department intends to use to rate sponsors for the next school 27122
year. The department shall solicit public comment on the 27123
evaluation system for thirty consecutive days. Not later than the 27124
first day of April of each year, the department shall compile and 27125
post on the department's web site all public comments that were 27126
received during the public comment period. The evaluation system 27127
shall be posted on the department's web site by the fifteenth day 27128
of July of each school year. Any changes to the evaluation system 27129
after that date shall take effect the following year. The 27130
evaluation system shall be based on the following components: 27131

(a) Academic performance of students enrolled in community 27132
schools sponsored by the same entity. The academic performance 27133
component shall be derived from the performance measures 27134
prescribed for the state report cards under section 3302.03 or 27135

3314.017 of the Revised Code, and shall be based on the 27136
performance of the schools for the school year for which the 27137
evaluation is conducted. In addition to the academic performance 27138
for a specific school year, the academic performance component 27139
shall also include year-to-year changes in the overall sponsor 27140
portfolio. For a community school for which no graded performance 27141
measures are applicable or available, the department shall use 27142
nonreport card performance measures specified in the contract 27143
between the community school and the sponsor under division (A)(4) 27144
of section 3314.03 of the Revised Code. 27145

(b) Adherence by a sponsor to the quality practices 27146
prescribed by the department under division (B)(3) of this 27147
section. For a sponsor that was rated "effective" or "exemplary" 27148
on its most recent rating, the department may evaluate that 27149
sponsor's adherence to quality practices once over a period of 27150
three years. If the department elects to evaluate a sponsor once 27151
over a period of three years, the most recent rating for a 27152
sponsor's adherence to quality practices shall be used when 27153
determining an annual overall rating conducted under this section. 27154

(c) Compliance with all applicable laws and administrative 27155
rules by an entity that sponsors a community school. 27156

(2) In calculating an academic performance component, the 27157
department shall exclude all community schools that have been in 27158
operation for not more than two full school years and all 27159
community schools described in division (A)~~(4)~~(2)(b) of section 27160
3314.35 of the Revised Code. However, the academic performance of 27161
the community schools described in division (A)~~(4)~~(2)(b) of 27162
section 3314.35 of the Revised Code shall be reported, but shall 27163
not be used as a factor when determining a sponsoring entity's 27164
rating under this section. 27165

(3) The department, in consultation with entities that 27166
sponsor community schools, shall prescribe quality practices for 27167

community school sponsors and develop an instrument to measure 27168
adherence to those quality practices. The quality practices shall 27169
be based on standards developed by the national association of 27170
charter school authorizers or any other nationally organized 27171
community school organization. 27172

(4)(a) The department may permit peer review of a sponsor's 27173
adherence to the quality practices prescribed under division 27174
(B)(3) of this section. Peer reviewers shall be limited to 27175
individuals employed by sponsors rated "effective" or "exemplary" 27176
on the most recent ratings conducted under this section. 27177

(b) The department shall require individuals participating in 27178
peer review under division (B)(4)(a) of this section to complete 27179
training approved or established by the department. 27180

(c) The department may enter into an agreement with another 27181
entity to provide training to individuals conducting peer review 27182
of sponsors. Prior to entering into an agreement with an entity, 27183
the department shall review and approve of the entity's training 27184
program. 27185

(5) Not later than July 1, 2013, the state board of education 27186
shall adopt rules in accordance with Chapter 119. of the Revised 27187
Code prescribing standards for measuring compliance with 27188
applicable laws and rules under division (B)(1)(c) of this 27189
section. 27190

(6) The department annually shall rate all entities that 27191
sponsor community schools as either "exemplary," "effective," 27192
"ineffective," or "poor," based on the components prescribed by 27193
division (B) of this section, where each component is weighted 27194
equally. A separate rating shall be given by the department for 27195
each component of the evaluation system. 27196

The department shall publish the ratings between the first 27197
day of October and the fifteenth day of November. If the 27198

department fails to assign ratings by the fifteenth day of 27199
November, a sponsor shall be assigned the same rating for each 27200
component that it was assigned for the previous school year or an 27201
"effective" rating for all components, whichever is the higher per 27202
component rating. 27203

Prior to the publication of the final ratings, the department 27204
shall designate and provide notice of a period of at least ten 27205
business days during which each sponsor may review the information 27206
used by the department to determine the sponsor's rating on the 27207
components prescribed by ~~divisions~~ division (B)(1)(~~b~~) and (~~c~~) of 27208
this section. If the sponsor believes there is an error in the 27209
department's evaluation, the sponsor may request adjustments to 27210
the rating of ~~either~~ any of those components based on 27211
documentation previously submitted as part of an evaluation. The 27212
sponsor shall provide to the department any necessary evidence or 27213
information to support the requested adjustments. The department 27214
shall review the evidence and information, determine whether an 27215
adjustment is valid, and promptly notify the sponsor of its 27216
determination and reasons. If any adjustments to the data could 27217
result in a change to the rating on the applicable component or to 27218
the overall rating, the department shall recalculate the ratings 27219
prior to publication. 27220

The department shall provide training on an annual basis 27221
regarding the evaluation system prescribed under this section. The 27222
training shall, at a minimum, describe methodology, timelines, and 27223
data required for the evaluation system. The first training 27224
session shall occur not later than March 2, 2016. Beginning in 27225
2018, the training shall be made available to each entity that 27226
sponsors a community school by the fifteenth day of July of each 27227
year and shall include guidance on any changes made to the 27228
evaluation system. 27229

(7)(a) Entities with an overall rating of "exemplary" for at 27230

least two consecutive years may take advantage of the following 27231
incentives: 27232

(i) Renewal of the written agreement with the department, not 27233
to exceed ten years, provided that the entity consents to 27234
continued evaluation of adherence to quality practices as 27235
described in division (B)(1)(b) of this section; 27236

(ii) The ability to extend the term of the contract between 27237
the sponsoring entity and the community school beyond the term 27238
described in the written agreement with the department; 27239

(iii) An exemption from the preliminary agreement and 27240
contract adoption and execution deadline requirements prescribed 27241
in division (D) of section 3314.02 of the Revised Code; 27242

(iv) An exemption from the automatic contract expiration 27243
requirement, should a new community school fail to open by the 27244
thirtieth day of September of the calendar year in which the 27245
community school contract is executed; 27246

(v) No limit on the number of community schools the entity 27247
may sponsor; 27248

(vi) No territorial restrictions on sponsorship. 27249

An entity may continue to sponsor any community schools with 27250
which it entered into agreements under division (B)(7)(a)(v) or 27251
(vi) of this section while rated "exemplary," notwithstanding the 27252
fact that the entity later receives a lower overall rating. 27253

(b) Entities with an overall rating of "effective" for at 27254
least three consecutive years shall be evaluated by the department 27255
once every five years. 27256

(c)(i) Entities that receive an overall rating of 27257
"ineffective" shall be prohibited from sponsoring any new or 27258
additional community schools during the time in which the sponsor 27259
is rated as "ineffective" and shall be subject to a quality 27260

improvement plan based on correcting the deficiencies that led to 27261
the "ineffective" rating, with timelines and benchmarks that have 27262
been established by the department. 27263

(ii) Entities that receive an overall rating of "ineffective" 27264
on their three most recent ratings shall have all sponsorship 27265
authority revoked. Within thirty days after receiving its third 27266
rating of "ineffective," the entity may appeal the revocation of 27267
its sponsorship authority to the superintendent of public 27268
instruction, who shall appoint an independent hearing officer to 27269
conduct a hearing in accordance with Chapter 119. of the Revised 27270
Code. The hearing shall be conducted within thirty days after 27271
receipt of the notice of appeal. Within forty-five days after the 27272
hearing is completed, the state board of education shall determine 27273
whether the revocation is appropriate based on the hearing 27274
conducted by the independent hearing officer, and if determined 27275
appropriate, the revocation shall be confirmed. 27276

~~(e)~~(d) Entities that receive an overall rating of "poor" 27277
shall have all sponsorship authority revoked. Within thirty days 27278
after receiving a rating of "poor," the entity may appeal the 27279
revocation of its sponsorship authority to the superintendent of 27280
public instruction, who shall appoint an independent hearing 27281
officer to conduct a hearing in accordance with Chapter 119. of 27282
the Revised Code. The hearing shall be conducted within thirty 27283
days after receipt of the notice of appeal. Within forty-five days 27284
after the hearing is completed, the state board of education shall 27285
determine whether the revocation is appropriate based on the 27286
hearing conducted by the independent hearing officer, and if 27287
determined appropriate, the revocation shall be confirmed. 27288

(8) For the 2014-2015 school year and each school year 27289
thereafter, student academic performance prescribed under division 27290
(B)(1)(a) of this section shall include student academic 27291
performance data from community schools that primarily serve 27292

students enrolled in a dropout prevention and recovery program. 27293

(C) If the governing authority of a community school enters 27294
into a contract with a sponsor prior to the date on which the 27295
sponsor is prohibited from sponsoring additional schools under 27296
division (A) of this section and the school has not opened for 27297
operation as of that date, that contract shall be void and the 27298
school shall not open until the governing authority secures a new 27299
sponsor by entering into a contract with the new sponsor under 27300
section 3314.03 of the Revised Code. However, the department's 27301
office of Ohio school sponsorship, established under section 27302
3314.029 of the Revised Code, may assume the sponsorship of the 27303
school until the earlier of the expiration of two school years or 27304
until a new sponsor is secured by the school's governing 27305
authority. A community school sponsored by the department under 27306
this division shall not be included when calculating the maximum 27307
number of directly authorized community schools permitted under 27308
division (A)(3) of section 3314.029 of the Revised Code. 27309

(D) When an entity's authority to sponsor schools is revoked 27310
pursuant to division (B)(7)(b) or (c) of this section, the office 27311
of Ohio school sponsorship shall assume sponsorship of any schools 27312
with which the original sponsor has contracted for the remainder 27313
of that school year. The office may continue sponsoring those 27314
schools until the earlier of: 27315

(1) The expiration of two school years from the time that 27316
sponsorship is revoked; 27317

(2) When a new sponsor is secured by the governing authority 27318
pursuant to division (C)(1) of section 3314.02 of the Revised 27319
Code. 27320

Any community school sponsored under this division shall not 27321
be counted for purposes of directly authorized community schools 27322
under division (A)(3) of section 3314.029 of the Revised Code. 27323

Sec. 3314.017. (A) The state board of education shall 27324
prescribe by rules, adopted in accordance with Chapter 119. of the 27325
Revised Code, an academic performance rating and report card 27326
system that satisfies the requirements of this section for 27327
community schools that primarily serve students enrolled in 27328
dropout prevention and recovery programs as described in division 27329
(A)~~(4)~~(2)(a) of section 3314.35 of the Revised Code, to be used in 27330
lieu of the system prescribed under sections 3302.03 and 3314.012 27331
of the Revised Code beginning with the 2012-2013 school year. Each 27332
such school shall comply with the testing and reporting 27333
requirements of the system as prescribed by the state board. 27334

(B) Nothing in this section shall at any time relieve a 27335
school from its obligations under the "No Child Left Behind Act of 27336
2001" to make "adequate yearly progress," as both that act and 27337
that term are defined in section 3302.01 of the Revised Code, or a 27338
school's amenability to the provisions of section 3302.04 or 27339
3302.041 of the Revised Code. The department shall continue to 27340
report each school's performance as required by the act and to 27341
enforce applicable sanctions under section 3302.04 or 3302.041 of 27342
the Revised Code. 27343

(C) The rules adopted by the state board shall prescribe the 27344
following performance indicators for the rating and report card 27345
system required by this section: 27346

(1) Graduation rate for each of the following student 27347
cohorts: 27348

(a) The number of students who graduate in four years or less 27349
with a regular high school diploma divided by the number of 27350
students who form the adjusted cohort for the graduating class; 27351

(b) The number of students who graduate in five years with a 27352
regular high school diploma divided by the number of students who 27353
form the adjusted cohort for the four-year graduation rate; 27354

(c) The number of students who graduate in six years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate; 27355
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(d) The number of students who graduate in seven years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate; 27358
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(e) The number of students who graduate in eight years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate. 27361
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(2) The percentage of twelfth-grade students currently enrolled in the school who have attained the ~~designated passing~~ cumulative performance score on ~~all of~~ the applicable state high school ~~achievement assessments~~ end-of-course examinations required under division (B)~~(1) or~~ (2) of section ~~3301.0710~~ 3301.0712 of the Revised Code and other students enrolled in the school, regardless of grade level, who are within three months of their twenty-second birthday and have attained the ~~designated passing~~ cumulative performance score on ~~all of~~ the applicable ~~state high school achievement assessments~~ end-of-course examinations by their twenty-second birthday; 27364
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(3) Annual measurable objectives as defined in section 3302.01 of the Revised Code; 27375
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(4) Growth in student achievement in reading, or mathematics, or both as measured by separate nationally norm-referenced assessments that have developed appropriate standards for students enrolled in dropout prevention and recovery programs, adopted or approved by the state board. 27377
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(D)(1) The state board's rules shall prescribe the expected performance levels and benchmarks for each of the indicators prescribed by division (C) of this section based on the data gathered by the department under division ~~(F)~~(G) of this section. 27382
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Based on a school's level of attainment or nonattainment of the	27386
expected performance levels and benchmarks for each of the	27387
indicators, the department shall rate each school in one of the	27388
following categories:	27389
(a) Exceeds standards;	27390
(b) Meets standards;	27391
(c) Does not meet standards.	27392
(2) The state board's rules shall establish all of the	27393
following:	27394
(a) Not later than June 30, 2013, performance levels and	27395
benchmarks for the indicators described in divisions (C)(1) to (3)	27396
of this section;	27397
(b) Not later than December 31, 2014, both of the following:	27398
(i) Performance levels and benchmarks for the indicator	27399
described in division (C)(4) of this section;	27400
(ii) Standards for awarding a community school described in	27401
division (A) (4) <u>(2)</u> (a) of section 3314.35 of the Revised Code an	27402
overall designation, which shall be calculated as follows:	27403
(I) Thirty per cent of the score shall be based on the	27404
indicators described in division (C)(1) of this section that are	27405
applicable to the school year for which the overall designation is	27406
granted.	27407
(II) Thirty per cent of the score shall be based on the	27408
indicators described in division (C)(4) of this section.	27409
(III) Twenty per cent of the score shall be based on the	27410
indicators described in division (C)(2) of this section.	27411
(IV) Twenty per cent of the score shall be based on the	27412
indicators described in division (C)(3) of this section.	27413
(3) If both of the indicators described in divisions (C)(1)	27414

and (2) of this section improve by ten per cent for two 27415
consecutive years, a school shall be rated not less than "meets 27416
standards." 27417

The rating and the relevant performance data for each school 27418
shall be posted on the department's web site, and a copy of the 27419
rating and data shall be provided to the governing authority of 27420
the community school. 27421

(E)(1) For the 2012-2013 school year, the department shall 27422
issue a report card including the following performance measures, 27423
but without a performance rating as described in divisions 27424
(D)(1)(a) to (c) of this section, for each community school 27425
described in division (A)~~(4)~~(2)(a) of section 3314.35 of the 27426
Revised Code: 27427

(a) The graduation rates as described in divisions (C)(1)(a) 27428
to (c) of this section; 27429

(b) The percentage of twelfth-grade students and other 27430
students who have attained a ~~designated passing~~ cumulative
performance score on high school achievement assessments as 27431
described in division (C)(2) of this section; 27432
27433

(c) The statewide average for the graduation rates and 27434
assessment passage rates described in divisions (C)(1)(a) to (c) 27435
and (C)(2) of this section; 27436

(d) Annual measurable objectives described in division (C)(3) 27437
of this section. 27438

(2) For the 2013-2014 school year, the department shall issue 27439
a report card including the following performance measures for 27440
each community school described in division (A)~~(4)~~(2)(a) of 27441
section 3314.35 of the Revised Code: 27442

(a) The graduation rates described in divisions (C)(1)(a) to 27443
(d) of this section, including a performance rating as described 27444

in divisions (D)(1)(a) to (c) of this section;	27445
(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C)(2) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section;	27446 27447 27448 27449 27450
(c) Annual measurable objectives described in division (C)(3) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section;	27451 27452 27453
(d) Both of the following without an assigned rating:	27454
(i) Growth in annual student achievement in reading and mathematics described in division (C)(4) of this section, if available;	27455 27456 27457
(ii) Student outcome data, including postsecondary credit earned, nationally recognized career or technical certification, military enlistment, job placement, and attendance rate.	27458 27459 27460
(3) Beginning <u>Subject to division (I)(2) of this section,</u> <u>beginning</u> with the 2014-2015 school year, and annually thereafter, the department shall issue a report card for each community school described in division (A) (4) <u>(2)</u> (a) of section 3314.35 of the Revised Code that includes all of the following performance measures, including a performance rating for each measure as described in divisions (D)(1)(a) to (c) of this section:	27461 27462 27463 27464 27465 27466 27467
(a) The graduation rates as described in division (C)(1) of this section;	27468 27469
(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C)(2) of this section;	27470 27471 27472 27473
(c) Annual measurable objectives described in division (C)(3)	27474

of this section, including a performance rating as described in 27475
divisions (D)(1)(a) to (c) of this section; 27476

(d) Growth in annual student achievement in reading and 27477
mathematics as described in division (C)(4) of this section; 27478

(e) An overall performance designation for the school 27479
calculated under rules adopted under division (D)(2) of this 27480
section. 27481

The department shall also include student outcome data, 27482
including postsecondary credit earned, nationally recognized 27483
career or technical certification, military enlistment, job 27484
placement, attendance rate, and progress on closing achievement 27485
gaps for each school. This information shall not be included in 27486
the calculation of a school's performance rating. 27487

(F) Not later than the thirty-first day of July of each year, 27488
the department shall submit preliminary report card data for 27489
overall academic performance for each performance measure 27490
prescribed in division (E)(3) of this section for each community 27491
school to which this section applies. 27492

(G) In developing the rating and report card system required 27493
by this section, during the 2012-2013 and 2013-2014 school years, 27494
the department shall gather and analyze data as determined 27495
necessary from each community school described in division 27496
(A)~~(4)~~(2)(a) of section 3314.35 of the Revised Code. Each such 27497
school shall cooperate with the department by supplying requested 27498
data and administering required assessments, including sample 27499
assessments for purposes of measuring student achievement growth 27500
as described in division (C)(4) of this section. The department 27501
shall consult with stakeholder groups in performing its duties 27502
under this division. 27503

The department shall also identify one or more states that 27504
have established or are in the process of establishing similar 27505

academic performance rating systems for dropout prevention and 27506
recovery programs and consult with the departments of education of 27507
those states in developing the system required by this section. 27508

~~(G)~~(H) Not later than December 31, 2014, the state board 27509
shall review the performance levels and benchmarks for performance 27510
indicators in the report card issued under this section and may 27511
revise them based on the data collected under division (F) of this 27512
section. 27513

(I)(1) The state board shall coordinate a study committee 27514
consisting of one member of the Ohio senate appointed by the 27515
president of the senate, one member of the Ohio house of 27516
representatives appointed by the speaker of the house of 27517
representatives, one representative of the governor's office, one 27518
school district superintendent appointed by the state board, and 27519
one chief administrator of a community school appointed by the 27520
state board. This committee shall conduct a study regarding the 27521
classification, authorization, and report card ratings of 27522
community schools that primarily serve students enrolled in 27523
dropout prevention and recovery programs as described in division 27524
(A)(2)(a) of section 3314.35 of the Revised Code that offer two or 27525
more of the following educational models: 27526

(a) Blended learning, as that term is defined in section 27527
3301.079 of the Revised Code; 27528

(b) Portfolio learning, as defined by the members of the 27529
committee; 27530

(c) Credit flexibility, which permits credits to be awarded 27531
based on a student's demonstration of subject area competency. 27532

The state board, on behalf of the committee, shall submit the 27533
committee's recommendations to the general assembly in accordance 27534
with section 101.68 of the Revised Code not later than six months 27535
after the effective date of this amendment. 27536

(2) The department shall not issue any report cards under division (E)(3) of this section until the general assembly, after receiving the report, enacts either the recommendations submitted by the committee under division (I)(1) of this section or other legislation that addresses the classification, authorization, and report card ratings of the community schools described in that division.

Sec. 3314.02. (A) As used in this chapter: 27544

(1) "Sponsor" means the board of education of a school district or the governing board of an educational service center that agrees to the conversion of all or part of a school or building under division (B) of this section, or an entity listed in division (C)(1) of this section, which has been approved by the department of education to sponsor community schools or is exempted by section 3314.021 or 3314.027 of the Revised Code from obtaining approval, and with which the governing authority of a community school enters into a contract under section 3314.03 of the Revised Code. 27545
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(2) "Pilot project area" means the school districts included in the territory of the former community school pilot project established by former Section 50.52 of Am. Sub. H.B. No. 215 of the 122nd general assembly. 27555
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(3) "Challenged school district" means any of the following: 27559

(a) A school district that is part of the pilot project area; 27560

(b) A school district that meets one of the following conditions: 27561
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(i) On March 22, 2013, the district was in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013; 27563
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(ii) For two of the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 school years, the district received a grade of "D" or "F" for the performance index score and a grade of "F" for the value-added progress dimension under section 3302.03 of the Revised Code;

(iii) For the 2016-2017 school year and for any school year thereafter, the district has received an overall grade of "D" or "F" under division (C)(3) of section 3302.03 of the Revised Code, or, for at least two of the three most recent school years, the district received a grade of "F" for the value-added progress dimension under division (C)(1)(e) of that section.

(c) A big eight school district;

(d) A school district ranked in the lowest five per cent of school districts according to performance index score under section 3302.21 of the Revised Code.

(4) "Big eight school district" means a school district that for fiscal year 1997 had both of the following:

(a) A percentage of children residing in the district and participating in the predecessor of Ohio works first greater than thirty per cent, as reported pursuant to section 3317.10 of the Revised Code;

(b) An average daily membership greater than twelve thousand, as reported pursuant to former division (A) of section 3317.03 of the Revised Code.

(5) "New start-up school" means a community school other than one created by converting all or part of an existing public school or educational service center building, as designated in the school's contract pursuant to division (A)(17) of section 3314.03 of the Revised Code.

(6) "Urban school district" means one of the state's

twenty-one urban school districts as defined in division (O) of 27597
section 3317.02 of the Revised Code as that section existed prior 27598
to July 1, 1998. 27599

(7) "Internet- or computer-based community school" means a 27600
community school established under this chapter in which the 27601
enrolled students work primarily from their residences on 27602
assignments in nonclassroom-based learning opportunities provided 27603
via an internet- or other computer-based instructional method that 27604
does not rely on regular classroom instruction or via 27605
comprehensive instructional methods that include internet-based, 27606
other computer-based, and noncomputer-based learning opportunities 27607
unless a student receives career-technical education under section 27608
3314.086 of the Revised Code. 27609

A community school that operates mainly as an internet- or 27610
computer-based community school and provides career-technical 27611
education under section 3314.086 of the Revised Code shall be 27612
considered an internet- or computer-based community school, even 27613
if it provides some classroom-based instruction, so long as it 27614
provides instruction via the methods described in this division. 27615

(8) "Operator" or "management company" means either of the 27616
following: 27617

(a) An individual or organization that manages the daily 27618
operations of a community school pursuant to a contract between 27619
the operator or management company and the school's governing 27620
authority; 27621

(b) A nonprofit organization that provides programmatic 27622
oversight and support to a community school under a contract with 27623
the school's governing authority and that retains the right to 27624
terminate its affiliation with the school if the school fails to 27625
meet the organization's quality standards. 27626

(9) "Alliance municipal school district" has the same meaning 27627

as in section 3311.86 of the Revised Code. 27628

(B)(1) Any person or group of individuals may initially 27629
propose under this division the conversion of all or a portion of 27630
a public school to a community school. The proposal shall be made 27631
to the board of education of the city, local, exempted village, or 27632
joint vocational school district in which the public school is 27633
proposed to be converted. 27634

(2) Any person or group of individuals may initially propose 27635
under this division the conversion of all or a portion of a 27636
building operated by an educational service center to a community 27637
school. The proposal shall be made to the governing board of the 27638
service center. 27639

On or after July 1, 2017, except as provided in section 27640
3314.027 of the Revised Code, any educational service center that 27641
sponsors a community school shall be approved by and enter into a 27642
written agreement with the department as described in section 27643
3314.015 of the Revised Code. 27644

(3) Upon receipt of a proposal, and after an agreement has 27645
been entered into pursuant to section 3314.015 of the Revised 27646
Code, a board may enter into a preliminary agreement with the 27647
person or group proposing the conversion of the public school or 27648
service center building, indicating the intention of the board to 27649
support the conversion to a community school. A proposing person 27650
or group that has a preliminary agreement under this division may 27651
proceed to finalize plans for the school, establish a governing 27652
authority for the school, and negotiate a contract with the board. 27653
Provided the proposing person or group adheres to the preliminary 27654
agreement and all provisions of this chapter, the board shall 27655
negotiate in good faith to enter into a contract in accordance 27656
with section 3314.03 of the Revised Code and division (C) of this 27657
section. 27658

(4) The sponsor of a conversion community school proposed to open in an alliance municipal school district shall be subject to approval by the department of education for sponsorship of that school using the criteria established under division (A) of section 3311.87 of the Revised Code.

Division (B)(4) of this section does not apply to a sponsor that, on or before September 29, 2015, was exempted under section 3314.021 or 3314.027 of the Revised Code from the requirement to be approved for sponsorship under divisions (A)(2) and (B)(1) of section 3314.015 of the Revised Code.

(5) A school established in accordance with division (B) of this section that later enters into a sponsorship contract with an entity that is not a school district or educational service center shall, at the time of entering into the new contract, be deemed a community school established in accordance with division (C) of this section.

(C)(1) Any person or group of individuals may propose under this division the establishment of a new start-up school to be located in a challenged school district. The proposal may be made to any of the following entities:

(a) The board of education of the district in which the school is proposed to be located;

(b) The board of education of any joint vocational school district with territory in the county in which is located the majority of the territory of the district in which the school is proposed to be located;

(c) The board of education of any other city, local, or exempted village school district having territory in the same county where the district in which the school is proposed to be located has the major portion of its territory;

(d) The governing board of any educational service center,

regardless of the location of the proposed school, may sponsor a 27690
new start-up school in any challenged school district in the state 27691
if all of the following are satisfied: 27692

(i) If applicable, it satisfies the requirements of division 27693
(E) of section 3311.86 of the Revised Code; 27694

(ii) It is approved to do so by the department; 27695

(iii) It enters into an agreement with the department under 27696
section 3314.015 of the Revised Code. 27697

(e) A sponsoring authority designated by the board of 27698
trustees of any of the thirteen state universities listed in 27699
section 3345.011 of the Revised Code or the board of trustees 27700
itself as long as a mission of the proposed school to be specified 27701
in the contract under division (A)(2) of section 3314.03 of the 27702
Revised Code and as approved by the department under division 27703
(B)(3) of section 3314.015 of the Revised Code will be the 27704
practical demonstration of teaching methods, educational 27705
technology, or other teaching practices that are included in the 27706
curriculum of the university's teacher preparation program 27707
approved by the state board of education; 27708

(f) Any qualified tax-exempt entity under section 501(c)(3) 27709
of the Internal Revenue Code as long as all of the following 27710
conditions are satisfied: 27711

(i) The entity has been in operation for at least five years 27712
prior to applying to be a community school sponsor. 27713

(ii) The entity has assets of at least five hundred thousand 27714
dollars and a demonstrated record of financial responsibility. 27715

(iii) The department has determined that the entity is an 27716
education-oriented entity under division (B)(4) of section 27717
3314.015 of the Revised Code and the entity has a demonstrated 27718
record of successful implementation of educational programs. 27719

(iv) The entity is not a community school. 27720

(g) The mayor of a city in which the majority of the 27721
territory of a school district to which section 3311.60 of the 27722
Revised Code applies is located, regardless of whether that 27723
district has created the position of independent auditor as 27724
prescribed by that section. The mayor's sponsorship authority 27725
under this division is limited to community schools that are 27726
located in that school district. Such mayor may sponsor community 27727
schools only with the approval of the city council of that city, 27728
after establishing standards with which community schools 27729
sponsored by the mayor must comply, and after entering into a 27730
sponsor agreement with the department as prescribed under section 27731
3314.015 of the Revised Code. The mayor shall establish the 27732
standards for community schools sponsored by the mayor not later 27733
than one hundred eighty days after July 15, 2013, and shall submit 27734
them to the department upon their establishment. The department 27735
shall approve the mayor to sponsor community schools in the 27736
district, upon receipt of an application by the mayor to do so. 27737
Not later than ninety days after the department's approval of the 27738
mayor as a community school sponsor, the department shall enter 27739
into the sponsor agreement with the mayor. 27740

Any entity described in division (C)(1) of this section may 27741
enter into a preliminary agreement pursuant to division (C)(2) of 27742
this section with the proposing person or group, provided that 27743
entity has been approved by and entered into a written agreement 27744
with the department pursuant to section 3314.015 of the Revised 27745
Code. 27746

(2) A preliminary agreement indicates the intention of an 27747
entity described in division (C)(1) of this section to sponsor the 27748
community school. A proposing person or group that has such a 27749
preliminary agreement may proceed to finalize plans for the 27750
school, establish a governing authority as described in division 27751

(E) of this section for the school, and negotiate a contract with 27752
the entity. Provided the proposing person or group adheres to the 27753
preliminary agreement and all provisions of this chapter, the 27754
entity shall negotiate in good faith to enter into a contract in 27755
accordance with section 3314.03 of the Revised Code. 27756

(3) A new start-up school that is established in a school 27757
district described in either division (A)(3)(b) or (d) of this 27758
section may continue in existence once the school district no 27759
longer meets the conditions described in either division, provided 27760
there is a valid contract between the school and a sponsor. 27761

(4) A copy of every preliminary agreement entered into under 27762
this division shall be filed with the superintendent of public 27763
instruction. 27764

(D) A majority vote of the board of a sponsoring entity and a 27765
majority vote of the members of the governing authority of a 27766
community school shall be required to adopt a contract and convert 27767
the public school or educational service center building to a 27768
community school or establish the new start-up school. Beginning 27769
September 29, 2005, adoption of the contract shall occur not later 27770
than the fifteenth day of March, and signing of the contract shall 27771
occur not later than the fifteenth day of May, prior to the school 27772
year in which the school will open. The governing authority shall 27773
notify the department of education when the contract has been 27774
signed. Subject to sections 3314.013 and 3314.016 of the Revised 27775
Code, an unlimited number of community schools may be established 27776
in any school district provided that a contract is entered into 27777
for each community school pursuant to this chapter. 27778

(E)(1) As used in this division, "immediate relatives" are 27779
limited to spouses, children, parents, grandparents, and siblings, 27780
as well as in-laws residing in the same household as the person 27781
serving on the governing authority. 27782

Each new start-up community school established under this 27783
chapter shall be under the direction of a governing authority 27784
which shall consist of a board of not less than five individuals. 27785

(2)(a) No person shall serve on the governing authority or 27786
operate the community school under contract with the governing 27787
authority under any of the following circumstances: 27788

(i) The person owes the state any money or is in a dispute 27789
over whether the person owes the state any money concerning the 27790
operation of a community school that has closed. 27791

(ii) The person would otherwise be subject to division (B) of 27792
section 3319.31 of the Revised Code with respect to refusal, 27793
limitation, or revocation of a license to teach, if the person 27794
were a licensed educator. 27795

(iii) The person has pleaded guilty to or been convicted of 27796
theft in office under section 2921.41 of the Revised Code, or has 27797
pleaded guilty to or been convicted of a substantially similar 27798
offense in another state. 27799

(b) No person shall serve on the governing authority or 27800
engage in the financial day-to-day management of the community 27801
school under contract with the governing authority unless and 27802
until that person has submitted to a criminal records check in the 27803
manner prescribed by section 3319.39 of the Revised Code. 27804

~~(c) Each sponsor of a community school shall annually verify 27805
that a finding for recovery has not been issued by the auditor of 27806
state against any individual or individuals who propose to create 27807
a community school or any member of the governing authority, the 27808
operator, or any employee of each community school. 27809~~

(3) No person shall serve on the governing authorities of 27810
more than five start-up community schools at the same time. 27811

(4)(a) For a community school established under this chapter 27812

that is not sponsored by a school district or an educational 27813
service center, no present or former member, or immediate relative 27814
of a present or former member, of the governing authority shall be 27815
an owner, employee, or consultant of the community school's 27816
sponsor or operator, unless at least one year has elapsed since 27817
the conclusion of the person's membership on the governing 27818
authority. 27819

(b) For a community school established under this chapter 27820
that is sponsored by a school district or an educational service 27821
center, no present or former member, or immediate relative of a 27822
present or former member, of the governing authority shall: 27823

(i) Be an officer of the district board or service center 27824
governing board that serves as the community school's sponsor, 27825
unless at least one year has elapsed since the conclusion of the 27826
person's membership on the governing authority; 27827

(ii) Serve as an employee of, or a consultant for, the 27828
department, division, or section of the sponsoring district or 27829
service center that is directly responsible for sponsoring 27830
community schools, or have supervisory authority over such a 27831
department, division, or section, unless at least one year has 27832
elapsed since the conclusion of the person's membership on the 27833
governing authority. 27834

(5) The governing authority of a start-up or conversion 27835
community school may provide by resolution for the compensation of 27836
its members. However, no individual who serves on the governing 27837
authority of a start-up or conversion community school shall be 27838
compensated more than one hundred twenty-five dollars per meeting 27839
of that governing authority and no such individual shall be 27840
compensated more than a total amount of five thousand dollars per 27841
year for all governing authorities upon which the individual 27842
serves. Each member of the governing authority may be paid 27843
compensation for attendance at an approved training program, 27844

provided that such compensation shall not exceed sixty dollars a 27845
day for attendance at a training program three hours or less in 27846
length and one hundred twenty-five dollars a day for attendance at 27847
a training program longer than three hours in length. 27848

(6) No person who is the employee of a school district or 27849
educational service center shall serve on the governing authority 27850
of any community school sponsored by that school district or 27851
service center. 27852

(7) Each member of the governing authority of a community 27853
school shall annually file a disclosure statement setting forth 27854
the names of any immediate relatives or business associates 27855
employed by any of the following within the previous three years: 27856

(a) The sponsor or operator of that community school; 27857

(b) A school district or educational service center that has 27858
contracted with that community school; 27859

(c) A vendor that is or has engaged in business with that 27860
community school. 27861

(8) No person who is a member of a school district board of 27862
education shall serve on the governing authority of any community 27863
school. 27864

(F)(1) A new start-up school that is established prior to 27865
August 15, 2003, in an urban school district that is not also a 27866
big-eight school district may continue to operate after that date 27867
and the contract between the school's governing authority and the 27868
school's sponsor may be renewed, as provided under this chapter, 27869
after that date, but no additional new start-up schools may be 27870
established in such a district unless the district is a challenged 27871
school district as defined in this section as it exists on and 27872
after that date. 27873

(2) A community school that was established prior to June 29, 27874

1999, and is located in a county contiguous to the pilot project 27875
area and in a school district that is not a challenged school 27876
district may continue to operate after that date, provided the 27877
school complies with all provisions of this chapter. The contract 27878
between the school's governing authority and the school's sponsor 27879
may be renewed, but no additional start-up community school may be 27880
established in that district unless the district is a challenged 27881
school district. 27882

(3) Any educational service center that, on June 30, 2007, 27883
sponsors a community school that is not located in a county within 27884
the territory of the service center or in a county contiguous to 27885
such county may continue to sponsor that community school on and 27886
after June 30, 2007, and may renew its contract with the school. 27887
However, the educational service center shall not enter into a 27888
contract with any additional community school, unless the 27889
governing board of the service center has entered into an 27890
agreement with the department authorizing the service center to 27891
sponsor a community school in any challenged school district in 27892
the state. 27893

Sec. 3314.0211. (A) No community school to which either of 27894
the following applies shall be eligible to merge with one or more 27895
other community schools under this section: 27896

(1) The school has met the performance criteria for required 27897
closure specified in division (A)(1) of section 3314.35 or 27898
division (A) of section 3314.351 of the Revised Code for at least 27899
one of the two most recent school years. 27900

(2) The school has been notified of the sponsor's intent to 27901
terminate or not renew the school's contract pursuant to section 27902
3314.07 of the Revised Code. 27903

(B) Two or more community schools may merge upon the adoption 27904
of a resolution by the governing authority of each school involved 27905

in the merger. Any merger shall take effect on the first day of 27906
July of the year specified in the resolution. 27907

(C) Not less than sixty days prior to the effective date of a 27908
merger under division (B) of this section, each community school 27909
involved in the merger shall do both of the following: 27910

(1) Provide a copy of the resolution to the school's sponsor; 27911

(2) Notify the department of education of all of the 27912
following: 27913

(a) The impending merger; 27914

(b) The effective date of the merger; 27915

(c) The school that will be designated as the surviving 27916
school in accordance with section 1702.41 of the Revised Code; 27917

(d) The entity that will sponsor the surviving school. 27918

(D) Notwithstanding anything to the contrary in the Revised 27919
Code, the governing authority of the surviving community school 27920
shall enter into a new contract with the school's sponsor under 27921
section 3314.03 of the Revised Code. 27922

(E) No sponsor shall do either of the following: 27923

(1) Assign the sponsor's existing contract with a merging 27924
community school to the sponsor of the surviving community school; 27925

(2) Assume an existing contract from the sponsor of a 27926
community school involved in a merger under division (B) of this 27927
section. 27928

Division (E) of this section shall not apply to the office of 27929
Ohio school sponsorship established under section 3314.029 of the 27930
Revised Code. 27931

(F)(1) The department shall issue a report card under section 27932
3302.03 or 3314.017 of the Revised Code for the surviving 27933
community school. 27934

(2) Notwithstanding anything to the contrary in division (B) of section 3314.012 of the Revised Code, all report card ratings associated with the surviving school, whether issued before or after the merger, shall be used for purposes of section 3314.35 or 3314.351 of the Revised Code and any other matter that is based on report card ratings or measures.

(G) Nothing in this section shall exempt a community school from closure under section 3314.35 or 3314.351 of the Revised Code.

Sec. 3314.03. A copy of every contract entered into under this section shall be filed with the superintendent of public instruction. The department of education shall make available on its web site a copy of every approved, executed contract filed with the superintendent under this section.

(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following:

(1) That the school shall be established as either of the following:

(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;

(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.

(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;

(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;

(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	27965 27966 27967 27968
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	27969 27970
(6)(a) Dismissal procedures;	27971
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.	27972 27973 27974 27975 27976
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	27977 27978
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.	27979 27980 27981 27982 27983 27984
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	27985 27986
(a) A detailed description of each facility used for instructional purposes;	27987 27988
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	27989 27990
(c) The annual mortgage principal and interest payments that are paid by the school;	27991 27992
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if	27993 27994

any. 27995

(10) Qualifications of teachers, including a requirement that 27996
the school's classroom teachers be licensed in accordance with 27997
sections 3319.22 to 3319.31 of the Revised Code, except that a 27998
community school may engage noncertificated persons to teach up to 27999
twelve hours per week pursuant to section 3319.301 of the Revised 28000
Code. 28001

(11) That the school will comply with the following 28002
requirements: 28003

(a) The school will provide learning opportunities to a 28004
minimum of twenty-five students for a minimum of nine hundred 28005
twenty hours per school year. 28006

(b) The governing authority will purchase liability 28007
insurance, or otherwise provide for the potential liability of the 28008
school. 28009

(c) The school will be nonsectarian in its programs, 28010
admission policies, employment practices, and all other 28011
operations, and will not be operated by a sectarian school or 28012
religious institution. 28013

(d) The school will comply with sections 9.90, 9.91, 109.65, 28014
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 28015
3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 3313.50, 28016
3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 28017
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 3313.643, 28018
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 28019
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 28020
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 28021
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 28022
3313.86, 3313.89, 3313.96, 3319.073, ~~3319.074~~, 3319.321, 3319.39, 28023
3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 28024
3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 28025

4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 28026
3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it 28027
were a school district and will comply with section 3301.0714 of 28028
the Revised Code in the manner specified in section 3314.17 of the 28029
Revised Code. 28030

(e) The school shall comply with Chapter 102. and section 28031
2921.42 of the Revised Code. 28032

(f) The school will comply with sections 3313.61, 3313.611, 28033
and 3313.614 of the Revised Code, except that for students who 28034
enter ninth grade for the first time before July 1, 2010, the 28035
requirement in sections 3313.61 and 3313.611 of the Revised Code 28036
that a person must successfully complete the curriculum in any 28037
high school prior to receiving a high school diploma may be met by 28038
completing the curriculum adopted by the governing authority of 28039
the community school rather than the curriculum specified in Title 28040
XXXIII of the Revised Code or any rules of the state board of 28041
education. Beginning with students who enter ninth grade for the 28042
first time on or after July 1, 2010, the requirement in sections 28043
3313.61 and 3313.611 of the Revised Code that a person must 28044
successfully complete the curriculum of a high school prior to 28045
receiving a high school diploma shall be met by completing the 28046
requirements prescribed in division (C) of section 3313.603 of the 28047
Revised Code, unless the person qualifies under division (D) or 28048
(F) of that section. Each school shall comply with the plan for 28049
awarding high school credit based on demonstration of subject area 28050
competency, and beginning with the 2017-2018 school year, with the 28051
updated plan that permits students enrolled in seventh and eighth 28052
grade to meet curriculum requirements based on subject area 28053
competency adopted by the state board of education under divisions 28054
(J)(1) and (2) of section 3313.603 of the Revised Code. Beginning 28055
with the 2018-2019 school year, the school shall comply with the 28056
framework for granting units of high school credit to students who 28057

demonstrate subject area competency through work-based learning 28058
experiences, internships, or cooperative education developed by 28059
the department under division (J)(3) of section 3313.603 of the 28060
Revised Code. 28061

(g) The school governing authority will submit within four 28062
months after the end of each school year a report of its 28063
activities and progress in meeting the goals and standards of 28064
divisions (A)(3) and (4) of this section and its financial status 28065
to the sponsor and the parents of all students enrolled in the 28066
school. 28067

(h) The school, unless it is an internet- or computer-based 28068
community school, will comply with section 3313.801 of the Revised 28069
Code as if it were a school district. 28070

(i) If the school is the recipient of moneys from a grant 28071
awarded under the federal race to the top program, Division (A), 28072
Title XIV, Sections 14005 and 14006 of the "American Recovery and 28073
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 28074
school will pay teachers based upon performance in accordance with 28075
section 3317.141 and will comply with section 3319.111 of the 28076
Revised Code as if it were a school district. 28077

(j) If the school operates a preschool program that is 28078
licensed by the department of education under sections 3301.52 to 28079
3301.59 of the Revised Code, the school shall comply with sections 28080
3301.50 to 3301.59 of the Revised Code and the minimum standards 28081
for preschool programs prescribed in rules adopted by the state 28082
board under section 3301.53 of the Revised Code. 28083

(k) The school will comply with sections 3313.6021 and 28084
3313.6023 of the Revised Code as if it were a school district 28085
unless it is either of the following: 28086

(i) An internet- or computer-based community school; 28087

(ii) A community school in which a majority of the enrolled 28088

students are children with disabilities as described in division 28089
(A)~~(4)~~(2)(b) of section 3314.35 of the Revised Code. 28090

(12) Arrangements for providing health and other benefits to 28091
employees; 28092

(13) The length of the contract, which shall begin at the 28093
beginning of an academic year. No contract shall exceed five years 28094
unless such contract has been renewed pursuant to division (E) of 28095
this section. 28096

(14) The governing authority of the school, which shall be 28097
responsible for carrying out the provisions of the contract; 28098

(15) A financial plan detailing an estimated school budget 28099
for each year of the period of the contract and specifying the 28100
total estimated per pupil expenditure amount for each such year. 28101

(16) Requirements and procedures regarding the disposition of 28102
employees of the school in the event the contract is terminated or 28103
not renewed pursuant to section 3314.07 of the Revised Code; 28104

(17) Whether the school is to be created by converting all or 28105
part of an existing public school or educational service center 28106
building or is to be a new start-up school, and if it is a 28107
converted public school or service center building, specification 28108
of any duties or responsibilities of an employer that the board of 28109
education or service center governing board that operated the 28110
school or building before conversion is delegating to the 28111
governing authority of the community school with respect to all or 28112
any specified group of employees provided the delegation is not 28113
prohibited by a collective bargaining agreement applicable to such 28114
employees; 28115

(18) Provisions establishing procedures for resolving 28116
disputes or differences of opinion between the sponsor and the 28117
governing authority of the community school; 28118

(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:

(a) Prohibit the enrollment of students who reside outside the district in which the school is located;

(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;

(c) Permit the enrollment of students who reside in any other district in the state.

(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;

(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;

(22) A provision recognizing both of the following:

(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;

(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to

take such action. 28149

(23) A description of the learning opportunities that will be 28150
offered to students including both classroom-based and 28151
non-classroom-based learning opportunities that is in compliance 28152
with criteria for student participation established by the 28153
department under division (H)(2) of section 3314.08 of the Revised 28154
Code; 28155

(24) The school will comply with sections 3302.04 and 28156
3302.041 of the Revised Code, except that any action required to 28157
be taken by a school district pursuant to those sections shall be 28158
taken by the sponsor of the school. However, the sponsor shall not 28159
be required to take any action described in division (F) of 28160
section 3302.04 of the Revised Code. 28161

(25) Beginning in the 2006-2007 school year, the school will 28162
open for operation not later than the thirtieth day of September 28163
each school year, unless the mission of the school as specified 28164
under division (A)(2) of this section is solely to serve dropouts. 28165
In its initial year of operation, if the school fails to open by 28166
the thirtieth day of September, or within one year after the 28167
adoption of the contract pursuant to division (D) of section 28168
3314.02 of the Revised Code if the mission of the school is solely 28169
to serve dropouts, the contract shall be void. 28170

(26) Whether the school's governing authority is planning to 28171
seek designation for the school as a STEM school equivalent under 28172
section 3326.032 of the Revised Code; 28173

(27) That the school's attendance and participation policies 28174
will be available for public inspection; 28175

(28) That the school's attendance and participation records 28176
shall be made available to the department of education, auditor of 28177
state, and school's sponsor to the extent permitted under and in 28178
accordance with the "Family Educational Rights and Privacy Act of 28179

1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 28180
regulations promulgated under that act, and section 3319.321 of 28181
the Revised Code; 28182

(29) If a school operates using the blended learning model, 28183
as defined in section 3301.079 of the Revised Code, all of the 28184
following information: 28185

(a) An indication of what blended learning model or models 28186
will be used; 28187

(b) A description of how student instructional needs will be 28188
determined and documented; 28189

(c) The method to be used for determining competency, 28190
granting credit, and promoting students to a higher grade level; 28191

(d) The school's attendance requirements, including how the 28192
school will document participation in learning opportunities; 28193

(e) A statement describing how student progress will be 28194
monitored; 28195

(f) A statement describing how private student data will be 28196
protected; 28197

(g) A description of the professional development activities 28198
that will be offered to teachers. 28199

(30) A provision requiring that all moneys the school's 28200
operator loans to the school, including facilities loans or cash 28201
flow assistance, must be accounted for, documented, and bear 28202
interest at a fair market rate; 28203

(31) A provision requiring that, if the governing authority 28204
contracts with an attorney, accountant, or entity specializing in 28205
audits, the attorney, accountant, or entity shall be independent 28206
from the operator with which the school has contracted. 28207

(32) A provision requiring the governing authority to adopt 28208
an enrollment and attendance policy that requires a student's 28209

parent to notify the community school in which the student is 28210
enrolled when there is a change in the location of the parent's or 28211
student's primary residence. 28212

(33) A provision requiring the governing authority to adopt a 28213
student residence and address verification policy for students 28214
enrolling in or attending the school. 28215

(B) The community school shall also submit to the sponsor a 28216
comprehensive plan for the school. The plan shall specify the 28217
following: 28218

(1) The process by which the governing authority of the 28219
school will be selected in the future; 28220

(2) The management and administration of the school; 28221

(3) If the community school is a currently existing public 28222
school or educational service center building, alternative 28223
arrangements for current public school students who choose not to 28224
attend the converted school and for teachers who choose not to 28225
teach in the school or building after conversion; 28226

(4) The instructional program and educational philosophy of 28227
the school; 28228

(5) Internal financial controls. 28229

When submitting the plan under this division, the school 28230
shall also submit copies of all policies and procedures regarding 28231
internal financial controls adopted by the governing authority of 28232
the school. 28233

(C) A contract entered into under section 3314.02 of the 28234
Revised Code between a sponsor and the governing authority of a 28235
community school may provide for the ~~community school governing~~ 28236
~~authority to make payments to the sponsor, which is hereby~~ 28237
~~authorized to receive such payments as set forth in the contract~~ 28238
~~between the governing authority and the sponsor. The total amount~~ 28239

~~of such payments~~ a portion of the total amount of funding 28240
calculated to be paid to the community school under division 28241
(C)(1) of sections 3314.08 and section 3314.085 of the Revised 28242
Code for monitoring, oversight, and technical assistance of the 28243
school. The amount of this payment shall be set forth in the 28244
contract and shall not exceed three per cent of the total amount 28245
of payments for operating expenses that the school receives from 28246
the state. 28247

(D) The contract shall specify the duties of the sponsor 28248
which shall be in accordance with the written agreement entered 28249
into with the department of education under division (B) of 28250
section 3314.015 of the Revised Code and shall include the 28251
following: 28252

(1) Monitor the community school's compliance with all laws 28253
applicable to the school and with the terms of the contract; 28254

(2) Monitor and evaluate the academic and fiscal performance 28255
and the organization and operation of the community school on at 28256
least an annual basis; 28257

(3) Report on an annual basis the results of the evaluation 28258
conducted under division (D)(2) of this section to the department 28259
of education and to the parents of students enrolled in the 28260
community school; 28261

(4) Provide technical assistance to the community school in 28262
complying with laws applicable to the school and terms of the 28263
contract; 28264

(5) Take steps to intervene in the school's operation to 28265
correct problems in the school's overall performance, declare the 28266
school to be on probationary status pursuant to section 3314.073 28267
of the Revised Code, suspend the operation of the school pursuant 28268
to section 3314.072 of the Revised Code, or terminate the contract 28269
of the school pursuant to section 3314.07 of the Revised Code as 28270

determined necessary by the sponsor; 28271

(6) Have in place a plan of action to be undertaken in the 28272
event the community school experiences financial difficulties or 28273
closes prior to the end of a school year. 28274

(E) Upon the expiration of a contract entered into under this 28275
section, the sponsor of a community school may, with the approval 28276
of the governing authority of the school, renew that contract for 28277
a period of time determined by the sponsor, but not ending earlier 28278
than the end of any school year, if the sponsor finds that the 28279
school's compliance with applicable laws and terms of the contract 28280
and the school's progress in meeting the academic goals prescribed 28281
in the contract have been satisfactory. Any contract that is 28282
renewed under this division remains subject to the provisions of 28283
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 28284

(F) If a community school fails to open for operation within 28285
one year after the contract entered into under this section is 28286
adopted pursuant to division (D) of section 3314.02 of the Revised 28287
Code or permanently closes prior to the expiration of the 28288
contract, the contract shall be void and the school shall not 28289
enter into a contract with any other sponsor. A school shall not 28290
be considered permanently closed because the operations of the 28291
school have been suspended pursuant to section 3314.072 of the 28292
Revised Code. 28293

Sec. 3314.034. (A) Subject to division (B) of this section, 28294
any community school to which either of the following conditions 28295
apply shall be prohibited from entering into a contract with a new 28296
sponsor: 28297

(1) The community school has received, pursuant to section 28298
3302.038 of the Revised Code, a grade of "D" or "F" for the 28299
performance index score, under division (C)(1)(b) of section 28300
3302.03 of the Revised Code, ~~and~~ or an overall grade of "D" or "F" 28301

for the value-added progress dimension or another measure of 28302
student academic progress if adopted by the state board of 28303
education, under division (C)(1)(e) of that section, on the most 28304
recent report card issued for the school pursuant to that section. 28305

(2) The community school is one in which a majority of the 28306
students are enrolled in a dropout prevention and recovery 28307
program, and it has received a rating of "does not meet standards" 28308
for the annual student growth measure and combined graduation 28309
rates on the most recent report card issued for the school under 28310
section 3314.017 of the Revised Code. 28311

(B) A community school to which division (A) of this section 28312
applies may enter into a contract with a new sponsor if all of the 28313
following conditions are satisfied: 28314

(1) The proposed sponsor received a rating of "effective" or 28315
higher pursuant to division (B)(6) of section 3314.016 of the 28316
Revised Code on its most recent evaluation conducted according to 28317
that section, or the proposed sponsor is the office of Ohio school 28318
sponsorship established in section 3314.029 of the Revised Code. 28319

(2) The community school submits a request to enter into a 28320
new contract with a sponsor. 28321

(3) The community school has not submitted a prior request 28322
that was granted. 28323

(4) The department grants the school's request pursuant to 28324
division (C) of this section. 28325

(C) A school shall submit a request to change sponsors under 28326
this section not later than on the fifteenth day of February of 28327
the year in which the school wishes to do so. The department shall 28328
grant or deny the request not later than thirty days after the 28329
department receives it. If the department denies the request, the 28330
community school may submit an appeal to the state board of 28331
education, which shall hold a hearing in accordance with Chapter 28332

119. of the Revised Code. The community school shall file its 28333
notice of appeal to the state board not later than ten days after 28334
receiving the decision from the department. The state board shall 28335
conduct the hearing not later than thirty days after receiving the 28336
school's notice of appeal and act upon the determination of the 28337
hearing officer not later than the twenty-fifth day of June of the 28338
year in which the school wishes to change sponsors. 28339

(D) Factors to be considered during a hearing held pursuant 28340
to division (C) of this section include, but are not limited to, 28341
the following: 28342

(1) The school's impact on the students and the community or 28343
communities it serves; 28344

(2) The quality and quantity of academic and administrative 28345
support the school receives from its current sponsor to help the 28346
school to improve; 28347

(3) The sponsor's annual evaluations of the community school 28348
under division (D)(2) of section 3314.03 of the Revised Code for 28349
the previous three years; 28350

(4) The academic performance of the school, taking into 28351
account the demographic information of the students enrolled in 28352
the school; 28353

(5) The academic performance of alternative schools that 28354
serve comparable populations of students as those served by the 28355
community school; 28356

(6) The fiscal stability of the school; 28357

(7) The results of any audits of the school by the auditor of 28358
state; 28359

(8) The length of time the school has been under the 28360
oversight of its current sponsor; 28361

(9) The number of times the school has changed sponsors prior 28362

to the current request;	28363
(10) Parent and student satisfaction rates as demonstrated by surveys, if available.	28364 28365
Sec. 3314.08. (A) As used in this section:	28366
(1)(a) "Category one career-technical education student" means a student who is receiving the career-technical education services described in division (A) of section 3317.014 of the Revised Code.	28367 28368 28369 28370
(b) "Category two career-technical student" means a student who is receiving the career-technical education services described in division (B) of section 3317.014 of the Revised Code.	28371 28372 28373
(c) "Category three career-technical student" means a student who is receiving the career-technical education services described in division (C) of section 3317.014 of the Revised Code.	28374 28375 28376
(d) "Category four career-technical student" means a student who is receiving the career-technical education services described in division (D) of section 3317.014 of the Revised Code.	28377 28378 28379
(e) "Category five career-technical education student" means a student who is receiving the career-technical education services described in division (E) of section 3317.014 of the Revised Code.	28380 28381 28382
(2)(a) "Category one limited English proficient student <u>learner</u> " means a limited <u>an</u> English proficient student <u>learner</u> described in division (A) of section 3317.016 of the Revised Code.	28383 28384 28385
(b) "Category two limited English proficient student <u>learner</u> " means a limited <u>an</u> English proficient student <u>learner</u> described in division (B) of section 3317.016 of the Revised Code.	28386 28387 28388
(c) "Category three limited English proficient student <u>learner</u> " means a limited <u>an</u> English proficient student <u>learner</u> described in division (C) of section 3317.016 of the Revised Code.	28389 28390 28391

- (3)(a) "Category one special education student" means a student who is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code. 28392
28393
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28395
- (b) "Category two special education student" means a student who is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code. 28396
28397
28398
- (c) "Category three special education student" means a student who is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code. 28399
28400
28401
28402
- (d) "Category four special education student" means a student who is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code. 28403
28404
28405
- (e) "Category five special education student" means a student who is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code. 28406
28407
28408
- (f) "Category six special education student" means a student who is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code. 28409
28410
28411
- (4) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code. 28412
28413
- (5) "IEP" has the same meaning as in section 3323.01 of the Revised Code. 28414
28415
- (6) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 28416
28417
28418
- (7) "State education aid" has the same meaning as in section 5751.20 of the Revised Code. 28419
28420
- (B) The state board of education shall adopt rules requiring 28421

both of the following:	28422
(1) The board of education of each city, exempted village, and local school district to annually report the number of students entitled to attend school in the district who are enrolled in each grade kindergarten through twelve in a community school established under this chapter, and for each child, the community school in which the child is enrolled.	28423 28424 28425 28426 28427 28428
(2) The governing authority of each community school established under this chapter to annually report all of the following:	28429 28430 28431
(a) The number of students enrolled in grades one through twelve and the full-time equivalent number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;	28432 28433 28434 28435
(b) The number of enrolled students in grades one through twelve and the full-time equivalent number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP;	28436 28437 28438 28439
(c) The number of students reported under division (B)(2)(b) of this section receiving special education and related services pursuant to an IEP for a disability described in each of divisions (A) to (F) of section 3317.013 of the Revised Code;	28440 28441 28442 28443
(d) The full-time equivalent number of students reported under divisions (B)(2)(a) and (b) of this section who are enrolled in career-technical education programs or classes described in each of divisions (A) to (E) of section 3317.014 of the Revised Code that are provided by the community school;	28444 28445 28446 28447 28448
(e) The number of students reported under divisions (B)(2)(a) and (b) of this section who are not reported under division (B)(2)(d) of this section but who are enrolled in career-technical education programs or classes described in each of divisions (A)	28449 28450 28451 28452

to (E) of section 3317.014 of the Revised Code at a joint 28453
vocational school district or another district in the 28454
career-technical planning district to which the school is 28455
assigned; 28456

(f) The number of students reported under divisions (B)(2)(a) 28457
and (b) of this section who are category one to three ~~limited~~ 28458
English ~~proficient students~~ learners described in each of 28459
divisions (A) to (C) of section 3317.016 of the Revised Code; 28460

(g) The number of students reported under divisions (B)(2)(a) 28461
and (b) of this section who are economically disadvantaged, as 28462
defined by the department. A student shall not be categorically 28463
excluded from the number reported under division (B)(2)(g) of this 28464
section based on anything other than family income. 28465

(h) For each student, the city, exempted village, or local 28466
school district in which the student is entitled to attend school 28467
under section 3313.64 or 3313.65 of the Revised Code. 28468

(i) The number of students enrolled in a preschool program 28469
operated by the school that is licensed by the department of 28470
education under sections 3301.52 to 3301.59 of the Revised Code 28471
who are not receiving special education and related services 28472
pursuant to an IEP. 28473

A school district board and a community school governing 28474
authority shall include in their respective reports under division 28475
(B) of this section any child admitted in accordance with division 28476
(A)(2) of section 3321.01 of the Revised Code. 28477

A governing authority of a community school shall not include 28478
in its report under divisions (B)(2)(a) to (h) of this section any 28479
student for whom tuition is charged under division (F) of this 28480
section. 28481

(C)(1) Except as provided in division (C)(2) of this section, 28482
and subject to divisions (C)(3), (4), (5), (6), and (7) of this 28483

section and section 3314.089 of the Revised Code, on a full-time 28484
equivalency basis, for each student enrolled in a community school 28485
established under this chapter, the department of education 28486
annually shall deduct from the state education aid of a student's 28487
resident district and, if necessary, from the payment made to the 28488
district under sections 321.24 and 323.156 of the Revised Code and 28489
pay to the community school the sum of the following: 28490

(a) An opportunity grant in an amount equal to the formula 28491
amount; 28492

(b) The per pupil amount of targeted assistance funds 28493
calculated under division (A) of section 3317.0217 of the Revised 28494
Code for the student's resident district, as determined by the 28495
department, X 0.25; 28496

(c) Additional state aid for special education and related 28497
services provided under Chapter 3323. of the Revised Code as 28498
follows: 28499

(i) If the student is a category one special education 28500
student, the amount specified in division (A) of section 3317.013 28501
of the Revised Code; 28502

(ii) If the student is a category two special education 28503
student, the amount specified in division (B) of section 3317.013 28504
of the Revised Code; 28505

(iii) If the student is a category three special education 28506
student, the amount specified in division (C) of section 3317.013 28507
of the Revised Code; 28508

(iv) If the student is a category four special education 28509
student, the amount specified in division (D) of section 3317.013 28510
of the Revised Code; 28511

(v) If the student is a category five special education 28512
student, the amount specified in division (E) of section 3317.013 28513

of the Revised Code;	28514
(vi) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	28515 28516 28517
(d) If the student is in kindergarten through third grade, an additional amount of \$320;	28518 28519
(e) If the student is economically disadvantaged, an additional amount equal to the following:	28520 28521
\$272 X the resident district's economically disadvantaged index	28522 28523
(f) Limited English proficiency <u>learner</u> funds as follows:	28524
(i) If the student is a category one limited English proficient student <u>learner</u> , the amount specified in division (A) of section 3317.016 of the Revised Code;	28525 28526 28527
(ii) If the student is a category two limited English proficient student <u>learner</u> , the amount specified in division (B) of section 3317.016 of the Revised Code;	28528 28529 28530
(iii) If the student is a category three limited English proficient student <u>learner</u> , the amount specified in division (C) of section 3317.016 of the Revised Code.	28531 28532 28533
(g) If the student is reported under division (B)(2)(d) of this section, career-technical education funds as follows:	28534 28535
(i) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;	28536 28537 28538
(ii) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;	28539 28540 28541
(iii) If the student is a category three career-technical	28542

education student, the amount specified in division (C) of section 28543
3317.014 of the Revised Code; 28544

(iv) If the student is a category four career-technical 28545
education student, the amount specified in division (D) of section 28546
3317.014 of the Revised Code; 28547

(v) If the student is a category five career-technical 28548
education student, the amount specified in division (E) of section 28549
3317.014 of the Revised Code. 28550

Deduction and payment of funds under division (C)(1)(g) of 28551
this section is subject to approval by the lead district of a 28552
career-technical planning district or the department of education 28553
under section 3317.161 of the Revised Code. 28554

(2) When deducting from the state education aid of a 28555
student's resident district for students enrolled in an internet- 28556
or computer-based community school and making payments to such 28557
school under this section, the department shall make the 28558
deductions and payments described in only divisions (C)(1)(a), 28559
(c), and (g) of this section. 28560

No deductions or payments shall be made for a student 28561
enrolled in such school under division (C)(1)(b), (d), (e), or (f) 28562
of this section. 28563

(3)(a) If a community school's costs for a fiscal year for a 28564
student receiving special education and related services pursuant 28565
to an IEP for a disability described in divisions (B) to (F) of 28566
section 3317.013 of the Revised Code exceed the threshold 28567
catastrophic cost for serving the student as specified in division 28568
(B) of section 3317.0214 of the Revised Code, the school may 28569
submit to the superintendent of public instruction documentation, 28570
as prescribed by the superintendent, of all its costs for that 28571
student. Upon submission of documentation for a student of the 28572
type and in the manner prescribed, the department shall pay to the 28573

community school an amount equal to the school's costs for the 28574
student in excess of the threshold catastrophic costs. 28575

(b) The community school shall report under division 28576
(C)(3)(a) of this section, and the department shall pay for, only 28577
the costs of educational expenses and the related services 28578
provided to the student in accordance with the student's 28579
individualized education program. Any legal fees, court costs, or 28580
other costs associated with any cause of action relating to the 28581
student may not be included in the amount. 28582

(4) In any fiscal year, a community school receiving funds 28583
under division (C)(1)(g) of this section shall spend those funds 28584
only for the purposes that the department designates as approved 28585
for career-technical education expenses. Career-technical 28586
education expenses approved by the department shall include only 28587
expenses connected to the delivery of career-technical programming 28588
to career-technical students. The department shall require the 28589
school to report data annually so that the department may monitor 28590
the school's compliance with the requirements regarding the manner 28591
in which funding received under division (C)(1)(g) of this section 28592
may be spent. 28593

(5) Notwithstanding anything to the contrary in section 28594
3313.90 of the Revised Code, except as provided in division (C)(9) 28595
of this section, all funds received under division (C)(1)(g) of 28596
this section shall be spent in the following manner: 28597

(a) At least seventy-five per cent of the funds shall be 28598
spent on curriculum development, purchase, and implementation; 28599
instructional resources and supplies; industry-based program 28600
certification; student assessment, credentialing, and placement; 28601
curriculum specific equipment purchases and leases; 28602
career-technical student organization fees and expenses; home and 28603
agency linkages; work-based learning experiences; professional 28604
development; and other costs directly associated with 28605

career-technical education programs including development of new programs. 28606
28607

(b) Not more than twenty-five per cent of the funds shall be used for personnel expenditures. 28608
28609

(6) A community school shall spend the funds it receives under division (C)(1)(e) of this section in accordance with section 3317.25 of the Revised Code. 28610
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(7) If the sum of the payments computed under divisions (C)(1) and (8)(a) of this section for the students entitled to attend school in a particular school district under sections 3313.64 and 3313.65 of the Revised Code exceeds the sum of that district's state education aid and its payment under sections 321.24 and 323.156 of the Revised Code, the department shall calculate and apply a proration factor to the payments to all community schools under that division for the students entitled to attend school in that district. 28613
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(8)(a) Subject to division (C)(7) of this section, the department annually shall pay to each community school, including each internet- or computer-based community school, an amount equal to the following: 28622
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(The number of students reported by the community school under division (B)(2)(e) of this section X the formula amount X .20) 28626
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28628

(b) For each payment made to a community school under division (C)(8)(a) of this section, the department shall deduct from the state education aid of each city, local, and exempted village school district and, if necessary, from the payment made to the district under sections 321.24 and 323.156 of the Revised Code an amount equal to the following: 28629
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(The number of the district's students reported by the community school under division (B)(2)(e) of this section X the 28635
28636

formula amount X .20) 28637

(9) The department may waive the requirement in division 28638
(C)(5) of this section for any community school that exclusively 28639
provides one or more career-technical workforce development 28640
programs in arts and communications that are not 28641
equipment-intensive, as determined by the department. 28642

(D) A board of education sponsoring a community school may 28643
utilize local funds to make enhancement grants to the school or 28644
may agree, either as part of the contract or separately, to 28645
provide any specific services to the community school at no cost 28646
to the school. 28647

(E) A community school may not levy taxes or issue bonds 28648
secured by tax revenues. 28649

(F) No community school shall charge tuition for the 28650
enrollment of any student who is a resident of this state. A 28651
community school may charge tuition for the enrollment of any 28652
student who is not a resident of this state. 28653

(G)(1)(a) A community school may borrow money to pay any 28654
necessary and actual expenses of the school in anticipation of the 28655
receipt of any portion of the payments to be received by the 28656
school pursuant to division (C) of this section. The school may 28657
issue notes to evidence such borrowing. The proceeds of the notes 28658
shall be used only for the purposes for which the anticipated 28659
receipts may be lawfully expended by the school. 28660

(b) A school may also borrow money for a term not to exceed 28661
fifteen years for the purpose of acquiring facilities. 28662

(2) Except for any amount guaranteed under section 3318.50 of 28663
the Revised Code, the state is not liable for debt incurred by the 28664
governing authority of a community school. 28665

(H) The department of education shall adjust the amounts 28666

subtracted and paid under division (C) of this section to reflect 28667
any enrollment of students in community schools for less than the 28668
equivalent of a full school year. The state board of education 28669
within ninety days after April 8, 2003, shall adopt in accordance 28670
with Chapter 119. of the Revised Code rules governing the payments 28671
to community schools under this section including initial payments 28672
in a school year and adjustments and reductions made in subsequent 28673
periodic payments to community schools and corresponding 28674
deductions from school district accounts as provided under 28675
division (C) of this section. For purposes of this section: 28676

(1) A student shall be considered enrolled in the community 28677
school for any portion of the school year the student is 28678
participating at a college under Chapter 3365. of the Revised 28679
Code. 28680

(2) A student shall be considered to be enrolled in a 28681
community school for the period of time beginning on the later of 28682
the date on which the school both has received documentation of 28683
the student's enrollment from a parent and the student has 28684
commenced participation in learning opportunities as defined in 28685
the contract with the sponsor, or thirty days prior to the date on 28686
which the student is entered into the education management 28687
information system established under section 3301.0714 of the 28688
Revised Code. For purposes of applying this division and divisions 28689
(H)(3) and (4) of this section to a community school student, 28690
"learning opportunities" shall be defined in the contract, which 28691
shall describe both classroom-based and non-classroom-based 28692
learning opportunities and shall be in compliance with criteria 28693
and documentation requirements for student participation which 28694
shall be established by the department. Any student's instruction 28695
time in non-classroom-based learning opportunities shall be 28696
certified by an employee of the community school. A student's 28697
enrollment shall be considered to cease on the date on which any 28698

of the following occur: 28699

(a) The community school receives documentation from a parent 28700
terminating enrollment of the student. 28701

(b) The community school is provided documentation of a 28702
student's enrollment in another public or private school. 28703

(c) The community school ceases to offer learning 28704
opportunities to the student pursuant to the terms of the contract 28705
with the sponsor or the operation of any provision of this 28706
chapter. 28707

Except as otherwise specified in this paragraph, beginning in 28708
the 2011-2012 school year, any student who completed the prior 28709
school year in an internet- or computer-based community school 28710
shall be considered to be enrolled in the same school in the 28711
subsequent school year until the student's enrollment has ceased 28712
as specified in division (H)(2) of this section. The department 28713
shall continue subtracting and paying amounts for the student 28714
under division (C) of this section without interruption at the 28715
start of the subsequent school year. However, if the student 28716
without a legitimate excuse fails to participate in the first 28717
seventy-two consecutive hours of learning opportunities offered to 28718
the student in that subsequent school year, the student shall be 28719
considered not to have re-enrolled in the school for that school 28720
year and the department shall recalculate the payments to the 28721
school for that school year to account for the fact that the 28722
student is not enrolled. 28723

(3) The department shall determine each community school 28724
student's percentage of full-time equivalency based on the 28725
percentage of learning opportunities offered by the community 28726
school to that student, reported either as number of hours or 28727
number of days, is of the total learning opportunities offered by 28728
the community school to a student who attends for the school's 28729

entire school year. However, no internet- or computer-based 28730
community school shall be credited for any time a student spends 28731
participating in learning opportunities beyond ten hours within 28732
any period of twenty-four consecutive hours. Whether it reports 28733
hours or days of learning opportunities, each community school 28734
shall offer not less than nine hundred twenty hours of learning 28735
opportunities during the school year. 28736

(4) With respect to the calculation of full-time equivalency 28737
under division (H)(3) of this section, the department shall waive 28738
the number of hours or days of learning opportunities not offered 28739
to a student because the community school was closed during the 28740
school year due to disease epidemic, hazardous weather conditions, 28741
law enforcement emergencies, inoperability of school buses or 28742
other equipment necessary to the school's operation, damage to a 28743
school building, or other temporary circumstances due to utility 28744
failure rendering the school building unfit for school use, so 28745
long as the school was actually open for instruction with students 28746
in attendance during that school year for not less than the 28747
minimum number of hours required by this chapter. The department 28748
shall treat the school as if it were open for instruction with 28749
students in attendance during the hours or days waived under this 28750
division. 28751

(I) The department of education shall reduce the amounts paid 28752
under this section to reflect payments made to colleges under 28753
section 3365.07 of the Revised Code. 28754

(J)(1) No student shall be considered enrolled in any 28755
internet- or computer-based community school or, if applicable to 28756
the student, in any community school that is required to provide 28757
the student with a computer pursuant to division (C) of section 28758
3314.22 of the Revised Code, unless both of the following 28759
conditions are satisfied: 28760

(a) The student possesses or has been provided with all 28761

required hardware and software materials and all such materials 28762
are operational so that the student is capable of fully 28763
participating in the learning opportunities specified in the 28764
contract between the school and the school's sponsor as required 28765
by division (A)(23) of section 3314.03 of the Revised Code; 28766

(b) The school is in compliance with division (A) of section 28767
3314.22 of the Revised Code, relative to such student. 28768

(2) In accordance with policies adopted by the superintendent 28769
of public instruction, in consultation with the auditor of state, 28770
the department shall reduce the amounts otherwise payable under 28771
division (C) of this section to any community school that includes 28772
in its program the provision of computer hardware and software 28773
materials to any student, if such hardware and software materials 28774
have not been delivered, installed, and activated for each such 28775
student in a timely manner or other educational materials or 28776
services have not been provided according to the contract between 28777
the individual community school and its sponsor. 28778

The superintendent of public instruction and the auditor of 28779
state shall jointly establish a method for auditing any community 28780
school to which this division pertains to ensure compliance with 28781
this section. 28782

The superintendent, auditor of state, and the governor shall 28783
jointly make recommendations to the general assembly for 28784
legislative changes that may be required to assure fiscal and 28785
academic accountability for such schools. 28786

(K)(1) If the department determines that a review of a 28787
community school's enrollment is necessary, such review shall be 28788
completed and written notice of the findings shall be provided to 28789
the governing authority of the community school and its sponsor 28790
within ninety days of the end of the community school's fiscal 28791
year, unless extended for a period not to exceed thirty additional 28792

days for one of the following reasons: 28793

(a) The department and the community school mutually agree to 28794
the extension. 28795

(b) Delays in data submission caused by either a community 28796
school or its sponsor. 28797

(2) If the review results in a finding that additional 28798
funding is owed to the school, such payment shall be made within 28799
thirty days of the written notice. If the review results in a 28800
finding that the community school owes moneys to the state, the 28801
following procedure shall apply: 28802

(a) Within ten business days of the receipt of the notice of 28803
findings, the community school may appeal the department's 28804
determination to the state board of education or its designee. 28805

(b) The board or its designee shall conduct an informal 28806
hearing on the matter within thirty days of receipt of such an 28807
appeal and shall issue a decision within fifteen days of the 28808
conclusion of the hearing. 28809

(c) If the board has enlisted a designee to conduct the 28810
hearing, the designee shall certify its decision to the board. The 28811
board may accept the decision of the designee or may reject the 28812
decision of the designee and issue its own decision on the matter. 28813

(d) Any decision made by the board under this division is 28814
final. 28815

(3) If it is decided that the community school owes moneys to 28816
the state, the department shall deduct such amount from the 28817
school's future payments in accordance with guidelines issued by 28818
the superintendent of public instruction. 28819

(L) The department shall not subtract from a school 28820
district's state aid account and shall not pay to a community 28821
school under division (C) of this section any amount for any of 28822

the following:	28823
(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;	28824 28825
(2) Any student who is not a resident of the state;	28826
(3) Any student who was enrolled in the community school during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C)(1) or (3) of that section, unless the superintendent of public instruction grants the student a waiver from the requirement to take the assessment and a parent is not paying tuition for the student pursuant to section 3314.26 of the Revised Code. The superintendent may grant a waiver only for good cause in accordance with rules adopted by the state board of education.	28827 28828 28829 28830 28831 28832 28833 28834 28835 28836 28837
(4) Any student who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for enrollment in a community school not later than four years after termination of war or their honorable discharge. If, however, any such veteran elects to enroll in special courses organized for veterans for whom tuition is paid under federal law, or otherwise, the department shall not subtract from a school district's state aid account and shall not pay to a community school under division (C) of this section any amount for that veteran.	28838 28839 28840 28841 28842 28843 28844 28845 28846 28847 28848 28849
Sec. 3314.085. (A) For purposes of this section:	28850
(1) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.	28851 28852

(2) "Four-year adjusted cohort graduation rate" has the same meaning as in section 3302.01 of the Revised Code. 28853
28854

(3) A community school's "third-grade reading proficiency percentage" means the percentage of the school's students scoring at a proficient level of skill or higher on the third-grade English language arts assessment prescribed under division (A)(1)(a) of section 3301.0710 of the Revised Code for the immediately preceding school year, as reported on the school's report card under section 3302.03 of the Revised Code. 28855
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(B) In addition to the payments made under section 3314.08 of the Revised Code, and subject to section 3314.089 of the Revised Code, the department of education shall annually pay to each community school both of the following: 28862
28863
28864
28865

(1) A graduation bonus calculated according to the following formula: 28866
28867
The school's four-year adjusted cohort graduation rate on its most recent report card issued by the department under section 3302.03 or 3314.017 of the Revised Code X 0.075 X the formula amount X the number of the school's graduates reported to the department, in accordance with the guidelines adopted under section 3301.0714 of the Revised Code, for the same school year for which the most recent report card was issued 28868
28869
28870
28871
28872
28873
28874

(2) A third-grade reading bonus calculated according to the following formula: 28875
28876
The school's third-grade reading proficiency percentage X 0.075 X the formula amount X the number of the school's students scoring at a proficient level or higher on the third-grade English language arts assessment prescribed under division (A)(1)(a) of section 3301.0710 of the Revised Code for the immediately preceding school year 28877
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Sec. 3314.088. (A) As used in this section: 28883

(1) "Base per pupil amount" has the same meaning as in 28884
section 3317.0219 of the Revised Code. 28885

(2) "Eligible school district" has the same meaning as in 28886
division (C)(1) of section 3317.0219 of the Revised Code. 28887

(3) "Resident district" has the same meaning as in section 28888
3314.08 of the Revised Code. 28889

(B) Subject to division (E) of this section, for fiscal years 28890
2020 and 2021, the department of education shall calculate and pay 28891
to each community school that is not an internet- or 28892
computer-based community school student wellness and success 28893
funds, on a full-time equivalency basis, for each student enrolled 28894
in the school as of the school's payment under section 3314.08 of 28895
the Revised Code in June of the immediately preceding fiscal year 28896
in an amount equal to the following: 28897

(The base per pupil amount of the student's resident district for 28898
that fiscal year + the scaled amount of the student's resident 28899
district, if any, computed under division (B)(4) of section 28900
3317.0219 of the Revised Code) 28901

However, each community school shall receive a minimum 28902
payment of \$25,000, for fiscal year 2020, or \$36,000, for fiscal 28903
year 2021. 28904

(C) Subject to division (E) of this section, for fiscal years 28905
2020 and 2021, the department shall pay student wellness and 28906
success funds to each internet- or computer-based community school 28907
in an amount equal to \$25,000, for fiscal year 2020, or \$36,000, 28908
for fiscal year 2021. 28909

(D) Subject to division (E) of this section, for fiscal years 28910
2020 and 2021, the department shall pay to each community school 28911
that is not an internet- or computer-based community school 28912
student wellness and success enhancement funds, on a full-time 28913
equivalency basis, for each student enrolled in the school as of 28914

the school's payment under section 3314.08 of the Revised Code in 28915
June of the immediately preceding fiscal year whose resident 28916
district is an eligible school district, in an amount equal to the 28917
following: 28918

The amount paid to the student's resident district under division 28919
(C)(2) of section 3317.0219 of the Revised Code for that fiscal 28920
year / the enrolled ADM of the student's resident district that 28921
was used for the second payment under Chapter 3317. of the Revised 28922
Code in June of the immediately preceding fiscal year 28923

(E) The department shall pay funds under divisions (B), (C), 28924
and (D) of this section as follows: 28925

(1) One-half of the amount shall be paid not later than the 28926
thirty-first day of October of the fiscal year for which the 28927
payment is calculated. 28928

(2) One-half of the amount shall be paid not later than the 28929
twenty-eighth day of February of the fiscal year for which the 28930
payment is calculated. 28931

Upon making a payment for a fiscal year under this section, 28932
the department shall not make any reconciliations or adjustments 28933
to that payment. 28934

(F) A community school that receives a payment under this 28935
section shall comply with section 3317.26 of the Revised Code. 28936

Sec. 3314.089. If the contract between a sponsor and the 28937
governing authority of a community school provides for the sponsor 28938
to receive a portion of the total amount of funding calculated to 28939
be paid to the school under division (C)(1) of section 3314.08 and 28940
section 3314.085 of the Revised Code, the department of education 28941
shall annually pay the funds calculated under those sections as 28942
follows: 28943

(A) A portion of the total amount of funding calculated for 28944

the school shall be paid to the sponsor, in an amount equal to the 28945
amount specified in the contract in accordance with division (C) 28946
of section 3314.03 of the Revised Code. 28947

(B) The remainder of the total amount of funding calculated 28948
for the school shall be paid to the school. 28949

Sec. 3314.102. (A) As used in this section+ 28950

~~(1) "Chief executive officer" means a chief executive officer~~ 28951
~~appointed by an academic distress commission pursuant to section~~ 28952
~~3302.10 of the Revised Code.~~ 28953

~~(2) "Municipal , "municipal school district" and "mayor" have~~ 28954
~~the same meanings as in section 3311.71 of the Revised Code.~~ 28955

(B) Notwithstanding section 3314.10 and sections 4117.03 to 28956
4117.18 of the Revised Code and Section 4 of Amended Substitute 28957
Senate Bill No. 133 of the 115th general assembly, the employees 28958
of a conversion community school that is sponsored by the board of 28959
education of a municipal school district ~~or a school district for~~ 28960
~~which an academic distress commission has been established under~~ 28961
~~section 3302.10 of the Revised Code~~ shall cease to be subject to 28962
any future collective bargaining agreement, if the mayor ~~or chief~~ 28963
~~executive officer~~ submits to the board of education sponsoring the 28964
school and to the state employment relations board a statement 28965
requesting that all employees of the community school be removed 28966
from a collective bargaining unit. The employees of the community 28967
school who are covered by a collective bargaining agreement in 28968
effect on the date the mayor ~~or chief executive officer~~ submits 28969
the statement shall remain subject to that collective bargaining 28970
agreement until the collective bargaining agreement expires on its 28971
terms. Upon expiration of that collective bargaining agreement, 28972
the employees of that school are not subject to Chapter 4117. of 28973
the Revised Code and may not organize or collectively bargain 28974
pursuant to that chapter. 28975

Sec. 3314.18. (A) Subject to division (C) of this section, 28976
the governing authority of each community school shall establish a 28977
breakfast program pursuant to the "National School Lunch Act," 60 28978
Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child 28979
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, 28980
if at least one-fifth of the pupils in the school are eligible 28981
under federal requirements for free breakfasts, and shall 28982
establish a lunch program pursuant to those acts if at least 28983
one-fifth of the pupils are eligible for free lunches. The 28984
governing authority required to establish a breakfast program 28985
under this division may make a charge in accordance with federal 28986
requirements for each reduced price breakfast or paid breakfast to 28987
cover the cost incurred in providing that meal. 28988

A breakfast program established under this section shall be 28989
operated in accordance with section 3313.818 of the Revised Code 28990
in any community school meeting the conditions prescribed by that 28991
section. 28992

(B) Subject to division (C) of this section, the governing 28993
authority of each community school shall establish one of the 28994
following for summer intervention services described in division 28995
(D) of section 3301.0711 or provided under section 3313.608 of the 28996
Revised Code, and any other summer intervention program required 28997
by law: 28998

(1) An extension of the school breakfast program pursuant to 28999
the "National School Lunch Act" and the "Child Nutrition Act of 29000
1966"; 29001

(2) An extension of the school lunch program pursuant to 29002
those acts; 29003

(3) A summer food service program pursuant to those acts. 29004

(C) If the governing authority of a community school 29005

determines that, for financial reasons, it cannot comply with 29006
division (A) or (B) of this section, the governing authority may 29007
choose not to comply with either or both divisions. In that case, 29008
the governing authority shall communicate to the parents of its 29009
students, in the manner it determines appropriate, its decision 29010
not to comply. 29011

(D) The governing authority of each community school required 29012
to establish a school breakfast, school lunch, or summer food 29013
service program under this section shall apply for state and 29014
federal funds allocated by the state board of education under 29015
division (B) of section 3313.813 of the Revised Code and shall 29016
comply with the state board's standards adopted under that 29017
division. 29018

(E) The governing authority of any community school required 29019
to establish a breakfast program under this section or that elects 29020
to participate in a breakfast program pursuant to the "National 29021
School Lunch Act" and the "Child Nutrition Act of 1966" may offer 29022
breakfast to pupils in their classrooms during the school day. 29023
However, any community school that is subject to section 3313.818 29024
of the Revised Code shall offer breakfast to pupils in accordance 29025
with that section. 29026

(F) Notwithstanding anything in this section to the contrary, 29027
in each fiscal year in which the general assembly appropriates 29028
funds for purposes of this division, the governing authority of 29029
each community school required to establish a breakfast program 29030
under this section or that elects to participate in a breakfast 29031
program pursuant to the "National School Lunch Act" and the "Child 29032
Nutrition Act of 1966" shall provide a breakfast free of charge to 29033
each pupil who is eligible under federal requirements for a 29034
reduced price breakfast. 29035

(G) This section does not apply to internet- or 29036
computer-based community schools. 29037

Sec. 3314.19. The sponsor of each community school ~~annually~~ 29038
shall provide the following assurances in writing to the 29039
department of education not later than ten business days prior to 29040
the opening of the ~~school~~ school's first year of operation or, if 29041
the school is not an internet- or computer-based community school 29042
and it changes the building from which it operates, the opening of 29043
the first year it operates from the new building: 29044

(A) That a current copy of the contract between the sponsor 29045
and the governing authority of the school entered into under 29046
section 3314.03 of the Revised Code has been filed with the 29047
department and that any subsequent modifications to that contract 29048
will be filed with the department; 29049

(B) That the school has submitted to the sponsor a plan for 29050
providing special education and related services to students with 29051
disabilities and has demonstrated the capacity to provide those 29052
services in accordance with Chapter 3323. of the Revised Code and 29053
federal law; 29054

(C) That the school has a plan and procedures for 29055
administering the achievement and diagnostic assessments 29056
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of the 29057
Revised Code; 29058

(D) That school personnel have the necessary training, 29059
knowledge, and resources to properly use and submit information to 29060
all databases maintained by the department for the collection of 29061
education data, including the education management information 29062
system established under section 3301.0714 of the Revised Code in 29063
accordance with methods and timelines established under section 29064
3314.17 of the Revised Code; 29065

(E) That all required information about the school has been 29066
submitted to the Ohio education directory system or any successor 29067
system; 29068

(F) That the school will enroll at least the minimum number of students required by division (A)(11)(a) of section 3314.03 of the Revised Code in the school year for which the assurances are provided; 29069
29070
29071
29072

(G) That all classroom teachers are licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except for noncertificated persons engaged to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code; 29073
29074
29075
29076

(H) That the school's fiscal officer is in compliance with section 3314.011 of the Revised Code; 29077
29078

(I) That the school has complied with sections 3319.39 and 3319.391 of the Revised Code with respect to all employees and that the school has conducted a criminal records check of each of its governing authority members; 29079
29080
29081
29082

(J) That the school holds all of the following: 29083

(1) Proof of property ownership or a lease for the facilities used by the school; 29084
29085

(2) A certificate of occupancy; 29086

(3) Liability insurance for the school, as required by division (A)(11)(b) of section 3314.03 of the Revised Code, that the sponsor considers sufficient to indemnify the school's facilities, staff, and governing authority against risk; 29087
29088
29089
29090

(4) A satisfactory health and safety inspection; 29091

(5) A satisfactory fire inspection; 29092

(6) A valid food permit, if applicable. 29093

(K) That the sponsor has conducted a pre-opening site visit to the school for the school year for which the assurances are provided; 29094
29095
29096

(L) That the school has designated a date it will open for 29097

the school year for which the assurances are provided that is in compliance with division (A)(25) of section 3314.03 of the Revised Code;

(M) That the school has met all of the sponsor's requirements for opening and any other requirements of the sponsor.

(N) That, for any school that operates using the blended learning model, as defined in section 3301.079 of the Revised Code, the sponsor has reviewed the following information, submitted by the school:

(1) An indication of what blended learning model or models will be used;

(2) A description of how student instructional needs will be determined and documented;

(3) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;

(4) The school's attendance requirements, including how the school will document participation in learning opportunities;

(5) A statement describing how student progress will be monitored;

(6) A statement describing how private student data will be protected;

(7) A description of the professional development activities that will be offered to teachers.

Sec. 3314.21. (A) As used in this section:

(1) "Harmful to juveniles" has the same meaning as in section 2907.01 of the Revised Code.

(2) "Obscene" has the same meaning as in division (F) of section 2907.01 of the Revised Code as that division has been construed by the supreme court of this state.

(3) "Teacher of record" means a teacher who is responsible for the overall academic development and achievement of a student and not merely the student's instruction in any single subject.

(B)~~(1)~~(1) It is the intent of the general assembly that teachers employed by internet- or computer-based community schools conduct visits with their students in person throughout the school year.

(2) Each internet- or computer-based community school shall retain an affiliation with at least one full-time teacher of record licensed in accordance with division (A)(10) of section 3314.03 of the Revised Code.

(3) Each student enrolled in an internet- or computer-based community school shall be assigned to at least one teacher of record. No teacher of record shall be primarily responsible for the academic development and achievement of more than one hundred twenty-five students enrolled in the internet- or computer-based community school that has retained that teacher.

(C) For any internet- or computer-based community school, the contract between the sponsor and the governing authority of the school described in section 3314.03 of the Revised Code shall specify each of the following:

(1) A requirement that the school use a filtering device or install filtering software that protects against internet access to materials that are obscene or harmful to juveniles on each computer provided to students for instructional use. The school shall provide such device or software at no cost to any student who works primarily from the student's residence on a computer obtained from a source other than the school.

(2) A plan for fulfilling the intent of the general assembly specified in division (B)(1) of this section. The plan shall indicate the number of times teachers will visit each student

throughout the school year and the manner in which those visits 29158
will be conducted. 29159

(3) That the school will set up a central base of operation 29160
and the sponsor will maintain a representative within fifty miles 29161
of that base of operation to provide monitoring and assistance. 29162

(D)(1) Annually, each internet- or computer-based community 29163
school shall prepare and submit to the department of education, in 29164
a time and manner prescribed by the department, a report that 29165
contains information about all of the following: 29166

(a) Classroom size; 29167

(b) The ratio of teachers to students per classroom; 29168

(c) The number of student-teacher meetings conducted in 29169
person or by video conference; 29170

(d) Any other information determined necessary by the 29171
department. 29172

(2) The department annually shall prepare and submit to the 29173
state board of education a report that contains the information 29174
received under division (D)(1) of this section. 29175

~~Sec. 3314.35. (A)(1) Except as provided in division (A)(4) of 29176
this section, this section applies to any community school that 29177
meets one of the following criteria after July 1, 2009, but before 29178
July 1, 2011: 29179~~

~~(a) The school does not offer a grade level higher than three 29180
and has been declared to be in a state of academic emergency under 29181
section 3302.03 of the Revised Code for three of the four most 29182
recent school years. 29183~~

~~(b) The school satisfies all of the following conditions: 29184~~

~~(i) The school offers any of grade levels four to eight but 29185
does not offer a grade level higher than nine. 29186~~

~~(ii) The school has been declared to be in a state of
academic emergency under section 3302.03 of the Revised Code for
two of the three most recent school years.~~ 29187
29188
29189

~~(iii) In at least two of the three most recent school years,
the school showed less than one standard year of academic growth
in either reading or mathematics, as determined by the department
of education in accordance with rules adopted under division (A)
of section 3302.021 of the Revised Code.~~ 29190
29191
29192
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~~(c) The school offers any of grade levels ten to twelve and
has been declared to be in a state of academic emergency under
section 3302.03 of the Revised Code for three of the four most
recent school years.~~ 29195
29196
29197
29198

~~(2) Except as provided in division (A)(4) of this section,
this section applies to any community school that meets one of the
following criteria after July 1, 2011, but before July 1, 2013:~~ 29199
29200
29201

~~(a) The school does not offer a grade level higher than three
and has been declared to be in a state of academic emergency under
section 3302.03 of the Revised Code for two of the three most
recent school years.~~ 29202
29203
29204
29205

~~(b) The school satisfies all of the following conditions:~~ 29206

~~(i) The school offers any of grade levels four to eight but
does not offer a grade level higher than nine.~~ 29207
29208

~~(ii) The school has been declared to be in a state of
academic emergency under section 3302.03 of the Revised Code for
two of the three most recent school years.~~ 29209
29210
29211

~~(iii) In at least two of the three most recent school years,
the school showed less than one standard year of academic growth
in either reading or mathematics, as determined by the department
in accordance with rules adopted under division (A) of section
3302.021 of the Revised Code.~~ 29212
29213
29214
29215
29216

~~(c) The school offers any of grade levels ten to twelve and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.~~ 29217
29218
29219
29220

~~(3) Except as provided in division (A)(4)(2) of this section, this section applies to any community school that meets one of the following criteria on or after July 1, 2013:~~ 29221
29222
29223

(a) The school does not offer a grade level higher than three and, for ~~two~~ of the three most recent school years, satisfies any of the following criteria: 29224
29225
29226

~~(i) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code, as it existed prior to March 22, 2013;~~ 29227
29228
29229

~~(ii) The school has received a grade of "F" in improving literacy in grades kindergarten through three under division (B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code;~~ 29230
29231
29232

~~(iii)(ii) The school has received an overall grade of "F" under division (C) of section 3302.03 of the Revised Code.~~ 29233
29234

(b) The school offers any of grade levels four to eight but does not offer a grade level higher than nine and, for ~~two~~ of the three most recent school years, ~~satisfies any of the following criteria:~~ 29235
29236
29237
29238

~~(i) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code, as it existed prior to March 22, 2013, and the school showed less than one standard year of academic growth in either reading or mathematics, as determined by the department in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code;~~ 29239
29240
29241
29242
29243
29244

~~(ii) The the school has received, pursuant to section 3302.038 of the Revised Code, a grade of "F" for the performance~~ 29245
29246

index score under division (A)(1)(b), (B)(1)(b), or (C)(1)(b) ~~and~~ 29247
~~or~~ a grade of "F" for the value-added progress dimension under 29248
division (A)(1)(e), (B)(1)(e), or (C)(1)(e) of section 3302.03 of 29249
the Revised Code; 29250

~~(iii) The school has received an overall grade of "F" under 29251
division (C) and a grade of "F" for the value added progress 29252
dimension under division (C)(1)(e) of section 3302.03 of the 29253
Revised Code. 29254~~

(c) The school offers any of grade levels ten to twelve and, 29255
for ~~two of~~ the three most recent school years, ~~satisfies any of~~ 29256
~~the following criteria:~~ 29257

~~(i) The school has been declared to be in a state of academic 29258
emergency under section 3302.03 of the Revised Code, as it existed 29259
prior to March 22, 2013; 29260~~

~~(ii) The the school has received, pursuant to section 29261
3302.038 of the Revised Code, a grade of "F" for either the 29262
performance index score under division (A)(1)(b), (B)(1)(b), or 29263
(C)(1)(b) or for the value-added progress dimension measure under 29264
division (A)(1)(e), (B)(1)(e), or (C)(1)(e) and has not met annual 29265
measurable objectives under division (A)(1)(a), (B)(1)(a), or 29266
(C)(1)(a) of section 3302.03 of the Revised Code;~~ 29267

~~(iii) The school has received an overall grade of "F" under 29268
division (C) and a grade of "F" for the value added progress 29269
dimension under division (C)(1)(e) of section 3302.03 of the 29270
Revised Code. 29271~~

~~For purposes of division (A)(3) of this section only, the 29272
department of education shall calculate the value added progress 29273
dimension for a community school using assessment scores for only 29274
those students to whom the school has administered the achievement 29275
assessments prescribed by section 3301.0710 of the Revised Code 29276
for at least the two most recent school years but using 29277~~

~~value added data from only the most recent school year.~~ 29278

~~(4)(2)~~ This section does not apply to either of the 29279
following: 29280

(a) Any community school in which a majority of the students 29281
are enrolled in a dropout prevention and recovery program that is 29282
operated by the school. Rather, such schools shall be subject to 29283
closure only as provided in section 3314.351 of the Revised Code. 29284
However, prior to July 1, 2014, a community school in which a 29285
majority of the students are enrolled in a dropout prevention and 29286
recovery program shall be exempt from this section only if it has 29287
been granted a waiver under section 3314.36 of the Revised Code. 29288

(b) Any community school in which a majority of the enrolled 29289
students are children with disabilities receiving special 29290
education and related services in accordance with Chapter 3323. of 29291
the Revised Code. 29292

(B) Any community school to which this section applies shall 29293
permanently close at the conclusion of the school year in which 29294
the school first becomes subject to this section. The sponsor and 29295
governing authority of the school shall comply with all procedures 29296
for closing a community school adopted by the department under 29297
division (E) of section 3314.015 of the Revised Code. The 29298
governing authority of the school shall not enter into a contract 29299
with any other sponsor under section 3314.03 of the Revised Code 29300
after the school closes. 29301

(C) In accordance with division (B) of section 3314.012 of 29302
the Revised Code, the department shall not consider the 29303
performance ratings assigned to a community school for its first 29304
two years of operation when determining whether the school meets 29305
the criteria prescribed by division (A)(1) ~~or (2)~~ of this section. 29306

(D) Nothing in this section or in any other provision of the 29307
Revised Code prohibits the sponsor of a community school from 29308

exercising its option not to renew a contract for any reason or 29309
from terminating a contract prior to its expiration for any of the 29310
reasons set forth in section 3314.07 of the Revised Code. 29311

Sec. 3314.353. Not later than the thirty-first day of August 29312
each year, the department of education shall publish separate 29313
lists of the following: 29314

(A) Community schools that have become subject to permanent 29315
closure under section 3314.35 or 3314.351 of the Revised Code; 29316

(B) Community schools that are at risk of becoming subject to 29317
permanent closure under section 3314.35 or 3314.351 of the Revised 29318
Code if their academic performance, as prescribed in those 29319
sections, does not improve on the next state report cards issued 29320
under section 3302.03 or 3314.017 of the Revised Code; 29321

(C) All "challenged school districts" in which new start-up 29322
community schools may be located, as prescribed in section 3314.02 29323
of the Revised Code. 29324

Sec. 3314.354. Not later than the thirty-first day of July of 29325
each year, the department of education shall submit preliminary 29326
data on community schools at risk of becoming subject to permanent 29327
closure under section 3314.35 or 3314.351 of the Revised Code. 29328

Sec. 3317.016. The amounts for ~~limited~~ English ~~proficient~~ 29329
~~students~~ learners shall be as follows: 29330

(A) An amount of \$1,515 for each student who has been 29331
enrolled in schools in the United States for 180 school days or 29332
less and was not previously exempted from taking the spring 29333
administration of either of the state's English language arts 29334
assessments prescribed by section 3301.0710 of the Revised Code 29335
(reading or writing). 29336

(B) An amount of \$1,136 for each student who has been 29337

enrolled in schools in the United States for more than 180 school 29338
days or was previously exempted from taking the spring 29339
administration of either of the state's English language arts 29340
assessments prescribed by section 3301.0710 of the Revised Code 29341
(reading or writing). 29342

(C) An amount of \$758 for each student who does not qualify 29343
for inclusion under division (A) or (B) of this section and is in 29344
a trial-mainstream period, as defined by the department. 29345

Sec. 3317.02. As used in this chapter: 29346

(A)(1) "Category one career-technical education ADM" means 29347
the enrollment of students during the school year on a full-time 29348
equivalency basis in career-technical education programs described 29349
in division (A) of section 3317.014 of the Revised Code and 29350
certified under division (B)(11) or (D)(2)(h) of section 3317.03 29351
of the Revised Code. 29352

(2) "Category two career-technical education ADM" means the 29353
enrollment of students during the school year on a full-time 29354
equivalency basis in career-technical education programs described 29355
in division (B) of section 3317.014 of the Revised Code and 29356
certified under division (B)(12) or (D)(2)(i) of section 3317.03 29357
of the Revised Code. 29358

(3) "Category three career-technical education ADM" means the 29359
enrollment of students during the school year on a full-time 29360
equivalency basis in career-technical education programs described 29361
in division (C) of section 3317.014 of the Revised Code and 29362
certified under division (B)(13) or (D)(2)(j) of section 3317.03 29363
of the Revised Code. 29364

(4) "Category four career-technical education ADM" means the 29365
enrollment of students during the school year on a full-time 29366
equivalency basis in career-technical education programs described 29367

in division (D) of section 3317.014 of the Revised Code and 29368
certified under division (B)(14) or (D)(2)(k) of section 3317.03 29369
of the Revised Code. 29370

(5) "Category five career-technical education ADM" means the 29371
enrollment of students during the school year on a full-time 29372
equivalency basis in career-technical education programs described 29373
in division (E) of section 3317.014 of the Revised Code and 29374
certified under division (B)(15) or (D)(2)(l) of section 3317.03 29375
of the Revised Code. 29376

(B)(1) "Category one ~~limited~~ English ~~proficient~~ learner ADM" 29377
means the full-time equivalent number of ~~limited~~ English 29378
~~proficient students~~ learners described in division (A) of section 29379
3317.016 of the Revised Code and certified under division (B)(16) 29380
or (D)(2)(m) of section 3317.03 of the Revised Code. 29381

(2) "Category two ~~limited~~ English ~~proficient~~ learner ADM" 29382
means the full-time equivalent number of ~~limited~~ English 29383
~~proficient students~~ learners described in division (B) of section 29384
3317.016 of the Revised Code and certified under division (B)(17) 29385
or (D)(2)(n) of section 3317.03 of the Revised Code. 29386

(3) "Category three ~~limited~~ English ~~proficient~~ learner ADM" 29387
means the full-time equivalent number of ~~limited~~ English 29388
~~proficient students~~ learners described in division (C) of section 29389
3317.016 of the Revised Code and certified under division (B)(18) 29390
or (D)(2)(o) of section 3317.03 of the Revised Code. 29391

(C)(1) "Category one special education ADM" means the 29392
full-time equivalent number of children with disabilities 29393
receiving special education services for the disability specified 29394
in division (A) of section 3317.013 of the Revised Code and 29395
certified under division (B)(5) or (D)(2)(b) of section 3317.03 of 29396
the Revised Code. 29397

(2) "Category two special education ADM" means the full-time 29398

equivalent number of children with disabilities receiving special 29399
education services for those disabilities specified in division 29400
(B) of section 3317.013 of the Revised Code and certified under 29401
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 29402
Code. 29403

(3) "Category three special education ADM" means the 29404
full-time equivalent number of students receiving special 29405
education services for those disabilities specified in division 29406
(C) of section 3317.013 of the Revised Code, and certified under 29407
division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised 29408
Code. 29409

(4) "Category four special education ADM" means the full-time 29410
equivalent number of students receiving special education services 29411
for those disabilities specified in division (D) of section 29412
3317.013 of the Revised Code and certified under division (B)(8) 29413
or (D)(2)(e) of section 3317.03 of the Revised Code. 29414

(5) "Category five special education ADM" means the full-time 29415
equivalent number of students receiving special education services 29416
for the disabilities specified in division (E) of section 3317.013 29417
of the Revised Code and certified under division (B)(9) or 29418
(D)(2)(f) of section 3317.03 of the Revised Code. 29419

(6) "Category six special education ADM" means the full-time 29420
equivalent number of students receiving special education services 29421
for the disabilities specified in division (F) of section 3317.013 29422
of the Revised Code and certified under division (B)(10) or 29423
(D)(2)(g) of section 3317.03 of the Revised Code. 29424

(D) "Economically disadvantaged index for a school district" 29425
means the square of the quotient of that district's percentage of 29426
students in its total ADM who are identified as economically 29427
disadvantaged as defined by the department of education, divided 29428
by the percentage of students in the statewide total ADM 29429

identified as economically disadvantaged. For purposes of this calculation: 29430
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(1) For a city, local, or exempted village school district, the "statewide total ADM" equals the sum of the total ADM for all city, local, and exempted village school districts combined. 29432
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(2) For a joint vocational school district, the "statewide total ADM" equals the sum of the formula ADM for all joint vocational school districts combined. 29435
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(E)(1) "Formula ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section, and as further adjusted by the department of education, as follows: 29438
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(a) Count only twenty per cent of the number of joint vocational school district students counted under division (A)(3) of section 3317.03 of the Revised Code; 29444
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29446

(b) Add twenty per cent of the number of students who are entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and are enrolled in another school district under a career-technical education compact. 29447
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(2) "Formula ADM" means, for a joint vocational school district, the final number verified by the superintendent of public instruction, based on the enrollment reported and certified under division (D) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section. 29451
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(F) "Formula amount" means \$6,010, for fiscal year 2018, and \$6,020, for fiscal year 2019. 29456
29457

(G) "FTE basis" means a count of students based on full-time equivalency, in accordance with rules adopted by the department of 29458
29459

education pursuant to section 3317.03 of the Revised Code. In 29460
adopting its rules under this division, the department shall 29461
provide for counting any student in category one, two, three, 29462
four, five, or six special education ADM or in category one, two, 29463
three, four, or five career-technical education ADM in the same 29464
proportion the student is counted in formula ADM. 29465

(H) "Internet- or computer-based community school" has the 29466
same meaning as in section 3314.02 of the Revised Code. 29467

(I) "Medically fragile child" means a child to whom all of 29468
the following apply: 29469

(1) The child requires the services of a doctor of medicine 29470
or osteopathic medicine at least once a week due to the 29471
instability of the child's medical condition. 29472

(2) The child requires the services of a registered nurse on 29473
a daily basis. 29474

(3) The child is at risk of institutionalization in a 29475
hospital, skilled nursing facility, or intermediate care facility 29476
for individuals with intellectual disabilities. 29477

(J)(1) A child may be identified as having an "other health 29478
impairment-major" if the child's condition meets the definition of 29479
"other health impaired" established in rules previously adopted by 29480
the state board of education and if either of the following apply: 29481

(a) The child is identified as having a medical condition 29482
that is among those listed by the superintendent of public 29483
instruction as conditions where a substantial majority of cases 29484
fall within the definition of "medically fragile child." 29485

(b) The child is determined by the superintendent of public 29486
instruction to be a medically fragile child. A school district 29487
superintendent may petition the superintendent of public 29488
instruction for a determination that a child is a medically 29489

fragile child. 29490

(2) A child may be identified as having an "other health 29491
impairment-minor" if the child's condition meets the definition of 29492
"other health impaired" established in rules previously adopted by 29493
the state board of education but the child's condition does not 29494
meet either of the conditions specified in division (J)(1)(a) or 29495
(b) of this section. 29496

(K) "Preschool child with a disability" means a child with a 29497
disability, as defined in section 3323.01 of the Revised Code, who 29498
is at least age three but is not of compulsory school age, as 29499
defined in section 3321.01 of the Revised Code, and who is not 29500
currently enrolled in kindergarten. 29501

(L) "Preschool scholarship ADM" means the number of preschool 29502
children with disabilities certified under division (B)(3)(h) of 29503
section 3317.03 of the Revised Code. 29504

(M) "Related services" includes: 29505

(1) Child study, special education supervisors and 29506
coordinators, speech and hearing services, adaptive physical 29507
development services, occupational or physical therapy, teacher 29508
assistants for children with disabilities whose disabilities are 29509
described in division (B) of section 3317.013 or division (B)(3) 29510
of this section, behavioral intervention, interpreter services, 29511
work study, nursing services, and specialized integrative services 29512
as those terms are defined by the department; 29513

(2) Speech and language services provided to any student with 29514
a disability, including any student whose primary or only 29515
disability is a speech and language disability; 29516

(3) Any related service not specifically covered by other 29517
state funds but specified in federal law, including but not 29518
limited to, audiology and school psychological services; 29519

(4) Any service included in units funded under former	29520
division (O)(1) of section 3317.024 of the Revised Code;	29521
(5) Any other related service needed by children with	29522
disabilities in accordance with their individualized education	29523
programs.	29524
(N) "School district," unless otherwise specified, means	29525
city, local, and exempted village school districts.	29526
(O) "State education aid" has the same meaning as in section	29527
5751.20 of the Revised Code.	29528
(P) "State share index" means the state share index	29529
calculated for a district under section 3317.017 of the Revised	29530
Code.	29531
(Q) "Taxes charged and payable" means the taxes charged and	29532
payable against real and public utility property after making the	29533
reduction required by section 319.301 of the Revised Code, plus	29534
the taxes levied against tangible personal property.	29535
(R)(1) For purposes of section 3317.017 of the Revised Code,	29536
"three-year average valuation" means the average of total taxable	29537
value for tax years 2014, 2015, and 2016.	29538
(2) For purposes of sections 3317.0217, 3317.0218, and	29539
3317.16 of the Revised Code, "three-year average valuation" means	29540
the following:	29541
(a) For fiscal year 2018, the average of total taxable value	29542
for tax years 2014, 2015, and 2016;	29543
(b) For fiscal year 2019, the average of total taxable value	29544
for tax years 2015, 2016, and 2017.	29545
(S) "Total ADM" means, for a city, local, or exempted village	29546
school district, the enrollment reported under division (A) of	29547
section 3317.03 of the Revised Code, as verified by the	29548
superintendent of public instruction and adjusted if so ordered	29549

under division (K) of that section. 29550

(T) "Total special education ADM" means the sum of categories 29551
one through six special education ADM. 29552

(U) "Total taxable value" means the sum of the amounts 29553
certified for a city, local, exempted village, or joint vocational 29554
school district under divisions (A)(1) and (2) of section 3317.021 29555
of the Revised Code. 29556

Sec. 3317.022. (A) The department of education shall compute 29557
and distribute state core foundation funding to each eligible 29558
school district for the fiscal year, using the information 29559
obtained under section 3317.021 of the Revised Code in the 29560
calendar year in which the fiscal year begins, as prescribed in 29561
the following divisions: 29562

(1) An opportunity grant calculated according to the 29563
following formula: 29564

The formula amount X (formula ADM + preschool scholarship 29565
ADM) X the district's state share index 29566

(2) Targeted assistance funds calculated under divisions (A) 29567
and (B) of section 3317.0217 of the Revised Code; 29568

(3) Additional state aid for special education and related 29569
services provided under Chapter 3323. of the Revised Code 29570
calculated as the sum of the following: 29571

(a) The district's category one special education ADM X the 29572
amount specified in division (A) of section 3317.013 of the 29573
Revised Code X the district's state share index; 29574

(b) The district's category two special education ADM X the 29575
amount specified in division (B) of section 3317.013 of the 29576
Revised Code X the district's state share index; 29577

(c) The district's category three special education ADM X the 29578

amount specified in division (C) of section 3317.013 of the Revised Code X the district's state share index; (d) The district's category four special education ADM X the amount specified in division (D) of section 3317.013 of the Revised Code X the district's state share index; (e) The district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share index; (f) The district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share index. (4) Kindergarten through third grade literacy funds calculated according to the following formula: (\$193 X formula ADM for grades kindergarten through three X the district's state share index) + (\$127 X formula ADM for grades kindergarten through three) For purposes of this calculation, the department shall subtract from a district's formula ADM for grades kindergarten through three the number of students reported under division (B)(3)(e) of section 3317.03 of the Revised Code as enrolled in an internet- or computer-based community school who are in grades kindergarten through three. (5) Economically disadvantaged funds calculated according to the following formula: \$272 X (the district's economically disadvantaged index) X the number of students who are economically disadvantaged as certified under division (B)(21) of section 3317.03 of the Revised Code (6) ~~Limited~~ English proficiency learner funds calculated as the sum of the following:

(a) The district's category one limited English proficient <u>learner</u> ADM X the amount specified in division (A) of section	29609 29610
3317.016 of the Revised Code X the district's state share index;	29611
(b) The district's category two limited English proficient <u>learner</u> ADM X the amount specified in division (B) of section	29612 29613
3317.016 of the Revised Code X the district's state share index;	29614
(c) The district's category three limited English proficient <u>learner</u> ADM X the amount specified in division (C) of section	29615 29616
3317.016 of the Revised Code X the district's state share index.	29617
(7)(a) Gifted identification funds calculated according to	29618
the following formula:	29619
\$5.05 X the district's formula ADM	29620
(b) Gifted unit funding calculated under section 3317.051 of	29621
the Revised Code.	29622
(8) Career-technical education funds calculated as the sum of	29623
the following:	29624
(a) The district's category one career-technical education	29625
ADM X the amount specified in division (A) of section 3317.014 of	29626
the Revised Code X the district's state share index;	29627
(b) The district's category two career-technical education	29628
ADM X the amount specified in division (B) of section 3317.014 of	29629
the Revised Code X the district's state share index;	29630
(c) The district's category three career-technical education	29631
ADM X the amount specified in division (C) of section 3317.014 of	29632
the Revised Code X the district's state share index;	29633
(d) The district's category four career-technical education	29634
ADM X the amount specified in division (D) of section 3317.014 of	29635
the Revised Code X the district's state share index;	29636
(e) The district's category five career-technical education	29637
ADM X the amount specified in division (E) of section 3317.014 of	29638

the Revised Code X the district's state share index. 29639

Payment of funds under division (A)(8) of this section is 29640
subject to approval under section 3317.161 of the Revised Code. 29641

(9) Career-technical education associated services funds 29642
calculated according to the following formula: 29643
The district's state share index X the amount for career-technical 29644
education associated services specified in section 3317.014 of the 29645
Revised Code X the sum of categories one through five 29646
career-technical education ADM 29647

(10) Capacity aid funds calculated under section 3317.0218 of 29648
the Revised Code; 29649

(11) A graduation bonus calculated under section 3317.0215 of 29650
the Revised Code; 29651

(12) A third-grade reading bonus calculated under section 29652
3317.0216 of the Revised Code. 29653

(B) In any fiscal year, a school district shall spend for 29654
purposes that the department designates as approved for special 29655
education and related services expenses at least the amount 29656
calculated as follows: 29657

(The formula amount X the total special education ADM) + (the 29658
district's category one special education ADM X the amount 29659
specified in division (A) of section 3317.013 of the Revised Code) 29660
+ (the district's category two special education ADM X the amount 29661
specified in division (B) of section 3317.013 of the Revised Code) 29662
+ (the district's category three special education ADM X the 29663
amount specified in division (C) of section 3317.013 of the 29664
Revised Code) + (the district's category four special education 29665
ADM X the amount specified in division (D) of section 3317.013 of 29666
the Revised Code) + (the district's category five special 29667
education ADM X the amount specified in division (E) of section 29668
3317.013 of the Revised Code) + (the district's category six 29669

special education ADM X the amount specified in division (F) of 29670
section 3317.013 of the Revised Code) 29671

The purposes approved by the department for special education 29672
expenses shall include, but shall not be limited to, 29673
identification of children with disabilities, compliance with 29674
state rules governing the education of children with disabilities 29675
and prescribing the continuum of program options for children with 29676
disabilities, provision of speech language pathology services, and 29677
the portion of the school district's overall administrative and 29678
overhead costs that are attributable to the district's special 29679
education student population. 29680

The scholarships deducted from the school district's account 29681
under sections 3310.41 and 3310.55 of the Revised Code shall be 29682
considered to be an approved special education and related 29683
services expense for the purpose of the school district's 29684
compliance with this division. 29685

(C) In any fiscal year, a school district receiving funds 29686
under division (A)(8) of this section shall spend those funds only 29687
for the purposes that the department designates as approved for 29688
career-technical education expenses. Career-technical education 29689
expenses approved by the department shall include only expenses 29690
connected to the delivery of career-technical programming to 29691
career-technical students. The department shall require the school 29692
district to report data annually so that the department may 29693
monitor the district's compliance with the requirements regarding 29694
the manner in which funding received under division (A)(8) of this 29695
section may be spent. 29696

(D) In any fiscal year, a school district receiving funds 29697
under division (A)(9) of this section, or through a transfer of 29698
funds pursuant to division (I) of section 3317.023 of the Revised 29699
Code, shall spend those funds only for the purposes that the 29700
department designates as approved for career-technical education 29701

associated services expenses, which may include such purposes as 29702
apprenticeship coordinators, coordinators for other 29703
career-technical education services, career-technical evaluation, 29704
and other purposes designated by the department. The department 29705
may deny payment under division (A)(9) of this section to any 29706
district that the department determines is not operating those 29707
services or is using funds paid under division (A)(9) of this 29708
section, or through a transfer of funds pursuant to division (I) 29709
of section 3317.023 of the Revised Code, for other purposes. 29710

(E) All funds received under division (A)(8) of this section 29711
shall be spent in the following manner: 29712

(1) At least seventy-five per cent of the funds shall be 29713
spent on curriculum development, purchase, and implementation; 29714
instructional resources and supplies; industry-based program 29715
certification; student assessment, credentialing, and placement; 29716
curriculum specific equipment purchases and leases; 29717
career-technical student organization fees and expenses; home and 29718
agency linkages; work-based learning experiences; professional 29719
development; and other costs directly associated with 29720
career-technical education programs including development of new 29721
programs. 29722

(2) Not more than twenty-five per cent of the funds shall be 29723
used for personnel expenditures. 29724

(F) A school district shall spend the funds it receives under 29725
division (A)(5) of this section in accordance with section 3317.25 29726
of the Revised Code. 29727

Sec. 3317.023. (A) The amounts required to be paid to a 29728
district under this chapter shall be adjusted by the amount of the 29729
computations made under divisions (B) to (K) of this section. 29730

As used in this section: 29731

(1) "Career-technical planning district" or "CTPD" means a 29732
school district or group of school districts designated by the 29733
department of education as being responsible for the planning for 29734
and provision of career-technical education services to students 29735
within the district or group. A community school established under 29736
Chapter 3314. of the Revised Code or a STEM school established 29737
under Chapter 3326. of the Revised Code that is serving students 29738
in any of grades seven through twelve shall be assigned to a 29739
career-technical planning district by the department. 29740

(2) "Lead district" means a school district, including a 29741
joint vocational school district, designated by the department as 29742
a CTPD, or designated to provide primary career-technical 29743
education leadership within a CTPD composed of a group of 29744
districts, community schools assigned to the CTPD, and STEM 29745
schools assigned to the CTPD. 29746

(B) If a local, city, or exempted village school district to 29747
which a governing board of an educational service center provides 29748
services pursuant to an agreement entered into under section 29749
3313.843 of the Revised Code, deduct the amount of the payment 29750
required for the reimbursement of the governing board under that 29751
section. 29752

(C)(1) If the district is required to pay to or entitled to 29753
receive tuition from another school district under division (C)(2) 29754
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 29755
or if the superintendent of public instruction is required to 29756
determine the correct amount of tuition and make a deduction or 29757
credit under section 3317.08 of the Revised Code, deduct and 29758
credit such amounts as provided in division (J) of section 3313.64 29759
or section 3317.08 of the Revised Code. 29760

(2) For each child for whom the district is responsible for 29761
tuition or payment under division (A)(1) of section 3317.082 or 29762
section 3323.091 of the Revised Code, deduct the amount of tuition 29763

or payment for which the district is responsible. 29764

(D) If the district has been certified by the superintendent 29765
of public instruction under section 3313.90 of the Revised Code as 29766
not in compliance with the requirements of that section, deduct an 29767
amount equal to ten per cent of the amount computed for the 29768
district under this chapter. 29769

(E) If the district has received a loan from a commercial 29770
lending institution for which payments are made by the 29771
superintendent of public instruction pursuant to division (E)(3) 29772
of section 3313.483 of the Revised Code, deduct an amount equal to 29773
such payments. 29774

(F)(1) If the district is a party to an agreement entered 29775
into under division (D), (E), or (F) of section 3311.06 or 29776
division (B) of section 3311.24 of the Revised Code and is 29777
obligated to make payments to another district under such an 29778
agreement, deduct an amount equal to such payments if the district 29779
school board notifies the department in writing that it wishes to 29780
have such payments deducted. 29781

(2) If the district is entitled to receive payments from 29782
another district that has notified the department to deduct such 29783
payments under division (F)(1) of this section, add the amount of 29784
such payments. 29785

(G) If the district is required to pay an amount of funds to 29786
a cooperative education district pursuant to a provision described 29787
by division (B)(4) of section 3311.52 or division (B)(8) of 29788
section 3311.521 of the Revised Code, deduct such amounts as 29789
provided under that provision and credit those amounts to the 29790
cooperative education district for payment to the district under 29791
division (B)(1) of section 3317.19 of the Revised Code. 29792

(H)(1) If a district is educating a student entitled to 29793
attend school in another district pursuant to a shared education 29794

contract, compact, or cooperative education agreement other than 29795
an agreement entered into pursuant to section 3313.842 of the 29796
Revised Code, credit to that educating district on an FTE basis 29797
both of the following: 29798

(a) An amount equal to the formula amount. 29799

(b) Any amount applicable to the student pursuant to section 29800
3317.013 or 3317.014 of the Revised Code. 29801

(2) Deduct any amount credited pursuant to division (H)(1) of 29802
this section from amounts paid to the school district in which the 29803
student is entitled to attend school pursuant to section 3313.64 29804
or 3313.65 of the Revised Code. 29805

(3) If the district is required by a shared education 29806
contract, compact, or cooperative education agreement to make 29807
payments to an educational service center, deduct the amounts from 29808
payments to the district and add them to the amounts paid to the 29809
service center ~~pursuant to section 3317.11 of the Revised Code.~~ 29810

(I)(1) If a district, including a joint vocational school 29811
district, is a lead district of a CTPD, credit to that district 29812
the amount calculated for each school district within that CTPD 29813
under division (A)(9) of section 3317.022 of the Revised Code or 29814
division (A)(6) of section 3317.16 of the Revised Code, as 29815
applicable. 29816

(2) Deduct from each appropriate district that is not a lead 29817
district, the amount attributable to that district that is 29818
credited to a lead district under division (I)(1) of this section. 29819

(J) If the department pays a joint vocational school district 29820
under division (C)(3) of section 3317.16 of the Revised Code for 29821
excess costs of providing special education and related services 29822
to a student with a disability, as calculated under division 29823
(C)(1) of that section, the department shall deduct the amount of 29824
that payment from the city, local, or exempted village school 29825

district that is responsible as specified in that section for the 29826
excess costs. 29827

(K)(1) If the district reports an amount of excess cost for 29828
special education services for a child under division (C) of 29829
section 3323.14 of the Revised Code, the department shall pay that 29830
amount to the district. 29831

(2) If the district reports an amount of excess cost for 29832
special education services for a child under division (C) of 29833
section 3323.14 of the Revised Code, the department shall deduct 29834
that amount from the district of residence of that child. 29835

Sec. 3317.028. (A) On or before May 15, 2007, and the 29836
fifteenth day of May in each calendar year thereafter, the tax 29837
commissioner shall determine for each school district whether the 29838
taxable value of all utility tangible personal property subject to 29839
taxation by the district in the preceding tax year was less ~~or~~ 29840
~~greater~~ than the taxable value of such property during the second 29841
preceding tax year. If any decrease exceeds ten per cent of the 29842
district's tangible personal property taxable value included in 29843
the total taxable value used in the district's state aid 29844
computation for the fiscal year that ends in the current calendar 29845
year, ~~or if any increase exceeds ten per cent of the district's~~ 29846
~~total taxable value used in the district's state education aid~~ 29847
~~computation for the fiscal year that ends in the current calendar~~ 29848
~~year,~~ the tax commissioner shall certify all of the following to 29849
the department of education and the office of budget and 29850
management: 29851

(1) The district's total taxable value for the preceding tax 29852
year; 29853

(2) The ~~decrease or increase~~ change in taxes charged and 29854
payable on the district's total taxable value for the preceding 29855
tax year and the second preceding tax year; 29856

(3) The taxable value of the utility tangible personal property ~~increase or~~ decrease, which shall be considered a change in valuation; 29857
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(4) The ~~decrease or increase~~ change in taxes charged and payable on such change in taxable value calculated in the same manner as in division (A)(3) of section 3317.021 of the Revised Code. 29860
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~~(B)(1)~~ Upon receipt of a certification specified in this section, the department of education shall replace the three-year average valuations that were used in computing the district's state education aid for the fiscal year that ends in the current calendar year with the taxable value certified under division (A)(1) of this section and shall recompute the state education aid for such fiscal year without applying any funding limitations enacted by the general assembly to the computation. ~~Subject to division (B)(2) of this section, the~~ The department shall pay to ~~or deduct from~~ the district an amount equal to the lesser of the following: 29864
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29874

~~(a)(1)~~ The positive difference between the district's state education aid prior to the recomputation under this section and the district's recomputed state education aid; 29875
29876
29877

~~(b)(2)~~ The ~~increase or decrease~~ absolute value of the amount certified under division (A)(2) of this section. 29878
29879

The payment date shall be determined by the director of budget and management. The director shall select a payment date that is not earlier than the first day of June of the current fiscal year and not later than the thirty-first day of July of the following fiscal year. The department of education shall not pay the district under this section prior to approval by the director of budget and management to make that payment. 29880
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~~(2)(a)~~ If an increase in the taxable value of the utility 29887

~~tangible personal property is certified for a district under 29888
division (A)(2) of this section, the department shall not make a 29889
payment to the district under division (B)(1) of this section. The 29890
department may, however, deduct funds from the district under 29891
division (B)(1) of this section. 29892~~

~~(b) If a decrease in the taxable value of the utility 29893
tangible personal property is certified for a district under 29894
division (A)(2) of this section, the department shall not deduct 29895
funds from the district under division (B)(1) of this section. The 29896
department may, however, make a payment to the district under 29897
division (B)(1) of this section. 29898~~

(C) If a school district received a grant from the 29899
catastrophic expenditures account pursuant to division (C) of 29900
section 3316.20 of the Revised Code on the basis of the same 29901
circumstances for which a recomputation is made under this 29902
section, the amount of the recomputation shall be reduced and 29903
transferred in accordance with division (C) of section 3316.20 of 29904
the Revised Code. 29905

Sec. 3317.0219. (A) As used in this section: 29906

(1) A district's "base per pupil amount" means the following: 29907

(a) For a district in the highest quintile determined under 29908
division (B)(2) of this section, \$250, for fiscal year 2020, and 29909
\$360, for fiscal year 2021. 29910

(b) For a district in the second highest quintile determined 29911
under division (B)(2) of this section, \$200, for fiscal year 2020, 29912
and \$290, for fiscal year 2021. 29913

(c) For a district in the third highest quintile determined 29914
under division (B)(2) of this section, \$110, for fiscal year 2020, 29915
and \$155, for fiscal year 2021. 29916

(d) For a district in the fourth highest quintile determined 29917

under division (B)(2) of this section, \$50, for fiscal year 2020, 29918
and \$70, for fiscal year 2021. 29919

(e) For a district in the fifth highest quintile determined 29920
under division (B)(2) of this section, \$20, for fiscal year 2020, 29921
and \$30, for fiscal year 2021. 29922

(2) "Base poverty percentage" for a quintile determined under 29923
division (B)(2) of this section means the poverty percentage of 29924
the district ranked lowest in that quintile. 29925

(3) "Enrolled ADM" means, for a city, local, or exempted 29926
village school district, the enrollment reported under division 29927
(A) of section 3317.03 of the Revised Code, as verified by the 29928
superintendent of public instruction and adjusted if so ordered 29929
under division (K) of that section, and as further adjusted by the 29930
department of education, as follows: 29931

(a) Add the students counted under division (A)(1)(b) of 29932
section 3317.03 of the Revised Code. 29933

(b) Subtract the students counted under divisions (A)(2)(a), 29934
(b), (d), (g), (h), (i), and (j) of section 3317.03 of the Revised 29935
Code. 29936

(c) Subtract the students counted under division (A)(3) of 29937
section 3317.03 of the Revised Code. 29938

(B) Subject to division (D) of this section, for fiscal years 29939
2020 and 2021, the department of education shall calculate and pay 29940
student wellness and success funds to city, local, and exempted 29941
village school districts as follows: 29942

(1) Using the most recent five-year estimates published by 29943
the United States census bureau in the American community survey 29944
or its successor report, compute the poverty percentage for each 29945
district, which equals the following quotient: 29946
The number of children younger than eighteen years old residing in 29947

the district who live in a household with a family income below 29948
one hundred eighty-five per cent of the federal poverty 29949
guidelines, as defined in section 5101.46 of the Revised Code / 29950
the total number of children younger than eighteen years old 29951
residing in the district 29952

(2) Rank all city, local, and exempted village school 29953
districts in order of poverty percentage calculated under division 29954
(B)(1) of this section, from the district with the highest 29955
percentage to the district with the lowest percentage, and group 29956
the districts into quintiles. 29957

(3) Determine each district's enrolled ADM that was used for 29958
the second payment under Chapter 3317. of the Revised Code in June 29959
of the immediately preceding fiscal year. If a district's enrolled 29960
ADM that was used for the second payment under Chapter 3317. of 29961
the Revised Code in June of the immediately preceding fiscal year 29962
is determined to be less than five, the district's enrolled ADM, 29963
for purposes of computations under this section, shall be zero. 29964

(4) For each district that is not in the highest quintile 29965
determined under division (B)(2) of this section, compute the 29966
district's scaled amount, which is equal to the following 29967
quotient: 29968

[(The district's poverty percentage computed under division (B)(1) 29969
of this section - the base poverty percentage of the district's 29970
quintile) / (the base poverty percentage of the quintile that is 29971
the next highest quintile compared to the district's quintile - 29972
the base poverty percentage of the district's quintile)] X (the 29973
base per pupil amount for a district in the quintile that is the 29974
next highest quintile compared to the district's quintile - the 29975
district's base per pupil amount) 29976

(5) Compute a district's payment as follows: 29977

(a) Subject to division (B)(5)(c) of this section, if a 29978
district is in the highest quintile determined under division 29979

(B)(2) of this section, the district's payment shall be equal to 29980
the following amount: 29981

The district's base per pupil amount for that fiscal year X the 29982
district's enrolled ADM determined under division (B)(3) of this 29983
section 29984

(b) Subject to division (B)(5)(c) of this section, if a 29985
district is not in the highest quintile determined under division 29986
(B)(2) of this section, the district's payment shall be equal to 29987
the following amount: 29988

(The district's base per pupil amount for that fiscal year + the 29989
district's scaled amount computed under division (B)(4) of this 29990
section for that fiscal year) X the district's enrolled ADM 29991
determined under division (B)(3) of this section 29992

(c) If the computation of a district's payment under division 29993
(B)(5)(a) or (b) of this section is greater than zero but less 29994
than \$25,000, for fiscal year 2020, or \$36,000, for fiscal year 29995
2021, the district's payment shall be equal to \$25,000, for fiscal 29996
year 2020, or \$36,000, for fiscal year 2021. 29997

If the computation of a district's payment under division 29998
(B)(5)(a) or (b) of this section is equal to zero, the district's 29999
payment shall be equal to zero. 30000

(C)(1) As used in division (C) of this section: 30001

(a) "Eligible school district" means a city, local, or 30002
exempted village school district that received supplemental 30003
targeted assistance funding under division (B) of section 30004
3317.0217 of the Revised Code for fiscal year 2019. 30005

(b) A district's "enhancement percentage for a fiscal year" 30006
means the square of the quotient of the poverty percentage 30007
calculated for the district for that fiscal year under division 30008
(B)(1) of this section divided by 0.36. 30009

(2) Subject to division (D) of this section, for fiscal years 30010

2020 and 2021, the department shall pay student wellness and 30011
success enhancement funds to each eligible city, local, and 30012
exempted village school district in an amount equal to the 30013
following product: 30014
(\$50, for fiscal year 2020, or \$75, for fiscal year 2021) X the 30015
district's enhancement percentage for that fiscal year X the 30016
district's enrolled ADM that was used for the second payment under 30017
Chapter 3317. of the Revised Code in June of the immediately 30018
preceding fiscal year 30019

(D) The department shall pay funds under divisions (B) and 30020
(C) of this section as follows: 30021

(1) One-half of the amount shall be paid not later than the 30022
thirty-first day of October of the fiscal year for which the 30023
payment is calculated. 30024

(2) One-half of the amount shall be paid not later than the 30025
twenty-eighth day of February of the fiscal year for which the 30026
payment is calculated. 30027

Upon making a payment for a fiscal year under this section, 30028
the department shall not make any reconciliations or adjustments 30029
to that payment. 30030

(E) A city, local, or exempted village school district that 30031
receives a payment under this section shall comply with section 30032
3317.26 of the Revised Code. 30033

Sec. 3317.03. (A) The superintendent of each city, local, and 30034
exempted village school district shall report to the state board 30035
of education as of the last day of October, March, and June of 30036
each year the enrollment of students receiving services from 30037
schools under the superintendent's supervision, and the numbers of 30038
other students entitled to attend school in the district under 30039
section 3313.64 or 3313.65 of the Revised Code the superintendent 30040

is required to report under this section, so that the department 30041
of education can calculate the district's formula ADM, total ADM, 30042
category one through five career-technical education ADM, category 30043
one through three ~~limited~~ English ~~proficient~~ learner ADM, category 30044
one through six special education ADM, preschool scholarship ADM, 30045
transportation ADM, and, for purposes of provisions of law outside 30046
of Chapter 3317. of the Revised Code, average daily membership. 30047

(1) The enrollment reported by the superintendent during the 30048
reporting period shall consist of the number of students in grades 30049
kindergarten through twelve receiving any educational services 30050
from the district, except that the following categories of 30051
students shall not be included in the determination: 30052

(a) Students enrolled in adult education classes; 30053

(b) Adjacent or other district students enrolled in the 30054
district under an open enrollment policy pursuant to section 30055
3313.98 of the Revised Code; 30056

(c) Students receiving services in the district pursuant to a 30057
compact, cooperative education agreement, or a contract, but who 30058
are entitled to attend school in another district pursuant to 30059
section 3313.64 or 3313.65 of the Revised Code; 30060

(d) Students for whom tuition is payable pursuant to sections 30061
3317.081 and 3323.141 of the Revised Code; 30062

(e) Students receiving services in the district through a 30063
scholarship awarded under either section 3310.41 or sections 30064
3310.51 to 3310.64 of the Revised Code. 30065

When reporting students under division (A)(1) of this 30066
section, the superintendent also shall report the district where 30067
each student is entitled to attend school pursuant to sections 30068
3313.64 and 3313.65 of the Revised Code. 30069

(2) The department of education shall compile a list of all 30070

students reported to be enrolled in a district under division 30071
(A)(1) of this section and of the students entitled to attend 30072
school in the district pursuant to section 3313.64 or 3313.65 of 30073
the Revised Code on an FTE basis but receiving educational 30074
services in grades kindergarten through twelve from one or more of 30075
the following entities: 30076

(a) A community school pursuant to Chapter 3314. of the 30077
Revised Code, including any participation in a college pursuant to 30078
Chapter 3365. of the Revised Code while enrolled in such community 30079
school; 30080

(b) An alternative school pursuant to sections 3313.974 to 30081
3313.979 of the Revised Code as described in division (I)(2)(a) or 30082
(b) of this section; 30083

(c) A college pursuant to Chapter 3365. of the Revised Code, 30084
except when the student is enrolled in the college while also 30085
enrolled in a community school pursuant to Chapter 3314., a 30086
science, technology, engineering, and mathematics school 30087
established under Chapter 3326., or a college-preparatory boarding 30088
school established under Chapter 3328. of the Revised Code; 30089

(d) An adjacent or other school district under an open 30090
enrollment policy adopted pursuant to section 3313.98 of the 30091
Revised Code; 30092

(e) An educational service center or cooperative education 30093
district; 30094

(f) Another school district under a cooperative education 30095
agreement, compact, or contract; 30096

(g) A chartered nonpublic school with a scholarship paid 30097
under section 3310.08 of the Revised Code, if the students 30098
qualified for the scholarship under section 3310.03 of the Revised 30099
Code; 30100

(h) An alternative public provider or a registered private provider with a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code.

As used in this section, "alternative public provider" and "registered private provider" have the same meanings as in section 3310.41 or 3310.51 of the Revised Code, as applicable.

(i) A science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;

(j) A college-preparatory boarding school established under Chapter 3328. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school.

(3) The department also shall compile a list of the students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in a joint vocational school district or under a career-technical education compact, excluding any students so entitled to attend school in the district who are enrolled in another school district through an open enrollment policy as reported under division (A)(2)(d) of this section and then enroll in a joint vocational school district or under a career-technical education compact.

The department shall provide each city, local, and exempted village school district with an opportunity to review the list of students compiled under divisions (A)(2) and (3) of this section to ensure that the students reported accurately reflect the enrollment of students in the district.

(B) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, each superintendent shall certify from the reports

provided by the department under division (A) of this section all 30132
of the following: 30133

(1) The total student enrollment in regular learning day 30134
classes included in the report under division (A)(1) or (2) of 30135
this section for each of the individual grades kindergarten 30136
through twelve in schools under the superintendent's supervision; 30137

(2) The unduplicated count of the number of preschool 30138
children with disabilities enrolled in the district for whom the 30139
district is eligible to receive funding under section 3317.0213 of 30140
the Revised Code adjusted for the portion of the year each child 30141
is so enrolled, in accordance with the disability categories 30142
prescribed in section 3317.013 of the Revised Code; 30143

(3) The number of children entitled to attend school in the 30144
district pursuant to section 3313.64 or 3313.65 of the Revised 30145
Code who are: 30146

(a) Participating in a pilot project scholarship program 30147
established under sections 3313.974 to 3313.979 of the Revised 30148
Code as described in division (I)(2)(a) or (b) of this section; 30149

(b) Enrolled in a college under Chapter 3365. of the Revised 30150
Code, except when the student is enrolled in the college while 30151
also enrolled in a community school pursuant to Chapter 3314. of 30152
the Revised Code, a science, technology, engineering, and 30153
mathematics school established under Chapter 3326., or a 30154
college-preparatory boarding school established under Chapter 30155
3328. of the Revised Code; 30156

(c) Enrolled in an adjacent or other school district under 30157
section 3313.98 of the Revised Code; 30158

(d) Enrolled in a community school established under Chapter 30159
3314. of the Revised Code that is not an internet- or 30160
computer-based community school as defined in section 3314.02 of 30161
the Revised Code, including any participation in a college 30162

pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;	30163 30164
(e) Enrolled in an internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	30165 30166 30167 30168
(f) Enrolled in a chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code and who qualified for the scholarship under section 3310.03 of the Revised Code;	30169 30170 30171 30172
(g) Enrolled in kindergarten through grade twelve in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	30173 30174 30175
(h) Enrolled as a preschool child with a disability in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	30176 30177 30178
(i) Participating in a program operated by a county board of developmental disabilities or a state institution;	30179 30180
(j) Enrolled in a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	30181 30182 30183 30184
(k) Enrolled in a college-preparatory boarding school established under Chapter 3328. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	30185 30186 30187 30188
(l) Enrolled in an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code.	30189 30190 30191
(4) The total enrollment of pupils in joint vocational	30192

schools;	30193
(5) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	30194 30195 30196 30197 30198 30199 30200 30201
(6) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	30202 30203 30204 30205 30206 30207 30208 30209
(7) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	30210 30211 30212 30213 30214 30215 30216 30217
(8) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of	30218 30219 30220 30221 30222 30223 30224

the Revised Code;	30225
(9) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	30226 30227 30228 30229 30230 30231 30232 30233
(10) The combined enrollment of children with disabilities reported under division (A)(1) or (2) and under division (B)(3)(h) of this section receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code;	30234 30235 30236 30237 30238 30239 30240 30241
(11) The enrollment of pupils reported under division (A)(1) or (2) of this section on a full-time equivalency basis in category one career-technical education programs or classes, described in division (A) of section 3317.014 of the Revised Code, operated by the school district or by another district that is a member of the district's career-technical planning district, other than a joint vocational school district, or by an educational service center, notwithstanding division (G) of section 3317.02 of the Revised Code and division (C)(3) of this section;	30242 30243 30244 30245 30246 30247 30248 30249 30250
(12) The enrollment of pupils reported under division (A)(1) or (2) of this section on a full-time equivalency basis in category two career-technical education programs or services, described in division (B) of section 3317.014 of the Revised Code, operated by the school district or another school district that is a member of the district's career-technical planning district,	30251 30252 30253 30254 30255 30256

other than a joint vocational school district, or by an 30257
educational service center, notwithstanding division (G) of 30258
section 3317.02 of the Revised Code and division (C)(3) of this 30259
section; 30260

(13) The enrollment of pupils reported under division (A)(1) 30261
or (2) of this section on a full-time equivalency basis in 30262
category three career-technical education programs or services, 30263
described in division (C) of section 3317.014 of the Revised Code, 30264
operated by the school district or another school district that is 30265
a member of the district's career-technical planning district, 30266
other than a joint vocational school district, or by an 30267
educational service center, notwithstanding division (G) of 30268
section 3317.02 of the Revised Code and division (C)(3) of this 30269
section; 30270

(14) The enrollment of pupils reported under division (A)(1) 30271
or (2) of this section on a full-time equivalency basis in 30272
category four career-technical education programs or services, 30273
described in division (D) of section 3317.014 of the Revised Code, 30274
operated by the school district or another school district that is 30275
a member of the district's career-technical planning district, 30276
other than a joint vocational school district, or by an 30277
educational service center, notwithstanding division (G) of 30278
section 3317.02 of the Revised Code and division (C)(3) of this 30279
section; 30280

(15) The enrollment of pupils reported under division (A)(1) 30281
or (2) of this section on a full-time equivalency basis in 30282
category five career-technical education programs or services, 30283
described in division (E) of section 3317.014 of the Revised Code, 30284
operated by the school district or another school district that is 30285
a member of the district's career-technical planning district, 30286
other than a joint vocational school district, or by an 30287
educational service center, notwithstanding division (G) of 30288

section 3317.02 of the Revised Code and division (C)(3) of this section;	30289 30290
(16) The enrollment of pupils reported under division (A)(1) or (2) of this section who are limited English proficient students <u>learners</u> described in division (A) of section 3317.016 of the Revised Code, excluding any student reported under division (B)(3)(e) of this section as enrolled in an internet- or computer-based community school;	30291 30292 30293 30294 30295 30296
(17) The enrollment of pupils reported under division (A)(1) or (2) of this section who are limited English proficient students <u>learners</u> described in division (B) of section 3317.016 of the Revised Code, excluding any student reported under division (B)(3)(e) of this section as enrolled in an internet- or computer-based community school;	30297 30298 30299 30300 30301 30302
(18) The enrollment of pupils reported under division (A)(1) or (2) of this section who are limited English proficient students <u>learners</u> described in division (C) of section 3317.016 of the Revised Code, excluding any student reported under division (B)(3)(e) of this section as enrolled in an internet- or computer-based community school;	30303 30304 30305 30306 30307 30308
(19) The average number of children transported during the reporting period by the school district on board-owned or contractor-owned and -operated buses, reported in accordance with rules adopted by the department of education;	30309 30310 30311 30312
(20)(a) The number of children, other than preschool children with disabilities, the district placed with a county board of developmental disabilities in fiscal year 1998. Division (B)(20)(a) of this section does not apply after fiscal year 2013.	30313 30314 30315 30316
(b) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to	30317 30318 30319

receive special education services for the category one disability 30320
described in division (A) of section 3317.013 of the Revised Code; 30321

(c) The number of children with disabilities, other than 30322
preschool children with disabilities, placed with a county board 30323
of developmental disabilities in the current fiscal year to 30324
receive special education services for category two disabilities 30325
described in division (B) of section 3317.013 of the Revised Code; 30326

(d) The number of children with disabilities, other than 30327
preschool children with disabilities, placed with a county board 30328
of developmental disabilities in the current fiscal year to 30329
receive special education services for category three disabilities 30330
described in division (C) of section 3317.013 of the Revised Code; 30331

(e) The number of children with disabilities, other than 30332
preschool children with disabilities, placed with a county board 30333
of developmental disabilities in the current fiscal year to 30334
receive special education services for category four disabilities 30335
described in division (D) of section 3317.013 of the Revised Code; 30336

(f) The number of children with disabilities, other than 30337
preschool children with disabilities, placed with a county board 30338
of developmental disabilities in the current fiscal year to 30339
receive special education services for the category five 30340
disabilities described in division (E) of section 3317.013 of the 30341
Revised Code; 30342

(g) The number of children with disabilities, other than 30343
preschool children with disabilities, placed with a county board 30344
of developmental disabilities in the current fiscal year to 30345
receive special education services for category six disabilities 30346
described in division (F) of section 3317.013 of the Revised Code. 30347

(21) The enrollment of students who are economically 30348
disadvantaged, as defined by the department, excluding any student 30349
reported under division (B)(3)(e) of this section as enrolled in 30350

an internet- or computer-based community school. A student shall 30351
not be categorically excluded from the number reported under 30352
division (B)(21) of this section based on anything other than 30353
family income. 30354

(C)(1) The state board of education shall adopt rules 30355
necessary for implementing divisions (A), (B), and (D) of this 30356
section. 30357

(2) A student enrolled in a community school established 30358
under Chapter 3314., a science, technology, engineering, and 30359
mathematics school established under Chapter 3326., or a 30360
college-preparatory boarding school established under Chapter 30361
3328. of the Revised Code shall be counted in the formula ADM and, 30362
if applicable, the category one, two, three, four, five, or six 30363
special education ADM of the school district in which the student 30364
is entitled to attend school under section 3313.64 or 3313.65 of 30365
the Revised Code for the same proportion of the school year that 30366
the student is counted in the enrollment of the community school, 30367
the science, technology, engineering, and mathematics school, or 30368
the college-preparatory boarding school for purposes of section 30369
3314.08, 3326.33, or 3328.24 of the Revised Code. Notwithstanding 30370
the enrollment of students certified pursuant to division 30371
(B)(3)(d), (e), (j), or (k) of this section, the department may 30372
adjust the formula ADM of a school district to account for 30373
students entitled to attend school in the district under section 30374
3313.64 or 3313.65 of the Revised Code who are enrolled in a 30375
community school, a science, technology, engineering, and 30376
mathematics school, or a college-preparatory boarding school for 30377
only a portion of the school year. 30378

(3) No child shall be counted as more than a total of one 30379
child in the sum of the enrollment of students of a school 30380
district under division (A), divisions (B)(1) to (22), or division 30381
(D) of this section, except as follows: 30382

(a) A child with a disability described in section 3317.013 30383
of the Revised Code may be counted both in formula ADM and in 30384
category one, two, three, four, five, or six special education ADM 30385
and, if applicable, in category one, two, three, four, or five 30386
career-technical education ADM. As provided in division (G) of 30387
section 3317.02 of the Revised Code, such a child shall be counted 30388
in category one, two, three, four, five, or six special education 30389
ADM in the same proportion that the child is counted in formula 30390
ADM. 30391

(b) A child enrolled in career-technical education programs 30392
or classes described in section 3317.014 of the Revised Code may 30393
be counted both in formula ADM and category one, two, three, four, 30394
or five career-technical education ADM and, if applicable, in 30395
category one, two, three, four, five, or six special education 30396
ADM. Such a child shall be counted in category one, two, three, 30397
four, or five career-technical education ADM in the same 30398
proportion as the percentage of time that the child spends in the 30399
career-technical education programs or classes. 30400

(4) Based on the information reported under this section, the 30401
department of education shall determine the total student count, 30402
as defined in section 3301.011 of the Revised Code, for each 30403
school district. 30404

(D)(1) The superintendent of each joint vocational school 30405
district shall report and certify to the superintendent of public 30406
instruction as of the last day of October, March, and June of each 30407
year the enrollment of students receiving services from schools 30408
under the superintendent's supervision so that the department can 30409
calculate the district's formula ADM, total ADM, category one 30410
through five career-technical education ADM, category one through 30411
three ~~limited~~ English ~~proficient~~ learner ADM, category one through 30412
six special education ADM, and for purposes of provisions of law 30413
outside of Chapter 3317. of the Revised Code, average daily 30414

membership. 30415

The enrollment reported and certified by the superintendent, 30416
except as otherwise provided in this division, shall consist of 30417
the ~~the~~ number of students in grades six through twelve receiving 30418
any educational services from the district, except that the 30419
following categories of students shall not be included in the 30420
determination: 30421

(a) Students enrolled in adult education classes; 30422

(b) Adjacent or other district joint vocational students 30423
enrolled in the district under an open enrollment policy pursuant 30424
to section 3313.98 of the Revised Code; 30425

(c) Students receiving services in the district pursuant to a 30426
compact, cooperative education agreement, or a contract, but who 30427
are entitled to attend school in a city, local, or exempted 30428
village school district whose territory is not part of the 30429
territory of the joint vocational district; 30430

(d) Students for whom tuition is payable pursuant to sections 30431
3317.081 and 3323.141 of the Revised Code. 30432

(2) To enable the department of education to obtain the data 30433
needed to complete the calculation of payments pursuant to this 30434
chapter, each superintendent shall certify from the report 30435
provided under division (D)(1) of this section the enrollment for 30436
each of the following categories of students: 30437

(a) Students enrolled in each individual grade included in 30438
the joint vocational district schools; 30439

(b) Children with disabilities receiving special education 30440
services for the category one disability described in division (A) 30441
of section 3317.013 of the Revised Code; 30442

(c) Children with disabilities receiving special education 30443
services for the category two disabilities described in division 30444

(B) of section 3317.013 of the Revised Code;	30445
(d) Children with disabilities receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;	30446 30447 30448
(e) Children with disabilities receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;	30449 30450 30451
(f) Children with disabilities receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;	30452 30453 30454
(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code;	30455 30456 30457
(h) Students receiving category one career-technical education services, described in division (A) of section 3317.014 of the Revised Code;	30458 30459 30460
(i) Students receiving category two career-technical education services, described in division (B) of section 3317.014 of the Revised Code;	30461 30462 30463
(j) Students receiving category three career-technical education services, described in division (C) of section 3317.014 of the Revised Code;	30464 30465 30466
(k) Students receiving category four career-technical education services, described in division (D) of section 3317.014 of the Revised Code;	30467 30468 30469
(l) Students receiving category five career-technical education services, described in division (E) of section 3317.014 of the Revised Code;	30470 30471 30472
(m) Limited English proficient students <u>learners</u> described in division (A) of section 3317.016 of the Revised Code;	30473 30474

(n) Limited English proficient students <u>learners</u> described in	30475
division (B) of section 3317.016 of the Revised Code;	30476
(o) Limited English proficient students <u>learners</u> described in	30477
division (C) of section 3317.016 of the Revised Code;	30478
(p) Students who are economically disadvantaged, as defined	30479
by the department. A student shall not be categorically excluded	30480
from the number reported under division (D)(2)(p) of this section	30481
based on anything other than family income.	30482
The superintendent of each joint vocational school district	30483
shall also indicate the city, local, or exempted village school	30484
district in which each joint vocational district pupil is entitled	30485
to attend school pursuant to section 3313.64 or 3313.65 of the	30486
Revised Code.	30487
(E) In each school of each city, local, exempted village,	30488
joint vocational, and cooperative education school district there	30489
shall be maintained a record of school enrollment, which record	30490
shall accurately show, for each day the school is in session, the	30491
actual enrollment in regular day classes. For the purpose of	30492
determining the enrollment of students, the enrollment figure of	30493
any school shall not include any pupils except those pupils	30494
described by division (A) of this section. The record of	30495
enrollment for each school shall be maintained in such manner that	30496
no pupil shall be counted as enrolled prior to the actual date of	30497
entry in the school and also in such manner that where for any	30498
cause a pupil permanently withdraws from the school that pupil	30499
shall not be counted as enrolled from and after the date of such	30500
withdrawal. There shall not be included in the enrollment of any	30501
school any of the following:	30502
(1) Any pupil who has graduated from the twelfth grade of a	30503
public or nonpublic high school;	30504
(2) Any pupil who is not a resident of the state;	30505

(3) Any pupil who was enrolled in the schools of the district 30506
during the previous school year when assessments were administered 30507
under section 3301.0711 of the Revised Code but did not take one 30508
or more of the assessments required by that section and was not 30509
excused pursuant to division (C)(1) or (3) of that section; 30510

(4) Any pupil who has attained the age of twenty-two years, 30511
except for veterans of the armed services whose attendance was 30512
interrupted before completing the recognized twelve-year course of 30513
the public schools by reason of induction or enlistment in the 30514
armed forces and who apply for reenrollment in the public school 30515
system of their residence not later than four years after 30516
termination of war or their honorable discharge; 30517

(5) Any pupil who has a certificate of high school 30518
equivalence as defined in section 5107.40 of the Revised Code. 30519

If, however, any veteran described by division (E)(4) of this 30520
section elects to enroll in special courses organized for veterans 30521
for whom tuition is paid under the provisions of federal laws, or 30522
otherwise, that veteran shall not be included in the enrollment of 30523
students determined under this section. 30524

Notwithstanding division (E)(3) of this section, the 30525
enrollment of any school may include a pupil who did not take an 30526
assessment required by section 3301.0711 of the Revised Code if 30527
the superintendent of public instruction grants a waiver from the 30528
requirement to take the assessment to the specific pupil and a 30529
parent is not paying tuition for the pupil pursuant to section 30530
3313.6410 of the Revised Code. The superintendent may grant such a 30531
waiver only for good cause in accordance with rules adopted by the 30532
state board of education. 30533

The formula ADM, total ADM, category one through five 30534
career-technical education ADM, category one through three ~~limited~~ 30535
English ~~proficient~~ learner ADM, category one through six special 30536

education ADM, preschool scholarship ADM, transportation ADM, and, 30537
for purposes of provisions of law outside of Chapter 3317. of the 30538
Revised Code, average daily membership of any school district 30539
shall be determined in accordance with rules adopted by the state 30540
board of education. 30541

(F)(1) If a student attending a community school under 30542
Chapter 3314., a science, technology, engineering, and mathematics 30543
school established under Chapter 3326., or a college-preparatory 30544
boarding school established under Chapter 3328. of the Revised 30545
Code is not included in the formula ADM calculated for the school 30546
district in which the student is entitled to attend school under 30547
section 3313.64 or 3313.65 of the Revised Code, the department of 30548
education shall adjust the formula ADM of that school district to 30549
include the student in accordance with division (C)(2) of this 30550
section, and shall recalculate the school district's payments 30551
under this chapter for the entire fiscal year on the basis of that 30552
adjusted formula ADM. 30553

(2) If a student awarded an educational choice scholarship is 30554
not included in the formula ADM of the school district from which 30555
the department deducts funds for the scholarship under section 30556
3310.08 of the Revised Code, the department shall adjust the 30557
formula ADM of that school district to include the student to the 30558
extent necessary to account for the deduction, and shall 30559
recalculate the school district's payments under this chapter for 30560
the entire fiscal year on the basis of that adjusted formula ADM. 30561

(3) If a student awarded a scholarship under the Jon Peterson 30562
special needs scholarship program is not included in the formula 30563
ADM of the school district from which the department deducts funds 30564
for the scholarship under section 3310.55 of the Revised Code, the 30565
department shall adjust the formula ADM of that school district to 30566
include the student to the extent necessary to account for the 30567
deduction, and shall recalculate the school district's payments 30568

under this chapter for the entire fiscal year on the basis of that 30569
adjusted formula ADM. 30570

(G)(1)(a) The superintendent of an institution operating a 30571
special education program pursuant to section 3323.091 of the 30572
Revised Code shall, for the programs under such superintendent's 30573
supervision, certify to the state board of education, in the 30574
manner prescribed by the superintendent of public instruction, 30575
both of the following: 30576

(i) The unduplicated count of the number of all children with 30577
disabilities other than preschool children with disabilities 30578
receiving services at the institution for each category of 30579
disability described in divisions (A) to (F) of section 3317.013 30580
of the Revised Code adjusted for the portion of the year each 30581
child is so enrolled; 30582

(ii) The unduplicated count of the number of all preschool 30583
children with disabilities in classes or programs for whom the 30584
district is eligible to receive funding under section 3317.0213 of 30585
the Revised Code adjusted for the portion of the year each child 30586
is so enrolled, reported according to the categories prescribed in 30587
section 3317.013 of the Revised Code. 30588

(b) The superintendent of an institution with 30589
career-technical education units approved under section 3317.05 of 30590
the Revised Code shall, for the units under the superintendent's 30591
supervision, certify to the state board of education the 30592
enrollment in those units, in the manner prescribed by the 30593
superintendent of public instruction. 30594

(2) The superintendent of each county board of developmental 30595
disabilities that maintains special education classes under 30596
section 3317.20 of the Revised Code or provides services to 30597
preschool children with disabilities pursuant to an agreement 30598
between the county board and the appropriate school district shall 30599

do both of the following: 30600

(a) Certify to the state board, in the manner prescribed by 30601
the board, the enrollment in classes under section 3317.20 of the 30602
Revised Code for each school district that has placed children in 30603
the classes; 30604

(b) Certify to the state board, in the manner prescribed by 30605
the board, the unduplicated count of the number of all preschool 30606
children with disabilities enrolled in classes for which the ~~DD~~ 30607
board is eligible to receive funding under section 3317.0213 of 30608
the Revised Code adjusted for the portion of the year each child 30609
is so enrolled, reported according to the categories prescribed in 30610
section 3317.013 of the Revised Code, and the number of those 30611
classes. 30612

(H) Except as provided in division (I) of this section, when 30613
any city, local, or exempted village school district provides 30614
instruction for a nonresident pupil whose attendance is 30615
unauthorized attendance as defined in section 3327.06 of the 30616
Revised Code, that pupil's enrollment shall not be included in 30617
that district's enrollment figure used in calculating the 30618
district's payments under this chapter. The reporting official 30619
shall report separately the enrollment of all pupils whose 30620
attendance in the district is unauthorized attendance, and the 30621
enrollment of each such pupil shall be credited to the school 30622
district in which the pupil is entitled to attend school under 30623
division (B) of section 3313.64 or section 3313.65 of the Revised 30624
Code as determined by the department of education. 30625

(I)(1) A city, local, exempted village, or joint vocational 30626
school district admitting a scholarship student of a pilot project 30627
district pursuant to division (C) of section 3313.976 of the 30628
Revised Code may count such student in its enrollment. 30629

(2) In any year for which funds are appropriated for pilot 30630

project scholarship programs, a school district implementing a 30631
state-sponsored pilot project scholarship program that year 30632
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 30633
count in its enrollment: 30634

(a) All children residing in the district and utilizing a 30635
scholarship to attend kindergarten in any alternative school, as 30636
defined in section 3313.974 of the Revised Code; 30637

(b) All children who were enrolled in the district in the 30638
preceding year who are utilizing a scholarship to attend an 30639
alternative school. 30640

(J) The superintendent of each cooperative education school 30641
district shall certify to the superintendent of public 30642
instruction, in a manner prescribed by the state board of 30643
education, the applicable enrollments for all students in the 30644
cooperative education district, also indicating the city, local, 30645
or exempted village district where each pupil is entitled to 30646
attend school under section 3313.64 or 3313.65 of the Revised 30647
Code. 30648

(K) If the superintendent of public instruction determines 30649
that a component of the enrollment certified or reported by a 30650
district superintendent, or other reporting entity, is not 30651
correct, the superintendent of public instruction may order that 30652
the formula ADM used for the purposes of payments under any 30653
section of Title XXXIII of the Revised Code be adjusted in the 30654
amount of the error. 30655

Sec. 3317.06. Moneys paid to school districts under division 30656
(E)(1) of section 3317.024 of the Revised Code shall be used for 30657
the following independent and fully severable purposes: 30658

(A) To purchase such secular textbooks or digital texts as 30659
have been approved by the superintendent of public instruction for 30660

use in public schools in the state and to loan such textbooks or 30661
digital texts to pupils attending nonpublic schools within the 30662
district described in division (E)(1) of section 3317.024 of the 30663
Revised Code or to their parents and to hire clerical personnel to 30664
administer such lending program. Such loans shall be based upon 30665
individual requests submitted by such nonpublic school pupils or 30666
parents. Such requests shall be submitted to the school district 30667
in which the nonpublic school is located. Such individual requests 30668
for the loan of textbooks or digital texts shall, for 30669
administrative convenience, be submitted by the nonpublic school 30670
pupil or the pupil's parent to the nonpublic school, which shall 30671
prepare and submit collective summaries of the individual requests 30672
to the school district. As used in this section: 30673

(1) "Textbook" means any book or book substitute that a pupil 30674
uses as a consumable or nonconsumable text, text substitute, or 30675
text supplement in a particular class or program in the school the 30676
pupil regularly attends. 30677

(2) "Digital text" means a consumable book or book substitute 30678
that a student accesses through the use of a computer or other 30679
electronic medium or that is available through an internet-based 30680
provider of course content, or any other material that contributes 30681
to the learning process through electronic means. 30682

(B) To provide speech and hearing diagnostic services to 30683
pupils attending nonpublic schools within the district described 30684
in division (E)(1) of section 3317.024 of the Revised Code. Such 30685
service shall be provided in the nonpublic school attended by the 30686
pupil receiving the service. 30687

(C) To provide physician, nursing, dental, and optometric 30688
services to pupils attending nonpublic schools within the district 30689
described in division (E)(1) of section 3317.024 of the Revised 30690
Code. Such services shall be provided in the school attended by 30691
the nonpublic school pupil receiving the service. 30692

(D) To provide diagnostic psychological services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the school attended by the pupil receiving the service.

(E) To provide therapeutic psychological and speech and hearing services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(F) To provide guidance, counseling, and social work services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(G) To provide remedial services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(H) To supply for use by pupils attending nonpublic schools 30725
within the district described in division (E)(1) of section 30726
3317.024 of the Revised Code such standardized tests and scoring 30727
services as are in use in the public schools of the state; 30728

(I) To provide programs for children who attend nonpublic 30729
schools within the district described in division (E)(1) of 30730
section 3317.024 of the Revised Code and are children with 30731
disabilities as defined in section 3323.01 of the Revised Code or 30732
gifted children. Such programs shall be provided in the public 30733
school, in nonpublic schools, in public centers, or in mobile 30734
units located on or off of the nonpublic premises. If such 30735
programs are provided in the public school or in public centers, 30736
transportation to and from such facilities shall be provided by 30737
the school district in which the nonpublic school is located. 30738

(J) To hire clerical personnel to assist in the 30739
administration of programs pursuant to divisions (B), (C), (D), 30740
(E), (F), (G), and (I) of this section and to hire supervisory 30741
personnel to supervise the providing of services and textbooks 30742
pursuant to this section. 30743

(K) To purchase or lease any secular, neutral, and 30744
nonideological computer application software designed to assist 30745
students in performing a single task or multiple related tasks, 30746
device management software, learning management software, 30747
site-licensing, digital video on demand (DVD), wide area 30748
connectivity and related technology as it relates to internet 30749
access, mathematics or science equipment and materials, 30750
instructional materials, and school library materials that are in 30751
general use in the public schools of the state and loan such items 30752
to pupils attending nonpublic schools within the district 30753
described in division (E)(1) of section 3317.024 of the Revised 30754
Code or to their parents, and to hire clerical personnel to 30755
administer the lending program. Only such items that are incapable 30756

of diversion to religious use and that are susceptible of loan to 30757
individual pupils and are furnished for the use of individual 30758
pupils shall be purchased and loaned under this division. As used 30759
in this section, "instructional materials" means prepared learning 30760
materials that are secular, neutral, and nonideological in 30761
character and are of benefit to the instruction of school 30762
children. "Instructional materials" includes media content that a 30763
student may access through the use of a computer or electronic 30764
device. 30765

Mobile applications that are secular, neutral, and 30766
nonideological in character and that are purchased for less than 30767
twenty dollars for instructional use shall be considered to be 30768
consumable and shall be distributed to students without the 30769
expectation that the applications must be returned. 30770

(L) To purchase or lease instructional equipment, including 30771
computer hardware and related equipment in general use in the 30772
public schools of the state, for use by pupils attending nonpublic 30773
schools within the district described in division (E)(1) of 30774
section 3317.024 of the Revised Code and to loan such items to 30775
pupils attending such nonpublic schools within the district or to 30776
their parents, and to hire clerical personnel to administer the 30777
lending program. "Computer hardware and related equipment" 30778
includes desktop computers and workstations; laptop computers, 30779
computer tablets, and other mobile handheld devices; their 30780
operating systems and accessories; and any equipment designed to 30781
make accessible the environment of a classroom to a student, who 30782
is physically unable to attend classroom activities due to 30783
hospitalization or other circumstances, by allowing real-time 30784
interaction with other students both one-on-one and in group 30785
discussion. 30786

(M) To purchase mobile units to be used for the provision of 30787
services pursuant to divisions (E), (F), (G), and (I) of this 30788

section and to pay for necessary repairs and operating costs 30789
associated with these units. 30790

(N) To reimburse costs the district incurred to store the 30791
records of a chartered nonpublic school that closes. 30792
Reimbursements under this division shall be made one time only for 30793
each chartered nonpublic school described in division (E)(1) of 30794
section 3317.024 of the Revised Code that closes. 30795

(O) To purchase life-saving medical or other emergency 30796
equipment for placement in nonpublic schools within the district 30797
described in division (E)(1) of section 3317.024 of the Revised 30798
Code or to maintain such equipment. 30799

(P) To procure and pay for security services from a county 30800
sheriff or a township or municipal police force or from a person 30801
certified through the Ohio peace officer training commission, in 30802
accordance with section 109.78 of the Revised Code, as a special 30803
police, security guard, or as a privately employed person serving 30804
in a police capacity for nonpublic schools in the district 30805
described in division (E)(1) of section 3317.024 of the Revised 30806
Code. 30807

(Q) To provide language and academic support services and 30808
other accommodations for English ~~language~~ learners attending 30809
nonpublic schools within the district described in division (E)(1) 30810
of section 3317.024 of the Revised Code. 30811

Clerical and supervisory personnel hired pursuant to division 30812
(J) of this section shall perform their services in the public 30813
schools, in nonpublic schools, public centers, or mobile units 30814
where the services are provided to the nonpublic school pupil, 30815
except that such personnel may accompany pupils to and from the 30816
service sites when necessary to ensure the safety of the children 30817
receiving the services. 30818

All services provided pursuant to this section may be 30819

provided under contract with educational service centers, the 30820
department of health, city or general health districts, or private 30821
agencies whose personnel are properly licensed by an appropriate 30822
state board or agency. 30823

Transportation of pupils provided pursuant to divisions (E), 30824
(F), (G), and (I) of this section shall be provided by the school 30825
district from its general funds and not from moneys paid to it 30826
under division (E)(1) of section 3317.024 of the Revised Code 30827
unless a special transportation request is submitted by the parent 30828
of the child receiving service pursuant to such divisions. If such 30829
an application is presented to the school district, it may pay for 30830
the transportation from moneys paid to it under division (E)(1) of 30831
section 3317.024 of the Revised Code. 30832

No school district shall provide health or remedial services 30833
to nonpublic school pupils as authorized by this section unless 30834
such services are available to pupils attending the public schools 30835
within the district. 30836

Materials, equipment, computer hardware or software, 30837
textbooks, digital texts, and health and remedial services 30838
provided for the benefit of nonpublic school pupils pursuant to 30839
this section and the admission of pupils to such nonpublic schools 30840
shall be provided without distinction as to race, creed, color, or 30841
national origin of such pupils or of their teachers. 30842

No school district shall provide services, materials, or 30843
equipment that contain religious content for use in religious 30844
courses, devotional exercises, religious training, or any other 30845
religious activity. 30846

As used in this section, "parent" includes a person standing 30847
in loco parentis to a child. 30848

Notwithstanding section 3317.01 of the Revised Code, payments 30849
shall be made under this section to any city, local, or exempted 30850

village school district within which is located one or more 30851
nonpublic elementary or high schools described in division (E)(1) 30852
of section 3317.024 of the Revised Code and any payments made to 30853
school districts under division (E)(1) of section 3317.024 of the 30854
Revised Code for purposes of this section may be disbursed without 30855
submission to and approval of the controlling board. 30856

The allocation of payments for materials, equipment, 30857
textbooks, digital texts, health services, and remedial services 30858
to city, local, and exempted village school districts shall be on 30859
the basis of the state board of education's estimated annual 30860
average daily membership in nonpublic elementary and high schools 30861
located in the district described in division (E)(1) of section 30862
3317.024 of the Revised Code. 30863

Payments made to city, local, and exempted village school 30864
districts under this section shall be equal to specific 30865
appropriations made for the purpose. All interest earned by a 30866
school district on such payments shall be used by the district for 30867
the same purposes and in the same manner as the payments may be 30868
used. 30869

The department of education shall adopt guidelines and 30870
procedures under which such programs and services shall be 30871
provided, under which districts shall be reimbursed for 30872
administrative costs incurred in providing such programs and 30873
services, and under which any unexpended balance of the amounts 30874
appropriated by the general assembly to implement this section may 30875
be transferred to the auxiliary services personnel unemployment 30876
compensation fund established pursuant to section 4141.47 of the 30877
Revised Code. The department shall also adopt guidelines and 30878
procedures limiting the purchase and loan of the items described 30879
in division (K) of this section to items that are in general use 30880
in the public schools of the state, that are incapable of 30881
diversion to religious use, and that are susceptible to individual 30882

use rather than classroom use. Within thirty days after the end of 30883
each biennium, each board of education shall remit to the 30884
department all moneys paid to it under division (E)(1) of section 30885
3317.024 of the Revised Code and any interest earned on those 30886
moneys that are not required to pay expenses incurred under this 30887
section during the biennium for which the money was appropriated 30888
and during which the interest was earned. If a board of education 30889
subsequently determines that the remittal of moneys leaves the 30890
board with insufficient money to pay all valid expenses incurred 30891
under this section during the biennium for which the remitted 30892
money was appropriated, the board may apply to the department of 30893
education for a refund of money, not to exceed the amount of the 30894
insufficiency. If the department determines the expenses were 30895
lawfully incurred and would have been lawful expenditures of the 30896
refunded money, it shall certify its determination and the amount 30897
of the refund to be made to the director of job and family 30898
services who shall make a refund as provided in section 4141.47 of 30899
the Revised Code. 30900

Each school district shall label materials, equipment, 30901
computer hardware or software, textbooks, and digital texts 30902
purchased or leased for loan to a nonpublic school under this 30903
section, acknowledging that they were purchased or leased with 30904
state funds under this section. However, a district need not label 30905
materials, equipment, computer hardware or software, textbooks, or 30906
digital texts that the district determines are consumable in 30907
nature or have a value of less than two hundred dollars. 30908

Sec. 3317.13. (A) As used in this section and section 3317.14 30909
of the Revised Code: 30910

(1) "Years of service" includes the following: 30911

(a) All years of teaching service in the same school district 30912
or educational service center, regardless of training level, with 30913

each year consisting of at least one hundred twenty days under a teacher's contract;

(b) All years of teaching service in a chartered, nonpublic school located in Ohio as a teacher licensed pursuant to section 3319.22 of the Revised Code or in another public school, regardless of training level, with each year consisting of at least one hundred twenty days under a teacher's contract;

(c) All years of teaching service in a chartered school or institution or a school or institution that subsequently became chartered or a chartered special education program or a special education program that subsequently became chartered operated by the state or by a subdivision or other local governmental unit of this state as a teacher licensed pursuant to section 3319.22 of the Revised Code, regardless of training level, with each year consisting of at least one hundred twenty days; and

(d) All years of active military service in the armed forces of the United States, as defined in section 3307.75 of the Revised Code, to a maximum of five years. For purposes of this calculation, a partial year of active military service of eight continuous months or more in the armed forces shall be counted as a full year.

(2) "Teacher" means all teachers employed by the board of education of any school district, including any cooperative education or joint vocational school district and all teachers employed by any educational service center governing board.

(B) No teacher shall be paid a salary less than that provided in the schedule set forth in division (C) of this section. In calculating the minimum salary any teacher shall be paid pursuant to this section, years of service shall include the sum of all years of the teacher's teaching service included in divisions (A)(1)(a), (b), (c), and (d) of this section; except that any

school district or educational service center employing a teacher 30945
new to the district or educational service center shall grant such 30946
teacher a total of not more than ten years of service pursuant to 30947
divisions (A)(1)(b), (c), and (d) of this section. 30948

Upon written complaint to the superintendent of public 30949
instruction that the board of education of a district or the 30950
governing board of an educational service center governing board 30951
has failed or refused to annually adopt a salary schedule or to 30952
pay salaries in accordance with the salary schedule set forth in 30953
division (C) of this section, the superintendent of public 30954
instruction shall cause to be made an immediate investigation of 30955
such complaint. If the superintendent finds that the conditions 30956
complained of exist, the superintendent shall order the board to 30957
correct such conditions within ten days from the date of the 30958
finding. No moneys shall be distributed to the district or 30959
educational service center under this chapter until the 30960
superintendent has satisfactory evidence of the board of 30961
education's full compliance with such order. 30962

Each teacher shall be fully credited with placement in the 30963
appropriate academic training level column in the district's or 30964
educational service center's salary schedule with years of service 30965
properly credited pursuant to this section or section 3317.14 of 30966
the Revised Code. No rule shall be adopted or exercised by any 30967
board of education or educational service center governing board 30968
which restricts the placement or the crediting of annual salary 30969
increments for any teacher according to the appropriate academic 30970
training level column. 30971

(C) Minimum salaries exclusive of retirement and sick leave 30972
for teachers shall be as follows: 30973

	Teachers		Teachers with	Teachers	30974
Years	with Less	Teachers with	Five Years of	with	30975
of	than	a Bachelor's	Training, but	a Master's	30976

Service	Bachelor's Degree		no Master's Degree		Degree or Higher				
	Per Dollar	Per Dollar	Per Dollar	Per Dollar	Per Dollar	Per Dollar			
	Cent*	Cent*	Cent*	Cent*	Cent*	Cent*			
	Amount	Amount	Amount	Amount	Amount	Amount			
0	86.5	\$17,300 <u>25,950</u>	100.0	\$20,000 <u>30,000</u>	103.8	\$20,760 <u>31,140</u>	109.5	\$21,900 <u>32,850</u>	30977 30978 30979 30980 30981
1	90.0	18,000 <u>27,000</u>	103.8	20,760 <u>31,140</u>	108.1	21,620 <u>32,430</u>	114.3	22,860 <u>34,290</u>	30982
2	93.5	18,700 <u>28,050</u>	107.6	21,520 <u>32,280</u>	112.4	22,480 <u>33,720</u>	119.1	23,820 <u>35,730</u>	30983
3	97.0	19,400 <u>29,100</u>	111.4	22,280 <u>33,420</u>	116.7	23,340 <u>35,010</u>	123.9	24,780 <u>37,170</u>	30984
4	100.5	20,100 <u>30,150</u>	115.2	23,040 <u>34,560</u>	121.0	24,200 <u>36,300</u>	128.7	25,740 <u>38,610</u>	30985
5	104.0	20,800 <u>31,200</u>	119.0	23,800 <u>35,700</u>	125.3	25,060 <u>37,590</u>	133.5	26,700 <u>40,050</u>	30986
6	104.0	20,800 <u>31,200</u>	122.8	24,560 <u>36,840</u>	129.6	25,920 <u>38,880</u>	138.3	27,660 <u>41,490</u>	30987
7	104.0	20,800 <u>31,200</u>	126.6	25,320 <u>37,980</u>	133.9	26,780 <u>40,170</u>	143.1	28,620 <u>42,930</u>	30988
8	104.0	20,800 <u>31,200</u>	130.4	26,080 <u>39,120</u>	138.2	27,640 <u>41,460</u>	147.9	29,580 <u>44,370</u>	30989
9	104.0	20,800 <u>31,200</u>	134.2	26,840 <u>40,260</u>	142.5	28,500 <u>42,750</u>	152.7	30,540 <u>45,810</u>	30990
10	104.0	20,800 <u>31,200</u>	138.0	27,600 <u>41,400</u>	146.8	29,360 <u>44,040</u>	157.5	31,500 <u>47,250</u>	30991
11	104.0	20,800 <u>31,200</u>	141.8	28,360 <u>42,540</u>	151.1	30,220 <u>45,330</u>	162.3	32,460 <u>48,690</u>	30992

* Percentages represent the percentage which each salary is of the base amount. 30993
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For purposes of determining the minimum salary at any level of training and service, the base of one hundred per cent shall be the base amount. The percentages used in this section show the 30995
30996
30997

relationships between the minimum salaries required by this 30998
section and the base amount and shall not be construed as 30999
requiring any school district or educational service center to 31000
adopt a schedule containing salaries in excess of the amounts set 31001
forth in this section for corresponding levels of training and 31002
experience. 31003

As used in this division: 31004

(1) "Base amount" means ~~twenty~~ thirty thousand dollars. 31005

(2) "Five years of training" means at least one hundred fifty 31006
semester hours, or the equivalent, and a bachelor's degree from a 31007
recognized college or university. 31008

(D) For purposes of this section, all credited training shall 31009
be from a recognized college or university. 31010

Sec. 3317.16. (A) The department of education shall compute 31011
and distribute state core foundation funding to each joint 31012
vocational school district for the fiscal year as prescribed in 31013
the following divisions: 31014

(1) An opportunity grant calculated according to the 31015
following formula: 31016

(The formula amount X formula ADM) - (0.0005 X the district's 31017
three-year average valuation) 31018

However, no district shall receive an opportunity grant that 31019
is less than 0.05 times the formula amount times formula ADM. 31020

(2) Additional state aid for special education and related 31021
services provided under Chapter 3323. of the Revised Code 31022
calculated as the sum of the following: 31023

(a) The district's category one special education ADM X the 31024
amount specified in division (A) of section 3317.013 of the 31025
Revised Code X the district's state share percentage; 31026

(b) The district's category two special education ADM X the amount specified in division (B) of section 3317.013 of the Revised Code X the district's state share percentage;	31027 31028 31029
(c) The district's category three special education ADM X the amount specified in division (C) of section 3317.013 of the Revised Code X the district's state share percentage;	31030 31031 31032
(d) The district's category four special education ADM X the amount specified in division (D) of section 3317.013 of the Revised Code X the district's state share percentage;	31033 31034 31035
(e) The district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share percentage;	31036 31037 31038
(f) The district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share percentage.	31039 31040 31041
(3) Economically disadvantaged funds calculated according to the following formula:	31042 31043
\$272 X the district's economically disadvantaged index X the number of students who are economically disadvantaged as certified under division (D)(2)(p) of section 3317.03 of the Revised Code	31044 31045 31046
(4) Limited English proficiency <u>learner</u> funds calculated as the sum of the following:	31047 31048
(a) The district's category one limited English proficient <u>learner</u> ADM X the amount specified in division (A) of section 3317.016 of the Revised Code X the district's state share percentage;	31049 31050 31051 31052
(b) The district's category two limited English proficient <u>learner</u> ADM X the amount specified in division (B) of section 3317.016 of the Revised Code X the district's state share percentage;	31053 31054 31055 31056

(c) The district's category three ~~limited English proficient~~ learner ADM X the amount specified in division (C) of section 3317.016 of the Revised Code X the district's state share percentage; 31057
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(5) Career-technical education funds calculated as the sum of the following: 31061
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(a) The district's category one career-technical education ADM X the amount specified in division (A) of section 3317.014 of the Revised Code X the district's state share percentage; 31063
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31065

(b) The district's category two career-technical education ADM X the amount specified in division (B) of section 3317.014 of the Revised Code X the district's state share percentage; 31066
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(c) The district's category three career-technical education ADM X the amount specified in division (C) of section 3317.014 of the Revised Code X the district's state share percentage; 31069
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31071

(d) The district's category four career-technical education ADM X the amount specified in division (D) of section 3317.014 of the Revised Code X the district's state share percentage; 31072
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(e) The district's category five career-technical education ADM X the amount specified in division (E) of section 3317.014 of the Revised Code X the district's state share percentage. 31075
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Payment of funds under division (A)(5) of this section is subject to approval under section 3317.161 of the Revised Code. 31078
31079

(6) Career-technical education associated services funds calculated under the following formula: 31080
31081

The district's state share percentage X the amount for career-technical education associated services specified in section 3317.014 of the Revised Code X the sum of categories one through five career-technical education ADM 31082
31083
31084
31085
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(7) A graduation bonus calculated according to the following formula: 31087
31088
The district's graduation rate as reported on its most recent report card issued by the department under section 3302.033 of the Revised Code X 0.075 X the formula amount X the number of the district's students who received high school or honors high school diplomas as reported by the district to the department, in accordance with the guidelines adopted under section 3301.0714 of the Revised Code, for the same school year for which the most recent report card was issued X the district's state share percentage 31089
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(B)(1) If a joint vocational school district's costs for a fiscal year for a student in its categories two through six special education ADM exceed the threshold catastrophic cost for serving the student, as specified in division (B) of section 3317.0214 of the Revised Code, the district may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all of its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the district an amount equal to the sum of the following: 31098
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(a) One-half of the district's costs for the student in excess of the threshold catastrophic cost; 31108
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(b) The product of one-half of the district's costs for the student in excess of the threshold catastrophic cost multiplied by the district's state share percentage. 31110
31111
31112
(2) The district shall report under division (B)(1) of this section, and the department shall pay for, only the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be 31113
31114
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included in the amount. 31119

(C)(1) For each student with a disability receiving special 31120
education and related services under an individualized education 31121
program, as defined in section 3323.01 of the Revised Code, at a 31122
joint vocational school district, the resident district or, if the 31123
student is enrolled in a community school, the community school 31124
shall be responsible for the amount of any costs of providing 31125
those special education and related services to that student that 31126
exceed the sum of the amount calculated for those services 31127
attributable to that student under division (A) of this section. 31128

Those excess costs shall be calculated using a formula 31129
approved by the department. 31130

(2) The board of education of the joint vocational school 31131
district may report the excess costs calculated under division 31132
(C)(1) of this section to the department of education. 31133

(3) If the board of education of the joint vocational school 31134
district reports excess costs under division (C)(2) of this 31135
section, the department shall pay the amount of excess cost 31136
calculated under division (C)(2) of this section to the joint 31137
vocational school district and shall deduct that amount as 31138
provided in division (C)(3)(a) or (b) of this section, as 31139
applicable: 31140

(a) If the student is not enrolled in a community school, the 31141
department shall deduct the amount from the account of the 31142
student's resident district pursuant to division (J) of section 31143
3317.023 of the Revised Code. 31144

(b) If the student is enrolled in a community school, the 31145
department shall deduct the amount from the account of the 31146
community school pursuant to section 3314.083 of the Revised Code. 31147

(D)(1) In any fiscal year, a school district receiving funds 31148
under division (A)(5) of this section shall spend those funds only 31149

for the purposes that the department designates as approved for 31150
career-technical education expenses. Career-technical education 31151
expenses approved by the department shall include only expenses 31152
connected to the delivery of career-technical programming to 31153
career-technical students. The department shall require the school 31154
district to report data annually so that the department may 31155
monitor the district's compliance with the requirements regarding 31156
the manner in which funding received under division (A)(5) of this 31157
section may be spent. 31158

(2) All funds received under division (A)(5) of this section 31159
shall be spent in the following manner: 31160

(a) At least seventy-five per cent of the funds shall be 31161
spent on curriculum development, purchase, and implementation; 31162
instructional resources and supplies; industry-based program 31163
certification; student assessment, credentialing, and placement; 31164
curriculum specific equipment purchases and leases; 31165
career-technical student organization fees and expenses; home and 31166
agency linkages; work-based learning experiences; professional 31167
development; and other costs directly associated with 31168
career-technical education programs including development of new 31169
programs. 31170

(b) Not more than twenty-five per cent of the funds shall be 31171
used for personnel expenditures. 31172

(E) In any fiscal year, a school district receiving funds 31173
under division (A)(6) of this section, or through a transfer of 31174
funds pursuant to division (I) of section 3317.023 of the Revised 31175
Code, shall spend those funds only for the purposes that the 31176
department designates as approved for career-technical education 31177
associated services expenses, which may include such purposes as 31178
apprenticeship coordinators, coordinators for other 31179
career-technical education services, career-technical evaluation, 31180
and other purposes designated by the department. The department 31181

may deny payment under division (A)(6) of this section to any 31182
district that the department determines is not operating those 31183
services or is using funds paid under division (A)(6) of this 31184
section, or through a transfer of funds pursuant to division (I) 31185
of section 3317.023 of the Revised Code, for other purposes. 31186

(F) A joint vocational school district shall spend the funds 31187
it receives under division (A)(3) of this section in accordance 31188
with section 3317.25 of the Revised Code. 31189

(G) As used in this section: 31190

(1) "Community school" means a community school established 31191
under Chapter 3314. of the Revised Code. 31192

(2) "Resident district" means the city, local, or exempted 31193
village school district in which a student is entitled to attend 31194
school under section 3313.64 or 3313.65 of the Revised Code. 31195

(3) "State share percentage" is equal to the following: 31196
The amount computed under division (A)(1) of this section / 31197
(the formula amount X formula ADM) 31198

Sec. 3317.163. (A) As used in this section: 31199

(1) "Base per pupil amount" has the same meaning as in 31200
section 3317.0219 of the Revised Code. 31201

(2) "Eligible school district" has the same meaning as in 31202
division (C)(1) of section 3317.0219 of the Revised Code. 31203

(3) "Resident district" means the city, local, or exempted 31204
village school district in which a student is entitled to attend 31205
school pursuant to section 3313.64 or 3313.65 of the Revised Code. 31206

(B) Subject to division (D) of this section, for fiscal years 31207
2020 and 2021, the department of education shall calculate and pay 31208
to each joint vocational school district student wellness and 31209
success funds, on a full-time equivalency basis, for each student 31210

enrolled in the district as of the district's payment under 31211
section 3317.16 of the Revised Code in June of the immediately 31212
preceding fiscal year in an amount equal to the following: 31213
(The base per pupil amount of the student's resident district for 31214
that fiscal year + the scaled amount of the student's resident 31215
district, if any, computed under division (B)(4) of section 31216
3317.0219 of the Revised Code) 31217

However, each joint vocational school district shall receive 31218
a minimum payment of \$25,000, for fiscal year 2020, or \$36,000 for 31219
fiscal year 2021. 31220

(C) Subject to division (D) of this section, for fiscal years 31221
2020 and 2021, the department shall pay to each joint vocational 31222
school district student wellness and success enhancement funds, on 31223
a full-time equivalency basis, for each student enrolled in the 31224
district as of the district's payment under section 3317.16 of the 31225
Revised Code in June of the immediately preceding fiscal year 31226
whose resident district is an eligible school district, in an 31227
amount equal to the following: 31228

The amount paid to the student's resident district under division 31229
(C)(2) of section 3317.0219 of the Revised Code for that fiscal 31230
year / the enrolled ADM of the student's resident district that 31231
was used for the second payment under Chapter 3317. of the Revised 31232
Code in June of the immediately preceding fiscal year 31233

(D) The department shall pay funds under divisions (B) and 31234
(C) of this section as follows: 31235

(1) One-half of the amount shall be paid not later than the 31236
thirty-first day of October of the fiscal year for which the 31237
payment is calculated. 31238

(2) One-half of the amount shall be paid not later than the 31239
twenty-eighth day of February of the fiscal year for which the 31240
payment is calculated. 31241

Upon making a payment for a fiscal year under this section, 31242
the department shall not make any reconciliations or adjustments 31243
to that payment. 31244

(E) A joint vocational school district that receives a 31245
payment under this section shall comply with section 3317.26 of 31246
the Revised Code. 31247

Sec. 3317.25. (A) As used in this section, "economically 31248
disadvantaged funds" means the following: 31249

(1) For a city, local, or exempted village school district, 31250
the funds received under division (A)(5) of section 3317.022 of 31251
the Revised Code; 31252

(2) For a joint vocational school district, the funds 31253
received under division (A)(3) of section 3317.16 of the Revised 31254
Code; 31255

(3) For a community school established under Chapter 3314. of 31256
the Revised Code, the funds received under division (C)(1)(e) of 31257
section 3314.08 of the Revised Code; 31258

(4) For a STEM school established under Chapter 3326. of the 31259
Revised Code, the funds received under division (E) of section 31260
3326.33 of the Revised Code. 31261

(B) In any fiscal year, a city, local, exempted village, or 31262
joint vocational school district, community school, or STEM school 31263
shall spend the economically disadvantaged funds it receives for 31264
any of the following initiatives or a combination of any of the 31265
following initiatives: 31266

(1) Extended school day and school year; 31267

(2) Reading improvement and intervention; 31268

(3) Instructional technology or blended learning; 31269

(4) Professional development in reading instruction for 31270

teachers of students in kindergarten through third grade;	31271
(5) Dropout prevention;	31272
(6) School safety and security measures;	31273
(7) Community learning centers that address barriers to learning;	31274 31275
(8) Academic interventions for students in any of grades six through twelve;	31276 31277
(9) Employment of an individual who has successfully completed the bright new leaders for Ohio schools program as a principal or an assistant principal. As used in this section,	31278 31279 31280
"bright new leaders for Ohio schools program" has the same meaning as in <u>under section 3319.271 3319.272</u> of the Revised Code.	31281 31282
(C) At the end of each fiscal year, each city, local, exempted village, or joint vocational school district, community school, and STEM school shall submit a report to the department of education describing the initiative or initiatives on which the district's or school's economically disadvantaged funds were spent during that fiscal year.	31283 31284 31285 31286 31287 31288
(D) Starting in 2015, the department shall submit a report of the information it receives under division (C) of this section to the General Assembly not later than the first day of December of each odd-numbered year in accordance with section 101.68 of the Revised Code.	31289 31290 31291 31292 31293
<u>Sec. 3317.26. (A) As used in this section, "student wellness and success funds" means the following:</u>	31294 31295
<u>(1) For a city, local, or exempted village school district, the funds received under section 3317.0219 of the Revised Code;</u>	31296 31297
<u>(2) For a joint vocational school district, the funds received under section 3317.163 of the Revised Code.</u>	31298 31299

(3) For a community school established under Chapter 3314. of the Revised Code, the funds received under section 3314.088 of the Revised Code. 31300
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(4) For a STEM school established under Chapter 3326. of the Revised Code, the funds received under section 3326.42 of the Revised Code. 31303
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(B) In any fiscal year, a city, local, exempted village, or joint vocational school district, community school, or STEM school shall spend the student wellness and success funds it receives for any of the following initiatives or a combination of any of the following initiatives: 31306
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(1) Mental health services; 31311

(2) Services for homeless youth; 31312

(3) Services for child welfare involved youth; 31313

(4) Community liaisons; 31314

(5) Physical health care services; 31315

(6) Mentoring programs; 31316

(7) Family engagement and support services; 31317

(8) City connects programming; 31318

(9) Professional development regarding the provision of trauma informed care; 31319
31320

(10) Professional development regarding cultural competence. 31321

(C) Each city, local, exempted village, and joint vocational school district, community school, and STEM school that is subject to the requirements of this section shall develop a plan for utilizing the student wellness and success funds it receives in coordination with at least one of the following community partners: 31322
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(1) A board of alcohol, drug, and mental health services 31328

<u>established under Chapter 340. of the Revised Code;</u>	31329
<u>(2) An educational service center;</u>	31330
<u>(3) A county board of developmental disabilities;</u>	31331
<u>(4) A community-based mental health treatment provider;</u>	31332
<u>(5) A board of health of a city or general health district;</u>	31333
<u>(6) A county department of job and family services;</u>	31334
<u>(7) A nonprofit organization with experience serving</u> <u>children;</u>	31335 31336
<u>(8) A public hospital agency.</u>	31337
<u>(D) At the end of each fiscal year, each city, local,</u> <u>exempted village, or joint vocational school district, community</u> <u>school, and STEM school shall submit a report to the department of</u> <u>education describing the initiative or initiatives on which the</u> <u>district's or school's student wellness and success funds were</u> <u>spent during that fiscal year.</u>	31338 31339 31340 31341 31342 31343
Sec. 3317.40. (A) As used in this section, "subgroup" means one of the following subsets of the entire student population of a school district or a school building:	31344 31345 31346
(1) Students with disabilities;	31347
(2) Economically disadvantaged students;	31348
(3) Limited English proficient students <u>learners;</u>	31349
(4) Students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code.	31350 31351 31352
(B) It is the intent of the general assembly that funds provided under this chapter shall be used for the provision of a system of common schools and the advancement of the knowledge of all students. As such, school districts and schools shall be held	31353 31354 31355 31356

accountable for those funds to ensure that all students are 31357
provided an opportunity to graduate from high school prepared for 31358
a career or for post-secondary education. 31359

(C) When funds are provided under this chapter specifically 31360
for services for a subgroup of students, the general assembly has 31361
determined that these students experience unique challenges 31362
requiring additional resources and intends that the funds so 31363
provided be used for services that will allow students in those 31364
subgroups to master the knowledge base required for high school 31365
graduation. 31366

(D) If a district or school fails to show satisfactory 31367
achievement and progress, as determined by the state board of 31368
education, for any subgroup of students based on performance 31369
measures reported or graded under section 3302.03 of the Revised 31370
Code, the district or school shall submit an improvement plan to 31371
the department for approval. The plan may be included in any other 31372
improvement plan required of the district or school under state or 31373
federal law. The department may require that a plan required under 31374
division (C) of this section include an agreement to partner with 31375
another organization that has demonstrated the ability to improve 31376
the educational outcome for that subgroup of students to provide 31377
services to those students. The partner organization may be 31378
another school, district, or other education provider. 31379

Not later than December 31, 2014, the state board of 31380
education shall establish measures of satisfactory achievement and 31381
progress, which include, but are not limited to, performance 31382
measures under section 3302.03 of the Revised Code. The department 31383
shall make the initial determination of satisfactory achievement 31384
and progress under this section using those measures not later 31385
than September 1, 2015, and then make determinations under this 31386
section annually thereafter. 31387

The department shall publish a list of schools, school 31388

districts, and other educational providers that have demonstrated 31389
an ability to serve each subgroup of students. 31390

Sec. 3317.60. (A)(1)(a) The office of budget and management 31391
shall, in consultation with the department of education, create an 31392
inventory of all state budget line items that, in the office's 31393
determination, provide funding services to children that includes 31394
all of the following information: 31395

(i) The fiscal year 2018 funding for each line item; 31396

(ii) A brief description of services provided by each line 31397
item; 31398

(iii) Estimates of funding and program descriptions of all 31399
line items that are also used to fund other types of programs, 31400
including a description explaining how those different programs 31401
interact and for whom they are provided; 31402

(iv) A preliminary analysis of policy implications regarding 31403
the potential creation and funding of "wrap-around services," as 31404
defined by the office, including health clinics provided in 31405
educational settings. 31406

(b) The data shall be disaggregated into three categories 31407
based on students' age ranges as follows: 31408

(i) Students receiving special education services for a 31409
disability specified in divisions (A) to (F) of section 3317.013 31410
of the Revised Code between zero and twenty-one years of age; 31411

(ii) Students not described by division (A)(1)(b)(i) of this 31412
section between zero and four years of age; and 31413

(iii) Students not described in division (A)(1)(b)(i) of this 31414
section between five and eighteen years of age. 31415

Additionally, the data shall be disaggregated into service 31416
categories that may be provided by multiple agencies, funds, and 31417

line items, such as children's mental health, children's physical health, child nutrition, early childhood education, primary and secondary education, special education, juvenile detention services, and any other categories that receive significant state and federal funding. 31418
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(c) The office shall submit the inventory to the individuals prescribed in division (B) of this section not later than December 31, 2020. 31423
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(2) The department of education, in consultation with the joint education oversight committee, shall conduct an evaluation of all of the following topics regarding special education: 31426
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31428

(a) The categories of special education students specified under section 3317.013 of the Revised Code and the funding amounts corresponding to those categories; 31429
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(b) Best practices for providing education to special education students; 31432
31433

(c) Protocols for providing treatment to special education students; 31434
31435

(d) Technology to enhance the provision of special education; 31436

(e) Costs of providing special education. 31437

The department shall submit a report of its findings and recommendations to the individuals prescribed in division (B) of this section not later than December 31, 2020. 31438
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(3) The joint education oversight committee shall, in collaboration with the department of education, the auditor of state, and a workgroup established by the committee that consists of educators, auditors, and employees of the department of education, review the funding reporting protocols and requirements for gifted services with the intention of recommending improvements regarding accountability for the spending of gifted 31441
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funds paid to city, local, and exempted village school districts 31448
under section 3317.022 of the Revised Code. The committee shall 31449
submit a report of its findings and recommendations to the 31450
individuals prescribed in division (B) of this section not later 31451
than December 31, 2020. 31452

(4) The joint education oversight committee shall, in 31453
consultation with the department of education, develop 31454
recommendations for an incentive program for school districts in 31455
rural areas of the state that provide services to students 31456
identified as gifted under division (A), (B), (C), or (D) of 31457
section 3324.03 of the Revised Code and submit a report of its 31458
findings to the individuals prescribed in division (B) of this 31459
section not later than December 31, 2020. 31460

(5) The department of education shall, in consultation with 31461
the joint education oversight committee, conduct a study that does 31462
both of the following: 31463

(a) Evaluates and determines the essential types and amounts 31464
of resources needed to provide economically disadvantaged students 31465
the emotional, social, and academic services necessary to ensure 31466
adequate opportunities for success. 31467

(b) Evaluates and revises the current definition of 31468
"economically disadvantaged student." 31469

The department shall submit a report of its findings to the 31470
individuals prescribed in division (B) of this section not later 31471
than December 31, 2020. 31472

(6) The department of education shall, in consultation with 31473
the joint education oversight committee, the department of job and 31474
family services, and the auditor of state, conduct an evaluation 31475
of all of the following topics regarding preschool education: 31476

(a) The cost effectiveness of continuing the existing 31477
multiple provider system; 31478

<u>(b) Ways in which the existing system may be better</u>	31479
<u>coordinated and cost efficient;</u>	31480
<u>(c) Alternative ways in which the state can supply high</u>	31481
<u>quality preschool, especially for economically disadvantaged</u>	31482
<u>students.</u>	31483
<u>The department shall submit a report of its findings to the</u>	31484
<u>individuals prescribed in division (B) of this section not later</u>	31485
<u>than December 31, 2020.</u>	31486
<u>(7) The joint education oversight committee shall, in</u>	31487
<u>collaboration with the department of education, the auditor of</u>	31488
<u>state, and the Ohio educational service center association,</u>	31489
<u>conduct an evaluation of educational service centers, including</u>	31490
<u>all of the following:</u>	31491
<u>(a) Services provided;</u>	31492
<u>(b) Cost of existing services;</u>	31493
<u>(c) The ability to generate revenue for providing</u>	31494
<u>nonmandatory services and offset fixed costs with that revenue;</u>	31495
<u>(d) The average operating cost per pupil;</u>	31496
<u>(e) The effectiveness and efficiency of all educational</u>	31497
<u>service centers.</u>	31498
<u>The committee shall submit a report of its findings to the</u>	31499
<u>individuals prescribed in division (B) of this section not later</u>	31500
<u>than December 31, 2020.</u>	31501
<u>(8) The department of education shall, in consultation with</u>	31502
<u>the joint education oversight committee, evaluate the current</u>	31503
<u>funding amounts and required services for all categories of</u>	31504
<u>English language learners described in section 3317.016 of the</u>	31505
<u>Revised Code. The department shall submit a report of its findings</u>	31506
<u>to the individuals prescribed in division (B) of this section not</u>	31507
<u>later than December 31, 2020.</u>	31508

(B) Reports prepared under divisions (A)(1), (2), (3), (4), (5), (6), (7), and (8) of this section shall be submitted to all of the following: 31509
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31511

(1) The chair, vice chair, and ranking minority member of the finance committee of the house of representatives and the senate; 31512
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(2) The chair, vice chair, and ranking minority member of the finance subcommittees regarding primary and secondary education of the house of representatives and the senate; 31514
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(3) The chair, vice chair, and ranking minority member of the standing committee of the house of representatives and the senate that consider legislation regarding primary and secondary education; 31517
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(4) The superintendent of public instruction; 31521

(5) The president of the state board of education. 31522

(C) It is the intent of the general assembly that the recommendations developed under divisions (A)(2), (3), (4), (5), (6), and (7) of this section be the basis of legislation enacted by the general assembly in order to take effect for fiscal year 2022 and that the recommendations developed under division (A)(8) of this section be the basis of legislation enacted by the general assembly in order to take effect for fiscal year 2023. 31523
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Sec. 3317.61. (A) The department of education, in consultation with community school governing authorities and other appropriate stakeholders, shall evaluate the cost of operating community schools on a per-pupil or other reasonable basis as a replacement for the discontinuance of a fixed per pupil formula amount. 31530
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(B) Not later than December 31, 2020, the department shall submit its findings to all of the following: 31536
31537

(1) The chair, vice chair, and ranking minority member of the 31538

<u>finance committee of the house of representatives and the senate;</u>	31539
<u>(2) The chair, vice chair, and ranking minority member of the</u>	31540
<u>finance subcommittees regarding primary and secondary education of</u>	31541
<u>the house of representatives and the senate;</u>	31542
<u>(3) The chair, vice chair, and ranking minority member of the</u>	31543
<u>standing committee of the house of representatives and the senate</u>	31544
<u>that consider legislation regarding primary and secondary</u>	31545
<u>education;</u>	31546
<u>(4) The superintendent of public instruction;</u>	31547
<u>(5) The president of the state board of education.</u>	31548
<u>Sec. 3317.62. (A) A joint legislative task force to examine</u>	31549
<u>transportation of community school and nonpublic school students</u>	31550
<u>is hereby established and shall consist of six members, three of</u>	31551
<u>whom shall be appointed by the speaker of the house of</u>	31552
<u>representatives and three of whom shall be appointed by the</u>	31553
<u>president of the senate. The speaker of the house of</u>	31554
<u>representatives and president of the senate shall appoint a</u>	31555
<u>chairperson and vice-chairperson or co-chairpersons for the task</u>	31556
<u>force.</u>	31557
<u>(B) The task force, in consultation with the superintendent</u>	31558
<u>of public instruction, the auditor of state, and other</u>	31559
<u>stakeholders, shall study the transportation of such students and</u>	31560
<u>determine methods to create greater efficiency and minimize costs</u>	31561
<u>in transporting such students. The task force shall report its</u>	31562
<u>findings to the speaker of the house of representatives and the</u>	31563
<u>president of the senate not later than December 31, 2020.</u>	31564
<u>Sec. 3318.036. (A) For purposes of this section:</u>	31565
<u>(1) "Eligible school district" is a city, local, or exempted</u>	31566
<u>village school district that satisfies both of the following</u>	31567

conditions:	31568
(a) The district <u>is either of the following:</u>	31569
(i) <u>A district that</u> resulted from one of the following that	31570
became effective between July 1, 2013, and June 30, 2018:	31571
(i) (I) A transfer of all of the territory of one school	31572
district to another school district in accordance with section	31573
3311.22, 3311.231, 3311.24, or 3311.38 of the Revised Code;	31574
(ii) (II) The merger of two or more districts in accordance	31575
with section 3311.25 of the Revised Code;	31576
(iii) (III) The creation of a new local school district from	31577
all of one or more local school districts in accordance with	31578
section 3311.26 of the Revised Code;	31579
(iv) (IV) The consolidation of two or more school districts	31580
under section 3311.37 of the Revised Code.	31581
(ii) <u>A district that intends to build a new school building</u>	31582
<u>on land originally owned by a state community college, as that</u>	31583
<u>term is defined in section 3358.01 of the Revised Code, with the</u>	31584
<u>intention of collaboratively working with the state community</u>	31585
<u>college on workforce development programs and curriculum.</u>	31586
(b) The district has demonstrated to the Ohio facilities	31587
construction commission an efficient use of facility space,	31588
including a reduction in the number of buildings used by students	31589
and administrative staff.	31590
(2) "Basic project cost" and "required percentage of the	31591
basic project cost" have the same meanings as in section 3318.01	31592
of the Revised Code.	31593
(B) Notwithstanding anything to the contrary in this chapter:	31594
(1) If the commission determines that a district is an	31595
eligible school district, the commission shall give that district	31596
first priority for funding for a project under sections 3318.01 to	31597

3318.20 of the Revised Code as such funds become available, 31598
regardless of the district's percentile rank under section 31599
3318.011 of the Revised Code. If the district results from a 31600
transfer, merger, consolidation, or creation of a new local 31601
district that takes effect prior to April 6, 2017, the district's 31602
portion of the basic project cost shall be the required percentage 31603
of the basic project cost based on the percentile ranking of the 31604
district that was transferred, merged, consolidated, or existed 31605
prior to the creation of the new district that has the lowest 31606
three-year average adjusted valuation per pupil, as calculated 31607
under section 3318.011 of the Revised Code, on the date that the 31608
transfer, merger, consolidation, or creation of the new district 31609
became effective. 31610

(2) If an eligible school district is given priority under 31611
division (B)(1) of this section, the commission may reduce that 31612
district's portion of the basic project cost by twenty-five 31613
percentage points from the portion determined under section 31614
3318.032 of the Revised Code or, if the district results from a 31615
transfer, merger, consolidation, or creation of a new local 31616
district that takes effect prior to April 6, 2017, from the 31617
portion determined under division (B)(1) of this section. At no 31618
time, however, shall that district's portion of the basic project 31619
cost be less than five per cent. 31620

(3) If an eligible school district is given priority under 31621
division (B)(1) of this section, the commission may reduce that 31622
district's portion of the basic project cost by ten percentage 31623
points from the portion determined under section 3318.032 of the 31624
Revised Code or, if the district results from a transfer, merger, 31625
consolidation, or creation of a new local district that takes 31626
effect prior to April 6, 2017, from the portion determined under 31627
division (B)(1) of this section, if the district's project 31628
satisfies the following conditions: 31629

(a) The project involves construction of a building on land 31630
owned by a state institution of higher education, as that term is 31631
defined in section 3345.011 of the Revised Code, or on land 31632
originally owned by a state community college, as that term is 31633
defined in section 3358.01 of the Revised Code, with the intention 31634
of collaboratively working with the state community college on 31635
workforce development programs and curriculum, and the commission 31636
approves the project. 31637

(b) The district and the state institution of higher 31638
education enter into a written agreement regarding the continued 31639
use of the institution's land by the district, and the commission 31640
approves the agreement. Division (B)(3)(b) of this section does 31641
not apply to a district that satisfies the condition described in 31642
division (A)(1)(a)(ii) of this section. 31643

(c) On the date that the district and the state institution 31644
of higher education enter into the written agreement described in 31645
division (B)(3)(b) of this section, the state institution of 31646
higher education is participating in the college credit plus 31647
program established under Chapter 3365. of the Revised Code. 31648
Division (B)(3)(c) of this section does not apply to a district 31649
that satisfies the condition described in division (A)(1)(a)(ii) 31650
of this section. 31651

At no time, however, shall that district's portion of the 31652
basic project cost be less than five per cent. 31653

The reduction of the district's portion of the basic project 31654
cost described in division (B)(3) of this section may be in 31655
addition to a reduction of the district's portion of the basic 31656
project cost under division (B)(2) of this section. 31657

(C) Except as provided in division (B) of this section, a 31658
district's project undertaken pursuant to this section shall be 31659
subject to all other requirements in sections 3318.01 to 3318.20 31660

of the Revised Code. 31661

Sec. 3318.037. (A) For purposes of this section: 31662

(1) "Basic project cost," "percentile," and "school district's portion of the basic project cost" have the same meanings as in section 3318.01 of the Revised Code. 31663
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(2) "Eligible school district" is a city, local, or exempted village school district that satisfies all of the following conditions: 31666
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(a) The district intends to build new classroom facilities on land originally owned by a state community college, as that term is defined in section 3358.01 of the Revised Code, with the intention of collaboratively working with the state community college on workforce development programs and curriculum. 31669
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(b) The district has previously participated in the school building assistance expedited local partnership program established under section 3318.36 of the Revised Code but did not construct any new facilities as part of that program. 31674
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(c) The district reapplies for the expedited local partnership program between January 1, 2019, and July 1, 2020. 31678
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(B) Notwithstanding anything to the contrary in this chapter, if an eligible school district reapplies for the expedited local partnership program between January 1, 2019, and July 1, 2020, and subsequently enters into a new agreement for that program, both of the following shall occur: 31680
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(1) The district shall retain its percentile ranking that was determined at the time the district entered into its initial agreement under the expedited local partnership program. 31685
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(2) The Ohio facilities construction commission shall give that district first priority for funding for a project under sections 3318.01 to 3318.20 of the Revised Code as such funds 31688
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become available, regardless of the district's percentile rank 31691
under section 3318.011 of the Revised Code, and the district's 31692
portion of the basic project cost under sections 3318.01 to 31693
3318.20 of the Revised Code shall be the same percentage of the 31694
basic project cost as under its initial agreement under the 31695
expedited local partnership program. 31696

Sec. 3318.36. (A)(1) As used in this section: 31697

(a) "Ohio facilities construction commission," "classroom 31698
facilities," "school district," "school district board," "net 31699
bonded indebtedness," "required percentage of the basic project 31700
costs," "basic project cost," "valuation," and "percentile" have 31701
the same meanings as in section 3318.01 of the Revised Code. 31702

(b) "Required level of indebtedness" means five per cent of 31703
the school district's valuation for the year preceding the year in 31704
which the commission and school district enter into an agreement 31705
under division (B) of this section, plus [two one-hundredths of 31706
one per cent multiplied by (the percentile in which the district 31707
ranks minus one)]. 31708

(c) "Local resources" means any moneys generated in any 31709
manner permitted for a school district board to raise the school 31710
district portion of a project undertaken with assistance under 31711
sections 3318.01 to 3318.20 of the Revised Code. 31712

(2) For purposes of determining the required level of 31713
indebtedness, the required percentage of the basic project costs 31714
under division (C)(1) of this section, and priority for assistance 31715
under sections 3318.01 to 3318.20 of the Revised Code, the 31716
percentile ranking of a school district with which the commission 31717
has entered into an agreement under this section between the first 31718
day of July and the thirty-first day of August in each fiscal year 31719
is the percentile ranking calculated for that district for the 31720
immediately preceding fiscal year, and the percentile ranking of a 31721

school district with which the commission has entered into such 31722
agreement between the first day of September and the thirtieth day 31723
of June in each fiscal year is the percentile ranking calculated 31724
for that district for the current fiscal year. 31725

(B)(1) There is hereby established the school building 31726
assistance expedited local partnership program. Under the program, 31727
the Ohio facilities construction commission may enter into an 31728
agreement with the board of any school district under which the 31729
board may proceed with the new construction or major repairs of a 31730
part of the district's classroom facilities needs, as determined 31731
under sections 3318.01 to 3318.20 of the Revised Code, through the 31732
expenditure of local resources prior to the school district's 31733
eligibility for state assistance under those sections, and may 31734
apply that expenditure toward meeting the school district's 31735
portion of the basic project cost of the total of the district's 31736
classroom facilities needs, as recalculated under division (E) of 31737
this section, when the district becomes eligible for state 31738
assistance under sections 3318.01 to 3318.20 or section 3318.364 31739
of the Revised Code. ~~Any~~ 31740

Any school district that is reasonably expected to receive 31741
assistance under sections 3318.01 to 3318.20 of the Revised Code 31742
within two fiscal years from the date the school district adopts 31743
its resolution under division (B) of this section shall not be 31744
eligible to participate in the program established under this 31745
section unless that school district divides its project under 31746
those sections into segments as authorized by section 3318.034 of 31747
the Revised Code. In the case of a school district that has 31748
segmented its project as authorized in section 3318.034 of the 31749
Revised Code, the district shall select a discrete portion of one 31750
or more future segments of its project, to which the district may 31751
apply local resources under an agreement under this section prior 31752
to further state assistance for those future segments under 31753

sections 3318.01 to 3318.20 of the Revised Code. 31754

(2) To participate in the program, a school district board 31755
shall first adopt a resolution certifying to the commission the 31756
board's intent to participate in the program. 31757

The resolution shall specify the approximate date that the 31758
board intends to seek elector approval of any bond or tax measures 31759
or to apply other local resources to use to pay the cost of 31760
classroom facilities to be constructed under this section. The 31761
resolution may specify the application of local resources or 31762
elector-approved bond or tax measures after the resolution is 31763
adopted by the board, and in such case the board may proceed with 31764
a discrete portion of its project under this section as soon as 31765
the commission and the controlling board have approved the basic 31766
project cost of the district's classroom facilities needs as 31767
specified in division (D) of this section. The board shall submit 31768
its resolution to the commission not later than ten days after the 31769
date the resolution is adopted by the board. 31770

The commission shall not consider any resolution that is 31771
submitted pursuant to division (B)(2) of this section, as amended 31772
by this amendment, sooner than September 14, 2000. 31773

(3) For purposes of determining when a district that enters 31774
into an agreement under this section becomes eligible for 31775
assistance under sections 3318.01 to 3318.20 of the Revised Code 31776
or priority for assistance under section 3318.364 of the Revised 31777
Code, the commission shall use the district's percentile ranking 31778
determined at the time the district entered into the agreement 31779
under this section, as prescribed by division (A)(2) of this 31780
section. 31781

(4) Any project under this section shall comply with section 31782
3318.03 of the Revised Code and with any specifications for plans 31783
and materials for classroom facilities adopted by the commission 31784

under section 3318.04 of the Revised Code. 31785

(5) If a school district that enters into an agreement under 31786
this section has not begun a project applying local resources as 31787
provided for under that agreement at the time the district is 31788
notified by the commission that it is eligible to receive state 31789
assistance for its project under sections 3318.01 to 3318.20 of 31790
the Revised Code or for a segment of its project, if the district 31791
previously segmented its project as authorized in section 3318.034 31792
of the Revised Code, all assessment and agreement documents 31793
entered into under this section are void. 31794

(6) Only construction of or repairs to classroom facilities 31795
that have been approved by the commission and have been therefore 31796
included as part of a district's basic project cost qualify for 31797
application of local resources under this section. 31798

(C) Based on the results of on-site visits and assessment, 31799
the commission shall determine the basic project cost of the 31800
school district's classroom facilities needs. The commission shall 31801
determine the school district's portion of such basic project 31802
cost, which shall be the greater of: 31803

(1) The required percentage of the basic project costs, 31804
determined based on the school district's percentile ranking; 31805

(2) An amount necessary to raise the school district's net 31806
bonded indebtedness, as of the fiscal year the commission and the 31807
school district enter into the agreement under division (B) of 31808
this section, to within five thousand dollars of the required 31809
level of indebtedness. 31810

(D)(1) When the commission determines the basic project cost 31811
of the classroom facilities needs of a school district and the 31812
school district's portion of that basic project cost under 31813
division (C) of this section, the project shall be conditionally 31814
approved. Such conditional approval shall be submitted to the 31815

controlling board for approval thereof. The controlling board 31816
shall forthwith approve or reject the commission's determination, 31817
conditional approval, and the amount of the state's portion of the 31818
basic project cost; however, no state funds shall be encumbered 31819
under this section. Upon approval by the controlling board, the 31820
school district board may identify a discrete part of its 31821
classroom facilities needs, which shall include only new 31822
construction of or additions or major repairs to a particular 31823
building, to address with local resources. Upon identifying a part 31824
of the school district's basic project cost to address with local 31825
resources, the school district board may allocate any available 31826
school district moneys to pay the cost of that identified part, 31827
including the proceeds of an issuance of bonds if approved by the 31828
electors of the school district. 31829

All local resources utilized under this division shall first 31830
be deposited in the project construction account required under 31831
section 3318.08 of the Revised Code. 31832

(2) Unless the school district board exercises its option 31833
under division (D)(3) of this section, for a school district to 31834
qualify for participation in the program authorized under this 31835
section, one of the following conditions shall be satisfied: 31836

(a) The electors of the school district by a majority vote 31837
shall approve the levy of taxes outside the ten-mill limitation 31838
for a period of twenty-three years at the rate of not less than 31839
one-half mill for each dollar of valuation to be used to pay the 31840
cost of maintaining the classroom facilities included in the basic 31841
project cost as determined by the commission. The form of the 31842
ballot to be used to submit the question whether to approve the 31843
tax required under this division to the electors of the school 31844
district shall be the form for an additional levy of taxes 31845
prescribed in section 3318.361 of the Revised Code, which may be 31846
combined in a single ballot question with the questions prescribed 31847

under section 5705.218 of the Revised Code. 31848

(b) As authorized under division (C) of section 3318.05 of 31849
the Revised Code, the school district board shall earmark from the 31850
proceeds of a permanent improvement tax levied under section 31851
5705.21 of the Revised Code, an amount equivalent to the 31852
additional tax otherwise required under division (D)(2)(a) of this 31853
section for the maintenance of the classroom facilities included 31854
in the basic project cost as determined by the commission. 31855

(c) As authorized under section 3318.051 of the Revised Code, 31856
the school district board shall, if approved by the commission, 31857
annually transfer into the maintenance fund required under section 31858
3318.05 of the Revised Code the amount prescribed in section 31859
3318.051 of the Revised Code in lieu of the tax otherwise required 31860
under division (D)(2)(a) of this section for the maintenance of 31861
the classroom facilities included in the basic project cost as 31862
determined by the commission. 31863

(d) If the school district board has rescinded the agreement 31864
to make transfers under section 3318.051 of the Revised Code, as 31865
provided under division (F) of that section, the electors of the 31866
school district, in accordance with section 3318.063 of the 31867
Revised Code, first shall approve the levy of taxes outside the 31868
ten-mill limitation for the period specified in that section at a 31869
rate of not less than one-half mill for each dollar of valuation. 31870

(e) The school district board shall apply the proceeds of a 31871
tax to leverage bonds as authorized under section 3318.052 of the 31872
Revised Code or dedicate a local donated contribution in the 31873
manner described in division (B) of section 3318.084 of the 31874
Revised Code in an amount equivalent to the additional tax 31875
otherwise required under division (D)(2)(a) of this section for 31876
the maintenance of the classroom facilities included in the basic 31877
project cost as determined by the commission. 31878

(3) A school district board may opt to delay taking any of 31879
the actions described in division (D)(2) of this section until the 31880
school district becomes eligible for state assistance under 31881
sections 3318.01 to 3318.20 of the Revised Code. In order to 31882
exercise this option, the board shall certify to the commission a 31883
resolution indicating the board's intent to do so prior to 31884
entering into an agreement under division (B) of this section. 31885

(4) If pursuant to division (D)(3) of this section a district 31886
board opts to delay levying an additional tax until the district 31887
becomes eligible for state assistance, it shall submit the 31888
question of levying that tax to the district electors as follows: 31889

(a) In accordance with section 3318.06 of the Revised Code if 31890
it will also be necessary pursuant to division (E) of this section 31891
to submit a proposal for approval of a bond issue; 31892

(b) In accordance with section 3318.361 of the Revised Code 31893
if it is not necessary to also submit a proposal for approval of a 31894
bond issue pursuant to division (E) of this section. 31895

(5) No state assistance under sections 3318.01 to 3318.20 of 31896
the Revised Code shall be released until a school district board 31897
that adopts and certifies a resolution under division (D) of this 31898
section also demonstrates to the satisfaction of the commission 31899
compliance with the provisions of division (D)(2) of this section. 31900

Any amount required for maintenance under division (D)(2) of 31901
this section shall be deposited into a separate fund as specified 31902
in division (B) of section 3318.05 of the Revised Code. 31903

(E)(1) If the school district becomes eligible for state 31904
assistance under sections 3318.01 to 3318.20 of the Revised Code 31905
for its entire project or for future segments, if the district 31906
previously segmented its project as authorized in section 3318.034 31907
of the Revised Code, based on its percentile ranking under 31908
division (B)(3) of this section or is offered assistance under 31909

section 3318.364 of the Revised Code, the commission shall conduct 31910
a new assessment of the school district's classroom facilities 31911
needs and shall recalculate the basic project cost based on this 31912
new assessment. The basic project cost recalculated under this 31913
division shall include the amount of expenditures made by the 31914
school district board under division (D)(1) of this section. The 31915
commission shall then recalculate the school district's portion of 31916
the new basic project cost, which shall be the percentage of the 31917
original basic project cost assigned to the school district as its 31918
portion under division (C) of this section. The commission shall 31919
deduct the expenditure of school district moneys made under 31920
division (D)(1) of this section from the school district's portion 31921
of the basic project cost as recalculated under this division. If 31922
the amount of school district resources applied by the school 31923
district board to the school district's portion of the basic 31924
project cost under this section is less than the total amount of 31925
such portion as recalculated under this division, the school 31926
district board by a majority vote of all of its members shall, if 31927
it desires to seek state assistance under sections 3318.01 to 31928
3318.20 of the Revised Code, adopt a resolution as specified in 31929
section 3318.06 of the Revised Code to submit to the electors of 31930
the school district the question of approval of a bond issue in 31931
order to pay any additional amount of school district portion 31932
required for state assistance. Any tax levy approved under 31933
division (D) of this section satisfies the requirements to levy 31934
the additional tax under section 3318.06 of the Revised Code. 31935

(2) If the amount of school district resources applied by the 31936
school district board to the school district's portion of the 31937
basic project cost under this section is more than the total 31938
amount of such portion as recalculated under this division, within 31939
one year after the school district's portion is recalculated under 31940
division (E)(1) of this section the commission may grant to the 31941
school district the difference between the two calculated 31942

portions, but at no time shall the commission expend any state 31943
funds on a project in an amount greater than the state's portion 31944
of the basic project cost as recalculated under this division. 31945

Any reimbursement under this division shall be only for local 31946
resources the school district has applied toward construction cost 31947
expenditures for the classroom facilities approved by the 31948
commission, which shall not include any financing costs associated 31949
with that construction. 31950

The school district board shall use any moneys reimbursed to 31951
the district under this division to pay off any debt service the 31952
district owes for classroom facilities constructed under its 31953
project under this section before such moneys are applied to any 31954
other purpose. However, the district board first may deposit 31955
moneys reimbursed under this division into the district's general 31956
fund or a permanent improvement fund to replace local resources 31957
the district withdrew from those funds, as long as, and to the 31958
extent that, those local resources were used by the district for 31959
constructing classroom facilities included in the district's basic 31960
project cost. 31961

Sec. 3319.074. (A) As used in this section: 31962

(1) "Core subject area" means reading and English language 31963
arts, mathematics, science, social studies, foreign language, and 31964
fine arts. 31965

(2) "Properly certified or licensed teacher" means a any of 31966
the following individuals: 31967

(a) A classroom teacher who has successfully completed all 31968
requirements for certification or licensure under this chapter 31969
applicable to the subject areas and grade levels in which the 31970
teacher provides instruction and the students to whom the teacher 31971
provides the instruction; 31972

<u>(b) The holder of an early childhood long-term substitute</u>	31973
<u>license issued under former section 3319.226 of the Revised Code</u>	31974
<u>who provides instruction to students in any of grades</u>	31975
<u>pre-kindergarten through three;</u>	31976
<u>(c) The holder of a valid middle-childhood, adolescence to</u>	31977
<u>young adult, or multi-age long-term substitute license issued</u>	31978
<u>under former section 3319.226 of the Revised Code who provides</u>	31979
<u>instruction in the subject for which that license was issued;</u>	31980
<u>(d) The holder of a valid license issued pursuant to section</u>	31981
<u>3319.226 of the Revised Code, as it exists on or after the</u>	31982
<u>effective date of this amendment, who has satisfied the criteria</u>	31983
<u>contained in division (B)(1)(b) or (c) of that section.</u>	31984
(3) "Properly certified paraprofessional" means a	31985
paraprofessional who holds an educational aide permit issued under	31986
section 3319.088 of the Revised Code and satisfies at least one of	31987
the following conditions:	31988
(a) Has a designation of "ESEA qualified" on the educational	31989
aide permit;	31990
(b) Has successfully completed at least two years of	31991
coursework at an accredited institution of higher education;	31992
(c) Holds an associate degree or higher from an accredited	31993
institution of higher education;	31994
(d) Meets a rigorous standard of quality as demonstrated by	31995
attainment of a qualifying score on an academic assessment	31996
specified by the department of education.	31997
(B) Beginning July 1, 2019, no city, exempted village, local,	31998
joint vocational, or cooperative education school district shall	31999
do either of the following:	32000
(1) Employ any classroom teacher to provide instruction in a	32001
core subject area to any student, unless such teacher is a	32002

properly certified or licensed teacher; 32003

(2) Employ any paraprofessional in a program supported with 32004
funds received under Title I of the "Elementary and Secondary 32005
Education Act of 1965," 20 U.S.C. 6301 et seq., to provide 32006
academic support in a core subject area to any student, unless 32007
such paraprofessional is a properly certified paraprofessional. 32008

(3) Except as described in division (D) of this section, 32009
employ any individual to provide substitute instruction in a core 32010
subject area to any student, unless such individual is a properly 32011
certified or licensed teacher. 32012

(C) At the start of each school year, each school district 32013
shall notify the parent or guardian of each student enrolled in 32014
the district that the parent or guardian may request information 32015
on the professional qualifications of each classroom teacher who 32016
provides instruction to the student. The district shall provide 32017
the information on each applicable teacher in a timely manner to 32018
any parent or guardian who requests it. Such information shall 32019
include at least the following: 32020

(1) Whether the teacher has satisfied all requirements for 32021
certification or licensure under this chapter applicable to the 32022
subject areas and grade levels in which the teacher provides 32023
instruction and the students to whom the teacher provides the 32024
instruction, or whether the teacher provides instruction under a 32025
waiver of any such requirements; 32026

(2) Whether a paraprofessional provides any services to the 32027
student and, if so, the qualifications of the paraprofessional. 32028

(D) A district may provisionally employ for a period not to 32029
exceed sixty days an individual who has satisfied the criteria 32030
prescribed in division (B)(1)(b) or (c) of section 3319.226 of the 32031
Revised Code, provided that a substitute license is requested by 32032
or on behalf of that individual on or before the individual's 32033

first day of employment. 32034

Sec. 3319.226. (A) Beginning July 1, 2019, the state board of 32035
education shall issue educator licenses for substitute teaching 32036
only under this section. 32037

(B) The state board shall adopt rules establishing standards 32038
and requirements for obtaining a license under this section and 32039
for renewal of the license. Except as provided in division (F) of 32040
section 3319.229 of the Revised Code, the rules shall require an 32041
applicant to hold a post-secondary degree, but not in any 32042
specified subject area. The rules also shall allow the holder of a 32043
license issued under this section to work: 32044

(1) For an unlimited number of school days if the license 32045
holder has a one of the following: 32046

(a) A post-secondary degree in either education or a subject 32047
area directly related to the subject of the class the license 32048
holder will teach; 32049

(b) A baccalaureate degree from an accredited institution of 32050
higher education with twelve semester hours in professional 32051
education leading to a license to teach in any of grades 32052
pre-kindergarten through three, provided that license holder will 32053
be teaching one of those grades; 32054

(c) A baccalaureate degree from an accredited institution of 32055
higher education with twenty semester hours in the subject area 32056
directly related to the subject of the class the license holder 32057
will teach. 32058

(2) For one full semester, subject to the approval of the 32059
employing school district board of education, if the license 32060
holder has a post-secondary degree in a subject area that is not 32061
directly related to the subject of the class that the license 32062
holder will teach. 32063

The district superintendent may request that the board 32064
approve one or more additional subsequent semester-long periods of 32065
teaching for the license holder. 32066

(C) Any license issued or renewed under former section 32067
3319.226 of the Revised Code that was still in force on ~~the~~ 32068
~~effective date of this section~~ November 2, 2018, shall remain in 32069
force for the remainder of the term for which it was issued or 32070
renewed. Upon the expiration of that term, the holder of that 32071
license shall be subject to licensure under the rules adopted 32072
under this section. 32073

(D) An application for licensure under this section made by 32074
or on behalf of an individual who satisfies the criteria 32075
prescribed in division (B)(1)(b) or (c) of this section who is 32076
provisionally employed in accordance with division (D) of section 32077
3319.074 of the Revised Code shall be granted within thirty days 32078
after its submission. 32079

Sec. 3319.26. (A) The state board of education shall adopt 32080
rules establishing the standards and requirements for obtaining an 32081
alternative resident educator license for teaching in grades 32082
kindergarten to twelve, or the equivalent, in a designated subject 32083
area or in the area of intervention specialist, as defined by rule 32084
of the state board. The rules shall also include the reasons for 32085
which an alternative resident educator license may be renewed 32086
under division (D) of this section. 32087

(B) The superintendent of public instruction and the 32088
chancellor of ~~the Ohio board of regents~~ higher education jointly 32089
shall develop an intensive pedagogical training institute to 32090
provide instruction in the principles and practices of teaching 32091
for individuals seeking an alternative resident educator license. 32092
The instruction shall cover such topics as student development and 32093
learning, pupil assessment procedures, curriculum development, 32094

classroom management, and teaching methodology. 32095

(C) The rules adopted under this section shall require 32096
applicants for the alternative resident educator license to 32097
satisfy the following conditions prior to issuance of the license, 32098
but they shall not require applicants to have completed a major or 32099
coursework in the subject area for which application is being 32100
made: 32101

(1) Hold a minimum of a baccalaureate degree; 32102

(2) Successfully complete the pedagogical training institute 32103
described in division (B) of this section or ~~a summer~~ the 32104
preservice training ~~institute~~ provided to participants of a 32105
teacher preparation program that ~~is operated by a nonprofit~~ 32106
~~organization and~~ has been approved by the chancellor. The 32107
chancellor shall approve any such program that requires 32108
participants to hold a bachelor's degree; have a cumulative 32109
undergraduate grade point average of at least 2.5 out of 4.0, or 32110
its equivalent; and successfully complete the program's ~~summer~~ 32111
preservice training ~~institute~~. 32112

(3) Pass an examination in the subject area for which 32113
application is being made. 32114

(D) An alternative resident educator license shall be valid 32115
for four years and shall be renewable for reasons specified by 32116
rules adopted by the state board pursuant to division (A) of this 32117
section. The state board, on a case-by-case basis, may extend the 32118
license's duration as necessary to enable the license holder to 32119
complete the Ohio teacher residency program established under 32120
section 3319.223 of the Revised Code. 32121

(E) The rules shall require the holder of an alternative 32122
resident educator license, as a condition of continuing to hold 32123
the license, to do all of the following: 32124

(1) Participate in the Ohio teacher residency program; 32125

(2) Show satisfactory progress in taking and successfully completing one of the following:	32126 32127
(a) At least twelve additional semester hours, or the equivalent, of college coursework in the principles and practices of teaching in such topics as student development and learning, pupil assessment procedures, curriculum development, classroom management, and teaching methodology;	32128 32129 32130 32131 32132
(b) Professional development provided by a teacher preparation program that has been approved by the chancellor under division (C)(2) of this section.	32133 32134 32135
(3) Take an assessment of professional knowledge in the second year of teaching under the license.	32136 32137
(F) The rules shall provide for the granting of a professional educator license to a holder of an alternative resident educator license upon successfully completing all of the following:	32138 32139 32140 32141
(1) Four years of teaching under the alternative license;	32142
(2) The additional college coursework or professional development described in division (E)(2) of this section;	32143 32144
(3) The assessment of professional knowledge described in division (E)(3) of this section. The standards for successfully completing this assessment and the manner of conducting the assessment shall be the same as for any other individual who is required to take the assessment pursuant to rules adopted by the state board under section 3319.22 of the Revised Code.	32145 32146 32147 32148 32149 32150
(4) The Ohio teacher residency program;	32151
(5) All other requirements for a professional educator license adopted by the state board under section 3319.22 of the Revised Code.	32152 32153 32154
(G) A person who is assigned to teach in this state as a	32155

participant in the teach for America program or who has completed 32156
two years of teaching in another state as a participant in that 32157
program shall be eligible for a license only under section 32158
3319.227 of the Revised Code and shall not be eligible for a 32159
license under this section. 32160

Sec. 3319.272. (A) ~~As used in this section, the~~ The "bright 32161
new leaders for Ohio schools program" ~~means the program created~~ 32162
~~and implemented by the nonprofit corporation incorporated pursuant~~ 32163
~~to section 3319.271 of the Revised Code to~~ administered by the 32164
Ohio state university Fisher college of business and college 32165
education and human ecology shall provide an alternative path for 32166
individuals to receive training and development in the 32167
administration of primary and secondary education and leadership, 32168
enable those individuals to earn degrees and obtain licenses in 32169
public school administration, and promote the placement of those 32170
individuals in public schools that have a poverty percentage 32171
greater than fifty per cent. 32172

(B) The state board of education shall issue ~~an alternative~~ 32173
~~principal license or an administrator license, as applicable, a~~ 32174
professional administrator license for grades pre-kindergarten 32175
through twelve to an individual who successfully completes the 32176
bright new leaders for Ohio schools program and satisfies the 32177
requirements in rules adopted by the state board under division 32178
(C) of this section. 32179

(C) The state board, in consultation with the ~~board of~~ 32180
~~directors of the~~ bright new leaders for Ohio schools program, 32181
shall adopt rules that prescribe the requirements for obtaining ~~an~~ 32182
~~alternative principal license or an~~ a professional administrator 32183
license for grades pre-kindergarten through twelve under this 32184
section. The state board shall use the rules adopted under section 32185
3319.27 of the Revised Code as guidance in developing the rules 32186

adopted under this division. 32187

Sec. 3326.11. Each science, technology, engineering, and 32188
mathematics school established under this chapter and its 32189
governing body shall comply with sections 9.90, 9.91, 109.65, 32190
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 32191
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 32192
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 32193
3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 32194
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6021, 32195
3313.6024, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 32196
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 32197
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 32198
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 32199
3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 32200
3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 3319.32, 32201
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 32202
3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 32203
3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 32204
5705.391 and Chapters 102., 117., 1347., 2744., 3307., 3309., 32205
3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code 32206
as if it were a school district. 32207

Sec. 3326.31. As used in sections 3326.31 to 3326.50 of the 32208
Revised Code: 32209

(A)(1) "Category one career-technical education student" 32210
means a student who is receiving the career-technical education 32211
services described in division (A) of section 3317.014 of the 32212
Revised Code. 32213

(2) "Category two career-technical student" means a student 32214
who is receiving the career-technical education services described 32215
in division (B) of section 3317.014 of the Revised Code. 32216

(3) "Category three career-technical student" means a student 32217
who is receiving the career-technical education services described 32218
in division (C) of section 3317.014 of the Revised Code. 32219

(4) "Category four career-technical student" means a student 32220
who is receiving the career-technical education services described 32221
in division (D) of section 3317.014 of the Revised Code. 32222

(5) "Category five career-technical education student" means 32223
a student who is receiving the career-technical education services 32224
described in division (E) of section 3317.014 of the Revised Code. 32225

(B)(1) "Category one ~~limited English proficient student~~ 32226
learner" means a ~~limited~~ an English ~~proficient student~~ learner 32227
described in division (A) of section 3317.016 of the Revised Code. 32228

(2) "Category two ~~limited English proficient student learner~~ 32229
means a ~~limited~~ an English ~~proficient student learner~~ described in 32230
division (B) of section 3317.016 of the Revised Code. 32231

(3) "Category three ~~limited English proficient student~~ 32232
learner" means a ~~limited~~ an English ~~proficient student~~ learner 32233
described in division (C) of section 3317.016 of the Revised Code. 32234

(C)(1) "Category one special education student" means a 32235
student who is receiving special education services for a 32236
disability specified in division (A) of section 3317.013 of the 32237
Revised Code. 32238

(2) "Category two special education student" means a student 32239
who is receiving special education services for a disability 32240
specified in division (B) of section 3317.013 of the Revised Code. 32241

(3) "Category three special education student" means a 32242
student who is receiving special education services for a 32243
disability specified in division (C) of section 3317.013 of the 32244
Revised Code. 32245

(4) "Category four special education student" means a student 32246

who is receiving special education services for a disability 32247
specified in division (D) of section 3317.013 of the Revised Code. 32248

(5) "Category five special education student" means a student 32249
who is receiving special education services for a disability 32250
specified in division (E) of section 3317.013 of the Revised Code. 32251

(6) "Category six special education student" means a student 32252
who is receiving special education services for a disability 32253
specified in division (F) of section 3317.013 of the Revised Code. 32254

(D) "Formula amount" has the same meaning as in section 32255
3317.02 of the Revised Code. 32256

(E) "IEP" means an individualized education program as 32257
defined in section 3323.01 of the Revised Code. 32258

(F) "Resident district" means the school district in which a 32259
student is entitled to attend school under section 3313.64 or 32260
3313.65 of the Revised Code. 32261

(G) "State education aid" has the same meaning as in section 32262
5751.20 of the Revised Code. 32263

Sec. 3326.32. Each science, technology, engineering, and 32264
mathematics school shall report to the department of education, in 32265
the form and manner required by the department, all of the 32266
following information: 32267

(A) The total number of students enrolled in the school who 32268
are residents of this state; 32269

(B) The number of students reported under division (A) of 32270
this section who are receiving special education and related 32271
services pursuant to an IEP; 32272

(C) For each student reported under division (B) of this 32273
section, which category specified in divisions (A) to (F) of 32274
section 3317.013 of the Revised Code applies to the student; 32275

(D) The full-time equivalent number of students reported 32276
under division (A) of this section who are enrolled in 32277
career-technical education programs or classes described in each 32278
of divisions (A), (B), (C), (D), and (E) of section 3317.014 of 32279
the Revised Code that are provided by the STEM school; 32280

(E) The number of students reported under division (A) of 32281
this section who are ~~limited English proficient students~~ learners 32282
and which category specified in divisions (A) to (C) of section 32283
3317.016 of the Revised Code applies to each student; 32284

(F) The number of students reported under division (A) of 32285
this section who are economically disadvantaged, as defined by the 32286
department. A student shall not be categorically excluded from the 32287
number reported under division (F) of this section based on 32288
anything other than family income. 32289

(G) The resident district of each student reported under 32290
division (A) of this section; 32291

(H) The total number of students enrolled in the school who 32292
are not residents of this state and any additional information 32293
regarding these students that the department requires the school 32294
to report. The school shall not receive any payments under this 32295
chapter for students reported under this division. 32296

(I) Any additional information the department determines 32297
necessary to make payments under this chapter. 32298

Sec. 3326.33. For each student enrolled in a science, 32299
technology, engineering, and mathematics school established under 32300
this chapter, on a full-time equivalency basis, the department of 32301
education annually shall deduct from the state education aid of a 32302
student's resident school district and, if necessary, from the 32303
payment made to the district under sections 321.24 and 323.156 of 32304
the Revised Code and pay to the school the sum of the following: 32305

(A) An opportunity grant in an amount equal to the formula amount;	32306 32307
(B) The per pupil amount of targeted assistance funds calculated under division (A) of section 3317.0217 of the Revised Code for the student's resident district, as determined by the department, X 0.25;	32308 32309 32310 32311
(C) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code as follows:	32312 32313 32314
(1) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;	32315 32316 32317
(2) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code;	32318 32319 32320
(3) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;	32321 32322 32323
(4) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;	32324 32325 32326
(5) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;	32327 32328 32329
(6) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	32330 32331 32332
(D) If the student is in kindergarten through third grade, \$320;	32333 32334
(E) If the student is economically disadvantaged, an amount	32335

equal to the following:	32336
\$272 X the resident district's economically disadvantaged index	32337
(F) Limited English proficiency <u>learner</u> funds, as follows:	32338
(1) If the student is a category one limited English	32339
proficient student <u>learner</u> , the amount specified in division (A)	32340
of section 3317.016 of the Revised Code;	32341
(2) If the student is a category two limited English	32342
proficient student <u>learner</u> , the amount specified in division (B)	32343
of section 3317.016 of the Revised Code;	32344
(3) If the student is a category three limited English	32345
proficient student <u>learner</u> , the amount specified in division (C)	32346
of section 3317.016 of the Revised Code.	32347
(G) Career-technical education funds as follows:	32348
(1) If the student is a category one career-technical	32349
education student, the amount specified in division (A) of section	32350
3317.014 of the Revised Code;	32351
(2) If the student is a category two career-technical	32352
education student, the amount specified in division (B) of section	32353
3317.014 of the Revised Code;	32354
(3) If the student is a category three career-technical	32355
education student, the amount specified in division (C) of section	32356
3317.014 of the Revised Code;	32357
(4) If the student is a category four career-technical	32358
education student, the amount specified in division (D) of section	32359
3317.014 of the Revised Code;	32360
(5) If the student is a category five career-technical	32361
education student, the amount specified in division (E) of section	32362
3317.014 of the Revised Code.	32363
Deduction and payment of funds under division (G) of this	32364
section is subject to approval under section 3317.161 of the	32365

Revised Code. 32366

Sec. 3326.42. (A) As used in this section: 32367

(1) "Base per pupil amount" has the same meaning as in 32368
section 3317.0219 of the Revised Code. 32369

(2) "Eligible school district" has the same meaning as in 32370
division (C)(1) of section 3317.0219 of the Revised Code. 32371

(3) "Resident district" has the same meaning as in section 32372
3326.31 of the Revised Code. 32373

(B) Subject to division (D) of this section, for fiscal years 32374
2020 and 2021, the department of education shall calculate and pay 32375
to each science, technology, engineering, and mathematics school 32376
student wellness and success funds, on a full-time equivalency 32377
basis, for each student enrolled in the school as of the school's 32378
payment under section 3326.33 of the Revised Code in June of the 32379
immediately preceding fiscal year in an amount equal to the 32380
following: 32381

(The base per pupil amount of the student's resident district for 32382
that fiscal year + the scaled amount of the student's resident 32383
district, if any, computed under division (B)(4) of section 32384
3317.0219 of the Revised Code) 32385

However, each science, technology, engineering, and 32386
mathematics school shall receive a minimum payment of \$25,000, for 32387
fiscal year 2020, or \$36,000 for fiscal year 2021. 32388

(C) Subject to division (D) of this section, for fiscal years 32389
2020 and 2021, the department shall pay to each science, 32390
technology, engineering, and mathematics school student wellness 32391
and success enhancement funds, on a full-time equivalency basis, 32392
for each student enrolled in the school as of the school's payment 32393
under section 3326.33 of the Revised Code in June of the 32394
immediately preceding fiscal year whose resident district is an 32395

eligible school district, in an amount equal to the following: 32396

The amount paid to the student's resident district under division 32397

(C)(2) of section 3317.0219 of the Revised Code for that fiscal 32398

year / the enrolled ADM of the student's resident district that 32399

was used for the second payment under Chapter 3317. of the Revised 32400

Code in June of the immediately preceding fiscal year 32401

(D) The department shall pay funds under divisions (B) and 32402

(C) of this section as follows: 32403

(1) One-half of the amount shall be paid not later than the 32404

thirty-first day of October of the fiscal year for which the 32405

payment is calculated. 32406

(2) One-half of the amount shall be paid not later than the 32407

twenty-eighth day of February of the fiscal year for which the 32408

payment is calculated. 32409

Upon making a payment for a fiscal year under this section, 32410

the department shall not make any reconciliations or adjustments 32411

to that payment. 32412

(E) A science, technology, engineering, and mathematics 32413

school that receives a payment under this section shall comply 32414

with section 3317.26 of the Revised Code. 32415

Sec. 3327.01. Notwithstanding division (D) of section 3311.19 32416

and division (D) of section 3311.52 of the Revised Code, this 32417

section and sections 3327.011, 3327.012, and 3327.02 of the 32418

Revised Code do not apply to any joint vocational or cooperative 32419

education school district. 32420

In all city, local, and exempted village school districts 32421

where resident school pupils in grades kindergarten through eight 32422

live more than two miles from the school for which the state board 32423

of education prescribes minimum standards pursuant to division (D) 32424

of section 3301.07 of the Revised Code and to which they are 32425

assigned by the board of education of the district of residence or 32426
to and from the nonpublic or community school which they attend, 32427
the board of education shall provide transportation for such 32428
pupils to and from that school except as provided in section 32429
3327.02 of the Revised Code. 32430

In all city, local, and exempted village school districts 32431
where pupil transportation is required under a career-technical 32432
plan approved by the state board of education under section 32433
3313.90 of the Revised Code, for any student attending a 32434
career-technical program operated by another school district, 32435
including a joint vocational school district, as prescribed under 32436
that section, the board of education of the student's district of 32437
residence shall provide transportation from the public high school 32438
operated by that district to which the student is assigned to the 32439
career-technical program. 32440

In all city, local, and exempted village school districts, 32441
the board may provide transportation for resident school pupils in 32442
grades nine through twelve to and from the high school to which 32443
they are assigned by the board of education of the district of 32444
residence or to and from the nonpublic or community high school 32445
which they attend for which the state board of education 32446
prescribes minimum standards pursuant to division (D) of section 32447
3301.07 of the Revised Code. 32448

A board of education shall not be required to transport 32449
elementary or high school pupils to and from a nonpublic or 32450
community school where such transportation would require more than 32451
thirty minutes of direct travel time as measured by school bus 32452
from the public school building to which the pupils would be 32453
assigned if attending the public school designated by the district 32454
of residence. 32455

Where it is impractical to transport a pupil by school 32456
conveyance, a board of education may offer payment, in lieu of 32457

providing such transportation in accordance with section 3327.02 32458
of the Revised Code. 32459

A board of education shall not be required to transport 32460
elementary or high school pupils to and from a nonpublic or 32461
community school on Saturday or Sunday, unless a board of 32462
education and a nonpublic or community school have an agreement in 32463
place to do so before the first day of July of the school year in 32464
which the agreement takes effect. 32465

In all city, local, and exempted village school districts, 32466
the board shall provide transportation for all children who are so 32467
disabled that they are unable to walk to and from the school for 32468
which the state board of education prescribes minimum standards 32469
pursuant to division (D) of section 3301.07 of the Revised Code 32470
and which they attend. In case of dispute whether the child is 32471
able to walk to and from the school, the health commissioner shall 32472
be the judge of such ability. In all city, exempted village, and 32473
local school districts, the board shall provide transportation to 32474
and from school or special education classes for mentally disabled 32475
children in accordance with standards adopted by the state board 32476
of education. 32477

When transportation of pupils is provided the conveyance 32478
shall be run on a time schedule that shall be adopted and put in 32479
force by the board not later than ten days after the beginning of 32480
the school term. For pupils attending a nonpublic or community 32481
school, the district's drop-off time may be up to thirty minutes 32482
prior to the start of the school day for that school and the 32483
pick-up time may be up to thirty minutes after the end of the 32484
school day for that school. 32485

The cost of any transportation service authorized by this 32486
section shall be paid first out of federal funds, if any, 32487
available for the purpose of pupil transportation, and secondly 32488
out of state appropriations, in accordance with regulations 32489

adopted by the state board of education. 32490

No transportation of any pupils shall be provided by any 32491
board of education to or from any school which in the selection of 32492
pupils, faculty members, or employees, practices discrimination 32493
against any person on the grounds of race, color, religion, or 32494
national origin. 32495

Sec. 3327.015. No board of education of a school district 32496
shall reduce the transportation it provides to students the 32497
district is not required to transport under section 3327.01 of the 32498
Revised Code, but that the district chooses to transport, during a 32499
school year after the first day of that school year. 32500

Sec. 3327.10. (A) No person shall be employed as driver of a 32501
school bus or motor van, owned and operated by any school district 32502
or educational service center or privately owned and operated 32503
under contract with any school district or service center in this 32504
state, who has not received a certificate from either the 32505
educational service center governing board that has entered into 32506
an agreement with the school district under section 3313.843 or 32507
3313.845 of the Revised Code or the superintendent of the school 32508
district, certifying that such person is at least eighteen years 32509
of age and is of good moral character and is qualified physically 32510
and otherwise for such position. The service center governing 32511
board or the superintendent, as the case may be, shall provide for 32512
an annual physical examination that conforms with rules adopted by 32513
the state board of education of each driver to ascertain the 32514
driver's physical fitness for such employment. ~~Any~~ The examination 32515
shall be performed by one of the following: 32516

(1) A person licensed under Chapter 4731. or 4734. of the 32517
Revised Code or by another state to practice medicine and surgery, 32518
osteopathic medicine and surgery, or chiropractic; 32519

<u>(2) A physician assistant;</u>	32520
<u>(3) A certified nurse practitioner;</u>	32521
<u>(4) A clinical nurse specialist;</u>	32522
<u>(5) A certified nurse-midwife;</u>	32523
<u>(6) A medical examiner who is listed on the national registry</u>	32524
<u>of certified medical examiners established by the federal motor</u>	32525
<u>carrier safety administration in accordance with 49 C.F.R. part</u>	32526
<u>390.</u>	32527
<u>Any</u> certificate may be revoked by the authority granting the	32528
same on proof that the holder has been guilty of failing to comply	32529
with division (D)(1) of this section, or upon a conviction or a	32530
guilty plea for a violation, or any other action, that results in	32531
a loss or suspension of driving rights. Failure to comply with	32532
such division may be cause for disciplinary action or termination	32533
of employment under division (C) of section 3319.081, or section	32534
124.34 of the Revised Code.	32535
(B) No person shall be employed as driver of a school bus or	32536
motor van not subject to the rules of the department of education	32537
pursuant to division (A) of this section who has not received a	32538
certificate from the school administrator or contractor certifying	32539
that such person is at least eighteen years of age, is of good	32540
moral character, and is qualified physically and otherwise for	32541
such position. Each driver shall have an annual physical	32542
examination which conforms to the state highway patrol rules,	32543
ascertaining the driver's physical fitness for such employment.	32544
The examination shall be performed by one of the following:	32545
(1) A person licensed under Chapter 4731. or 4734. of the	32546
Revised Code or by another state to practice medicine and surgery,	32547
osteopathic medicine and surgery, or chiropractic;	32548
(2) A physician assistant;	32549

(3) A certified nurse practitioner;	32550
(4) A clinical nurse specialist;	32551
(5) A certified nurse-midwife;	32552
(6) A medical examiner who is listed on the national registry	32553
of certified medical examiners established by the federal motor	32554
carrier safety administration in accordance with 49 C.F.R. part	32555
390.	32556
Any written documentation of the physical examination shall	32557
be completed by the individual who performed the examination.	32558
Any certificate may be revoked by the authority granting the	32559
same on proof that the holder has been guilty of failing to comply	32560
with division (D)(2) of this section.	32561
(C) Any person who drives a school bus or motor van must give	32562
satisfactory and sufficient bond except a driver who is an	32563
employee of a school district and who drives a bus or motor van	32564
owned by the school district.	32565
(D) No person employed as driver of a school bus or motor van	32566
under this section who is convicted of a traffic violation or who	32567
has had the person's commercial driver's license suspended shall	32568
drive a school bus or motor van until the person has filed a	32569
written notice of the conviction or suspension, as follows:	32570
(1) If the person is employed under division (A) of this	32571
section, the person shall file the notice with the superintendent,	32572
or a person designated by the superintendent, of the school	32573
district for which the person drives a school bus or motor van as	32574
an employee or drives a privately owned and operated school bus or	32575
motor van under contract.	32576
(2) If employed under division (B) of this section, the	32577
person shall file the notice with the employing school	32578
administrator or contractor, or a person designated by the	32579

administrator or contractor. 32580

(E) In addition to resulting in possible revocation of a 32581
certificate as authorized by divisions (A) and (B) of this 32582
section, violation of division (D) of this section is a minor 32583
misdemeanor. 32584

(F)(1) Not later than thirty days after June 30, 2007, each 32585
owner of a school bus or motor van shall obtain the complete 32586
driving record for each person who is currently employed or 32587
otherwise authorized to drive the school bus or motor van. An 32588
owner of a school bus or motor van shall not permit a person to 32589
operate the school bus or motor van for the first time before the 32590
owner has obtained the person's complete driving record. 32591
Thereafter, the owner of a school bus or motor van shall obtain 32592
the person's driving record not less frequently than semiannually 32593
if the person remains employed or otherwise authorized to drive 32594
the school bus or motor van. An owner of a school bus or motor van 32595
shall not permit a person to resume operating a school bus or 32596
motor van, after an interruption of one year or longer, before the 32597
owner has obtained the person's complete driving record. 32598

(2) The owner of a school bus or motor van shall not permit a 32599
person to operate the school bus or motor van for ten years after 32600
the date on which the person pleads guilty to or is convicted of a 32601
violation of section 4511.19 of the Revised Code or a 32602
substantially equivalent municipal ordinance. 32603

(3) An owner of a school bus or motor van shall not permit 32604
any person to operate such a vehicle unless the person meets all 32605
other requirements contained in rules adopted by the state board 32606
of education prescribing qualifications of drivers of school buses 32607
and other student transportation. 32608

(G) No superintendent of a school district, educational 32609
service center, community school, or public or private employer 32610

shall permit the operation of a vehicle used for pupil 32611
transportation within this state by an individual unless both of 32612
the following apply: 32613

(1) Information pertaining to that driver has been submitted 32614
to the department of education, pursuant to procedures adopted by 32615
that department. Information to be reported shall include the name 32616
of the employer or school district, name of the driver, driver 32617
license number, date of birth, date of hire, status of physical 32618
evaluation, and status of training. 32619

(2) The most recent criminal records check required by 32620
division (J) of this section has been completed and received by 32621
the superintendent or public or private employer. 32622

(H) A person, school district, educational service center, 32623
community school, nonpublic school, or other public or nonpublic 32624
entity that owns a school bus or motor van, or that contracts with 32625
another entity to operate a school bus or motor van, may impose 32626
more stringent restrictions on drivers than those prescribed in 32627
this section, in any other section of the Revised Code, and in 32628
rules adopted by the state board. 32629

(I) For qualified drivers who, on July 1, 2007, are employed 32630
by the owner of a school bus or motor van to drive the school bus 32631
or motor van, any instance in which the driver was convicted of or 32632
pleaded guilty to a violation of section 4511.19 of the Revised 32633
Code or a substantially equivalent municipal ordinance prior to 32634
two years prior to July 1, 2007, shall not be considered a 32635
disqualifying event with respect to division (F) of this section. 32636

(J)(1) This division applies to persons hired by a school 32637
district, educational service center, community school, chartered 32638
nonpublic school, or science, technology, engineering, and 32639
mathematics school established under Chapter 3326. of the Revised 32640
Code to operate a vehicle used for pupil transportation. 32641

For each person to whom this division applies who is hired on 32642
or after November 14, 2007, the employer shall request a criminal 32643
records check in accordance with section 3319.39 of the Revised 32644
Code and every six years thereafter. For each person to whom this 32645
division applies who is hired prior to that date, the employer 32646
shall request a criminal records check by a date prescribed by the 32647
department of education and every six years thereafter. 32648

(2) This division applies to persons hired by a public or 32649
private employer not described in division (J)(1) of this section 32650
to operate a vehicle used for pupil transportation. 32651

For each person to whom this division applies who is hired on 32652
or after November 14, 2007, the employer shall request a criminal 32653
records check prior to the person's hiring and every six years 32654
thereafter. For each person to whom this division applies who is 32655
hired prior to that date, the employer shall request a criminal 32656
records check by a date prescribed by the department and every six 32657
years thereafter. 32658

(3) Each request for a criminal records check under division 32659
(J) of this section shall be made to the superintendent of the 32660
bureau of criminal identification and investigation in the manner 32661
prescribed in section 3319.39 of the Revised Code, except that if 32662
both of the following conditions apply to the person subject to 32663
the records check, the employer shall request the superintendent 32664
only to obtain any criminal records that the federal bureau of 32665
investigation has on the person: 32666

(a) The employer previously requested the superintendent to 32667
determine whether the bureau of criminal identification and 32668
investigation has any information, gathered pursuant to division 32669
(A) of section 109.57 of the Revised Code, on the person in 32670
conjunction with a criminal records check requested under section 32671
3319.39 of the Revised Code or under division (J) of this section. 32672

(b) The person presents proof that the person has been a resident of this state for the five-year period immediately prior to the date upon which the person becomes subject to a criminal records check under this section.

Upon receipt of a request, the superintendent shall conduct the criminal records check in accordance with section 109.572 of the Revised Code as if the request had been made under section 3319.39 of the Revised Code. However, as specified in division (B)(2) of section 109.572 of the Revised Code, if the employer requests the superintendent only to obtain any criminal records that the federal bureau of investigation has on the person for whom the request is made, the superintendent shall not conduct the review prescribed by division (B)(1) of that section.

(K)(1) Until the effective date of the amendments to rule 3301-83-23 of the Ohio Administrative Code required by the second paragraph of division (E) of section 3319.39 of the Revised Code, any person who is the subject of a criminal records check under division (J) of this section and has been convicted of or pleaded guilty to any offense described in division (B)(1) of section 3319.39 of the Revised Code shall not be hired or shall be released from employment, as applicable, unless the person meets the rehabilitation standards prescribed for nonlicensed school personnel by rule 3301-20-03 of the Ohio Administrative Code.

(2) Beginning on the effective date of the amendments to rule 3301-83-23 of the Ohio Administrative Code required by the second paragraph of division (E) of section 3319.39 of the Revised Code, any person who is the subject of a criminal records check under division (J) of this section and has been convicted of or pleaded guilty to any offense that, under the rule, disqualifies a person for employment to operate a vehicle used for pupil transportation shall not be hired or shall be released from employment, as applicable, unless the person meets the rehabilitation standards

prescribed by the rule. 32705

Sec. 3328.24. A college-preparatory boarding school 32706
established under this chapter and its board of trustees shall 32707
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 32708
3301.0714, 3301.0729, 3301.948, 3313.536, 3313.6013, 3313.6021, 32709
3313.6024, 3313.6411, 3313.668, 3313.7112, 3313.721, 3313.89, 32710
3319.39, 3319.391, and 3319.46 and Chapter 3365. of the Revised 32711
Code as if the school were a school district and the school's 32712
board of trustees were a district board of education. 32713

Sec. 3333.052. (A) The chancellor of higher education, with 32714
the assistance of the department of job and family services, shall 32715
establish the community college acceleration program to enhance 32716
financial, academic, and personal support services to students in 32717
need of support from local social service agencies. The program 32718
shall identify the services and resources available to assist 32719
eligible students enrolled in a community college established 32720
under Chapter 3354., a state community college established under 32721
Chapter 3358., a technical college established under Chapter 32722
3357., or a university branch campus established under Chapter 32723
3355. of the Revised Code. 32724

(B) The chancellor shall adopt rules to administer the 32725
program. The rules shall specify the types of services provided by 32726
the program, which may include any of the following: 32727

(1) Comprehensive and personalized advisement; 32728

(2) Career counseling; 32729

(3) Tutoring; 32730

(4) Tuition waivers; 32731

(5) Financial assistance to defray the costs of 32732
transportation and textbooks. 32733

Sec. 3333.26. (A) Any citizen of this state who has resided 32734
within the state for one year, who was in the active service of 32735
the United States as a soldier, sailor, nurse, or marine between 32736
April 6, 1917, and November 11, 1918, and who has been honorably 32737
discharged from that service, shall be admitted to any school, 32738
college, or university that receives state funds in support 32739
thereof, without being required to pay any tuition or 32740
matriculation fee, but is not relieved from the payment of 32741
laboratory or similar fees. 32742

(B)(1) As used in this division: 32743

(a) "Volunteer firefighter" has the meaning as in division 32744
(B)(1) of section 146.01 of the Revised Code. 32745

(b) "Public service officer" means an Ohio firefighter, 32746
volunteer firefighter, police officer, member of the state highway 32747
patrol, employee designated to exercise the powers of police 32748
officers pursuant to section 1545.13 of the Revised Code, or other 32749
peace officer as defined by division (B) of section 2935.01 of the 32750
Revised Code, or a person holding any equivalent position in 32751
another state. 32752

(c) "Qualified former spouse" means the former spouse of a 32753
public service officer, or of a member of the armed services of 32754
the United States, who is the custodial parent of a minor child of 32755
that marriage pursuant to an order allocating the parental rights 32756
and responsibilities for care of the child issued pursuant to 32757
section 3109.04 of the Revised Code. 32758

(d) "Operation enduring freedom" means that period of 32759
conflict which began October 7, 2001, and ends on a date declared 32760
by the president of the United States or the congress. 32761

(e) "Operation Iraqi freedom" means that period of conflict 32762
which began March 20, 2003, and ends on a date declared by the 32763

president of the United States or the congress. 32764

(f) "Combat zone" means an area that the president of the 32765
United States by executive order designates, for purposes of 26 32766
U.S.C. 112, as an area in which armed forces of the United States 32767
are or have engaged in combat. 32768

(2) Any resident of this state who is under twenty-six years 32769
of age, or under thirty years of age if the resident has been 32770
honorably discharged from the armed services of the United States, 32771
who is the child of a public service officer killed in the line of 32772
duty or of a member of the armed services of the United States 32773
killed in the line of duty during operation enduring freedom or 32774
operation Iraqi freedom, and who is admitted to any state 32775
university or college as defined in division (A)(1) of section 32776
3345.12 of the Revised Code, community college, state community 32777
college, university branch, or technical college shall not be 32778
required to pay any tuition or any student fee for up to four 32779
academic years of education, which shall be at the undergraduate 32780
level. 32781

A child of a member of the armed services of the United 32782
States killed in the line of duty during operation enduring 32783
freedom or operation Iraqi freedom is eligible for a waiver of 32784
tuition and student fees under this division only if the student 32785
is not eligible for a war orphans and severely disabled veterans' 32786
children scholarship authorized by Chapter 5910. of the Revised 32787
Code. In any year in which the war orphans and severely disabled 32788
veterans' children scholarship board reduces the percentage of 32789
tuition covered by a war orphans and severely disabled veterans' 32790
children scholarship below one hundred per cent pursuant to 32791
division (A) of section 5910.04 of the Revised Code, the waiver of 32792
tuition and student fees under this division for a child of a 32793
member of the armed services of the United States killed in the 32794
line of duty during operation enduring freedom or operation Iraqi 32795

freedom shall be reduced by the same percentage. 32796

(3) Any resident of this state who is the spouse or qualified 32797
former spouse of a public service officer killed in the line of 32798
duty, and who is admitted to any state university or college as 32799
defined in division (A)(1) of section 3345.12 of the Revised Code, 32800
community college, state community college, university branch, or 32801
technical college, shall not be required to pay any tuition or any 32802
student fee for up to four academic years of education, which 32803
shall be at the undergraduate level. 32804

(4) Any resident of this state who is the spouse or qualified 32805
former spouse of a member of the armed services of the United 32806
States killed in the line of duty while serving in a combat zone 32807
after May 7, 1975, and who is admitted to any state university or 32808
college as defined in division (A)(1) of section 3345.12 of the 32809
Revised Code, community college, state community college, 32810
university branch, or technical college, shall not be required to 32811
pay any tuition or any student fee for up to four years of 32812
academic education, which shall be at the undergraduate level. In 32813
order to qualify under division (B)(4) of this section, the spouse 32814
or qualified former spouse shall have been a resident of this 32815
state at the time the member was killed in the line of duty. 32816

(C) Any institution that is not subject to division (B) of 32817
this section and that holds a valid certificate of registration 32818
issued under Chapter 3332. of the Revised Code, a valid 32819
certificate issued under Chapter 4709. of the Revised Code, or a 32820
valid license issued under Chapter 4713. of the Revised Code, or 32821
that is nonprofit and has a certificate of authorization issued 32822
under section 1713.02 of the Revised Code, or that is a private 32823
institution exempt from regulation under Chapter 3332. of the 32824
Revised Code as prescribed in section 3333.046 of the Revised 32825
Code, which reduces tuition and student fees of a student who is 32826
eligible to attend an institution of higher education under the 32827

provisions of division (B) of this section by an amount indicated 32828
by the chancellor of higher education shall be eligible to receive 32829
a grant in that amount from the chancellor. 32830

Each institution that enrolls students under division (B) of 32831
this section shall report to the chancellor, by the first day of 32832
July of each year, the number of students who were so enrolled and 32833
the average amount of all such tuition and student fees waived 32834
during the preceding year. The chancellor shall determine the 32835
average amount of all such tuition and student fees waived during 32836
the preceding year. The average amount of the tuition and student 32837
fees waived under division (B) of this section during the 32838
preceding year shall be the amount of grants that participating 32839
institutions shall receive under this division during the current 32840
year, but no grant under this division shall exceed the tuition 32841
and student fees due and payable by the student prior to the 32842
reduction referred to in this division. The grants shall be made 32843
for four years of undergraduate education of an eligible student. 32844

Sec. 3333.45. (A) For purposes of this section, "eligible 32845
institution of higher education" means any of the following: 32846

~~(1) A regionally accredited private, nonprofit institution of 32847
higher education that is created by the governors of several 32848
states. At least one of the governors of these states shall also 32849
be a member of the institution's board of trustees. 32850~~

~~(2) A state institution of higher education, as that term is 32851
defined in section 3345.011 of the Revised Code; 32852~~

~~(3)~~(2) A private, nonprofit institution of higher education 32853
that has received a certificate of authorization under Chapter 32854
1713. of the Revised Code. 32855

(B) The chancellor of higher education may recognize or 32856
endorse an eligible institution of higher education for the 32857

purpose of providing competency-based education programs. 32858

~~(C) In recognizing or endorsing an eligible institution of 32859
higher education described in division (A)(1) of this section, the 32860
chancellor may specify all of the following: 32861~~

~~(1) The eligibility of students enrolled in the institution 32862
for state student financial aid programs; 32863~~

~~(2) Any articulation and transfer policies of the chancellor 32864
that apply to the institution; 32865~~

~~(3) The reporting requirements for the institution. 32866~~

~~(D) In recognizing or endorsing any eligible institution of 32867
higher education, the chancellor may: 32868~~

~~(1) Recognize competency-based education as an important 32869
component of this state's higher education system; 32870~~

~~(2) Eliminate any unnecessary barriers to the delivery of 32871
competency-based education; 32872~~

~~(3) Facilitate opportunities to share best practices on the 32873
delivery of competency-based education with any eligible 32874
institution of higher education; 32875~~

~~(4) Establish any other requirements that the chancellor 32876
determines are in the best interest of this state. 32877~~

~~(E) The chancellor shall not provide any public operating or 32878
capital assistance to an eligible institution of higher education 32879
described in division (A)(1) of this section for the purpose of 32880
providing competency based education in this state. 32881~~

Sec. 3333.59. (A) As used in this section: 32882

(1) "Allocated state share of instruction" means, for any 32883
fiscal year, the amount of the state share of instruction 32884
appropriated to the department of higher education by the general 32885
assembly that is allocated to a community or technical college or 32886

community or technical college district for such fiscal year.	32887
(2) "Issuing authority" has the same meaning as in section 154.01 of the Revised Code.	32888 32889
(3) "Bond service charges" has the same meaning as in section 154.01 of the Revised Code.	32890 32891
(4) "Chancellor" means the chancellor of higher education.	32892
(5) "Community or technical college" or "college" means any of the following state-supported or state-assisted institutions of higher education:	32893 32894 32895
(a) A community college as defined in section 3354.01 of the Revised Code;	32896 32897
(b) A technical college as defined in section 3357.01 of the Revised Code;	32898 32899
(c) A state community college as defined in section 3358.01 of the Revised Code.	32900 32901
(6) "Community or technical college district" or "district" means any of the following institutions of higher education that are state-supported or state-assisted:	32902 32903 32904
(a) A community college district as defined in section 3354.01 of the Revised Code;	32905 32906
(b) A technical college district as defined in section 3357.01 of the Revised Code;	32907 32908
(c) A state community college district as defined in section 3358.01 of the Revised Code.	32909 32910
(7) "Credit enhancement facilities" has the same meaning as in section 133.01 of the Revised Code.	32911 32912
(8) "Obligations" has the meaning as in section 154.01 or 3345.12 of the Revised Code, as the context requires.	32913 32914
(B) The board of trustees of any community or technical	32915

college district authorizing the issuance of obligations under 32916
section 3354.12, 3354.121, 3357.11, 3357.112, ~~or~~ 3358.10, or 32917
3358.11 of the Revised Code, or for whose benefit and on whose 32918
behalf the issuing authority proposes to issue obligations under 32919
section 154.25 of the Revised Code, may adopt a resolution 32920
requesting the chancellor to enter into an agreement with the 32921
community or technical college district and the primary paying 32922
agent or fiscal agent for such obligations, providing for the 32923
withholding and deposit of funds otherwise due the district or the 32924
community or technical college it operates in respect of its 32925
allocated state share of instruction, for the payment of bond 32926
service charges on such obligations. 32927

The board of trustees shall deliver to the chancellor a copy 32928
of the resolution and any additional pertinent information the 32929
chancellor may require. 32930

The chancellor and the office of budget and management, and 32931
the issuing authority in the case of obligations to be issued by 32932
the issuing authority, shall evaluate each request received from a 32933
community or technical college district under this section. The 32934
chancellor, with the advice and consent of the director of budget 32935
and management and the issuing authority in the case of 32936
obligations to be issued by the issuing authority, shall approve 32937
each request if all of the following conditions are met: 32938

(1) Approval of the request will enhance the marketability of 32939
the obligations for which the request is made; 32940

(2) The chancellor and the office of budget and management, 32941
and the issuing authority in the case of obligations to be issued 32942
by the issuing authority, have no reason to believe the requesting 32943
community or technical college district or the community or 32944
technical college it operates will be unable to pay when due the 32945
bond service charges on the obligations for which the request is 32946
made, and bond service charges on those obligations are therefore 32947

not anticipated to be paid pursuant to this section from the 32948
allocated state share of instruction for purposes of Section 17 of 32949
Article VIII, Ohio Constitution. 32950

(3) Any other pertinent conditions established in rules 32951
adopted under division (H) of this section. 32952

(C) If the chancellor approves the request of a community or 32953
technical college district to withhold and deposit funds pursuant 32954
to this section, the chancellor shall enter into a written 32955
agreement with the district and the primary paying agent or fiscal 32956
agent for the obligations, which agreement shall provide for the 32957
withholding of funds pursuant to this section for the payment of 32958
bond service charges on those obligations. The agreement may also 32959
include both of the following: 32960

(1) Provisions for certification by the district to the 32961
chancellor, prior to the deadline for payment of the applicable 32962
bond service charges, whether the district and the community or 32963
technical college it operates are able to pay those bond service 32964
charges when due; 32965

(2) Requirements that the district or the community or 32966
technical college it operates deposits amounts for the payment of 32967
those bond service charges with the primary paying agent or fiscal 32968
agent for the obligations prior to the date on which the bond 32969
service charges are due to the owners or holders of the 32970
obligations. 32971

(D) Whenever a district or the community or technical college 32972
it operates notifies the chancellor that it will not be able to 32973
pay the bond service charges when they are due, subject to the 32974
withholding provisions of this section, or whenever the applicable 32975
paying agent or fiscal agent notifies the chancellor that it has 32976
not timely received from a district or from the college it 32977
operates the full amount needed for payment of the bond service 32978

charges when due to the holders or owners of such obligations, the 32979
chancellor shall immediately contact the district or college and 32980
the paying agent or fiscal agent to confirm that the district and 32981
the college are not able to make the required payment by the date 32982
on which it is due. 32983

If the chancellor confirms that the district and the college 32984
are not able to make the payment and the payment will not be made 32985
pursuant to a credit enhancement facility, the chancellor shall 32986
promptly pay to the applicable primary paying agent or fiscal 32987
agent the lesser of the amount due for bond service charges or the 32988
amount of the next periodic distribution scheduled to be made to 32989
the district or to the college in respect of its allocated state 32990
share of instruction. If this amount is insufficient to pay the 32991
total amount then due the agent for the payment of bond service 32992
charges, the chancellor shall continue to pay to the agent from 32993
each periodic distribution thereafter, and until the full amount 32994
due the agent for unpaid bond service charges is paid in full, the 32995
lesser of the remaining amount due the agent for bond service 32996
charges or the amount of the next periodic distribution scheduled 32997
to be made to the district or college in respect of its allocated 32998
state share of instruction. 32999

(E) The chancellor may make any payments under this section 33000
by direct deposit of funds by electronic transfer. 33001

Any amount received by a paying agent or fiscal agent under 33002
this section shall be applied only to the payment of bond service 33003
charges on the obligations of the community or technical college 33004
district or community or technical college subject to this section 33005
or to the reimbursement of the provider of a credit enhancement 33006
facility that has paid the bond service charges. 33007

(F) The chancellor may make payments under this section to 33008
paying agents or fiscal agents during any fiscal biennium of the 33009
state only from and to the extent that money is appropriated to 33010

the department by the general assembly for distribution during 33011
such biennium for the state share of instruction and only to the 33012
extent that a portion of the state share of instruction has been 33013
allocated to the community or technical college district or 33014
community or technical college. Obligations of the issuing 33015
authority or of a community or technical college district to which 33016
this section is made applicable do not constitute an obligation or 33017
a debt or a pledge of the faith, credit, or taxing power of the 33018
state, and the holders or owners of those obligations have no 33019
right to have excises or taxes levied or appropriations made by 33020
the general assembly for the payment of bond service charges on 33021
the obligations, and the obligations shall contain a statement to 33022
that effect. The agreement for or the actual withholding and 33023
payment of money under this section does not constitute the 33024
assumption by the state of any debt of a community or technical 33025
college district or a community or technical college, and bond 33026
service charges on the related obligations are not anticipated to 33027
be paid from the state general revenue fund for purposes of 33028
Section 17 of Article VIII, Ohio Constitution. 33029

(G) In the case of obligations subject to the withholding 33030
provisions of this section, the issuing community or technical 33031
college district, or the issuing authority in the case of 33032
obligations issued by the issuing authority, shall appoint a 33033
paying agent or fiscal agent who is not an officer or employee of 33034
the district or college. 33035

(H) The chancellor, with the advice and consent of the office 33036
of budget and management, may adopt reasonable rules not 33037
inconsistent with this section for the implementation of this 33038
section to secure payment of bond service charges on obligations 33039
issued by a community or technical college district or by the 33040
issuing authority for the benefit of a community or technical 33041
college district or the community or technical college it 33042

operates. Those rules shall include criteria for the evaluation 33043
and approval or denial of community or technical college district 33044
requests for withholding under this section. 33045

(I) The authority granted by this section is in addition to 33046
and not a limitation on any other authorizations granted by or 33047
pursuant to law for the same or similar purposes. 33048

Sec. 3333.65. The chancellor of higher education shall 33049
require each state university or college that the controlling 33050
board approves to receive an award under the Ohio innovation 33051
partnership to enter into an agreement governing the use of the 33052
award. The agreement shall contain terms the chancellor determines 33053
to be necessary, which shall include performance measures, 33054
reporting requirements, and an obligation to fulfill pledges of 33055
other institutional, public, or nonpublic resources for the 33056
proposal. 33057

The chancellor may require a state university or college that 33058
violates the terms of its agreement to repay the award plus 33059
interest at the rate required by section 5703.47 of the Revised 33060
Code to the chancellor only as the award and any interest due is 33061
collected from a student for repayment. The chancellor shall not 33062
hold a state university or college responsible for repayment to 33063
the department of higher education until the state university or 33064
college is able to obtain repayment from the student or if the 33065
state university or college has certified collection of the 33066
repayment to the attorney general and has sent a copy of the 33067
certification to the chancellor. 33068

If the chancellor makes an award to a program or initiative 33069
that is intended to be implemented by a state university or 33070
college in collaboration with other state institutions of higher 33071
education or nonpublic Ohio universities or colleges, the 33072
chancellor may enter into an agreement with the collaborating 33073

universities or colleges that permits awards to be received 33074
directly by the collaborating universities or colleges consistent 33075
with the terms of the program or initiative. In that case, the 33076
chancellor shall incorporate into the agreement terms consistent 33077
with the requirements of this section. 33078

Sec. 3345.48. (A) As used in this section: 33079

(1) "Cohort" means a group of students who will complete 33080
their bachelor's degree requirements and graduate from a state 33081
university at the same time. A cohort may include transfer 33082
students and other selected undergraduate student academic 33083
programs as determined by the board of trustees of a state 33084
university. 33085

(2) "Eligible student" means an undergraduate student who: 33086

(a) Is enrolled full-time in a bachelor's degree program at a 33087
state university; 33088

(b) Is a resident of this state, as defined by the chancellor 33089
of higher education under section 3333.31 of the Revised Code. 33090

(3) "State university" has the same meaning as in section 33091
3345.011 of the Revised Code. 33092

(B) The board of trustees of ~~a~~ each state university ~~may~~ 33093
shall establish an undergraduate tuition guarantee program that 33094
allows eligible students in the same cohort to pay a fixed rate 33095
for general and instructional fees for four years. A board of 33096
trustees may include room and board and any additional fees in the 33097
program. 33098

~~If the board of trustees chooses to establish such a program,~~ 33099
The board shall adopt rules for the program that include, but 33100
are not limited to, all of the following: 33101

(1) The number of credit hours required to earn an 33102
undergraduate degree in each major; 33103

(2) A guarantee that the general and instructional fees for 33104
each student in the cohort shall remain constant for four years so 33105
long as the student complies with the requirements of the program, 33106
except that, notwithstanding any law to the contrary, the board 33107
may increase the guaranteed amount by up to six per cent above 33108
what has been charged in the previous academic year one time for 33109
the first cohort enrolled under the tuition guarantee program. If 33110
the board of trustees determines that economic conditions or other 33111
circumstances require an increase for the first cohort of above 33112
six per cent, the board shall submit a request to increase the 33113
amount by a specified percentage to the chancellor. The 33114
chancellor, based on information the chancellor requires from the 33115
board of trustees, shall approve or disapprove such a request. 33116
Thereafter, the board of trustees may increase the guaranteed 33117
amount by up to the sum of the following above what has been 33118
charged in the previous academic year one time per subsequent 33119
cohort: 33120

(a) The average rate of inflation, as measured by the 33121
consumer price index prepared by the bureau of labor statistics of 33122
the United States department of labor (all urban consumers, all 33123
items), for the previous ~~sixty-month~~ thirty-six-month period; and 33124

(b) The percentage amount the general assembly restrains 33125
increases on in-state undergraduate instructional and general fees 33126
for the applicable fiscal year. If the general assembly does not 33127
enact a limit on the increase of in-state undergraduate 33128
instructional and general fees, then no limit shall apply under 33129
this division for the cohort that first enrolls in any academic 33130
year for which the general assembly does not prescribe a limit. 33131

If, beginning with the academic year that starts four years 33132
after September 29, 2013, the board of trustees determines that 33133
the general and instructional fees charged under the tuition 33134
guarantee have fallen significantly lower than those of other 33135

state universities, the board of trustees may submit a request to 33136
increase the amount charged to a cohort by a specified percentage 33137
to the chancellor, who shall approve or disapprove such a request. 33138

(3) A benchmark by which the board sets annual increases in 33139
general and instructional fees. This benchmark and any subsequent 33140
change to the benchmark shall be subject to approval of the 33141
chancellor. 33142

(4) Eligibility requirements for students to participate in 33143
the program; 33144

(5) Student rights and privileges under the program; 33145

(6) Consequences to the university for students unable to 33146
complete a degree program within four years, as follows: 33147

(a) For a student who could not complete the program in four 33148
years due to a lack of available classes or space in classes 33149
provided by the university, the university shall provide the 33150
necessary course or courses for completion to the student free of 33151
charge. 33152

(b) For a student who could not complete the program in four 33153
years due to military service or other circumstances beyond a 33154
student's control, as determined by the board of trustees, the 33155
university shall provide the necessary course or courses for 33156
completion to the student at the student's initial cohort rate. 33157

(c) For a student who did not complete the program in four 33158
years for any other reason, as determined by the board of 33159
trustees, the university shall provide the necessary course or 33160
courses for completion to the student at a rate determined through 33161
a method established by the board under division (B)(7) of this 33162
section. 33163

(7) Guidelines for adjusting a student's annual charges if 33164
the student, due to circumstances under the student's control, is 33165

unable to complete a degree program within four years; 33166

(8) A requirement that the rules adopted under division (B) 33167
of this section be published or posted in the university handbook, 33168
course catalog, and web site. 33169

~~(C) If a board of trustees implements a program under this~~ 33170
~~section, the~~ The board shall submit the rules adopted under 33171
division (B) of this section to the chancellor for approval before 33172
beginning implementation of the program. 33173

The chancellor shall not unreasonably withhold approval of a 33174
program if the program conforms in principle with the parameters 33175
and guidelines of this section. 33176

(D) A board of trustees of a state university may establish 33177
an undergraduate tuition guarantee program for nonresident 33178
students. 33179

~~(E) Within five years after September 29, 2013, the~~ 33180
~~chancellor shall publish on the chancellor's web site a report~~ 33181
~~that includes all of the following:~~ 33182

~~(1) The state universities that have adopted an undergraduate~~ 33183
~~tuition guarantee program under this section;~~ 33184

~~(2) The details of each undergraduate tuition guarantee~~ 33185
~~program established under this section;~~ 33186

~~(3) Comparative data, including general and instructional~~ 33187
~~fees, room and board, graduation rates, and retention rates, from~~ 33188
~~all state universities.~~ 33189

~~(F)~~ Except as provided in this section, no other limitation 33190
on the increase of in-state undergraduate instructional and 33191
general fees shall apply to a state university that has 33192
established an undergraduate tuition guarantee program under this 33193
section. 33194

Sec. 3353.07. (A) There is hereby created the Ohio government 33195
telecommunications service. The Ohio government telecommunications 33196
service shall provide the state government and affiliated 33197
organizations with multimedia support including audio, visual, and 33198
internet services, multimedia streaming, and hosting multimedia 33199
programs. 33200

Services relating to the official activities of the general 33201
assembly and the executive offices provided by the Ohio government 33202
telecommunications service shall be funded through grants to an 33203
educational television broadcasting station that will manage the 33204
staff and provide the services of the Ohio government 33205
telecommunications service. The Ohio educational television 33206
stations shall select a member station to manage the Ohio 33207
government telecommunications service. The Ohio government 33208
telecommunications service shall receive grants from, or contract 33209
with, any of the three branches of Ohio government, and their 33210
affiliates, to provide additional services. Services provided by 33211
the Ohio government telecommunications service shall not be used 33212
for political purposes included in campaign materials, or 33213
otherwise used to influence an election, legislation, issue, 33214
judicial decision, or other policy of state government. 33215

(B)(1) There is hereby created the legislative programming 33216
committee of the Ohio government telecommunications service that 33217
shall consist of the president of the senate, speaker of the house 33218
of representatives, minority leader of the senate, and minority 33219
leader of the house of representatives, or their designees, and 33220
the clerks of the senate and house of representatives as 33221
nonvoting, ex officio members. By a vote of a majority of its 33222
members, the program committee may add additional members to the 33223
committee. 33224

(2) The legislative programming committee shall adopt rules 33225

that govern the operation of the Ohio government 33226
telecommunications service relating to the general assembly and 33227
any affiliated organizations. 33228

(C) The Ohio government telecommunications service is 33229
authorized to broadcast and record any committee meeting of the 33230
senate or house of representatives as directed by the presiding 33231
officer of the senate or house of representatives. 33232

As used in this division, "committee" and "meeting" have the 33233
same meanings as in section 101.15 of the Revised Code. 33234

Sec. 3358.02. (A) A state community college district may be 33235
created to take the place of a technical college or a university 33236
branch with the approval of the ~~Ohio board of regents~~ chancellor 33237
of higher education upon the proposal of the board of trustees of 33238
a technical college district, or upon the proposal of the board of 33239
trustees of a state university, or upon the joint proposal of both 33240
such boards, and pursuant to an agreement entered into under 33241
section 3358.05 of the Revised Code. A state community college 33242
district may not be created to take the place of both a technical 33243
college district and a university branch without the consent of 33244
both boards of trustees. 33245

The attorney general shall be the attorney for each state 33246
community college district and shall provide legal advice in all 33247
matters relating to its powers and duties. 33248

(B)(1) Qualified electors residing in a county, or in two or 33249
more contiguous counties, with a total population of at least one 33250
hundred fifty thousand may, in the manner prescribed in division 33251
(C) of section 3354.02 of the Revised Code, execute a petition 33252
proposing the creation of a state community college district 33253
within the territory of the county or counties. Upon the 33254
certification to the ~~board of regents~~ chancellor that a majority 33255
of the electors voting on the proposition in the territory in 33256

which the proposed college is to be located voted in favor 33257
thereof, the ~~board~~ chancellor may create a state community college 33258
district comprising the territory included in the petition. 33259

33260

(2) The board of county commissioners of a county in which 33261
there is no university branch or technical college and which has a 33262
population of not less than one hundred fifty thousand may, by 33263
resolution approved by two-thirds of its members, propose the 33264
creation of a state community college district within the county. 33265
Upon certification to the ~~board of regents~~ chancellor of a copy of 33266
such resolution, the ~~board~~ chancellor may create a state community 33267
college district comprising a county. 33268

(3) The boards of county commissioners of any two or more 33269
contiguous counties in which there is no university branch or 33270
technical college and which have a combined population of not less 33271
than one hundred fifty thousand may, by a resolution approved by 33272
two-thirds of the members of each such board, jointly propose the 33273
creation of a state community college district within the 33274
territory of the counties. Upon certification to the ~~board of~~ 33275
~~regents~~ chancellor of a copy of the resolution, the ~~board~~ 33276
chancellor may create a state community college district 33277
comprising the counties. 33278

(C) A state community college district may be expanded to 33279
include one or more counties, by a majority vote of the board of 33280
trustees and upon approval by the ~~board of regents~~ chancellor. 33281

(D) Upon a proposal of the board of trustees of a state 33282
community college district, the board of regents may amend the 33283
charter of a state community college to change it into a community 33284
college as defined in section 3354.01 of the Revised Code, in 33285
order to permit the college to seek a local levy. Such amendment 33286
of the charter is effective immediately upon its acceptance by the 33287
board of regents, and the state community college district shall 33288

thereupon become a community college district. If a levy is 33289
defeated by the voters or if no levy is approved by the electors 33290
within one year after the date the amendment takes effect, such 33291
amendment becomes void, and the college shall thereupon become a a 33292
state community college, and the district operating such college 33293
shall become a state community college district. On the effective 33294
date of a charter amendment the board of trustees of the state 33295
community college district shall become the initial board of 33296
trustees for the community college district to serve for the 33297
balance of their existing terms, and the board or boards of county 33298
commissioners from the counties involved shall fill the first six 33299
vacancies occurring on the community college board, and thereafter 33300
board members shall be appointed under section 3354.05 of the 33301
Revised Code. If such an amendment takes effect and is 33302
subsequently voided under this section, any persons appointed to 33303
the board during the period the amendment was in effect shall be 33304
considered members of the state community college district board, 33305
and thereafter trustees shall be appointed in accordance with 33306
section 3358.03 of the Revised Code. 33307

Within thirty days after approval by the board of regents of 33308
a state community college district proposed under this section, 33309
the board of regents shall file with the secretary of state a copy 33310
of its certification or resolution creating the district. This 33311
copy shall be recorded in the office of the secretary of state, 33312
who shall then declare the district to be established. 33313

In addition to the process described in this division, a 33314
state community college may seek a local levy in accordance with 33315
section 3358.11 of the Revised Code for the purposes prescribed in 33316
that section. 33317

Sec. 3358.06. (A)(1) The treasurer of each state community 33318
college district shall be its fiscal officer, and the treasurer 33319

shall receive and disburse all funds under the direction of the 33320
college president. No contract of the college's board of trustees 33321
involving the expenditure of money shall become effective until 33322
the treasurer certifies that there are funds of the board 33323
otherwise uncommitted and sufficient to provide therefor, subject 33324
to division (A)(2) of this section. 33325

When the treasurer ceases to hold the office, the treasurer 33326
or the treasurer's legal representative shall deliver to the 33327
treasurer's successor or the president all moneys, books, papers, 33328
and other property of the college. 33329

Before entering upon the discharge of official duties, the 33330
treasurer shall give bond to the state or be insured for the 33331
faithful performance of official duties and the proper accounting 33332
for all moneys coming into the treasurer's care. The amount of the 33333
bond or insurance shall be determined by the board but shall not 33334
be for a sum less than the estimated amount that may come into the 33335
treasurer's control at any time, less any reasonable deductible. 33336

(2) If the board of trustees levies a tax under section 33337
3358.11 of the Revised Code, the board and the treasurer are 33338
subject to and shall comply with division (D) of section 5705.41 33339
of the Revised Code. 33340

(B) The board of trustees may provide for the investment of 33341
district funds. Investments may be made in securities of the 33342
United States government or of its agencies or instrumentalities, 33343
the treasurer of state's pooled investment program, obligations of 33344
this state or any political subdivision of this state, 33345
certificates of deposit of any national bank located in this 33346
state, written repurchase agreements with any eligible Ohio 33347
financial institution that is a member of the federal reserve 33348
system or federal home loan bank, money market funds, or bankers 33349
acceptances maturing in two hundred seventy days or less which are 33350
eligible for purchase by the federal reserve system, as a reserve. 33351

Notwithstanding the foregoing or any provision of the Revised Code 33352
to the contrary, the board of trustees of a state community 33353
college district may provide for the investment of district funds 33354
in any manner authorized under section 3345.05 of the Revised 33355
Code. 33356

Sec. 3358.11. (A) In the same manner as a tax may be proposed 33357
by a board of trustees of a community college district under 33358
section 3354.12 of the Revised Code, the board of trustees of a 33359
state community college district may adopt and certify a 33360
resolution to the board of elections of one or more of the 33361
counties comprising the state community college district directing 33362
the board of elections to place on the ballot at any general or 33363
special election the question of levying a tax in excess of the 33364
ten-mill limitation on all the taxable property in that county or 33365
those counties. The tax may be for any of the following purposes, 33366
as stated in the resolution: 33367

(1) The acquisition of sites in that county or those 33368
counties; 33369

(2) The erection, furnishing, and equipment of buildings in 33370
that county or those counties; 33371

(3) The acquisition, construction, or improvement of any 33372
property in that county or those counties which the board of 33373
trustees of a state community college is authorized to acquire, 33374
construct, or improve and which has an estimated life or 33375
usefulness of five years or more as certified by the treasurer of 33376
the board of trustees. 33377

The resolution shall declare that the proceeds of the levy or 33378
issue may be used solely within the county or counties in which 33379
the tax is levied and state the term of the tax, which may be for 33380
any term authorized for a tax levied under section 3354.12 of the 33381
Revised Code. The question of such a tax may not be submitted at 33382

more than two special elections held in any one calendar year. 33383
Levies for a continuing period of time adopted under this section 33384
may be reduced in accordance with section 5705.261 of the Revised 33385
Code. 33386

The election shall be held, canvassed, and certified in the 33387
manner provided for the submission of a tax levy under section 33388
3354.12 of the Revised Code. A tax levied under this section may 33389
be renewed in the same manner as a tax levied under section 33390
3354.12 of the Revised Code or replaced in accordance with section 33391
5705.192 of the Revised Code. 33392

If electors approve the levy, the board of trustees may 33393
anticipate a fraction of the proceeds of the levy and may, from 33394
time to time, issue anticipation notes in the same manner and 33395
subject to the same limitations provided under section 3354.12 of 33396
the Revised Code. 33397

(B) In accordance with Chapter 133. of the Revised Code, the 33398
board of trustees of a state community college district may adopt 33399
and certify a resolution to the board of elections of one or more 33400
of the counties comprising the district directing the board of 33401
elections to place on the ballot at any election authorized under 33402
section 133.18 of the Revised Code both of the following 33403
questions: 33404

(1) The question of issuing bonds for paying all or part of 33405
the cost of the following: 33406

(a) The purchase of sites in that county or those counties; 33407

(b) The erection, furnishings, and equipment of buildings in 33408
that county or those counties; 33409

(c) The acquisition or construction of any property in that 33410
county or those counties which the board of trustees is authorized 33411
to acquire or construct and which has an estimated life or 33412
usefulness of five years or more as certified by the treasurer of 33413

the board of trustees. 33414

(2) The question of levying a tax in excess of the ten-mill limitation on all the taxable property in that county or those counties to pay the interest on and retire any bonds approved by the electors under division (B)(1) of this section. 33415
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The election shall be held, canvassed, and certified in the manner provided for the submission of a bond issuance and tax levy under section 3354.11 of the Revised Code. Bonds approved by electors under division (B)(1) of this section may be issued for one or more improvements which the district is authorized to acquire or construct, notwithstanding the fact that such improvements may not be for more than one purpose under Chapter 133. of the Revised Code. 33419
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Notes may be issued in anticipation of any bonds that may be approved by the electors under division (B)(1) of this section in the manner provided under section 133.22 of the Revised Code. 33427
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For the purpose of applying Chapter 133. of the Revised Code to division (B) of this section, the treasurer of the state community college district shall be considered to be the district's fiscal officer, and the board of trustees of the state community college district shall be considered to be the taxing authority. 33430
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(C) The board of trustees of a state community college district that levies a tax or proposes to levy a tax under division (A) or (B) of this section shall be considered to be a taxing authority, the county or counties in which the tax is levied shall be considered to be a subdivision, and the treasurer of the board of trustees shall be considered to be a fiscal officer for the purposes of Chapter 5705. of the Revised Code, except for section 5705.19 of the Revised Code. 33436
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Sec. 3365.03. (A) A student enrolled in a public or nonpublic secondary school during the student's ninth, tenth, eleventh, or twelfth grade school year; a student enrolled in a nonchartered nonpublic secondary school in the student's ninth, tenth, eleventh, or twelfth grade school year; or a student who has been excused from the compulsory attendance law for the purpose of home instruction under section 3321.04 of the Revised Code and is the equivalent of a ninth, tenth, eleventh, or twelfth grade student, may apply to and enroll in a college under the college credit plus program.

(1) In order for a public secondary school student to participate in the program, all of the following criteria shall be met:

(a) The student or the student's parent shall inform the principal, or equivalent, of the student's school by the first day of April of the student's intent to participate in the program during the following school year. Any student who fails to provide the notification by the required date may not participate in the program during the following school year without the written consent of the principal, or equivalent. If a student seeks consent from the principal after failing to provide notification by the required date, the principal shall notify the department of education of the student's intent to participate within ten days of the date on which the student seeks consent. If the principal does not provide written consent, the student may appeal the principal's decision to the governing entity of the school, except for a student who is enrolled in a school district, who may appeal the decision to the district superintendent. Not later than thirty days after the notification of the appeal, the district superintendent or governing entity shall hear the appeal and shall make a decision to either grant or deny that student's participation in the program. The decision of the district

superintendent or governing entity shall be final. 33476

(b) The student shall: 33477

(i) Apply to a public or a participating private college, or 33478
an eligible out-of-state college participating in the program, in 33479
accordance with the college's established procedures for 33480
admission, pursuant to section 3365.05 of the Revised Code; 33481

(ii) As a condition of eligibility, be remediation-free, in 33482
accordance with one of the assessments established under division 33483
(F) of section 3345.061 of the Revised Code. However, a student 33484
who scores within one standard error of measurement below the 33485
remediation-free threshold for one of those assessments shall be 33486
considered to have met this requirement if the student also 33487
either: 33488

(I) Has a cumulative high school grade point average of at 33489
least 3.0. If the student is seeking to participate under section 33490
3365.033 of the Revised Code, the student must have an equivalent 33491
cumulative grade point average in the applicable grade levels. 33492

(II) Receives a recommendation from a school counselor, 33493
principal, or career-technical program advisor. 33494

(iii) Meet the college's and relevant academic program's 33495
established standards for admission, enrollment, and course 33496
placement, including course-specific capacity limitations, 33497
pursuant to section 3365.05 of the Revised Code; 33498

(iv) Complete the free application for federal student aid 33499
and provide proof of completion in a manner prescribed by the 33500
chancellor of higher education in order to participate in grade 33501
twelve or the equivalent. 33502

(c) The student shall elect at the time of enrollment to 33503
participate under either division (A) or (B) of section 3365.06 of 33504
the Revised Code for each course under the program. 33505

(d) The student and the student's parent shall sign a form, 33506
provided by the school, stating that they have received the 33507
counseling required under division (B) of section 3365.04 of the 33508
Revised Code and that they understand the responsibilities they 33509
must assume in the program. 33510

(2) In order for a nonpublic secondary school student, a 33511
nonchartered nonpublic secondary school student, or a 33512
home-instructed student to participate in the program, both of the 33513
following criteria shall be met: 33514

(a) The student shall meet the criteria in divisions 33515
(A)(1)(b) and (c) of this section. 33516

(b)(i) If the student is enrolled in a nonpublic secondary 33517
school, that student shall send to the department of education a 33518
copy of the student's acceptance from a college and an 33519
application. The application shall be made on forms provided by 33520
the state board of education and shall include information about 33521
the student's proposed participation, including the school year in 33522
which the student wishes to participate; and the semesters or 33523
terms the student wishes to enroll during such year. The 33524
department shall mark each application with the date and time of 33525
receipt. 33526

(ii) If the student is enrolled in a nonchartered nonpublic 33527
secondary school or is home-instructed, the parent or guardian of 33528
that student shall notify the department by the first day of April 33529
prior to the school year in which the student wishes to 33530
participate. 33531

(B) Except as provided for in division (C) of this section 33532
and in sections 3365.031 and 3365.032 of the Revised Code: 33533

(1) No public secondary school shall prohibit a student 33534
enrolled in that school from participating in the program if that 33535
student meets all of the criteria in division (A)(1) of this 33536

section. 33537

(2) No participating nonpublic secondary school shall 33538
prohibit a student enrolled in that school from participating in 33539
the program if the student meets all of the criteria in division 33540
(A)(2) of this section and, if the student is enrolled under 33541
division (B) of section 3365.06 of the Revised Code, the student 33542
is awarded funding from the department in accordance with rules 33543
adopted by the chancellor ~~of higher education~~, in consultation 33544
with the superintendent of public instruction, pursuant to section 33545
3365.071 of the Revised Code. 33546

(C) For purposes of this section, during the period of an 33547
expulsion imposed by a public secondary school, a student is 33548
ineligible to apply to enroll in a college under this section, 33549
unless the student is admitted to another public secondary or 33550
participating nonpublic secondary school. If a student is enrolled 33551
in a college under this section at the time the student is 33552
expelled, the student's status for the remainder of the college 33553
term in which the expulsion is imposed shall be determined under 33554
section 3365.032 of the Revised Code. 33555

(D) Upon a student's graduation from high school, 33556
participation in the college credit plus program shall not affect 33557
the student's eligibility at any public college for scholarships 33558
or for other benefits or opportunities that are available to 33559
first-time college students and are awarded by that college, 33560
regardless of the number of credit hours that the student 33561
completed under the program. 33562

(E) The college to which a student applies to participate 33563
under this section shall pay for one assessment used to determine 33564
that student's eligibility under this section. However, 33565
notwithstanding anything to the contrary in Chapter 3365. of the 33566
Revised Code, any additional assessments used to determine the 33567
student's eligibility shall be the financial responsibility of the 33568

student. 33569

Sec. 3501.12. (A) The annual compensation of members of the 33570
board of elections shall be determined on the basis of the 33571
population of the county according to the next preceding federal 33572
census, and shall be paid monthly out of the appropriations made 33573
to the board and upon vouchers or payrolls certified by the 33574
chairperson, or a member of the board designated by it, and 33575
countersigned by the director or in the director's absence by the 33576
deputy director. Upon presentation of any such voucher or payroll, 33577
the county auditor shall issue a warrant upon the county treasurer 33578
for the amount thereof as in the case of vouchers or payrolls for 33579
county offices and the treasurer shall pay such warrant. 33580

(B) In calendar year 2018, the amount of annual compensation 33581
of each member of the board of elections shall be ~~as follows~~ the 33582
greater of the following: 33583

(1) ~~One~~ The sum of the following: 33584

(a) ~~One~~ hundred two dollars and forty-one cents for each full 33585
one thousand of the first one hundred thousand population; 33586

~~(2)~~ (b) Forty-eight dollars and seventy-nine cents for each 33587
full one thousand of the second one hundred thousand population; 33588

~~(3)~~ (c) Twenty-six dollars and fifty cents for each full one 33589
thousand of the third one hundred thousand population; 33590

~~(4)~~ (d) Eight dollars and thirteen cents for each full one 33591
thousand above three hundred thousand population. 33592

(2) Six thousand dollars. 33593

(C) In calendar year 2019 and in each calendar year 33594
thereafter through calendar year 2028, the annual compensation of 33595
each member of the board shall be computed after increasing the 33596
dollar amounts specified in ~~division~~ divisions (B) (1) and (2) of 33597
this section by one and three-quarters per cent. 33598

~~Such compensation shall not be less than six thousand
dollars.~~ 33599
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(D) For the purposes of this section, members of boards of 33601
elections shall be deemed to be appointed and not elected, and 33602
therefore not subject to Section 20 of Article II of the Ohio 33603
Constitution. 33604

Sec. 3701.044. When ~~the director of health or department of~~ 33605
~~health is~~ required or authorized to conduct or administer an 33606
examination or evaluation of ~~individuals~~ an individual for the 33607
purpose of determining competency or ~~for the purpose of~~ issuing a 33608
license, certificate, registration, or other authority to practice 33609
or perform duties, the director of health or department of health 33610
may ~~provide for the examination or evaluation by contracting~~ 33611
contract with ~~any public or private~~ an entity to conduct or 33612
administer the examination or evaluation. The contract may 33613
authorize the entity to collect and retain, as all or part of the 33614
entity's compensation under the contract, any fee paid by an 33615
individual for the examination or evaluation. ~~An~~ The entity 33616
~~authorized to collect and retain a fee~~ is not required to deposit 33617
the fee into the state treasury. 33618

The director or department shall post to the department's web 33619
site the dollar amounts for fees described in this section. Any 33620
changes in fee amounts shall be posted to the web site not later 33621
than thirty days before such changes are effective. 33622

Except when considered to be necessary by the director or 33623
department, the director or department shall not disclose test 33624
materials, examinations, or evaluation tools used in any 33625
examination or evaluation the director or department conducts, 33626
administers, or provides for by contract. The test materials, 33627
examinations, and evaluation tools are not public records for the 33628
purpose of section 149.43 of the Revised Code and are not subject 33629

to inspection or copying under section 1347.08 of the Revised Code. 33630
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Sec. 3701.139. (A) Subject to division (B) of this section, 33632
the director of health shall convene meetings with staff of the 33633
department of health, department of medicaid, department of 33634
administrative services, and commission on minority health to do 33635
all of the following: 33636

(1) Assess the prevalence of all types of diabetes in this 33637
state, including disparities in that prevalence among various 33638
demographic populations and local jurisdictions; 33639

(2) Establish and reevaluate goals for each of the agencies 33640
to reduce that prevalence; 33641

(3) Identify how to measure the progress achieved toward 33642
attaining the goals established under division (A)(2) of this 33643
section; 33644

(4) Establish and monitor the implementation of plans for 33645
each agency to reduce the prevalence of all types of diabetes, 33646
improve diabetes care, and control complications associated with 33647
diabetes among the populations of concern to each agency; 33648

(5) Consider any other matter associated with reducing the 33649
prevalence of all types of diabetes in this state that the 33650
director considers appropriate; 33651

(6) Collect the information needed to prepare the reports 33652
required by division (C) of this section. 33653

(B) The director shall convene the meetings required by 33654
division (A) of this section at the director's discretion, but not 33655
less than twice each calendar year. 33656

(C) Not later than the thirty-first day of January of ~~each~~ 33657
~~even-numbered~~ every third year beginning in ~~2018~~ 2021, the 33658
director shall submit a report to the general assembly in 33659

accordance with section 101.68 of the Revised Code that addresses 33660
or contains all of the following for the ~~two-year~~ three-year 33661
period preceding the report's submission: 33662

(1) The results of the assessment required by division (A)(1) 33663
of this section; 33664

(2) The progress each agency has made toward achieving the 33665
goals established under division (A)(2) of this section and 33666
implementing the plans required by division (A)(4) of this 33667
section; 33668

(3) An assessment of the health and financial impacts that 33669
all types of diabetes have had on the state and local 33670
jurisdictions, and, subject to division (D) of this section, each 33671
agency specified in division (A) of this section; 33672

(4) A description of the efforts the agencies specified in 33673
division (A) of this section have taken to coordinate programs 33674
intended to prevent, treat, and manage all types of diabetes and 33675
associated complications; 33676

(5) Recommendations for legislative policies to reduce the 33677
impact that diabetes, pre-diabetes, and complications from 33678
diabetes have on the citizens of this state, including specific 33679
action steps that could be taken, the expected outcomes of the 33680
action steps, and benchmarks for measuring progress toward 33681
achieving the outcomes; 33682

(6) A budget proposal that identifies the needs and resources 33683
required to implement the recommendations described in division 33684
(C)(5) of this section, as well as estimates of the costs to 33685
implement the recommendations; 33686

(7) Any other information concerning diabetes prevention, 33687
treatment, or management in this state that the director considers 33688
appropriate. 33689

(D) An agency-specific assessment required by division (C) of this section shall include all of the following:

(1) A list and description of each diabetes prevention or control program the agency administers, the number of individuals with each type of diabetes and their dependents who are impacted by each program, the expenses associated with administering each program, and the funds appropriated for each program, along with each funding source;

(2) A comparison of the expenses described in division (D)(1) of this section with the expenses the agency incurs in administering programs to reduce the prevalence of other chronic diseases and conditions;

(3) An evaluation of the benefits that have resulted from each program listed pursuant to division (D)(1) of this section.

(E) Nothing in this section requires the agencies specified in division (A) of this section to establish programs for diabetes prevention, treatment, and management that had not been initiated or funded prior to ~~the effective date of this section~~ April 6, 2017.

Sec. 3701.24. (A) As used in this section and sections 3701.241 to 3701.249 of the Revised Code:

(1) "AIDS" means the illness designated as acquired immunodeficiency syndrome.

(2) "HIV" means the human immunodeficiency virus identified as the causative agent of AIDS.

(3) "AIDS-related condition" means symptoms of illness related to HIV infection, including AIDS-related complex, that are confirmed by a positive HIV test.

(4) "HIV test" means any test for the antibody or antigen to HIV that has been approved by the director of health under

- division (B) of section 3701.241 of the Revised Code. 33720
- (5) "Health care facility" has the same meaning as in section 33721
1751.01 of the Revised Code. 33722
- (6) "Director" means the director of health or any employee 33723
of the department of health acting on the director's behalf. 33724
- (7) "Physician" means a person ~~who holds a current, valid~~ 33725
~~certificate issued~~ authorized under Chapter 4731. of the Revised 33726
Code ~~authorizing the~~ to practice of medicine ~~or~~ and surgery ~~and or~~ 33727
osteopathic medicine and surgery. 33728
- (8) "Nurse" means a registered nurse or licensed practical 33729
nurse who holds a license ~~or certificate~~ issued under Chapter 33730
4723. of the Revised Code. 33731
- (9) "Anonymous test" means an HIV test administered so that 33732
the individual to be tested can give informed consent to the test 33733
and receive the results by means of a code system that does not 33734
link the identity of the individual tested to the request for the 33735
test or the test results. 33736
- (10) "Confidential test" means an HIV test administered so 33737
that the identity of the individual tested is linked to the test 33738
but is held in confidence to the extent provided by sections 33739
3701.24 to 3701.248 of the Revised Code. 33740
- (11) "Health care provider" means an individual who provides 33741
diagnostic, evaluative, or treatment services. Pursuant to Chapter 33742
119. of the Revised Code, the director may adopt rules further 33743
defining the scope of the term "health care provider." 33744
- (12) "Significant exposure to body fluids" means a 33745
percutaneous or mucous membrane exposure of an individual to the 33746
blood, semen, vaginal secretions, or spinal, synovial, pleural, 33747
peritoneal, pericardial, or amniotic fluid of another individual. 33748
- (13) "Emergency medical services worker" means all of the 33749

following:	33750
(a) A peace officer;	33751
(b) An employee of an emergency medical service organization as defined in section 4765.01 of the Revised Code;	33752 33753
(c) A firefighter employed by a political subdivision;	33754
(d) A volunteer firefighter, emergency operator, or rescue operator;	33755 33756
(e) An employee of a private organization that renders rescue services, emergency medical services, or emergency medical transportation to accident victims and persons suffering serious illness or injury.	33757 33758 33759 33760
(14) "Peace officer" has the same meaning as in division (A) of section 109.71 of the Revised Code, except that it also includes a sheriff and the superintendent and troopers of the state highway patrol.	33761 33762 33763 33764
(B) Persons designated by rule adopted by the director under section 3701.241 of the Revised Code shall report promptly every case of AIDS, every AIDS-related condition, and every confirmed positive HIV test to the department of health on forms and in a manner prescribed by the director. In each county the director shall designate the health commissioner of a health district in the county to receive the reports.	33765 33766 33767 33768 33769 33770 33771
(C) No person shall fail to comply with the reporting requirements established under division (B) of this section.	33772 33773
(D) Information reported under this section that identifies an individual is confidential and may be released only with the written consent of the individual except as the director determines necessary to ensure the accuracy of the information, as necessary to provide treatment to the individual, as ordered by a court pursuant to section 3701.243 or 3701.247 of the Revised	33774 33775 33776 33777 33778 33779

Code, or pursuant to a search warrant or a subpoena issued by or 33780
at the request of a grand jury, prosecuting attorney, city 33781
director of law or similar chief legal officer of a municipal 33782
corporation, or village solicitor, in connection with a criminal 33783
investigation or prosecution. Information that does not identify 33784
an individual may be released in summary, statistical, or 33785
aggregate form. 33786

Sec. 3701.262. (A) As used in this section: 33787

(1) "Physician" means a person ~~who holds a valid certificate~~ 33788
~~issued~~ authorized under Chapter 4731. of the Revised Code 33789
~~authorizing the person~~ to practice medicine and surgery or 33790
osteopathic medicine and surgery. 33791

(2) "Dentist" means a person who is licensed under Chapter 33792
4715. of the Revised Code to practice dentistry. 33793

(3) "Hospital" has the same meaning as in section 3727.01 of 33794
the Revised Code. 33795

(4) "Cancer" includes those diseases specified by rule of the 33796
director of health under division (B)(2) of this section. 33797

(B) The director of health shall adopt rules in accordance 33798
with Chapter 119. of the Revised Code to do all of the following: 33799

(1) Establish the Ohio cancer incidence surveillance system 33800
required by section 3701.261 of the Revised Code; 33801

(2) Specify the types of cancer and other tumorous and 33802
precancerous diseases to be reported to the department of health 33803
under division (D) of this section; 33804

(3) Establish reporting requirements for information 33805
concerning diagnosed cancer cases as the director considers 33806
necessary to conduct epidemiologic surveys of cancer in this 33807
state; 33808

(4) Establish standards that must be met by research projects 33809
to be eligible to receive information concerning individual cancer 33810
patients from the department of health. 33811

(C) The department of health shall record in the registry all 33812
reports of cancer received by it. In the development and 33813
administration of the cancer registry the department may use 33814
information compiled by public or private cancer registries and 33815
may contract for the collection and analysis of, and research 33816
related to, the information recorded under this section. 33817

(D)(1) Each physician, dentist, hospital, or person providing 33818
diagnostic or treatment services to patients with cancer shall 33819
report each case of cancer to the department. Any person required 33820
to report pursuant to this section may elect to report to the 33821
department through an existing cancer registry if the registry 33822
meets the reporting standards established by the director and 33823
reports to the department. 33824

(2) No person shall fail to make the cancer reports required 33825
by division (D)(1) of this section. 33826

(E) All physicians, dentists, hospitals, or persons providing 33827
diagnostic or treatment services to patients with cancer shall 33828
grant to the department or its authorized representative access to 33829
all records that identify cases of cancer or establish 33830
characteristics of cancer, the treatment of cancer, or the medical 33831
status of any identified cancer patient. 33832

(F) The Arthur G. James cancer hospital and Richard J. Solove 33833
research institute of the Ohio state university, shall analyze and 33834
evaluate the cancer reports collected pursuant to this section. 33835
The department shall publish and make available to the public 33836
reports summarizing the information collected. Reports shall be 33837
made on a calendar year basis and published not later than ninety 33838
days after the end of each calendar year. 33839

(G) Furnishing information, including records, reports, 33840
statements, notes, memoranda, or other information, to the 33841
department of health, either voluntarily or as required by this 33842
section, or to a person or governmental entity designated as a 33843
medical research project by the department, does not subject a 33844
physician, dentist, hospital, or person providing diagnostic or 33845
treatment services to patients with cancer to liability in an 33846
action for damages or other relief for furnishing the information. 33847

(H) This section does not affect the authority of any person 33848
or facility providing diagnostic or treatment services to patients 33849
with cancer to maintain facility-based tumor registries, in 33850
addition to complying with the reporting requirements of this 33851
section. 33852

Sec. 3701.351. (A) The governing body of every hospital shall 33853
set standards and procedures to be applied by the hospital and its 33854
medical staff in considering and acting upon applications for 33855
staff membership or professional privileges. These standards and 33856
procedures shall be available for public inspection. 33857

(B) The governing body of any hospital, in considering and 33858
acting upon applications for staff membership or professional 33859
privileges within the scope of the applicants' respective 33860
licensures, shall not discriminate against a qualified person 33861
solely on the basis of whether that person is ~~certified~~ licensed 33862
to practice medicine, osteopathic medicine, or podiatry, is 33863
licensed to practice dentistry or psychology, or is licensed to 33864
practice nursing as an advanced practice registered nurse. Staff 33865
membership or professional privileges shall be considered and 33866
acted on in accordance with standards and procedures established 33867
under division (A) of this section. This section does not permit a 33868
psychologist to admit a patient to a hospital in violation of 33869
section 3727.06 of the Revised Code. 33870

(C) The governing body of any hospital that is licensed to provide maternity services, in considering and acting upon applications for clinical privileges, shall not discriminate against a qualified person solely on the basis that the person is authorized to practice nurse-midwifery. An application from a certified nurse-midwife who is not employed by the hospital shall contain the name of a physician member of the hospital's medical staff who holds clinical privileges in obstetrics at that hospital and who has agreed to be the collaborating physician for the applicant in accordance with section 4723.43 of the Revised Code.

(D) Any person may apply to the court of common pleas for temporary or permanent injunctions restraining a violation of division (A), (B), or (C) of this section. This action is an additional remedy not dependent on the adequacy of the remedy at law.

(E)(1) If a hospital does not provide or permit the provision of any diagnostic or treatment service for mental or emotional disorders or any other service that may be legally performed by a psychologist licensed under Chapter 4732. of the Revised Code, this section does not require the hospital to provide or permit the provision of any such service and the hospital shall be exempt from requirements of this section pertaining to psychologists.

(2) This section does not impair the right of a hospital to enter into an employment, personal service, or any other kind of contract with a licensed psychologist, upon any such terms as the parties may mutually agree, for the provision of any service that may be legally performed by a licensed psychologist.

Sec. 3701.36. (A) As used in this section and in sections 3701.361 and 3701.362 of the Revised Code, "palliative care" has the same meaning as in section 3712.01 of the Revised Code.

(B) There is hereby created the palliative care and quality

of life interdisciplinary council. Subject to division (C) of this section, members of the council shall be appointed by the director of health and include individuals with expertise in palliative care who represent the following professions or constituencies:

(1) Physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, including those who are board-certified in pediatrics and those who are board-certified in psychiatry, as those designations are issued by a medical specialty certifying board recognized by the American board of medical specialties or American osteopathic association;

(2) Physician assistants licensed under Chapter 4730. of the Revised Code;

(3) Advanced practice registered nurses licensed under Chapter 4723. of the Revised Code who are designated as clinical nurse specialists or certified nurse practitioners;

(4) Registered nurses and licensed practical nurses licensed under Chapter 4723. of the Revised Code;

(5) Pharmacists licensed under Chapter 4729. of the Revised Code;

(6) Psychologists licensed under Chapter 4732. of the Revised Code;

(7) Licensed professional clinical counselors or licensed professional counselors licensed under Chapter 4757. of the Revised Code;

(8) Independent social workers or social workers licensed under Chapter 4757. of the Revised Code;

(9) Marriage and family therapists licensed under Chapter 4757. of the Revised Code;

(10) Child life specialists;

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- (11) Clergy or spiritual advisers; 33932
- (12) Exercise physiologists; 33933
- (13) Health insurers; 33934
- (14) Patients; 33935
- (15) Family caregivers. 33936

The council's membership also may include employees of 33937
agencies of this state that administer programs pertaining to 33938
palliative care or are otherwise concerned with the delivery of 33939
palliative care in this state. 33940

(C) The council's membership shall include individuals who 33941
have worked with various age groups, including children and the 33942
elderly. The council's membership also shall include individuals 33943
who have experience or expertise in various palliative care 33944
delivery models, including acute care, long-term care, hospice 33945
care, home health agency services, home-based care, and spiritual 33946
care. At least two members shall be physicians who are 33947
board-certified in hospice and palliative care by a medical 33948
specialty certifying board recognized by the American board of 33949
medical specialties or American osteopathic association. At least 33950
one member shall be employed as an administrator of a hospital or 33951
system of hospitals in this state or be a professional specified 33952
in divisions (B)(1) to (10) or division (B)(12) of this section 33953
who treats patients as an employee or contractor of such a 33954
hospital or system of hospitals. 33955

Not more than twenty individuals shall serve as members of 33956
the council at any one time. Not more than two members shall be 33957
employed by the same health care facility or provider or practice 33958
at or for the same health care facility or provider. 33959

In making appointments to the council, the director shall 33960
seek to include as members individuals who represent underserved 33961

areas of the state and to have all geographic areas of the state 33962
represented. 33963

(D) The director shall make initial appointments to the 33964
council not later than ninety days after ~~the effective date of~~ 33965
~~this section~~ March 20, 2019. Terms of office shall be three years. 33966
Each member shall hold office from the date of appointment until 33967
the end of the term for which the member was appointed. In the 33968
event of death, removal, resignation, or incapacity of a council 33969
member, the director shall appoint a successor who shall hold 33970
office for the remainder of the term for which the successor's 33971
predecessor was appointed. A member shall continue in office 33972
subsequent to the expiration date of the member's term until the 33973
member's successor takes office or until a period of sixty days 33974
has elapsed, whichever occurs first. 33975

The council shall meet at the call of the director, but not 33976
less than twice annually. The council shall select annually from 33977
among its members a chairperson and vice-chairperson, whose duties 33978
shall be established by the council. 33979

Each member shall serve without compensation, except to the 33980
extent that serving on the council is considered part of the 33981
member's regular employment duties. 33982

(E) The council shall do all of the following: 33983

(1) Consult with and advise the director on matters related 33984
to the establishment, maintenance, operation, and evaluation of 33985
palliative care initiatives in this state; 33986

(2) Consult with the department of health for purposes of its 33987
implementation of section 3701.361 of the Revised Code; 33988

(3) Identify national organizations that have established 33989
standards of practice and best practice models for palliative 33990
care; 33991

(4) Identify initiatives established at the national and state levels aimed at integrating palliative care into the health care system and enhancing the use and development of palliative care; 33992
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(5) Establish guidelines for health care facilities and providers to use under section 3701.362 of the Revised Code in identifying patients and residents who could benefit from palliative care; 33996
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(6) On or before December 31 of each year, prepare and submit to the governor, general assembly, director of health, director of aging, superintendent of insurance, and medicaid director, ~~and executive director of the office of health transformation~~ a report of recommendations for improving the provision of palliative care in this state. 34000
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The council shall submit the report to the general assembly in accordance with section 101.68 of the Revised Code. 34006
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(F) The department of health shall provide to the council the administrative support necessary to execute its duties. At the request of the council, the department shall examine potential sources of funding to assist with any duties described in this section or sections 3701.361 and 3701.362 of the Revised Code. 34008
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(G) The council is not subject to sections 101.82 to 101.87 of the Revised Code. 34013
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Sec. 3701.501. (A)(1) Except as provided in division (A)(2) of this section, all newborn children shall be screened for the presence of the genetic, endocrine, and metabolic disorders specified in rules, adopted pursuant to this section. 34015
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(2) Division (A)(1) of this section does not apply in either of the following circumstances: 34019
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(a) If the parents of the child object to the screening on 34021

the grounds that it conflicts with their religious tenets and 34022
practices; 34023

(b) With respect to the screening for Krabbe disease 34024
described in division (C)(1)(b) of this section, if the parents of 34025
the child communicate their decision to forgo the screening. 34026

(B) There is hereby created the newborn screening advisory 34027
council to advise the director of health regarding the screening 34028
of newborn children for genetic, endocrine, and metabolic 34029
disorders. The council shall engage in an ongoing review of the 34030
newborn screening requirements established under this section and 34031
shall provide recommendations and reports to the director as the 34032
director requests and as the council considers necessary. The 34033
director may assign other duties to the council, as the director 34034
considers appropriate. 34035

The council shall consist of fourteen members appointed by 34036
the director. In making appointments, the director shall select 34037
individuals and representatives of entities with interest and 34038
expertise in newborn screening, including such individuals and 34039
entities as health care professionals, hospitals, children's 34040
hospitals, regional genetic centers, regional sickle cell centers, 34041
newborn screening coordinators, and members of the public. 34042

The department of health shall provide meeting space, staff 34043
services, and other technical assistance required by the council 34044
in carrying out its duties. Members of the council shall serve 34045
without compensation, but shall be reimbursed for their actual and 34046
necessary expenses incurred in attending meetings of the council 34047
or performing assignments for the council. 34048

The council is not subject to sections 101.82 to 101.87 of 34049
the Revised Code. 34050

(C)(1)(a) Subject to division (C)(1)(b) of this section, the 34051
director of health shall adopt rules in accordance with Chapter 34052

119. of the Revised Code specifying the disorders for which each 34053
newborn child must be screened. 34054

(b) In adopting the rules, the director shall specify Krabbe 34055
disease as a disorder for which a newborn child who is born on or 34056
after July 1, 2016, must be screened. ~~The rules shall limit the 34057
screening requirement for Krabbe disease to the process known as 34058
"first tier testing," which is a screening for Krabbe disease that 34059
is accomplished by measuring galactocerebrosidase activity using 34060
mass spectrometry. 34061~~

(2) The newborn screening advisory council shall evaluate 34062
genetic, metabolic, and endocrine disorders to assist the director 34063
in determining which disorders should be included in the 34064
screenings required under this section. In determining whether a 34065
disorder should be included, the council shall consider all of the 34066
following: 34067

(a) The disorder's incidence, mortality, and morbidity; 34068

(b) Whether the disorder causes disability if diagnosis, 34069
treatment, and early intervention are delayed; 34070

(c) The potential for successful treatment of the disorder; 34071

(d) The expected benefits to children and society in relation 34072
to the risks and costs associated with screening for the disorder; 34073

(e) Whether a screening for the disorder can be conducted 34074
without taking an additional blood sample or specimen. 34075

(3) Based on the considerations specified in division (C)(2) 34076
of this section, the council shall make recommendations to the 34077
director of health for the adoption of rules under division (C)(1) 34078
of this section. The director shall promptly and thoroughly review 34079
each recommendation the council submits. 34080

(D) The director shall adopt rules in accordance with Chapter 34081
119. of the Revised Code establishing standards and procedures for 34082

the screenings required by this section. The rules shall include 34083
standards and procedures for all of the following: 34084

(1) Causing rescreenings to be performed when initial 34085
screenings have abnormal results; 34086

(2) Designating the person or persons who will be responsible 34087
for causing screenings and rescreenings to be performed; 34088

(3) Giving to the parents of a child notice of the required 34089
initial screening and the possibility that rescreenings may be 34090
necessary; 34091

(4) Communicating to the parents of a child the results of 34092
the child's screening and any rescreenings that are performed; 34093

(5) Giving notice of the results of an initial screening and 34094
any rescreenings to the person who caused the child to be screened 34095
or rescreened, or to another person or government entity when the 34096
person who caused the child to be screened or rescreened cannot be 34097
contacted; 34098

(6) Referring children who receive abnormal screening or 34099
rescreening results to providers of follow-up services, including 34100
the services made available through funds disbursed under division 34101
(F) of this section. 34102

(E)(1) Except as provided in divisions (E)(2) and (3) of this 34103
section, all newborn screenings required by this section shall be 34104
performed by the public health laboratory authorized under section 34105
3701.22 of the Revised Code. 34106

(2) If the director determines that the public health 34107
laboratory is unable to perform screenings for all of the 34108
disorders specified in the rules adopted under division (C) of 34109
this section, the director shall select another laboratory to 34110
perform the screenings. The director shall select the laboratory 34111
by issuing a request for proposals. The director may accept 34112

proposals submitted by laboratories located outside this state. At 34113
the conclusion of the selection process, the director shall enter 34114
into a written contract with the selected laboratory. If the 34115
director determines that the laboratory is not complying with the 34116
terms of the contract, the director shall immediately terminate 34117
the contract and another laboratory shall be selected and 34118
contracted with in the same manner. 34119

(3) Any rescreening caused to be performed pursuant to this 34120
section may be performed by the public health laboratory or one or 34121
more other laboratories designated by the director. Any laboratory 34122
the director considers qualified to perform rescreenings may be 34123
designated, including a laboratory located outside this state. If 34124
more than one laboratory is designated, the person responsible for 34125
causing a rescreening to be performed is also responsible for 34126
selecting the laboratory to be used. 34127

(F)(1) The director shall adopt rules in accordance with 34128
Chapter 119. of the Revised Code establishing a fee that shall be 34129
charged and collected in addition to or in conjunction with any 34130
laboratory fee that is charged and collected for performing the 34131
screenings required by this section. The fee, which shall be not 34132
less than fourteen dollars, shall be disbursed as follows: 34133

(a) Not less than ten dollars and twenty-five cents shall be 34134
deposited in the state treasury to the credit of the genetics 34135
services fund, which is hereby created. Not less than seven 34136
dollars and twenty-five cents of each fee credited to the genetics 34137
services fund shall be used to defray the costs of the programs 34138
authorized by section 3701.502 of the Revised Code. Not less than 34139
three dollars from each fee credited to the genetics services fund 34140
shall be used to defray costs of phenylketonuria programs. 34141

(b) Not less than three dollars and seventy-five cents shall 34142
be deposited into the state treasury to the credit of the sickle 34143
cell fund, which is hereby created. Money credited to the sickle 34144

cell fund shall be used to defray costs of programs authorized by 34145
section 3701.131 of the Revised Code. 34146

(2) In adopting rules under division (F)(1) of this section, 34147
the director shall not establish a fee that differs according to 34148
whether a screening is performed by the public health laboratory 34149
or by another laboratory selected by the director pursuant to 34150
division (E)(2) of this section. 34151

Sec. 3701.571. (A) The director of health shall adopt rules 34152
pursuant to Chapter 119. of the Revised Code that establish a 34153
graduated system of fines based on the scope and severity of 34154
violations and the history of compliance, not to exceed seven 34155
hundred fifty dollars per incident, and in an adjudication under 34156
Chapter 119. of the Revised Code, may impose a fine against any 34157
person who violates division (C) of section 3701.23, division (C) 34158
of section 3701.232, division (C) of section 3701.24, ~~division (B)~~ 34159
~~of section 3701.25,~~ or division (B) of section 3707.06 of the 34160
Revised Code or against any poison prevention and treatment center 34161
or other health-related entity that fails to comply with division 34162
(C) of section 3701.201 of the Revised Code. 34163

(B) On request of the director, the attorney general shall 34164
bring and prosecute to judgment a civil action to collect any fine 34165
imposed under division (A) of this section that remains unpaid. 34166

(C) All fines collected under this section shall be deposited 34167
into the state treasury to the credit of the general operations 34168
fund created under section 3701.83 of the Revised Code. 34169

Sec. 3701.601. There is hereby created in the state treasury 34170
the breast and cervical cancer project income tax contribution 34171
fund, which shall consist of money contributed to it under section 34172
5747.113 of the Revised Code and of contributions made directly to 34173
it. Any person may contribute directly to the fund in addition to 34174

or independently of the income tax refund contribution system 34175
established in section 5747.113 of the Revised Code. 34176

The director of health shall distribute the contributed funds 34177
to the Ohio breast and cervical cancer project administered under 34178
section 3701.144 of the Revised Code. The contributed funds shall 34179
be used specifically for the provision of breast and cervical 34180
cancer screening, diagnostic, and outreach services to uninsured 34181
and under-insured women who meet the eligibility requirements 34182
specified in that section. The breast and cervical cancer project, 34183
through its regional agencies, shall use the contributed funds to 34184
pay for services provided directly by personnel of ~~local~~ 34185
departments health facilities operated by boards of health, free 34186
clinics as defined in section 3701.071 of the Revised Code, 34187
mammography services providers, radiology services providers, 34188
federally qualified health centers as defined by section 3701.047 34189
of the Revised Code, rural health centers, or other community 34190
health centers. 34191

Sec. 3701.602. (A) As used in this section, "eligible 34192
nonprofit corporation" means a nonprofit corporation that meets 34193
all of the following requirements: 34194

(1) The nonprofit corporation is exempt from federal income 34195
taxation under subsection 501(c)(3) of the Internal Revenue Code. 34196

(2) For at least ten years before ~~the effective date of this~~ 34197
~~section~~ September 29, 2015, the primary purpose of the nonprofit 34198
corporation, or the nonprofit corporation's predecessor in 34199
interest, has been granting the wishes of individuals under the 34200
age of eighteen who have been diagnosed with a life-threatening 34201
medical condition. 34202

(3) The nonprofit corporation has spent at least ~~one million~~ 34203
two hundred fifty thousand dollars per year for each of the last 34204

three years in furtherance of the purpose described in division 34205
(A)(2) of this section. 34206

(B) There is hereby created in the state treasury the wishes 34207
for sick children income tax contribution fund, which shall 34208
consist of money contributed to it under section 5747.113 of the 34209
Revised Code and of contributions made directly to it. Any person 34210
may contribute directly to the fund in addition to or 34211
independently of the income tax refund contribution system 34212
established in section 5747.113 of the Revised Code. 34213

The department of health shall distribute all funds 34214
contributed under this section to an eligible nonprofit 34215
corporation that will use the contributions to grant the wishes of 34216
individuals who are under the age of eighteen, are residents of 34217
this state, and have been diagnosed with a life-threatening 34218
medical condition. Not later than six months after ~~the effective~~ 34219
~~date of this section~~ September 29, 2015, the department shall 34220
develop guidelines under which an eligible nonprofit corporation 34221
may apply to receive funding under this section. 34222

Sec. 3701.611. (A) ~~Not later than six months after April 6,~~ 34223
~~2017, the~~ The department of health ~~and the department of~~ 34224
~~developmental disabilities~~ shall create a central intake and 34225
referral system for ~~the state's part C early intervention services~~ 34226
~~program and~~ all home visiting programs operating in this state. 34227
~~The system shall comply with all regulations governing the part C~~ 34228
~~early intervention program for infants and toddlers with~~ 34229
~~disabilities that are promulgated under the "Individuals with~~ 34230
~~Disabilities Education Act of 1997," 20 U.S.C. 1400, as amended.~~ 34231
Through a competitive bidding process, the department of health 34232
~~and department of developmental disabilities~~ may select one or 34233
more persons or government entities to operate the system. 34234

(B) If the department of health ~~and department of~~ 34235

~~developmental disabilities choose~~ chooses to select one or more 34236
system operators as described in division (A) of this section, a 34237
contract with any system operator shall require that the system do 34238
both of the following: 34239

(1) Serve as a single point of entry for access, assessment, 34240
and referral of families to appropriate home visiting services ~~and~~ 34241
~~part C early intervention services~~ based on each family's location 34242
of residence; 34243

(2) Use a standardized form or other mechanism to assess for 34244
each family member's risk factors and social determinants of 34245
health, as well as ensure that the family is referred to the 34246
appropriate home visiting ~~or part C early intervention~~ program ~~or~~ 34247
service, which may include a program that uses home visiting 34248
contractors who provide services within a community HUB that fully 34249
or substantially complies with the pathways community HUB 34250
certification standards developed by the pathways community HUB 34251
institute. 34252

(C) The standardized form or other mechanism described in 34253
division (B)(2) of this section shall be agreed to by the home 34254
visiting consortium created under section 3701.612 of the Revised 34255
Code ~~and the early intervention services advisory council created~~ 34256
~~under section 5123.0422 of the Revised Code.~~ 34257

(D) A contract entered into under division (B) of this 34258
section shall require a system operator to issue an annual report 34259
to the department of health ~~and department of developmental~~ 34260
~~disabilities~~ that includes data regarding referrals made by the 34261
central intake and referral system, costs associated with the 34262
referrals, and the quality of services received by families who 34263
were referred to services through the system. The report shall be 34264
distributed to the home visiting consortium created under section 34265
3701.612 of the Revised Code ~~and the early intervention services~~ 34266
~~advisory council created under section 5123.0422 of the Revised~~ 34267

Code. 34268

(E) ~~The department of health and department of developmental disabilities shall share any funding made available to each department for local outreach and child find efforts after creating the central intake and referral system described in division (A) of this section.~~ 34269
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~~(F)~~ Nothing in this section is intended to do any of the following: 34274
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(1) Prohibit the department of health ~~or department of developmental disabilities~~ from using alternative promotional materials or names for the central intake and referral system; 34276
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(2) Require the use of help me grow program promotional materials or names; 34279
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(3) Prohibit providers, central coordinators, the department of health, ~~the department of developmental disabilities,~~ or stakeholders from using the help me grow name for promotional materials for ~~both the home visiting and part C early intervention services components.~~ 34281
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Sec. 3701.612. (A) The Ohio home visiting consortium is hereby created. The purpose of the consortium is to ensure that home visiting services provided by home visiting programs operating in this state, as well as home visiting services provided or arranged for by medicaid managed care organizations, are high-quality and delivered through evidence-based or innovative, promising home visiting models, including models used by home visiting contractors who provide services within one or more community HUBs that fully or substantially comply with the pathways community HUB certification standards developed by the pathways community HUB institute. It is the intent of the general assembly that all home visiting services provided in this state do 34286
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both of the following: 34298

(1) Improve health, educational, and social outcomes for expectant and new parents and young children; 34299
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(2) Promote safe, connected families and communities in which children are able to grow up healthy and ready to learn. 34301
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(B)(1) In furtherance of the consortium's purpose, the consortium shall do both of the following: 34303
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(a) Make recommendations to the department of health, department of medicaid, department of mental health and addiction services, and department of developmental disabilities regarding how to leverage all funding sources available for home visiting services, including medicaid, to accomplish both of the following in this state: 34305
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(i) Expand the use of evidence-based home visiting program models, including models used by home visiting contractors who provide services within one or more community HUBs that fully or substantially comply with the pathways community HUB certification standards developed by the pathways community HUB institute; 34311
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(ii) Initiate, as pilot projects, innovative, promising home visiting models. 34316
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(b) Make recommendations to the department of medicaid on the terms to be included in contracts the department enters into with medicaid managed care organizations under section 5167.10 of the Revised Code to ensure that the organizations are providing or arranging for the medicaid recipients enrolled in their ~~organizations~~ medicaid MCO plans, as defined in section 5167.01 of the Revised Code, to receive home visiting services that are delivered as part of the home visiting program models described in divisions (B)(1)(a)(i) and (ii) of this section. 34318
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(2) The consortium may recommend a standardized form or other 34327

mechanism to assess family risk factors and social determinants of health for purposes of the central intake and referral system described in section 3701.611 of the Revised Code. 34328
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(C) The consortium shall consist of the following members: 34331

(1) The director of health or the director's designee; 34332

(2) The medicaid director or the director's designee; 34333

(3) The director of mental health and addiction services or the director's designee; 34334
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(4) The director of developmental disabilities or the director's designee; 34336
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(5) The executive director of the commission on minority health or the executive director's designee; 34338
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(6) A member of the commission on infant mortality who is not a legislator or an individual specified under this division; 34340
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(7) One individual who represents medicaid managed care organizations, recommended by the board of trustees of the Ohio association of health plans; 34342
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(8) One individual who represents county boards of developmental disabilities, recommended by the Ohio association of county boards of developmental disabilities; 34345
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(9) A home visiting contractor who provides services within the help me grow program through a contract, grant, or other agreement with the department of health; 34348
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(10) A home visiting contractor who provides services within one or more community HUBs that fully or substantially comply with the pathways community HUB certification standards developed by the pathways community HUB institute through a contract, grant, or other agreement with the commission on minority health; 34351
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(11) An individual who receives home visiting services from 34356

the help me grow program; 34357

~~(11)~~(12) An individual who receives home visiting services 34358
from a home visiting contractor who provides services within one 34359
or more community HUBs that fully or substantially comply with the 34360
pathways community HUB certification standards developed by the 34361
pathways community HUB institute; 34362

(13) Two members of the senate, one from the majority party 34363
and one from the minority party, each appointed by the senate 34364
president; 34365

~~(12)~~(14) Two members of the house of representatives, one 34366
from the majority party and one from the minority party, each 34367
appointed by the speaker of the house of representatives. 34368

(D) The consortium members described in divisions (C)~~(6)~~ ~~to~~ 34369
~~(11)~~(10) and (12) of this section shall be appointed not later 34370
than thirty days after ~~the effective date of this section~~ the 34371
effective date of this amendment. An appointed member shall hold 34372
office until a successor is appointed. A vacancy shall be filled 34373
in the same manner as the original appointment. 34374

The director of health shall serve as the chairperson of the 34375
consortium. 34376

A member shall serve without compensation except to the 34377
extent that serving on the consortium is considered part of the 34378
member's regular duties of employment. 34379

(E) The consortium shall meet at the call of the director of 34380
health but not less than once each calendar quarter. The 34381
consortium's first meeting shall occur not later than sixty days 34382
after ~~the effective date of this section~~ April 6, 2017. 34383

(F) The department of health shall provide meeting space and 34384
staff and other administrative support for the consortium. 34385

(G) The consortium is not subject to sections 101.82 to 34386

101.87 of the Revised Code.	34387
Sec. 3701.68. (A) As used in this section:	34388
(1) "Academic medical center" means a medical school and its affiliated teaching hospitals.	34389 34390
(2) "State registrar" has the same meaning as in section 3705.01 of the Revised Code.	34391 34392
(B) There is hereby created the commission on infant mortality. The commission shall do all of the following:	34393 34394
(1) Conduct a complete inventory of services provided or administered by the state that are available to address the infant mortality rate in this state;	34395 34396 34397
(2) For each service identified under division (B)(1) of this section, determine both of the following:	34398 34399
(a) The sources of the funds that are used to pay for the service;	34400 34401
(b) Whether the service and its funding sources have a connection with programs provided or administered by local or community-based public or private entities and, to the extent they do not, whether they should.	34402 34403 34404 34405
(3) With assistance from academic medical centers, track and analyze infant mortality rates by county for the purpose of determining the impact of state and local initiatives to reduce those rates.	34406 34407 34408 34409
(C) The commission shall consist of the following members:	34410
(1) Two members of the senate, one from the majority party and one from the minority party, each appointed by the senate president;	34411 34412 34413
(2) Two members of the house of representatives, one from the majority party and one from the minority party, each appointed by	34414 34415

the speaker of the house of representatives;	34416
(3) The executive director of the office of health	34417
transformation or the executive director's <u>governor or the</u>	34418
<u>governor's</u> designee;	34419
(4) The medicaid director or the director's designee;	34420
(5) The director of health or the director's designee;	34421
(6) The director of developmental disabilities or the	34422
director's designee;	34423
(7) The executive director of the commission on minority	34424
health or the executive director's designee;	34425
(8) The attorney general or the attorney general's designee;	34426
(9) A health commissioner of a city or general health	34427
district, appointed by the governor;	34428
(10) A coroner, deputy coroner, or other person who conducts	34429
death scene investigations, appointed by the governor;	34430
(11) An individual who represents the Ohio hospital	34431
association, appointed by the association's president;	34432
(12) An individual who represents the Ohio children's	34433
hospital association, appointed by the association's president;	34434
(13) Two individuals who represent community-based programs	34435
that serve pregnant women or new mothers whose infants tend to be	34436
at a higher risk for infant mortality, appointed by the governor.	34437
(D) The commission members described in divisions (C)(1),	34438
(2), (9), (10), (11), (12), and (13) of this section shall be	34439
appointed not later than thirty days after March 19, 2015. An	34440
appointed <u>commission</u> member shall hold office until a successor is	34441
appointed. A vacancy shall be filled in the same manner as the	34442
original appointment.	34443
From among the members, the president of the senate and	34444

speaker of the house of representatives shall appoint two to serve 34445
as co-chairpersons of the commission. The co-chairpersons, upon 34446
mutual agreement, may appoint additional members to the 34447
commission. 34448

A member shall serve without compensation except to the 34449
extent that serving on the commission is considered part of the 34450
member's regular duties of employment. 34451

(E) The commission may request assistance from the staff of 34452
the legislative service commission. 34453

(F) For purposes of division (B)(3) of this section, the 34454
state registrar shall ensure that the commission and academic 34455
medical centers located in this state have access to any 34456
electronic system of vital records the state registrar or 34457
department of health maintains, including the Ohio public health 34458
information warehouse. Not later than six months after March 19, 34459
2015, the commission on infant mortality shall prepare a written 34460
report of its findings and recommendations concerning the matters 34461
described in division (B) of this section. On completion, the 34462
commission shall submit the report to the governor and, in 34463
accordance with section 101.68 of the Revised Code, the general 34464
assembly. 34465

(G) The president of the senate and speaker of the house of 34466
representatives shall determine the responsibilities of the 34467
commission following submission of the report under division (F) 34468
of this section. 34469

(H) The commission is not subject to sections 101.82 to 34470
101.87 of the Revised Code. 34471

(I) The commission shall provide information to the Ohio 34472
housing finance agency for the purposes of division (A) of section 34473
175.14 of the Revised Code. 34474

~~Sec. 3701.95. (A) As used in this section, "government program providing public benefits" has the same meaning as in section 191.01 of the Revised Code.~~ 34475
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~~(B)~~ The director of health shall identify each government program providing benefits, other than the help me grow program established by the department of health pursuant to section 3701.61 of the Revised Code, that has the goal of reducing infant mortality and negative birth outcomes or the goal of reducing disparities among women who are pregnant or capable of becoming pregnant and who belong to a racial or ethnic minority. A program shall be identified only if it provides education, ~~training~~, and support services related to those goals to program participants in their homes. The director may consult with the Ohio partnership to build stronger families for assistance with identifying the programs. 34478
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~~(C)~~(B) An administrator of a program identified under division ~~(B)~~(A) of this section shall report to the director data on program performance indicators that are used to assess progress toward achieving program goals. The administrator shall report the data in the format and within the time frames specified in rules adopted under division ~~(D)~~(C) of this section. Using the data reported under this division, the director shall prepare an annual report assessing the performance of each government program identified pursuant to division ~~(B)~~(A) of this section during the immediately preceding twelve-month period. In addition, the report shall summarize and provide an analysis of the information contained in the "information for medical and health use only" section of the birth records for individuals born during the prior twelve-month period. 34490
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The director shall provide a copy of the report to the general assembly and the joint medicaid oversight committee. The 34504
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copy to the general assembly shall be provided in accordance with 34506
section 101.68 of the Revised Code. 34507

~~(D)~~(C) The director shall adopt rules specifying program 34508
performance indicators on which data must be reported by the 34509
administrators described in division ~~(C)~~(B) of this section as 34510
well as the format and time frames in which the data must be 34511
reported. To the extent possible, the program performance 34512
indicators specified in the rules shall be consistent with federal 34513
reporting requirements for federally funded home visiting 34514
services. The rules shall be adopted in accordance with Chapter 34515
119. of the Revised Code. 34516

Sec. 3701.99. (A) Whoever violates division (C) of section 34517
3701.23, division (C) of section 3701.232, division (C) of section 34518
3701.24, ~~division (B) of section 3701.25,~~ division (D)(2) of 34519
section 3701.262, or sections 3701.46 to 3701.55 of the Revised 34520
Code is guilty of a minor misdemeanor on a first offense; on each 34521
subsequent offense, the person is guilty of a misdemeanor of the 34522
fourth degree. 34523

(B) Whoever violates section 3701.82 of the Revised Code is 34524
guilty of a misdemeanor of the first degree. 34525

(C) Whoever violates section 3701.352 or 3701.81 of the 34526
Revised Code is guilty of a misdemeanor of the second degree. 34527

Sec. 3702.12. Initial rules for each activity specified in 34528
section 3702.11 of the Revised Code and for each health care 34529
facility ~~listed as defined~~ in ~~division (A)(4) of~~ section 3702.30 34530
of the Revised Code shall be adopted using the procedure 34531
prescribed by this section. 34532

The director of health shall file proposed rules in 34533
accordance with section 119.03 of the Revised Code. If, prior to 34534
expiration of the time for legislative review and invalidation 34535

under division (I) of that section, the joint committee on agency 34536
rule review recommends the adoption of a concurrent resolution 34537
invalidating a proposed rule, the director shall withdraw the 34538
proposed rule, revise it, and refile it as if it were a newly 34539
proposed rule; the director shall not file the proposed rule in 34540
final form. A proposed rule that the director refiles following a 34541
recommendation for a concurrent resolution of invalidation shall 34542
be treated, for purposes of determining the time for legislative 34543
review and invalidation under section 119.03 of the Revised Code, 34544
as if it were a newly proposed rule. If, after filing the revised 34545
proposed rule, the joint committee again recommends the adoption 34546
of a concurrent resolution of invalidation, the director shall 34547
file the revised proposed rule in final form in accordance with 34548
section 111.15 of the Revised Code, and the rule shall take effect 34549
in accordance with that section. 34550

If, prior to expiration of the time for legislative review 34551
and invalidation, the joint committee does not recommend the 34552
adoption of a concurrent resolution invalidating a proposed rule 34553
or revised proposed rule filed in accordance with section 119.03 34554
of the Revised Code, the director shall file the rule in final 34555
form in accordance with section 119.04 of the Revised Code, and 34556
the rule shall take effect in accordance with that section. 34557

Initial rules adopted for each activity specified in section 34558
3702.11 of the Revised Code shall include rules pertaining to all 34559
of the matters required by section 3702.16 of the Revised Code. 34560

Initial rules shall not be adopted as emergency rules. 34561

Sec. 3702.13. After the adoption, in accordance with section 34562
3702.12 of the Revised Code, of initial rules applicable to an 34563
activity specified in section 3702.11 of the Revised Code or a 34564
health care facility listed as defined in ~~division (A)(4) of~~ 34565
section 3702.30 of the Revised Code, any amendments to the rules 34566

applicable to that activity or facility, including enactment of 34567
new rules or amendments or rescissions of existing rules, shall be 34568
adopted in accordance with Chapter 119. of the Revised Code. 34569

Sec. 3702.30. (A) As used in this section: 34570

(1) "Ambulatory surgical facility" means a facility, ~~whether~~ 34571
~~or not part of the same organization as a hospital, that is~~ 34572
~~located in a building distinct from another in which inpatient~~ 34573
~~care is provided~~ surgical services are provided to patients who do 34574
not require hospitalization for inpatient care, the duration of 34575
services for any patient does not extend beyond twenty-four hours 34576
after the patient's admission, and to which any of the following 34577
apply: 34578

(a) ~~Outpatient surgery is routinely performed in the~~ 34579
~~facility, and the facility functions separately from a hospital's~~ 34580
~~inpatient surgical service and from the offices of private~~ 34581
~~physicians, podiatrists, and dentists~~ The surgical services are 34582
provided in a building that is separate from another building in 34583
which inpatient care is provided, regardless of whether the 34584
separate building is part of the same organization as the building 34585
in which inpatient care is provided. 34586

(b) ~~Anesthesia is administered in the facility by an~~ 34587
~~anesthesiologist or certified registered nurse anesthetist, and~~ 34588
~~the facility functions separately from a hospital's inpatient~~ 34589
~~surgical service and from the offices of private physicians,~~ 34590
~~podiatrists, and dentists.~~ 34591

(c) ~~The facility applies to be certified by the United States~~ 34592
~~centers for medicare and medicaid services as an ambulatory~~ 34593
~~surgical center for purposes of reimbursement under Part B of the~~ 34594
~~medicare program, Part B of Title XVIII of the "Social Security~~ 34595
~~Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended.~~ 34596

~~(d) The facility applies to be certified by a national accrediting body approved by the centers for medicare and medicaid services for purposes of deemed compliance with the conditions for participating in the medicare program as an ambulatory surgical center.~~ 34597
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~~(e) The facility bills or receives from any third party payer, governmental health care program, or other person or government entity any ambulatory surgical facility fee that is billed or paid in addition to any fee for professional services. The surgical services are provided within a building in which inpatient care is provided and the entity that operates the portion of the building where the surgical services are provided is not the entity that operates the remainder of the building.~~ 34602
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~~(f)(c) The facility is held out to any person or government entity as an ambulatory surgical facility or similar facility by means of signage, advertising, or other promotional efforts.~~ 34610
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"Ambulatory surgical facility" does not include a hospital emergency department or an office of a physician, podiatrist, or dentist. 34613
34614
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~~(2) "Ambulatory surgical facility fee" means a fee for certain overhead costs associated with providing surgical services in an outpatient setting. A fee is an ambulatory surgical facility fee only if it directly or indirectly pays for costs associated with any of the following:~~ 34616
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34618
34619
34620

~~(a) Use of operating and recovery rooms, preparation areas, and waiting rooms and lounges for patients and relatives;~~ 34621
34622

~~(b) Administrative functions, record keeping, housekeeping, utilities, and rent;~~ 34623
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~~(c) Services provided by nurses, pharmacists, orderlies, technical personnel, and others involved in patient care related to providing surgery.~~ 34625
34626
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~~"Ambulatory surgical facility fee" does not include any additional payment in excess of a professional fee that is provided to encourage physicians, podiatrists, and dentists to perform certain surgical procedures in their office or their group practice's office rather than a health care facility, if the purpose of the additional fee is to compensate for additional cost incurred in performing office-based surgery.~~

~~(3) "Governmental health care program" has the same meaning as in section 4731.65 of the Revised Code.~~

~~(4) "Health care facility" means any of the following:~~

~~(a) An ambulatory surgical facility;~~

~~(b) A freestanding dialysis center;~~

~~(c) A freestanding inpatient rehabilitation facility;~~

~~(d) A freestanding birthing center;~~

~~(e) A freestanding radiation therapy center;~~

~~(f) A freestanding or mobile diagnostic imaging center.~~

~~(5) "Third party payer" has the same meaning as in section 3901.38 of the Revised Code.~~

(B) By rule adopted in accordance with sections 3702.12 and 3702.13 of the Revised Code, the director of health shall establish quality standards for health care facilities. The standards may incorporate accreditation standards or other quality standards established by any entity recognized by the director.

In the case of an ambulatory surgical facility, the standards shall require the ambulatory surgical facility to maintain an infection control program. The purposes of the program are to minimize infections and communicable diseases and facilitate a functional and sanitary environment consistent with standards of professional practice. To achieve these purposes, ambulatory surgical facility staff managing the program shall create and

administer a plan designed to prevent, identify, and manage 34658
infections and communicable diseases; ensure that the program is 34659
directed by a qualified professional trained in infection control; 34660
ensure that the program is an integral part of the ambulatory 34661
surgical facility's quality assessment and performance improvement 34662
program; and implement in an expeditious manner corrective and 34663
preventive measures that result in improvement. 34664

(C) Every ambulatory surgical facility shall require that 34665
each physician who practices at the facility comply with all 34666
relevant provisions in the Revised Code that relate to the 34667
obtaining of informed consent from a patient. 34668

(D) The director shall issue a license to each health care 34669
facility that makes application for a license and demonstrates to 34670
the director that it meets the quality standards established by 34671
the rules adopted under division (B) of this section and satisfies 34672
the informed consent compliance requirements specified in division 34673
(C) of this section. 34674

(E)(1) Except as provided in division (H) of this section and 34675
in section 3702.301 of the Revised Code, no health care facility 34676
shall operate without a license issued under this section. 34677

The general assembly does not intend for the provisions of 34678
this section or section 3702.301 of the Revised Code that 34679
establish health care facility licensing requirements or 34680
exemptions to have an effect on any third-party payments that may 34681
be available for the services provided by either a licensed health 34682
care facility or an entity exempt from licensure. 34683

(2) If the department of health finds that a physician who 34684
practices at a health care facility is not complying with any 34685
provision of the Revised Code related to the obtaining of informed 34686
consent from a patient, the department shall report its finding to 34687
the state medical board, the physician, and the health care 34688

facility. 34689

(3) ~~This division~~ Division (E)(2) of this section does not 34690
create, and shall not be construed as creating, a new cause of 34691
action or substantive legal right against a health care facility 34692
and in favor of a patient who allegedly sustains harm as a result 34693
of the failure of the patient's physician to obtain informed 34694
consent from the patient prior to performing a procedure on or 34695
otherwise caring for the patient in the health care facility. 34696

(F) The rules adopted under division (B) of this section 34697
shall include all of the following: 34698

(1) Provisions governing application for, renewal, 34699
suspension, and revocation of a license under this section; 34700

(2) Provisions governing orders issued pursuant to section 34701
3702.32 of the Revised Code for a health care facility to cease 34702
its operations or to prohibit certain types of services provided 34703
by a health care facility; 34704

(3) Provisions governing the imposition under section 3702.32 34705
of the Revised Code of civil penalties for violations of this 34706
section or the rules adopted under this section, including a scale 34707
for determining the amount of the penalties; 34708

(4) Provisions specifying the form inspectors must use when 34709
conducting inspections of ambulatory surgical facilities. 34710

(G) An ambulatory surgical facility that performs or induces 34711
abortions shall comply with section 3701.791 of the Revised Code. 34712

(H) The following entities are not required to obtain a 34713
license as a freestanding diagnostic imaging center issued under 34714
this section: 34715

(1) A hospital registered under section 3701.07 of the 34716
Revised Code that provides diagnostic imaging; 34717

(2) An entity that is reviewed as part of a hospital 34718

accreditation or certification program and that provides 34719
diagnostic imaging; 34720

(3) An ambulatory surgical facility that provides diagnostic 34721
imaging in conjunction with or during any portion of a surgical 34722
procedure. 34723

Sec. 3702.51. As used in sections 3702.51 to 3702.62 of the 34724
Revised Code: 34725

(A) "Applicant" means any person that submits an application 34726
for a certificate of need and who is designated in the application 34727
as the applicant. 34728

(B) "Person" means any individual, corporation, business 34729
trust, estate, firm, partnership, association, joint stock 34730
company, insurance company, government unit, or other entity. 34731

(C) "Certificate of need" means a written approval granted by 34732
the director of health to an applicant to authorize conducting a 34733
reviewable activity. 34734

(D) "Service area" means the current and projected primary 34735
and secondary service areas to which the long-term care facility 34736
is, or will be, providing long-term care services. 34737

(E) "Primary service area" means the geographic region, 34738
usually comprised of the Ohio zip code in which the long-term care 34739
facility is located and contiguous zip codes, from which 34740
approximately seventy-five to eighty per cent of the facility's 34741
residents currently originate or are expected to originate. 34742

(F) "Secondary service area" means the geographic region, 34743
usually comprised of Ohio zip codes not included in the primary 34744
service area, excluding isolated exceptions, from which the 34745
facility's remaining residents currently originate or are expected 34746
to originate. 34747

(G) "Third-party payer" means a health insuring corporation 34748

licensed under Chapter 1751. of the Revised Code, a health 34749
maintenance organization as defined in division (I) of this 34750
section, an insurance company that issues sickness and accident 34751
insurance in conformity with Chapter 3923. of the Revised Code, a 34752
state-financed health insurance program under Chapter 3701. or 34753
4123. of the Revised Code, the medicaid program, or any 34754
self-insurance plan. 34755

(H) "Government unit" means the state and any county, 34756
municipal corporation, township, or other political subdivision of 34757
the state, or any department, division, board, or other agency of 34758
the state or a political subdivision. 34759

(I) "Health maintenance organization" means a public or 34760
private organization organized under the law of any state that is 34761
qualified under section 1310(d) of Title XIII of the "Public 34762
Health Service Act," 87 Stat. 931 (1973), 42 U.S.C. 300e-9. 34763

(J) "Existing long-term care facility" means either of the 34764
following: 34765

(1) A long-term care facility that is licensed or otherwise 34766
authorized to operate in this state in accordance with applicable 34767
law, including a county home or a county nursing home that is 34768
certified under Title XVIII or Title XIX of the "Social Security 34769
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, is staffed 34770
and equipped to provide long-term care services, and is actively 34771
providing long-term care services; 34772

(2) A long-term care facility that is licensed or otherwise 34773
authorized to operate in this state in accordance with applicable 34774
law, including a county home or a county nursing home that is 34775
certified under Title XVIII or Title XIX of the "Social Security 34776
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, or that has 34777
beds registered under section 3701.07 of the Revised Code as 34778
skilled nursing beds or long-term care beds and has provided 34779

long-term care services for at least three hundred sixty-five 34780
consecutive days within the twenty-four months immediately 34781
preceding the date a certificate of need application is filed with 34782
the director of health. 34783

(K) "State" means the state of Ohio, including, but not 34784
limited to, the general assembly, the supreme court, the offices 34785
of all elected state officers, and all departments, boards, 34786
offices, commissions, agencies, institutions, and other 34787
instrumentalities of the state of Ohio. "State" does not include 34788
political subdivisions. 34789

(L) "Political subdivision" means a municipal corporation, 34790
township, county, school district, and all other bodies corporate 34791
and politic responsible for governmental activities only in 34792
geographic areas smaller than that of the state to which the 34793
sovereign immunity of the state attaches. 34794

(M) "Affected person" means: 34795

(1) An applicant for a certificate of need, including an 34796
applicant whose application was reviewed comparatively with the 34797
application in question; 34798

(2) The person that requested the reviewability ruling in 34799
question; 34800

(3) Any person that resides or regularly uses long-term care 34801
facilities within the service area served or to be served by the 34802
long-term care services that would be provided under the 34803
certificate of need or reviewability ruling in question; 34804

(4) Any long-term care facility that is located in the 34805
service area where the long-term care services would be provided 34806
under the certificate of need or reviewability ruling in question; 34807

(5) Third-party payers that reimburse long-term care 34808
facilities for services in the service area where the long-term 34809

care services would be provided under the certificate of need or 34810
reviewability ruling in question. 34811

(N) "Long-term care facility" means, ~~except as provided in~~ 34812
~~section 3702.594 of the Revised Code,~~ any of the following: 34813

(1) A nursing home licensed under section 3721.02 of the 34814
Revised Code or by a political subdivision certified under section 34815
3721.09 of the Revised Code; 34816

(2) The portion of any facility, including a county home or 34817
county nursing home, that is certified as a skilled nursing 34818
facility or a nursing facility under Title XVIII or XIX of the 34819
"Social Security Act"; 34820

(3) The portion of any hospital that contains beds registered 34821
under section 3701.07 of the Revised Code as skilled nursing beds 34822
or long-term care beds. 34823

(O) "Long-term care bed" or "bed" means a bed that is 34824
categorized as one of the following: 34825

(1) A bed that is located in a facility that is a nursing 34826
home licensed under section 3721.02 of the Revised Code or a 34827
facility licensed by a political subdivision certified under 34828
section 3721.09 of the Revised Code and is included in the 34829
authorized maximum licensed capacity of the facility; 34830

(2) A bed that is located in the portion of any facility, 34831
including a county home or county nursing home, that is certified 34832
as a skilled nursing facility under the medicare program or a 34833
nursing facility under the medicaid program and is included in the 34834
authorized maximum certified capacity of that portion of the 34835
facility; 34836

(3) A bed that is registered under section 3701.07 of the 34837
Revised Code as a skilled nursing bed, a long-term care bed, or a 34838
special skilled nursing bed; 34839

(4) A bed in a county home or county nursing home that has
been certified under section 5155.38 of the Revised Code as having
been in operation on July 1, 1993, and is eligible for licensure
as a nursing home bed;

(5) A bed held as an approved bed under a certificate of need
approved by the director.

A bed cannot simultaneously be both a bed described in
division (O)(1), (2), (3), or (4) of this section and a bed
described in division (O)(5) of this section.

(P) "Reviewability ruling" means a ruling issued by the
director of health under division (A) of section 3702.52 of the
Revised Code as to whether a particular proposed project is or is
not a reviewable activity.

(Q) "County nursing home" has the same meaning as in section
5155.31 of the Revised Code.

(R) "Principal participant" means both of the following:

(1) A person who has an ownership or controlling interest of
at least five per cent in an applicant, in a long-term care
facility that is the subject of an application for a certificate
of need, or in the owner or operator of the applicant or such a
facility;

(2) An officer, director, trustee, or general partner of an
applicant, of a long-term care facility that is the subject of an
application for a certificate of need, or of the owner or operator
of the applicant or such a facility.

(S) "Actual harm but not immediate jeopardy deficiency" means
a deficiency that, under 42 C.F.R. 488.404, either constitutes a
pattern of deficiencies resulting in actual harm that is not
immediate jeopardy or represents widespread deficiencies resulting
in actual harm that is not immediate jeopardy.

(T) "Immediate jeopardy deficiency" means a deficiency that, 34870
under 42 C.F.R. 488.404, either constitutes a pattern of 34871
deficiencies resulting in immediate jeopardy to resident health or 34872
safety or represents widespread deficiencies resulting in 34873
immediate jeopardy to resident health or safety. 34874

(U) "Existing bed" or "existing long-term care bed" means a 34875
bed from an existing long-term care facility, a bed described in 34876
division (O)(5) of this section, or a bed correctly reported as a 34877
long-term care bed pursuant to section 5155.38 of the Revised 34878
Code. 34879

Sec. 3702.52. The director of health shall administer a state 34880
certificate of need program in accordance with sections 3702.51 to 34881
3702.62 of the Revised Code and rules adopted under those 34882
sections. Administration of the program shall include both a 34883
standard review process and an expedited review process. 34884

(A) The director shall issue rulings on whether a particular 34885
proposed project is a reviewable activity. The director shall 34886
issue a ruling not later than forty-five days after receiving a 34887
request for a ruling accompanied by the information needed to make 34888
the ruling, except that if an expedited review is requested, the 34889
ruling shall be issued not later than thirty days after receiving 34890
the request for a ruling accompanied by the information needed to 34891
make the ruling. If the director does not issue a ruling in the 34892
required time, the project shall be considered to have been ruled 34893
not a reviewable activity. 34894

(B)(1) Each application for a certificate of need shall be 34895
submitted to the director on forms and in the manner prescribed by 34896
the director. An application for which expedited review is 34897
requested must meet the same requirements as all other 34898
applications. 34899

Each application shall include a plan for obligating the 34900

capital expenditures or implementing the proposed project on a 34901
timely basis in accordance with section 3702.524 of the Revised 34902
Code. Each application shall also include all other information 34903
required by rules adopted under division (B) of section 3702.57 of 34904
the Revised Code. 34905

(2) Each application shall be accompanied by the application 34906
fee established in rules adopted under division (G) of section 34907
3702.57 of the Revised Code. Application fees received by the 34908
director under this division shall be deposited into the state 34909
treasury to the credit of the certificate of need fund, which is 34910
hereby created. The director shall use the fund only to pay the 34911
costs of administering sections 3702.11 to 3702.20, 3702.30, and 34912
3702.51 to 3702.62 of the Revised Code and rules adopted under 34913
those sections. An application fee is nonrefundable unless the 34914
director determines that the application cannot be accepted. 34915

(3) The director shall review applications for certificates 34916
of need. As part of a review, the director shall determine whether 34917
an application is complete. The director shall not consider an 34918
application to be complete unless the application meets all 34919
criteria for a complete application specified in rules adopted 34920
under section 3702.57 of the Revised Code. For an application 34921
being considered under the standard review process, the director 34922
shall mail to the applicant a written notice that the application 34923
is complete, or a written request for additional information, not 34924
later than thirty days after receiving an application or a 34925
response to an earlier request for information. For an application 34926
for which expedited review is requested, the director's notice or 34927
request shall be mailed not later than fourteen days after the 34928
director receives the application or a response to an earlier 34929
request for information. Except as provided in section 3702.522 of 34930
the Revised Code, the director shall not make more than two 34931
requests for additional information. ~~The~~ For either the standard 34932

or expedited review process, the director shall make a final 34933
determination regarding an application's completeness and issue a 34934
notice of the determination not later than one hundred eighty days 34935
after the date the director received the initial application. 34936

The director's determination that an application is not 34937
complete is final and not subject to appeal. 34938

(4) Except as necessary to comply with a subpoena issued 34939
under division (F) of this section, after a notice of completeness 34940
has been received, no person shall make revisions to information 34941
that was submitted to the director before the director mailed the 34942
notice of completeness or knowingly discuss in person or by 34943
telephone the merits of the application with the director. A 34944
person may supplement an application after a notice of 34945
completeness has been received by submitting clarifying 34946
information to the director. 34947

(C) All of the following apply to the process of granting or 34948
denying a certificate of need: 34949

(1) If the project proposed in a certificate of need 34950
application meets all of the applicable certificate of need 34951
criteria for approval under sections 3702.51 to 3702.62 of the 34952
Revised Code and the rules adopted under those sections, the 34953
director shall grant a certificate of need for all or part of the 34954
project that is the subject of the application by the applicable 34955
deadline specified in division (C)(4) of this section or any 34956
extension of it under division (C)(5) of this section. 34957

(2) The director's grant of a certificate of need does not 34958
affect, and sets no precedent for, the director's decision to 34959
grant or deny other applications for similar reviewable 34960
activities. 34961

(3) Any affected person may submit written comments regarding 34962
an application. The director shall consider all written comments 34963

received by the forty-fifth day after the application is submitted 34964
to the director, except that to be considered in an expedited 34965
review, written comments must be received by the twenty-first day 34966
after the application is submitted. 34967

(4) Except as provided in division (C)(5) of this section, 34968
the director shall grant or deny certificate of need applications 34969
not later than sixty days after mailing the notice of completeness 34970
unless the application is receiving expedited review. If the 34971
application is receiving expedited review, the director shall 34972
grant or deny the application not later than forty-five days after 34973
mailing the notice of completeness. 34974

(5) Except as otherwise provided in division (C)(6) of this 34975
section, the director or the applicant may extend the deadline 34976
prescribed in division (C)(4) of this section once, for no longer 34977
than thirty days, by written notice before the end of the deadline 34978
prescribed by division (C)(4) of this section. An extension by the 34979
director under division (C)(5) of this section shall apply to all 34980
applications that are in comparative review. 34981

(6) No applicant in a comparative review may extend the 34982
deadline specified in division (C)(4) of this section. 34983

(7) If the director does not grant or deny the certificate by 34984
the applicable deadline specified in division (C)(4) of this 34985
section or any extension of it under division (C)(5) of this 34986
section, the certificate shall be considered to have been granted. 34987

(8) In granting a certificate of need, the director shall 34988
specify as the maximum capital expenditure the certificate holder 34989
may obligate under the certificate a figure equal to one hundred 34990
ten per cent of the approved project cost. 34991

(9) In granting a certificate of need, the director may grant 34992
the certificate with conditions that must be met by the holder of 34993
the certificate. 34994

(D) When a certificate of need is granted for a project under 34995
which beds are to be relocated, upon completion of the project for 34996
which the certificate of need was granted a number of beds equal 34997
to the number of beds relocated shall cease to be operated in the 34998
long-term care facility from which they are relocated, except that 34999
the beds may continue to be operated for not more than fifteen 35000
days to allow relocation of residents to the facility to which the 35001
beds have been relocated. Notwithstanding section 3721.03 of the 35002
Revised Code, if the relocated beds are in a home licensed under 35003
Chapter 3721. of the Revised Code, the facility's license is 35004
automatically reduced by the number of beds relocated effective 35005
fifteen days after the beds are relocated. If the beds are in a 35006
facility that is certified as a skilled nursing facility or 35007
nursing facility under Title XVIII or XIX of the "Social Security 35008
Act," the certification for the beds shall be surrendered. If the 35009
beds are registered under section 3701.07 of the Revised Code as 35010
skilled nursing beds or long-term care beds, the director shall 35011
remove the beds from registration not later than fifteen days 35012
after the beds are relocated. 35013

(E) During the period beginning with the granting of a 35014
certificate of need and ending five years after implementation of 35015
the reviewable activity for which the certificate was granted, the 35016
director shall monitor the activities of the person granted the 35017
certificate to determine whether the reviewable activity is 35018
conducted in substantial accordance with the certificate. A 35019
reviewable activity shall not be determined to be not in 35020
substantial accordance with the certificate of need solely because 35021
of either of the following: 35022

(1) A decrease in bed capacity; 35023

(2) A change in the owner or operator of the facility unless 35024
any of the circumstances specified in division (B) of section 35025
3702.59 of the Revised Code apply to the new owner or operator. 35026

(F) When reviewing applications for certificates of need, 35027
considering appeals under section 3702.60 of the Revised Code, or 35028
monitoring activities of persons granted certificates of need, the 35029
director may issue and enforce, in the manner provided in section 35030
119.09 of the Revised Code, subpoenas and subpoenas duces tecum to 35031
compel a person to testify and produce documents relevant to 35032
review of the application, consideration of the appeal, or 35033
monitoring of the activities. In addition, the director or the 35034
director's designee may visit the sites where the activities are 35035
or will be conducted. 35036

(G) The director may withdraw certificates of need. 35037

(H) All long-term care facilities shall submit to the 35038
director, upon request, any information prescribed by rules 35039
adopted under division (H) of section 3702.57 of the Revised Code 35040
that is necessary to conduct reviews of certificate of need 35041
applications and to develop criteria for reviews. 35042

(I) Any decision to grant or deny a certificate of need shall 35043
consider the special needs and circumstances resulting from moral 35044
and ethical values and the free exercise of religious rights of 35045
long-term care facilities administered by religious organizations, 35046
and the special needs and circumstances of inner city and rural 35047
communities. 35048

Sec. 3702.57. (A) The director of health shall adopt rules 35049
establishing procedures and criteria for reviews of applications 35050
for certificates of need and issuance, denial, or withdrawal of 35051
certificates. 35052

(1) In adopting rules that establish criteria for reviews of 35053
applications of certificates of need, the director shall consider 35054
the availability of and need for long-term care beds to provide 35055
care and treatment to persons diagnosed as having traumatic brain 35056
injuries and shall prescribe criteria for reviewing applications 35057

that propose to add long-term care beds to provide care and 35058
treatment to persons diagnosed as having traumatic brain injuries. 35059

(2) The criteria for reviews of applications for certificates 35060
of need shall relate to the need for the reviewable activity and 35061
shall pertain to all of the following matters: 35062

(a) The impact of the reviewable activity on the cost and 35063
quality of long-term care services in the relevant service area, 35064
including, but not limited, to the historical and projected 35065
utilization of the services to which the application pertains and 35066
the effect of the reviewable activity on utilization of other 35067
providers of similar services; 35068

(b) The quality of the services to be provided as the result 35069
of the activity, as evidenced by the historical performance of the 35070
persons that will be involved in providing the services and by the 35071
provisions that are proposed in the application to ensure quality, 35072
including but not limited to adequate available personnel, 35073
available ancillary and support services, available equipment, 35074
size and configuration of physical plant, and relations with other 35075
providers; 35076

(c) The impact of the reviewable activity on the availability 35077
and accessibility of the type of services proposed in the 35078
application to the population of the relevant service area, and 35079
the level of access to the services proposed in the application 35080
that will be provided to medically underserved individuals such as 35081
recipients of public assistance and individuals who have no health 35082
insurance or whose health insurance is insufficient; 35083

(d) The activity's short- and long-term financial feasibility 35084
and cost-effectiveness, the impact of the activity on the 35085
applicant's costs and charges, and a comparison of the applicant's 35086
costs and charges with those of providers of similar services in 35087
the applicant's proposed service area; 35088

(e) The advantages, disadvantages, and costs of alternatives to the reviewable activity;	35089 35090
(f) The impact of the activity on all other providers of similar services in the relevant service area, including the impact on their utilization, market share, and financial status;	35091 35092 35093
(g) The historical performance of the applicant and related or affiliated parties in complying with previously granted certificates of need and any applicable certification, accreditation, or licensure requirements;	35094 35095 35096 35097
(h) The historical performance of the applicant and related or affiliated parties in providing cost-effective long-term care services;	35098 35099 35100
(i) The special needs and circumstances of the applicant or population proposed to be served by the proposed project, including research activities, prevalence of particular diseases, unusual demographic characteristics, cost-effective contractual affiliations, and other special circumstances;	35101 35102 35103 35104 35105
(j) The appropriateness of the zoning status of the proposed site of the activity;	35106 35107
(k) The participation by the applicant in research conducted by the United States food and drug administration or clinical trials sponsored by the national institutes of health.	35108 35109 35110
(3) The criteria for reviews of applications shall include a formula for determining each county's long-term care bed need for purposes of section 3702.593 of the Revised Code and may include other formulas for determining need for beds.	35111 35112 35113 35114
Any rules prescribing criteria that establish ratios of beds to population shall specify the bases for establishing the ratios or mitigating factors or exceptions to the ratios.	35115 35116 35117
(B) The director shall adopt rules specifying all of the	35118

following:	35119
(1) Information that must be provided in applications for certificates of need;	35120 35121
(2) Procedures for reviewing applications for completeness of information;	35122 35123
(3) Criteria for determining that the application is complete;	35124 35125
<u>(4) Procedures for making a final determination regarding an application's completeness and issuing a notice of the determination in accordance with division (B)(3) of section 3702.52 of the Revised Code.</u>	35126 35127 35128 35129
(C) The director shall adopt rules specifying requirements that holders of certificates of need must meet in order for the certificates to remain valid and establishing definitions and requirements for obligation of capital expenditures and implementation of projects authorized by certificates of need.	35130 35131 35132 35133 35134
(D) The director shall adopt rules establishing criteria and procedures under which the director of health may withdraw a certificate of need if the holder fails to meet requirements for continued validity of the certificate.	35135 35136 35137 35138
(E) The director shall adopt rules establishing procedures under which the department of health shall monitor project implementation activities of holders of certificates of need. The rules adopted under this division also may establish procedures for monitoring implementation activities of persons that have received nonreviewability rulings.	35139 35140 35141 35142 35143 35144
(F) The director shall adopt rules establishing procedures under which the director of health shall review certificates of need whose holders exceed or appear likely to exceed an expenditure maximum specified in a certificate.	35145 35146 35147 35148

(G) The director shall adopt rules establishing certificate 35149
of need application fees sufficient to pay the costs incurred by 35150
the department for administering sections 3702.51 to 3702.62 of 35151
the Revised Code. Unless rules are adopted under this division 35152
establishing different application fees, the application fee for a 35153
project not involving a capital expenditure shall be three 35154
thousand dollars and the application fee for a project involving a 35155
capital expenditure shall be nine-tenths of one per cent of the 35156
capital expenditure proposed subject to a minimum of three 35157
thousand dollars and a maximum of twenty thousand dollars. 35158

(H) The director shall adopt rules specifying information 35159
that is necessary to conduct reviews of certificate of need 35160
applications and to develop criteria for reviews that long-term 35161
care facilities are to submit to the director under division (H) 35162
of section 3702.52 of the Revised Code. 35163

(I) The director shall adopt rules defining "affiliated 35164
person," "related person," and "ultimate controlling interest" for 35165
purposes of section 3702.523 of the Revised Code. 35166

(J) The director shall adopt rules prescribing requirements 35167
for holders of certificates of need to demonstrate to the director 35168
under section 3702.525 of the Revised Code that reasonable 35169
progress is being made toward completion of the reviewable 35170
activity and establishing standards by which the director shall 35171
determine whether reasonable progress is being made. 35172

(K) The director shall adopt rules establishing procedures 35173
for providing administrative reviews for purposes of appeals made 35174
under division (A) of section 3702.60 of the Revised Code. 35175

(L) The director shall adopt all rules under divisions (A) to 35176
~~(J)~~(K) of this section in accordance with Chapter 119. of the 35177
Revised Code. The director may adopt other rules as necessary to 35178
carry out the purposes of sections 3702.51 to 3702.62 of the 35179

Revised Code. 35180

Sec. 3702.59. (A) The director of health shall accept for 35181
review certificate of need applications as provided in sections 35182
3702.592, and 3702.593, ~~and 3702.594~~ of the Revised Code. 35183

(B)(1) The director shall not approve an application for a 35184
certificate of need for the addition of long-term care beds to an 35185
existing long-term care facility or for the development of a new 35186
long-term care facility if any of the following apply: 35187

(a) The existing long-term care facility in which the beds 35188
are being placed has one or more waivers for life safety code 35189
deficiencies, one or more state fire code violations, or one or 35190
more state building code violations, and the project identified in 35191
the application does not propose to correct all life safety code 35192
deficiencies for which a waiver has been granted, all state fire 35193
code violations, and all state building code violations at the 35194
existing long-term care facility in which the beds are being 35195
placed; 35196

(b) During the sixty-month period preceding the filing of the 35197
application, a notice of proposed license revocation was issued 35198
under section 3721.03 of the Revised Code for the existing 35199
long-term care facility in which the beds are being placed or a 35200
nursing home owned or operated by the applicant or a principal 35201
participant, unless in the case of such a nursing home ~~the~~ either 35202
of the following applies: 35203

(i) The notice was issued solely because the nursing home had 35204
already closed or ceased operations; 35205

(ii) The department of health did not provide the owner of 35206
the nursing home with copies of the inspection or survey reports 35207
giving rise to the proposed license revocation before the notice 35208
was issued. 35209

(c) During the period that precedes the filing of the application and is encompassed by the three most recent standard surveys of the existing long-term care facility in which the beds are being placed, any of the following occurred:	35210 35211 35212 35213
(i) The facility was cited on three or more separate occasions for final, nonappealable actual harm but not immediate jeopardy deficiencies.	35214 35215 35216
(ii) The facility was cited on two or more separate occasions for final, nonappealable immediate jeopardy deficiencies.	35217 35218
(iii) The facility was cited on two separate occasions for final, nonappealable actual harm but not immediate jeopardy deficiencies and on one occasion for a final, nonappealable immediate jeopardy deficiency.	35219 35220 35221 35222
(d) More than two nursing homes owned or operated in this state by the applicant or a principal participant or, if the applicant or a principal participant owns or operates more than twenty nursing homes in this state, more than ten per cent of those nursing homes, were each cited during the period that precedes the filing of the application for the certificate of need and is encompassed by the three most recent standard surveys of the nursing homes that were so cited in any of the following manners:	35223 35224 35225 35226 35227 35228 35229 35230 35231
(i) On three or more separate occasions for final, nonappealable actual harm but not immediate jeopardy deficiencies;	35232 35233
(ii) On two or more separate occasions for final, nonappealable immediate jeopardy deficiencies;	35234 35235
(iii) On two separate occasions for final, nonappealable actual harm but not immediate jeopardy deficiencies and on one occasion for a final, nonappealable immediate jeopardy deficiency.	35236 35237 35238
(2) In applying divisions (B)(1)(a) to (d) of this section,	35239

the director shall not consider deficiencies or violations cited 35240
before the applicant or a principal participant acquired or began 35241
to own or operate the long-term care facility at which the 35242
deficiencies or violations were cited. The director may disregard 35243
deficiencies and violations cited after the long-term care 35244
facility was acquired or began to be operated by the applicant or 35245
a principal participant if the deficiencies or violations were 35246
attributable to circumstances that arose under the previous owner 35247
or operator and the applicant or principal participant has 35248
implemented measures to alleviate the circumstances. In the case 35249
of an application proposing development of a new long-term care 35250
facility by relocation of beds, the director shall not consider 35251
deficiencies or violations that were solely attributable to the 35252
physical plant of the existing long-term care facility from which 35253
the beds are being relocated. 35254

(C) The director also shall accept for review any application 35255
for the conversion of infirmary beds to long-term care beds if the 35256
infirmary meets all of the following conditions: 35257

(1) Is operated exclusively by a religious order; 35258

(2) Provides care exclusively to members of religious orders 35259
who take vows of celibacy and live by virtue of their vows within 35260
the orders as if related; 35261

(3) Was providing care exclusively to members of such a 35262
religious order on January 1, 1994. 35263

(D) Notwithstanding division (C)(2) of this section, a 35264
facility that has been granted a certificate of need under 35265
division (C) of this section may provide care to any of the 35266
following family members of the individuals described in division 35267
(C)(2) of this section: mothers, fathers, brothers, sisters, 35268
brothers-in-law, sisters-in-law, or children. Such a facility may 35269
also provide care to any individual who has been designated an 35270

associate member by the religious order that operates the 35271
facility. 35272

The long-term care beds in a facility that have been granted 35273
a certificate of need under division (C) of this section may not 35274
be relocated pursuant to sections 3702.592 ~~to 3702.594~~ and 35275
3702.593 of the Revised Code. 35276

Sec. 3702.593. (A) At the times specified in this section, 35277
the director of health shall accept, for review under section 35278
3702.52 of the Revised Code, certificate of need applications for 35279
any of the following purposes if the proposed increase in beds is 35280
attributable solely to relocation of existing beds from an 35281
existing long-term care facility in a county with excess beds to a 35282
long-term care facility in a county in which there are fewer 35283
long-term care beds than the county's bed need: 35284

(1) Approval of beds in a new long-term care facility or an 35285
increase of beds in an existing long-term care facility if the 35286
beds are proposed to be licensed as nursing home beds under 35287
Chapter 3721. of the Revised Code; 35288

(2) Approval of beds in a new county home or new county 35289
nursing home, or an increase of beds in an existing county home or 35290
existing county nursing home if the beds are proposed to be 35291
certified as skilled nursing facility beds under the medicare 35292
program, Title XVIII of the "Social Security Act," 49 Stat. 286 35293
(1965), 42 U.S.C. 1395, as amended, or nursing facility beds under 35294
the medicaid program, Title XIX of the "Social Security Act," 49 35295
Stat. 286 (1965), 42 U.S.C. 1396, as amended; 35296

(3) An increase of hospital beds registered pursuant to 35297
section 3701.07 of the Revised Code as long-term care beds. 35298

(B) For the purpose of implementing this section, the 35299
director shall do all of the following: 35300

(1) Not later than April 1, 2012, and every four years 35301
thereafter, determine the long-term care bed supply for each 35302
county, which shall consist of all of the following: 35303

(a) Nursing home beds licensed under Chapter 3721. of the 35304
Revised Code; 35305

(b) Beds certified as skilled nursing facility beds under the 35306
medicare program or nursing facility beds under the medicaid 35307
program; 35308

(c) Beds in any portion of a hospital that are properly 35309
registered under section 3701.07 of the Revised Code as skilled 35310
nursing beds, long-term care beds, or special skilled nursing 35311
beds; 35312

(d) Beds in a county home or county nursing home that are 35313
certified under section 5155.38 of the Revised Code as having been 35314
in operation on July 1, 1993, and are eligible for licensure as 35315
nursing home beds; 35316

(e) Beds described in division (O)(5) of section 3702.51 of 35317
the Revised Code. 35318

(2) Determine the long-term care bed occupancy rate for the 35319
state at the time the determination is made; 35320

(3) For each county, determine the county's bed need by 35321
identifying the number of long-term care beds that would be needed 35322
in the county in order for the statewide occupancy rate for a 35323
projected population aged sixty-five and older to be ninety per 35324
cent. 35325

In determining each county's bed need, the director shall use 35326
the formula developed in rules adopted under section 3702.57 of 35327
the Revised Code. A determination shall be made every four years. 35328
After each determination is made, the director shall publish the 35329
county's bed need on the web site maintained by the department of 35330

health. 35331

(C) The director's consideration of a certificate of need 35332
that would increase the number of beds in a county shall be 35333
consistent with the county's bed need determined under division 35334
(B) of this section ~~except as follows:~~ 35335

~~(1) If a county's occupancy rate is less than eighty five per 35336
cent, the county shall be considered to have no need for 35337
additional beds. 35338~~

~~(2) Even if a county is determined not to need any additional 35339
long term care beds, the director may approve an increase in beds 35340
equal to up to ten per cent of the county's bed supply if the 35341
county's occupancy rate is greater than ninety per cent. 35342~~

(D)(1) The review period for the first review process shall 35343
begin July 1, 2010, and end June 30, 2012. The next review period 35344
shall begin July 1, 2012, and end June 30, 2016. Thereafter, the 35345
review period for each comparative review process shall begin on 35346
the first day of July following the end of the previous review 35347
period and shall be four years. 35348

(2) ~~Certificate~~ Except as provided in division (D)(3) of this 35349
section, certificate of need applications shall be accepted during 35350
the first month of the review period and reviewed through the 35351
thirtieth day of April of the following year. 35352

~~(3) Except for the first review period after October 16, 35353
2009, each review period may consist of two phases. The first 35354
phase of the review period shall be the period during which the 35355
director accepts and reviews certificate of need applications as 35356
provided in division (D)(2) of this section. If the director 35357
determines that there will be acceptance and review of additional 35358
certificate of need applications, the second phase of the review 35359
period shall begin on the first day of July of the third year of 35360
the review period. The second phase shall be limited to acceptance 35361~~

~~and review of applications for redistribution of beds made~~ 35362
~~available pursuant to division (I) of this section. During the~~ 35363
~~period between the first and second phases of the review period,~~ 35364
~~the director shall act in accordance with division (I) of this~~ 35365
section The director shall accept certificate of need applications 35366
from January 1, 2020, through January 31, 2020. 35367

(E) The director shall consider certificate of need 35368
applications in accordance with all of the following: 35369

(1) The number of beds approved for a county shall include 35370
only beds available for relocation from another county and shall 35371
not exceed the bed need of the receiving county; 35372

(2) The director shall consider the existence of community 35373
resources serving persons who are age sixty-five or older or 35374
disabled that are demonstrably effective in providing alternatives 35375
to long-term care facility placement. 35376

(3) The director shall approve relocation of beds from a 35377
county only if, after the relocation, the number of beds remaining 35378
in the county will exceed the county's bed need by at least one 35379
hundred beds; 35380

(4) The director shall approve relocation of beds from a 35381
long-term care facility only if, after the relocation, the number 35382
of beds in the facility's service area is at least equal to the 35383
state bed need rate. For purposes of this division, a facility's 35384
service area shall be either of the following: 35385

(a) The census tract in which the facility is located, if the 35386
facility is located in an area designated by the United States 35387
secretary of health and human services as a health professional 35388
shortage area under the "Public Health Service Act," 88 Stat. 682 35389
(1944), 42 U.S.C. 254(e), as amended; 35390

(b) The area that is within a fifteen-mile radius of the 35391
facility's location, if the facility is not located in a health 35392

professional shortage area. 35393

(F) Applications made under this section are subject to 35394
comparative review if two or more applications are submitted 35395
during the same review period and any of the following applies: 35396

(1) The applications propose to relocate beds from the same 35397
county and the number of beds for which certificates of need are 35398
being requested totals more than the number of beds available in 35399
the county from which the beds are to be relocated. 35400

(2) The applications propose to relocate beds to the same 35401
county and the number of beds for which certificates of need are 35402
being requested totals more than the number of beds needed in the 35403
county to which the beds are to be relocated. 35404

(3) The applications propose to relocate beds from the same 35405
service area and the number of beds left in the service area from 35406
which the beds are being relocated would be less than the state 35407
bed need rate determined by the director. 35408

(G) In determining which applicants should receive preference 35409
in the comparative review process, the director shall consider all 35410
of the following as weighted priorities: 35411

(1) Whether the beds will be part of a continuing care 35412
retirement community; 35413

(2) Whether the beds will serve an underserved population, 35414
such as low-income individuals, individuals with disabilities, or 35415
individuals who are members of racial or ethnic minority groups; 35416

(3) Whether the project in which the beds will be included 35417
will provide alternatives to institutional care, such as adult 35418
day-care, home health care, respite or hospice care, mobile meals, 35419
residential care, independent living, or congregate living 35420
services; 35421

(4) Whether the long-term care facility's owner or operator 35422

will participate in medicaid waiver programs for alternatives to institutional care; 35423
35424

(5) Whether the project in which the beds will be included will reduce alternatives to institutional care by converting residential care beds or other alternative care beds to long-term care beds; 35425
35426
35427
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(6) Whether the facility in which the beds will be placed has positive resident and family satisfaction surveys; 35429
35430

(7) Whether the facility in which the beds will be placed has fewer than fifty long-term care beds; 35431
35432

(8) Whether the long-term care facility in which the beds will be placed is located within the service area of a hospital and is designed to accept patients for rehabilitation after an in-patient hospital stay; 35433
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35435
35436

(9) Whether the long-term care facility in which the beds will be placed is or proposes to become a nurse aide training and testing site; 35437
35438
35439

(10) The rating, under the centers for medicare and medicaid services' five star nursing home quality rating system, of the long-term care facility in which the beds will be placed. 35440
35441
35442

(H) A person who has submitted an application under this section that is not subject to comparative review may revise the site of the proposed project pursuant to section 3702.522 of the Revised Code. 35443
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35446

(I) When a certificate of need application is approved ~~during the initial phase of a four year review period~~, in addition to the actions required by division (D) of section 3702.52 of the Revised Code, the long-term care facility from which the beds were relocated shall reduce the number of beds operated in the facility by a number of beds equal to at least ten per cent of the number 35447
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of beds relocated. If these beds are in a home licensed under 35453
Chapter 3721. of the Revised Code, the long-term care facility 35454
shall have the beds removed from the license. If the beds are in a 35455
facility that is certified as a skilled nursing facility or 35456
nursing facility under Title XVIII or XIX of the "Social Security 35457
Act," the facility shall surrender the certification of these 35458
beds. If the beds are registered as skilled nursing beds or 35459
long-term care beds under section 3701.07 of the Revised Code, the 35460
long-term care facility shall surrender the registration for these 35461
beds. This reduction shall be made not later than the completion 35462
date of the project for which the beds were relocated. 35463

(J)(1) Once approval of certificate of need applications in 35464
~~the first phase of~~ a four-year review period is complete, the 35465
director shall make a new determination of the bed need for each 35466
county by reducing the county's bed need by the number of beds 35467
approved for relocation to the county. The new bed-need 35468
determination shall be made not later than the first day of April 35469
of the third year of the review period. 35470

(2) The director may publish on the department's web site the 35471
~~remaining updated~~ bed need for counties that ~~will be considered~~ 35472
~~for redistribution of beds that, in accordance with division (I)~~ 35473
~~of this section, have ceased or will cease to be operated. The~~ 35474
~~director shall base the determination of whether to include a~~ 35475
~~county on all of the following:~~ 35476

~~(a) The statewide number of beds that, in accordance with~~ 35477
~~division (I) of this section, have ceased or will cease to be~~ 35478
~~operated;~~ 35479

~~(b) The county's remaining bed need;~~ 35480

~~(c) The county's bed occupancy rate.~~ 35481

~~(K) If the director publishes the remaining bed need for a~~ 35482
~~county under division (J)(2) of this section, the director may,~~ 35483

~~beginning on the first day of the second phase of the review 35484
period, accept certificate of need applications for redistribution 35485
to long term care facilities in that county of beds that have 35486
ceased or will cease operation in accordance with division (I) of 35487
this section. The total number of beds approved for redistribution 35488
in the second phase of a review period shall not exceed the number 35489
that have ceased or will cease operation in accordance with 35490
division (I) of this section. Beds that are not approved for 35491
redistribution during the second phase of a review period shall 35492
not be available for redistribution at any future time had a new 35493
determination. 35494~~

Sec. 3702.60. (A) Any affected person who is other than a 35495
certificate of need applicant may appeal ~~a reviewability ruling to 35496
the director of health in accordance with Chapter 119. of the 35497
Revised Code~~ a reviewability ruling made by the director or a 35498
decision issued by the director to grant or deny a certificate of 35499
need application, and the director shall provide an ~~adjudication 35500
hearing~~ administrative review in accordance with ~~that chapter 35501
rules adopted under section 3702.57 of the Revised Code.~~ An 35502
affected person may appeal the director's ruling in the 35503
adjudication hearing to the tenth district court of appeals The 35504
affected person appealing the director's reviewability ruling or 35505
decision to grant or deny a certificate of need application must 35506
prove by a preponderance of the evidence that the director's 35507
ruling or decision is not in accordance with sections 3702.52 to 35508
3702.62 of the Revised Code or rules adopted under those sections. 35509
The administrative review decision shall be made not later than 35510
sixty days after receiving notification of the appeal. The 35511
administrative review decision is final and not subject to appeal. 35512

(B) The certificate of need applicant ~~or another affected 35513
person~~ may appeal to the director in accordance with Chapter 119. 35514
of the Revised Code a decision issued by the director to ~~grant or 35515~~

deny a certificate of need application, and the director shall 35516
provide an adjudication hearing in accordance with that chapter. 35517
The certificate of need applicant ~~or other affected person~~ that 35518
appeals the director's decision to ~~grant or~~ deny a certificate of 35519
need application must prove by a preponderance of the evidence 35520
that the director's decision is not in accordance with sections 35521
3702.52 to 3702.62 of the Revised Code or rules adopted under 35522
those sections. The certificate of need applicant ~~or an affected~~ 35523
~~person~~ that was a party to and participated in an adjudication 35524
hearing conducted under this division may appeal to the tenth 35525
district court of appeals the decision issued by the director 35526
following the adjudication hearing. 35527

(C) The certificate of need holder may appeal to the director 35528
in accordance with Chapter 119. of the Revised Code a decision 35529
issued by the director under section 3702.52 or 3702.525 of the 35530
Revised Code to withdraw a certificate of need, and the director 35531
shall provide an adjudication hearing in accordance with that 35532
chapter. The person may appeal the director's ruling in the 35533
adjudication hearing to the tenth district court of appeals. 35534

(D) Any person determined by the director to have violated 35535
section 3702.53 of the Revised Code may appeal that determination, 35536
or the penalties imposed under section 3702.54 or 3702.541 of the 35537
Revised Code, to the director in accordance with Chapter 119. of 35538
the Revised Code, and the director shall provide an adjudication 35539
hearing in accordance with that chapter. The person may appeal the 35540
director's ruling in the adjudication hearing to the tenth 35541
district court of appeals. 35542

(E) Each person appealing under this section to the director 35543
shall file with the director, not later than thirty days after the 35544
decision, ruling, or determination of the director was mailed, a 35545
notice of appeal designating the decision, ruling, or 35546
determination appealed from. 35547

(F) Each person appealing under this section to the tenth district court of appeals shall file with the court, not later than ~~thirty~~ fourteen days after the date the director's adjudication order was mailed, a notice of appeal designating the order appealed from. The appellant also shall file notice with the director not later than thirty days after the date the order was mailed.

(1) Not later than thirty days after receipt of the notice of appeal, the director shall prepare and certify to the court the complete record of the proceedings out of which the appeal arises. The expense of preparing and transcribing the record shall be taxed as part of the costs of the appeal. In the event that the record or a part thereof is not certified within the time prescribed by this division, the appellant may apply to the court for an order that the record be certified.

(2) In hearing the appeal, the court shall consider only the evidence contained in the record certified to it by the director. The court may remand the matter to the director for the admission of additional evidence on a finding that the additional evidence is material, newly discovered, and could not with reasonable diligence have been ascertained before the hearing before the director. Except as otherwise provided by statute, the court shall give the hearing on the appeal preference over all other civil matters, irrespective of the position of the proceedings on the calendar of the court.

(3) The court shall affirm the director's order if it finds, upon consideration of the entire record and any additional evidence admitted under division (F)(2) of this section, that the order is supported by reliable, probative, and substantial evidence and is in accordance with law. In the absence of such a finding, it shall reverse, vacate, or modify the order.

(4) If the court determines that the director committed

material procedural error, the court shall remand the matter to 35580
the director for further consideration or action. 35581

(G) The court may award reasonable attorney's fees against 35582
the appellant if it determines that the appeal was frivolous. 35583
Sections 119.092, 119.093, and 2335.39 of the Revised Code do not 35584
apply to adjudication hearings under this section or section 35585
3702.52 of the Revised Code and judicial appeals under this 35586
section. 35587

(H) No person may intervene in an appeal brought under this 35588
section. 35589

Sec. 3702.967. The director of health may accept gifts of 35590
money from any source for the implementation and administration of 35591
sections 3702.96 to 3702.965 of the Revised Code. 35592

The director shall pay all gifts accepted under this section 35593
~~into the state treasury, to the credit of the dental hygiene~~ 35594
~~resource shortage area fund, which is hereby created,~~ and all 35595
damages collected under division (C)(3) of section 3702.965 of the 35596
Revised Code, ~~into the state treasury,~~ to the credit of the dental 35597
hygienist loan repayment fund, which is hereby created. 35598

The director shall use the ~~dental hygiene resource shortage~~ 35599
~~area~~ and dental hygienist loan repayment ~~funds~~ fund for the 35600
implementation and administration of sections 3702.96 to 3702.967 35601
of the Revised Code. 35602

Sec. 3704.01. As used in this chapter: 35603

(A) "Administrator" means the administrator of the United 35604
States environmental protection agency or the chief executive of 35605
any successor federal agency responsible for implementation of the 35606
federal Clean Air Act. 35607

(B) "Air contaminant" means particulate matter, dust, fumes, 35608

gas, mist, radionuclides, smoke, vapor, or odorous substances, or 35609
any combination thereof, but does not mean emissions from 35610
agricultural production activities, as defined in section 929.01 35611
of the Revised Code, that are consistent with generally accepted 35612
agricultural practices, were established prior to adjacent 35613
nonagricultural activities, have no substantial, adverse effect on 35614
the public health, safety, or welfare, do not result from the 35615
negligent or other improper operations of any such agricultural 35616
activities, and would not be required to obtain a Title V permit. 35617
For the purposes of this chapter, agricultural production 35618
activities do not include the installation and operation of 35619
off-farm facilities for the storage or processing of agricultural 35620
products, including, but not limited to, alfalfa dehydrating 35621
facilities, rendering plants, and feed and grain mills, elevators, 35622
and terminals. 35623

(C) "Air contaminant source" means each separate operation or 35624
activity that results or may result in the emission of any air 35625
contaminant. 35626

(D) "Air pollution" means the presence in the ambient air of 35627
one or more air contaminants or any combination thereof in 35628
sufficient quantity and of such characteristics and duration as is 35629
or threatens to be injurious to human health or welfare, plant or 35630
animal life, or property, or as unreasonably interferes with the 35631
comfortable enjoyment of life or property. 35632

(E) "Ambient air" means that portion of the atmosphere 35633
outside of buildings and other enclosures, stacks, or ducts that 35634
surrounds human, plant, or animal life or property. 35635

(F) "Best available technology" means any combination of work 35636
practices, raw material specifications, throughput limitations, 35637
source design characteristics, an evaluation of the annualized 35638
cost per ton of pollutant removed, and air pollution control 35639
devices that have been previously demonstrated to the director of 35640

environmental protection to operate satisfactorily in this state 35641
or other states with similar air quality on substantially similar 35642
air pollution sources. 35643

(G) "Change within a permitted facility" means, within the 35644
context of the Title V permit program established under section 35645
3704.036 of the Revised Code, a change that is limited by a 35646
federally enforceable provision of an applicable Title V permit 35647
and that does not include physical, production, or other changes 35648
that are neither addressed nor limited by the federally 35649
enforceable portion of a Title V permit unless the change would 35650
result in a violation of a federally enforceable requirement or a 35651
modification under Title I of the federal Clean Air Act or would 35652
be subject to any requirements under Title IV of that act. 35653

(H) "Emit" or "emission" means the release into the ambient 35654
air of an air contaminant. 35655

(I) "Emission limitation" and "emission standard" mean a 35656
requirement that limits the quantity, rate, or concentration of 35657
emissions of air contaminants, including any requirement relating 35658
to the operation or maintenance of an air contaminant source. 35659

(J) "Facility," for the purposes of the Title V permit 35660
program established under section 3704.036 of the Revised Code, 35661
means all of the emitting activities that are located on 35662
contiguous or adjacent properties that are under the control of 35663
the same person or persons or are under common control and that 35664
are in the same major group as described in the standard 35665
Industrial Classification Manual, 1987. 35666

(K) "Federal Clean Air Act" means "Air Quality Act of 1967," 35667
81 Stat. 485, 42 U.S.C. 1857, as amended by "Clean Air Act 35668
Amendments of 1970," 84 Stat. 1676, 42 U.S.C. 1857, "Act of 35669
November 18, 1971," 85 Stat. 464, 42 U.S.C. 1857, "Act of April 9, 35670
1973," 87 Stat. 11, 42 U.S.C. 1857, "Act of June 24, 1974," 88 35671

Stat. 248, 42 U.S.C. 1857, "Clean Air Act Amendments of 1977," 91 35672
Stat. 685, 42 U.S.C. 7401, "Safe Drinking Water Act Amendments of 35673
1977," 91 Stat. 1393, 42 U.S.C. 7401, "Clean Air Act Amendments of 35674
1990," 104 Stat. 2399, 42 U.S.C.A. 7401, and any other amendments 35675
that have been or may hereafter be adopted, or any supplements to 35676
those acts and laws of the United States that have been or may 35677
hereafter be enacted in substitution therefor, together with any 35678
regulations that have been or may hereafter be adopted by the 35679
administrator by virtue of and in accordance with those acts and 35680
laws. Reference to a particular title or section of the federal 35681
Clean Air Act includes any amendments that have been or may 35682
hereafter be enacted in substitution therefor and any regulations 35683
pertaining to the title or section that have been or may hereafter 35684
be adopted by the administrator by virtue of and in accordance 35685
with the federal Clean Air Act. 35686

(L) "Hazardous air pollutant" means any pollutant listed 35687
under section 112(b) of the federal Clean Air Act. 35688

(M) "Implementation plan" means a program for the prevention 35689
and abatement of air pollution in the state that has been 35690
promulgated or approved by the administrator pursuant to the 35691
federal Clean Air Act. 35692

(N) "Local air pollution control authority" includes all of 35693
the following unless terminated by the political subdivisions 35694
represented thereby: 35695

(1) All of the following agencies representing the following 35696
political subdivisions, as those agencies existed on July 1, 1993: 35697

(a) The Akron regional air quality management district 35698
representing Medina, Summit, and Portage counties; 35699

(b) The Canton city health department representing Stark 35700
county; 35701

(c) The Hamilton county department of environmental services, 35702

southwest Ohio air quality agency representing Butler, Warren,
Hamilton, and Clermont counties; 35703
35704

(d) The city of Cleveland division of the environment 35705
representing Cuyahoga county; 35706

(e) The regional air pollution control agency representing 35707
Darke, Preble, Miami, Montgomery, Clark, and Greene counties; 35708

(f) The Lake county general health district representing Lake 35709
and Geauga counties; 35710

(g) The Portsmouth city health department representing Brown, 35711
Adams, Scioto, and Lawrence counties; 35712

(h) The city of Toledo division of pollution control 35713
representing Lucas county and the city of Rossford in Wood county+ 35714

~~(i) The Mahoning Trumbull air pollution control agency, city 35715
of Youngstown, representing Trumbull and Mahoning counties. 35716~~

(2) Any successor to an existing local air pollution control 35717
authority listed in divisions (N)(1)(a) to (i) of this section 35718
that results from a change in the political subdivisions 35719
comprising the local air pollution control authority through the 35720
withdrawal of a political subdivision from membership in the local 35721
air pollution control authority or the inclusion of an additional 35722
political subdivision in the membership of the local air pollution 35723
control authority; 35724

(3) Any new local air pollution control authority established 35725
on or after July 1, 1993, by one or more political subdivisions of 35726
this state for the purposes of exercising the powers reserved to 35727
political subdivisions of this state under division (A) of section 35728
3704.11 of the Revised Code. 35729

(O) "Person" means the federal government or any agency 35730
thereof, the state or any agency thereof, any political 35731
subdivision or any agency thereof, or any public or private 35732

corporation, individual, partnership, or other entity. 35733

(P) "Research and development sources" means sources whose 35734
activities are conducted for nonprofit scientific or educational 35735
purposes; sources whose activities are conducted to test more 35736
efficient production processes or methods for preventing or 35737
reducing adverse environmental impacts, provided that the 35738
activities do not include the production of an intermediate or 35739
final product for sale or exchange for commercial profit, except 35740
in a de minimis manner; a research or laboratory source the 35741
primary purpose of which is to conduct research and development 35742
into new processes and products, that is operated under the close 35743
supervision of technically trained personnel, and that is not 35744
engaged in the manufacture of products for sale or exchange for 35745
commercial profit, except in a de minimis manner; the temporary 35746
use of normal production sources in a research and development 35747
mode to test the technical or commercial viability of alternative 35748
raw materials or production processes, provided that the use does 35749
not include the production of an intermediate or final product for 35750
sale or exchange for commercial profit, except in a de minimis 35751
manner; the experimental firing of any fuel or combination of 35752
fuels in a boiler, heater, furnace, or dryer for the purpose of 35753
conducting research and development of more efficient combustion 35754
or more effective prevention or control of air pollutant 35755
emissions, provided that, during those periods of research and 35756
development, the heat generated is not used for normal production 35757
purposes or for producing a product for sale or exchange for 35758
commercial profit, except in a de minimis manner; and such other 35759
similar sources as the director may prescribe by rule. 35760

(Q) "Responsible official" means one of the following, as 35761
applicable: 35762

(1) For a corporation: a president, secretary, treasurer, or 35763
vice-president of the corporation in charge of a principal 35764

business function, any other person who performs similar policy or 35765
decision-making functions for the corporation, or a duly 35766
authorized representative of any such person if the representative 35767
is responsible for the overall operation of one or more 35768
manufacturing, production, or operating facilities applying for or 35769
subject to a Title V permit and if one of the following applies: 35770

(a) The facilities employ more than two hundred fifty 35771
individuals or have gross annual sales or expenditures exceeding 35772
twenty-five million dollars, in second quarter 1980 dollars; 35773

(b) The delegation of authority to the representative is 35774
approved in advance by the director. 35775

(2) For a partnership or sole proprietorship: a general 35776
partner or the proprietor, respectively. 35777

(3) For the federal government or any agency thereof, the 35778
state or any agency thereof, a political subdivision or any agency 35779
thereof, or any other public agency, either a principal executive 35780
officer or authorized elected official. For the purposes of this 35781
division, a principal executive officer of a federal agency 35782
includes the chief executive officer having responsibility for the 35783
overall operation of a principal geographic unit of the agency. 35784

(4) For affected sources, both of the following: 35785

(a) The designated representative insofar as actions, 35786
standards, requirements, or prohibitions under Title IV of the 35787
federal Clean Air Act or regulations adopted under it are 35788
concerned; 35789

(b) The designated representative for any other purposes 35790
under 40 C.F.R. part 70. 35791

(R) "Small business stationary source" means any building, 35792
structure, facility, or installation that emits any federally 35793
regulated air pollutant and is owned or operated by a person who 35794

employs one hundred or fewer individuals; is a small business 35795
concern as defined in the "Small Business Act," 72 Stat. 384 35796
(1958), 15 U.S.C.A. 632, as amended; is not a major stationary 35797
source as defined in section 302(j) of the federal Clean Air Act; 35798
does not emit fifty tons or more per year of any federally 35799
regulated air pollutant or any hazardous air pollutant; and emits 35800
less than seventy-five tons per year of all federally regulated 35801
air pollutants. 35802

(S) "Title V permit" means an operating permit required to be 35803
issued by the state under section 502 of the federal Clean Air Act 35804
and issued under section 3704.036 of the Revised Code and rules 35805
adopted under it. 35806

(T) For the purposes of the Title V permit program 35807
established under this chapter and rules adopted under it, all 35808
terms defined in 40 C.F.R. part 70 have the same meaning as in 35809
that part. 35810

Sec. 3704.111. (A) Not later than October 1, 1993, the 35811
director of environmental protection shall enter into a delegation 35812
agreement with each local air pollution control authority listed 35813
in divisions (N)(1)(a) to ~~(i)~~(h) of section 3704.01 of the Revised 35814
Code under which the local air pollution control authority agrees 35815
to perform on behalf of the environmental protection agency air 35816
pollution control regulatory services within the political 35817
subdivision represented by the local air pollution control 35818
authority. The director may enter into such a delegation agreement 35819
with a local air pollution control authority established on or 35820
after the effective date of this section, subject to the condition 35821
established in division (B) of this section. Each delegation 35822
agreement shall be self-renewing on an annual basis on the first 35823
day of October of each year. The terms of each such delegation 35824
agreement shall remain unchanged from year to year unless they are 35825

amended by mutual agreement of the director and the local air 35826
pollution control authority. 35827

(B) The director may conduct a periodic performance 35828
evaluation of the air pollution control program operated by each 35829
local air pollution control authority. Based upon the findings of 35830
such a performance evaluation, the director may terminate or 35831
refuse to renew the delegation agreement with a local air 35832
pollution control authority if the director determines that the 35833
local air pollution control authority is not adequately performing 35834
its obligations under the agreement. 35835

(C) The director may enter into contracts for payments to 35836
local air pollution control authorities from moneys credited to 35837
the clean air fund created in section 3704.035 of the Revised 35838
Code, subject to the limitation specified in that section, and any 35839
other moneys appropriated by the general assembly for that 35840
purpose. The director shall distribute the moneys available for 35841
making payments to the local air pollution control authorities 35842
pursuant to such contracts equitably among the local air pollution 35843
control authorities based upon the amount of local funding and the 35844
workload of each local air pollution control authority, including, 35845
without limitation, population served, number of air permits 35846
issued for both new and existing sources, land area, and number of 35847
air contaminant sources. The director biennially shall review the 35848
workload of each local air pollution control authority and shall 35849
determine the percentage of the moneys available for the purpose 35850
of making payments under the contracts. In determining the 35851
percentage of those moneys that is to be so distributed, the 35852
director shall consider the recommendations of the local air 35853
pollution control authorities. 35854

(D) The director may modify a contract between the director 35855
and a local air pollution control authority to authorize the local 35856
air pollution control authority to perform air pollution control 35857

activities outside the geographic boundaries of that local air 35858
pollution control authority. 35859

Sec. 3704.14. (A)(1) If the director of environmental 35860
protection determines that implementation of a motor vehicle 35861
inspection and maintenance program is necessary for the state to 35862
effectively comply with the federal Clean Air Act after June 30, 35863
~~2015~~ 2019, the director may provide for the implementation of the 35864
program in those counties in this state in which such a program is 35865
federally mandated. Upon making such a determination, the director 35866
of environmental protection may request the director of 35867
administrative services to extend the terms of the contract that 35868
was entered into under the authority of Am. Sub. H.B. ~~153~~ 64 of 35869
the ~~129th~~ 131st general assembly. Upon receiving the request, the 35870
director of administrative services shall extend the contract, 35871
beginning on July 1, ~~2015~~ 2019, in accordance with this section. 35872
The contract shall be extended for a period of up to twenty-four 35873
months with the contractor who conducted the motor vehicle 35874
inspection and maintenance program under that contract. 35875

(2) Prior to the expiration of the contract extension that is 35876
authorized by division (A)(1) of this section, the director of 35877
environmental protection shall request the director of 35878
administrative services to enter into a contract with a vendor to 35879
operate a decentralized motor vehicle inspection and maintenance 35880
program in each county in this state in which such a program is 35881
federally mandated through June 30, ~~2019~~ 2023, with an option for 35882
the state to renew the contract for a period of up to twenty-four 35883
months through June 30, ~~2021~~ 2025. The contract shall ensure that 35884
the decentralized motor vehicle inspection and maintenance program 35885
achieves at least the same emission reductions as achieved by the 35886
program operated under the authority of the contract that was 35887
extended under division (A)(1) of this section. The director of 35888
administrative services shall select a vendor through a 35889

competitive selection process in compliance with Chapter 125. of 35890
the Revised Code. 35891

(3) Notwithstanding any law to the contrary, the director of 35892
administrative services shall ensure that a competitive selection 35893
process regarding a contract to operate a decentralized motor 35894
vehicle inspection and maintenance program in this state 35895
incorporates the following, which shall be included in the 35896
contract: 35897

(a) For purposes of expanding the number of testing locations 35898
for consumer convenience, a requirement that the vendor utilize 35899
established local businesses, auto repair facilities, or leased 35900
properties to operate state-approved inspection and maintenance 35901
testing facilities; 35902

(b) A requirement that the vendor selected to operate the 35903
program provide notification of the program's requirements to each 35904
owner of a motor vehicle that is required to be inspected under 35905
the program. The contract shall require the notification to be 35906
provided not later than sixty days prior to the date by which the 35907
owner of the motor vehicle is required to have the motor vehicle 35908
inspected. The director of environmental protection and the vendor 35909
shall jointly agree on the content of the notice. However, the 35910
notice shall include at a minimum the locations of all inspection 35911
facilities within a specified distance of the address that is 35912
listed on the owner's motor vehicle registration; 35913

(c) A requirement that the vendor comply with testing 35914
methodology and supply the required equipment approved by the 35915
director of environmental protection as specified in the 35916
competitive selection process in compliance with Chapter 125. of 35917
the Revised Code. 35918

(4) A decentralized motor vehicle inspection and maintenance 35919
program operated under this section shall comply with division (B) 35920

of this section. The director of environmental protection shall 35921
administer the decentralized motor vehicle inspection and 35922
maintenance program operated under this section. 35923

(B) The decentralized motor vehicle inspection and 35924
maintenance program authorized by this section, at a minimum, 35925
shall do all of the following: 35926

(1) Comply with the federal Clean Air Act; 35927

(2) Provide for the issuance of inspection certificates; 35928

(3) Provide for a new car exemption for motor vehicles four 35929
years old or newer and provide that a new motor vehicle is exempt 35930
for four years regardless of whether legal title to the motor 35931
vehicle is transferred during that period. 35932

(C) The director of environmental protection shall adopt 35933
rules in accordance with Chapter 119. of the Revised Code that the 35934
director determines are necessary to implement this section. The 35935
director may continue to implement and enforce rules pertaining to 35936
the motor vehicle inspection and maintenance program previously 35937
implemented under former section 3704.14 of the Revised Code as 35938
that section existed prior to its repeal and reenactment by Am. 35939
Sub. H.B. 66 of the 126th general assembly, provided that the 35940
rules do not conflict with this section. 35941

(D) There is hereby created in the state treasury the auto 35942
emissions test fund, which shall consist of money received by the 35943
director from any cash transfers, state and local grants, and 35944
other contributions that are received for the purpose of funding 35945
the program established under this section. The director of 35946
environmental protection shall use money in the fund solely for 35947
the implementation, supervision, administration, operation, and 35948
enforcement of the motor vehicle inspection and maintenance 35949
program established under this section. Money in the fund shall 35950
not be used for either of the following: 35951

(1) To pay for the inspection costs incurred by a motor vehicle dealer so that the dealer may provide inspection certificates to an individual purchasing a motor vehicle from the dealer when that individual resides in a county that is subject to the motor vehicle inspection and maintenance program;

(2) To provide payment for more than one free passing emissions inspection or a total of three emissions inspections for a motor vehicle in any three-hundred-sixty-five-day period. The owner or lessee of a motor vehicle is responsible for inspection fees that are related to emissions inspections beyond one free passing emissions inspection or three total emissions inspections in any three-hundred-sixty-five-day period. Inspection fees that are charged by a contractor conducting emissions inspections under a motor vehicle inspection and maintenance program shall be approved by the director of environmental protection.

(E) The motor vehicle inspection and maintenance program established under this section expires upon the termination of all contracts entered into under this section and shall not be implemented beyond the final date on which termination occurs.

Sec. 3705.07. (A) The local registrar of vital statistics shall number consecutively each fetal death and death certificate printed on paper that the local registrar receives from the electronic death registration system (EDRS) maintained by the department of health. The number assigned to each certificate shall be the one provided by EDRS. Such local registrar shall sign the local registrar's name in attest to the date of filing in the local office. The local registrar shall make a complete and accurate copy of each fetal death and death certificate printed on paper that is filed. Each paper copy shall be filed and preserved as the local record until the electronic information regarding the event has been completed and made available in EDRS and EDRS is

capable of issuing a complete and accurate electronic copy of the certificate. The local record may be a photographic, electronic, or other reproduction. The local registrar shall transmit to the state office of vital statistics all original fetal death and death certificates received using the state transmittal schedule specified by the department of health. The local registrar shall immediately notify the health commissioner with jurisdiction in the registration district of the receipt of a death certificate attesting that death resulted from a communicable disease.

The office of vital statistics shall carefully examine the records and certificates received from local registrars of vital statistics and shall secure any further information that may be necessary to make each record and certificate complete and satisfactory. It shall arrange and preserve the records and certificates, or reproductions of them produced pursuant to section 3705.03 of the Revised Code, in a systematic manner and shall maintain a permanent index of all births, fetal deaths, and deaths registered, which shall show the name of the child or deceased person, place and date of birth or death, and number of the certificate.

(B)(1) The office of vital statistics shall make available ~~to the division of child support in the department of job and family services~~ all social security numbers that accompany a birth certificate submitted for filing under division (H) of section 3705.09 or section 3705.10 of the Revised Code or that accompany a death certificate registered under section 3705.16 of the Revised Code to both of the following:

(a) For the purpose of child support enforcement, the division of child support in the department of job and family services;

(b) For the purpose of eligibility determinations for medical assistance programs as defined in section 5160.01 of the Revised

Code, the department of medicaid. 36015

(2) The office of vital statistics also shall make available 36016
to the division of child support in the department of job and 36017
family services any other information recorded in the birth record 36018
that may enable the division to use the social security numbers 36019
provided under division (B)(1) of this section to obtain the 36020
location of the father of the child whose birth certificate was 36021
accompanied by the social security number or to otherwise enforce 36022
a child support order pertaining to that child or any other child. 36023

Sec. 3705.09. (A) A birth certificate for each live birth in 36024
this state shall be filed in the registration district in which it 36025
occurs within ten calendar days after such birth and shall be 36026
registered if it has been completed and filed in accordance with 36027
this section. 36028

(B) When a birth occurs in or en route to an institution, the 36029
person in charge of the institution or a designated representative 36030
shall obtain the personal data, prepare the certificate, and 36031
complete and certify the facts of birth on the certificate within 36032
ten calendar days. The physician or certified nurse-midwife in 36033
attendance shall be listed on the birth record. 36034

(C) When a birth occurs outside an institution, the birth 36035
certificate shall be prepared and filed by one of the following in 36036
the indicated order of priority: 36037

(1) The physician or certified nurse-midwife in attendance at 36038
or immediately after the birth; 36039

(2) Any other person in attendance at or immediately after 36040
the birth; 36041

(3) The father; 36042

(4) The mother; 36043

(5) The person in charge of the premises where the birth 36044

occurred. 36045

(D) Either of the parents of the child or other informant 36046
shall attest to the accuracy of the personal data entered on the 36047
birth certificate in time to permit the filing of the certificate 36048
within the ten days prescribed in this section. 36049

(E) When a birth occurs in a moving conveyance within the 36050
United States and the child is first removed from the conveyance 36051
in this state, the birth shall be registered in this state and the 36052
place where it is first removed shall be considered the place of 36053
birth. When a birth occurs on a moving conveyance while in 36054
international waters or air space or in a foreign country or its 36055
air space and the child is first removed from the conveyance in 36056
this state, the birth shall be registered in this state but the 36057
record shall show the actual place of birth insofar as can be 36058
determined. 36059

(F)(1) If the mother of a child was married at the time of 36060
either conception or birth or between conception and birth, the 36061
child shall be registered in the surname designated by the mother, 36062
and the name of the husband shall be entered on the certificate as 36063
the father of the child. The presumption of paternity shall be in 36064
accordance with section 3111.03 of the Revised Code. 36065

(2) If the mother was not married at the time of conception 36066
or birth or between conception and birth, the child shall be 36067
registered by the surname designated by the mother. The name of 36068
the father of such child shall also be inserted on the birth 36069
certificate if both the mother and the father sign an 36070
acknowledgement of paternity affidavit before the birth record has 36071
been sent to the local registrar. If the father is not named on 36072
the birth certificate pursuant to division (F)(1) or (2) of this 36073
section, no other information about the father shall be entered on 36074
the record. 36075

(G) When a man is presumed, found, or declared to be the father of a child, according to section 2105.26, sections 3111.01 to 3111.18, former section 3111.21, or sections 3111.38 to 3111.54 of the Revised Code, or the father has acknowledged the child as his child in an acknowledgment of paternity, and the acknowledgment has become final pursuant to section 2151.232, 3111.25, or 3111.821 of the Revised Code, and documentary evidence of such fact is submitted to the department of health in such form as the director may require, a new birth record shall be issued by the department which shall have the same overall appearance as the record which would have been issued under this section if a marriage had occurred before the birth of such child. Where handwriting is required to effect such appearance, the department shall supply it. Upon the issuance of such new birth record, the original birth record shall cease to be a public record. Except as provided in division (C) of section 3705.091 of the Revised Code, the original record and any documentary evidence supporting the new registration of birth shall be placed in an envelope which shall be sealed by the department and shall not be open to inspection or copy unless so ordered by a court of competent jurisdiction.

(H) Every birth certificate filed under this section on or after July 1, 1990, shall be accompanied by all social security numbers that have been issued to the parents of the child, unless the division of child support in the department of job and family services, acting in accordance with regulations prescribed under the "Family Support Act of 1988," 102 Stat. 2353, 42 U.S.C.A. 405, as amended, finds good cause for not requiring that the numbers be furnished with the certificate. The parents' social security numbers shall not be recorded on the certificate. No social security number obtained under this division shall be used for any purpose other than ~~child support enforcement~~ the purposes specified in division (B)(1) of section 3705.07 of the Revised

Code. 36109

Sec. 3705.10. Any birth certificate submitted for filing 36110
eleven or more days after the birth occurred constitutes a delayed 36111
birth registration. A delayed birth certificate may be filed in 36112
accordance with rules which shall be adopted by the director of 36113
health. The rules shall include, but not be limited to, all of the 36114
following requirements for each delayed birth certificate filed on 36115
or after July 1, 1990: 36116

(A) The certificate shall be accompanied by all social 36117
security numbers that have been issued to the parents of the 36118
child, unless the division of child support in the department of 36119
job and family services, acting in accordance with regulations 36120
prescribed under the "Family Support Act of 1988," 102 Stat. 2353, 36121
42 U.S.C.A. 405, as amended, finds good cause for not requiring 36122
that the numbers be furnished with the certificate. 36123

(B) The parents' social security numbers shall not be 36124
recorded on the certificate. 36125

(C) No social security number obtained under this section 36126
shall be used for any purpose other than ~~child support enforcement~~ 36127
the purposes specified in division (B)(1) of section 3705.07 of 36128
the Revised Code. 36129

Sec. 3706.25. As used in sections 3706.25 to ~~3706.30~~ 3706.29 36130
of the Revised Code: 36131

(A) "Advanced energy project" means any technologies, 36132
products, activities, or management practices or strategies that 36133
facilitate the generation or use of electricity or energy and that 36134
reduce or support the reduction of energy consumption or support 36135
the production of clean, renewable energy for industrial, 36136
distribution, commercial, institutional, governmental, research, 36137
not-for-profit, or residential energy users including, but not 36138

limited to, advanced energy resources and renewable energy 36139
resources. "Advanced energy project" includes any project 36140
described in division (A), (B), or (C) of section 4928.621 of the 36141
Revised Code. 36142

(B) "Advanced energy resource" means any of the following: 36143

(1) Any method or any modification or replacement of any 36144
property, process, device, structure, or equipment that increases 36145
the generation output of an electric generating facility to the 36146
extent such efficiency is achieved without additional carbon 36147
dioxide emissions by that facility; 36148

(2) Any distributed generation system consisting of customer 36149
cogeneration technology, primarily to meet the energy needs of the 36150
customer's facilities; 36151

(3) Advanced nuclear energy technology consisting of 36152
generation III technology as defined by the nuclear regulatory 36153
commission; other, later technology; or significant improvements 36154
to existing facilities; 36155

(4) Any fuel cell used in the generation of electricity, 36156
including, but not limited to, a proton exchange membrane fuel 36157
cell, phosphoric acid fuel cell, molten carbonate fuel cell, or 36158
solid oxide fuel cell; 36159

(5) Advanced solid waste or construction and demolition 36160
debris conversion technology, including, but not limited to, 36161
advanced stoker technology, and advanced fluidized bed 36162
gasification technology, that results in measurable greenhouse gas 36163
emissions reductions as calculated pursuant to the United States 36164
environmental protection agency's waste reduction model (WARM). 36165

(C) "Air contaminant source" has the same meaning as in 36166
section 3704.01 of the Revised Code. 36167

(D) "Cogeneration technology" means technology that produces 36168

electricity and useful thermal output simultaneously. 36169

(E) "Renewable energy resource" means solar photovoltaic or 36170
solar thermal energy, wind energy, power produced by a 36171
hydroelectric facility, power produced by a run-of-the-river 36172
hydroelectric facility placed in service on or after January 1, 36173
1980, that is located within this state, relies upon the Ohio 36174
river, and operates, or is rated to operate, at an aggregate 36175
capacity of forty or more megawatts, geothermal energy, fuel 36176
derived from solid wastes, as defined in section 3734.01 of the 36177
Revised Code, through fractionation, biological decomposition, or 36178
other process that does not principally involve combustion, 36179
biomass energy, energy produced by cogeneration technology that is 36180
placed into service on or before December 31, 2015, and for which 36181
more than ninety per cent of the total annual energy input is from 36182
combustion of a waste or byproduct gas from an air contaminant 36183
source in this state, which source has been in operation since on 36184
or before January 1, 1985, provided that the cogeneration 36185
technology is a part of a facility located in a county having a 36186
population of more than three hundred sixty-five thousand but less 36187
than three hundred seventy thousand according to the most recent 36188
federal decennial census, biologically derived methane gas, heat 36189
captured from a generator of electricity, boiler, or heat 36190
exchanger fueled by biologically derived methane gas, or energy 36191
derived from nontreated by-products of the pulping process or wood 36192
manufacturing process, including bark, wood chips, sawdust, and 36193
lignin in spent pulping liquors. "Renewable energy resource" 36194
includes, but is not limited to, any fuel cell used in the 36195
generation of electricity, including, but not limited to, a proton 36196
exchange membrane fuel cell, phosphoric acid fuel cell, molten 36197
carbonate fuel cell, or solid oxide fuel cell; wind turbine 36198
located in the state's territorial waters of Lake Erie; methane 36199
gas emitted from an abandoned coal mine; storage facility that 36200
will promote the better utilization of a renewable energy resource 36201

that primarily generates off peak; or distributed generation 36202
system used by a customer to generate electricity from any such 36203
energy. As used in this division, "hydroelectric facility" means a 36204
hydroelectric generating facility that is located at a dam on a 36205
river, or on any water discharged to a river, that is within or 36206
bordering this state or within or bordering an adjoining state and 36207
meets all of the following standards: 36208

(1) The facility provides for river flows that are not 36209
detrimental for fish, wildlife, and water quality, including 36210
seasonal flow fluctuations as defined by the applicable licensing 36211
agency for the facility. 36212

(2) The facility demonstrates that it complies with the water 36213
quality standards of this state, which compliance may consist of 36214
certification under Section 401 of the "Clean Water Act of 1977," 36215
91 Stat. 1598, 1599, 33 U.S.C. 1341, and demonstrates that it has 36216
not contributed to a finding by this state that the river has 36217
impaired water quality under Section 303(d) of the "Clean Water 36218
Act of 1977," 114 Stat. 870, 33 U.S.C. 1313. 36219

(3) The facility complies with mandatory prescriptions 36220
regarding fish passage as required by the federal energy 36221
regulatory commission license issued for the project, regarding 36222
fish protection for riverine, anadromous, and catadromous fish. 36223

(4) The facility complies with the recommendations of the 36224
Ohio environmental protection agency and with the terms of its 36225
federal energy regulatory commission license regarding watershed 36226
protection, mitigation, or enhancement, to the extent of each 36227
agency's respective jurisdiction over the facility. 36228

(5) The facility complies with provisions of the "Endangered 36229
Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531 to 1544, as 36230
amended. 36231

(6) The facility does not harm cultural resources of the 36232

area. This can be shown through compliance with the terms of its 36233
federal energy regulatory commission license or, if the facility 36234
is not regulated by that commission, through development of a plan 36235
approved by the Ohio historic preservation office, to the extent 36236
it has jurisdiction over the facility. 36237

(7) The facility complies with the terms of its federal 36238
energy regulatory commission license or exemption that are related 36239
to recreational access, accommodation, and facilities or, if the 36240
facility is not regulated by that commission, the facility 36241
complies with similar requirements as are recommended by resource 36242
agencies, to the extent they have jurisdiction over the facility; 36243
and the facility provides access to water to the public without 36244
fee or charge. 36245

(8) The facility is not recommended for removal by any 36246
federal agency or agency of any state, to the extent the 36247
particular agency has jurisdiction over the facility. 36248

Sec. 3706.29. The Ohio air quality development authority 36249
shall, in accordance with Chapter 119. of the Revised Code, adopt 36250
any rules necessary to implement ~~section 166.30~~ and sections 36251
3706.25 to 3706.28 of the Revised Code. 36252

Sec. 3710.01. As used in this chapter: 36253

(A) "Asbestos" means the asbestiform varieties of serpentine 36254
(chrysotile), riebeckite (crocidolite), cummingtonite-grunerite, 36255
anthophyllite, and actinolite-tremolite as determined using the 36256
method specified in 40 C.F.R. Part 763, Subpart E, Appendix E, 36257
Section 1, Polarized Light Microscopy (PLM). 36258

(B) "Asbestos hazard abatement activity" means any activity 36259
involving the removal, renovation, enclosure, repair, ~~or~~ 36260
encapsulation, or operations and maintenance of reasonably related 36261
friable asbestos-containing materials in an amount greater than 36262

~~fifty three linear feet or fifty three square feet. "Asbestos hazard abatement activity" also includes any such activity involving such asbestos-containing materials in an amount of fifty linear or fifty square feet or less if, when combined with any other reasonably related activity in terms of time and location of the activity, the total amount is in an amount greater than fifty linear or fifty square feet.~~

(C) "Asbestos hazard abatement contractor" means a business entity or public entity that engages in or intends to engage in asbestos hazard abatement ~~activities~~ projects and that employs or supervises one or more asbestos hazard abatement specialists for asbestos hazard abatement activities. "Asbestos hazard abatement contractor" does not mean an employee of an asbestos hazard abatement contractor, a general contractor who subcontracts to an asbestos hazard abatement contractor an asbestos hazard abatement ~~activity~~ project, or any individual who engages in an asbestos hazard abatement ~~activity~~ project in the individual's own home.

(D) "Asbestos hazard abatement project" means one or more asbestos hazard abatement activities ~~that are~~ the sum total of which is greater than fifty linear feet or fifty square feet of friable asbestos-containing materials and is conducted by one asbestos hazard abatement contractor ~~and that are reasonably related to each other.~~ "Asbestos hazard abatement project" includes any such activity involving such friable asbestos-containing materials in an amount of fifty linear feet or fifty square feet or less if, when combined with any other reasonably related activity in terms of time or location of the activity, the total amount is in an amount greater than fifty linear feet or fifty square feet.

(E) "Asbestos hazard abatement specialist" means a person with responsibility for the oversight or supervision of asbestos hazard abatement activities, including asbestos hazard abatement

project managers, hazard abatement project supervisors and 36295
foremen, and employees of school districts or other governmental 36296
or public entities who coordinate or directly supervise or oversee 36297
asbestos hazard abatement activities performed by school district, 36298
governmental, or other public employees in school district, 36299
governmental, or other public buildings. 36300

(F) "Asbestos hazard evaluation specialist" means a person 36301
responsible for the inspection, identification, detection, and 36302
assessment of asbestos-containing materials or suspect 36303
asbestos-containing materials, the determination of appropriate 36304
response actions, or the preparation of asbestos management plans 36305
for the purpose of protecting the public health from the hazards 36306
associated with exposure to asbestos, including the performance of 36307
air and bulk sampling. This category of specialists includes 36308
inspectors, management planners, health professionals, industrial 36309
hygienists, private consultants, or other individuals involved in 36310
asbestos risk identification or assessment or regulatory 36311
activities. 36312

(G) "Business entity" means a partnership, firm, association, 36313
corporation, sole proprietorship, or other business concern. 36314

(H) "Public entity" means the state or any of its political 36315
subdivisions or any agency or instrumentality of either. 36316

(I) "License" means a document issued by the director of 36317
environmental protection to a business entity or public entity 36318
affirming that the entity has met the requirements set forth in 36319
this chapter to engage in asbestos hazard abatement ~~activities~~ 36320
projects as an asbestos hazard abatement contractor. 36321

(J) "Certificate" means: 36322

(1) A document issued by the director to an individual 36323
affirming that the individual has successfully completed the 36324
training and other requirements set forth in this chapter to 36325

qualify as an asbestos hazard abatement specialist, an asbestos 36326
hazard evaluation specialist, an asbestos hazard abatement worker, 36327
an asbestos hazard abatement project designer, an asbestos hazard 36328
abatement air-monitoring technician, an approved asbestos hazard 36329
training provider, or other category of asbestos hazard specialist 36330
that the director establishes by rule; or 36331

(2) A document issued by a training institution in accordance 36332
with rules adopted by the director affirming that an individual 36333
has successfully completed the instruction required in all 36334
categories as provided in sections 3710.07 and 3710.10 of the 36335
Revised Code. 36336

(K) "Person" means any individual, business entity, 36337
governmental body, or other public or private entity. 36338

(L) "Encapsulate" means to coat, bind, or resurface walls, 36339
ceilings, pipes, or other structures for asbestos-containing 36340
materials with suitable products to prevent friable asbestos from 36341
becoming airborne. 36342

(M) "Friable asbestos-containing material" means friable 36343
asbestos material as defined in rules adopted under Chapter 3704. 36344
of the Revised Code. 36345

(N) "Enclosure" means the permanent confinement of friable 36346
asbestos-containing materials with an airtight barrier in an area 36347
not used as an air plenum. 36348

(O) "Renovation" means altering a facility or one or more 36349
facility components in any way, including the stripping or removal 36350
of friable asbestos-containing material from a facility component. 36351

(P) "Asbestos hazard abatement worker" means the person 36352
responsible in a nonsupervisory capacity for the performance of an 36353
asbestos hazard abatement activity. 36354

(Q) "Asbestos hazard abatement project designer" means the 36355

person responsible for the oversight of an asbestos hazard 36356
abatement activity or the determination of the workscope, work 36357
sequence, or performance standards for an asbestos hazard 36358
abatement activity, including preparation of specifications, 36359
plans, and contract documents. 36360

(R) "Clearance air sampling" means an air sampling performed 36361
after the completion of any asbestos hazard abatement ~~activity~~ 36362
project and prior to the reoccupation of the contained work area 36363
by the public and conducted for the purpose of protecting the 36364
public from the health hazards associated with exposure to friable 36365
asbestos-containing material. 36366

(S) "Asbestos hazard abatement air-monitoring technician" 36367
means the person who is responsible for environmental monitoring 36368
or work area clearance air sampling, including air monitoring 36369
performed to determine completion of response actions under the 36370
rules set forth in 40 C.F.R. 763 Subpart E, adopted by the United 36371
States environmental protection agency pursuant to the "Asbestos 36372
Hazard Emergency Response Act of 1986," Pub. L. 99-519, 100 Stat. 36373
2970. "Asbestos hazard abatement air-monitoring technician" does 36374
not mean an industrial hygienist ~~or industrial hygienist in~~ 36375
~~training~~, certified by the American board of industrial hygiene. 36376

Sec. 3710.04. (A) To qualify for an asbestos hazard abatement 36377
contractor's license, a business entity or public entity shall 36378
meet the requirements of this section. 36379

(B) Each employee or agent of the business entity or public 36380
entity applying for a license who will come in contact with 36381
asbestos or will be responsible for an asbestos hazard abatement 36382
~~project~~ activity shall: 36383

(1) Be familiar with all applicable state and federal 36384
standards for asbestos hazard abatement projects; 36385

(2) Have successfully completed the course of instruction on asbestos hazard abatement activities, for their particular certification, approved by the Ohio environmental protection agency pursuant to section 3710.10 of the Revised Code, have passed an examination approved by the agency, and demonstrate to the agency that the employee or agent is capable of complying with all applicable standards of this state, the United States environmental protection agency, and the United States occupational safety and health administration.

(C) A business entity or public entity applying for an asbestos hazard abatement contractor's license shall, in addition to the other requirements of this section, provide at least one asbestos hazard abatement specialist, certified pursuant to this chapter and the rules adopted under it, for each asbestos hazard abatement project, and demonstrate to the satisfaction of the Ohio environmental protection agency that the applicant:

(1) Has access to at least one asbestos disposal site approved by the agency that is sufficient for the deposit of all asbestos waste that the applicant will generate during the term of the license;

(2) Is sufficiently qualified to safely remove asbestos, demonstrated by reliability as an asbestos hazard abatement contractor, possesses a work program that prevents the contamination or recontamination of the environment and protects the public health from the hazards of exposure to asbestos, possesses evidence of certification of each individual employee or agent who will be responsible for others who may come in contact with friable asbestos-containing materials, possesses evidence of training of workers required by section 3710.07 of the Revised Code, and has prior successful experience in asbestos hazard abatement projects or equivalent qualifications as determined in accordance with rules adopted by the director of environmental

protection; 36418

(3) Possesses a worker protection program consistent with 36419
requirements established by the director if the contractor is a 36420
public entity, and a worker protection program consistent with the 36421
requirements of the United States occupational safety and health 36422
administration if the contractor is a business entity; 36423

(4) Is registered as a business entity with the secretary of 36424
state. 36425

(D) No applicant for licensure as an asbestos hazard 36426
abatement contractor, in order to meet the requirements of this 36427
chapter, shall list an employee of another contractor. 36428

(E) The business entity or public entity shall meet any other 36429
standards that the director, by rule, sets. 36430

(F) Nothing in this chapter or the rules adopted pursuant 36431
thereto relating to asbestos hazard abatement project designers 36432
shall be interpreted as authorizing or permitting an individual 36433
who is certified as an asbestos hazard abatement project designer 36434
to perform the services of a registered architect or professional 36435
engineer unless that person is registered under Chapter 4703. or 36436
4733. of the Revised Code to perform such services. 36437

Sec. 3710.05. (A) Except as otherwise provided in this 36438
chapter, no person shall engage in any asbestos hazard abatement 36439
activities in this state unless licensed or certified pursuant to 36440
this chapter. 36441

(B) To apply for licensure as an asbestos hazard abatement 36442
contractor or certification as an asbestos hazard abatement 36443
specialist, an asbestos hazard evaluation specialist, an asbestos 36444
hazard abatement project designer, or an asbestos hazard abatement 36445
air-monitoring technician, a person shall do all of the following: 36446

(1) Submit a completed application to the director of 36447

environmental protection, on a form provided by the agency; 36448

(2) Pay the requisite fee as provided in division (D) of this 36449
section; 36450

(3) Submit any other information the director by rule 36451
requires. 36452

(C) The application form for a business entity or public 36453
entity applying for an asbestos hazard abatement contractor's 36454
license shall include all of the following: 36455

(1) A description of the protective clothing and respirators 36456
that the public entity will use to comply with rules adopted by 36457
the director and that the business entity will use to comply with 36458
requirements of the United States occupational safety and health 36459
administration; 36460

(2) A description of procedures the business entity or public 36461
entity will use for the selection, utilization, handling, removal, 36462
and disposal of clothing to prevent contamination or 36463
recontamination of the environment and to protect the public 36464
health from the hazards associated with exposure to asbestos; 36465

(3) The name and address of each asbestos disposal site that 36466
the business entity or public entity might use during the year; 36467

(4) A description of the site decontamination procedures that 36468
the business entity or public entity will use; 36469

(5) A description of the asbestos hazard abatement procedures 36470
that the business entity or public entity will use; 36471

(6) A description of the procedures that the business entity 36472
or public entity will use for handling waste containing asbestos; 36473

(7) A description of the air-monitoring procedures that the 36474
business entity or public entity will use to prevent contamination 36475
or recontamination of the environment and to protect the public 36476
health from the hazards of exposure to asbestos; 36477

(8) A description of the final clean-up procedures that the business entity or public entity will use;	36478 36479
(9) A list of all partners, owners, and officers of the business entity along with their social security numbers;	36480 36481
(10) The federal tax identification number of the business entity or the public entity.	36482 36483
(D) The fees to be charged to each public entity, except for the agency, and each business entity and their employees and agents for licensure, certification, approval, and renewal of licenses, certifications, and approvals granted under this chapter, subject to division (A)(4) of section 3710.02 of the Revised Code, are:	36484 36485 36486 36487 36488 36489
(1) Seven hundred fifty dollars for asbestos hazard abatement contractors;	36490 36491
(2) Two hundred dollars for asbestos hazard abatement project designers;	36492 36493
(3) Fifty dollars for asbestos hazard abatement workers;	36494
(4) Two hundred dollars for asbestos hazard abatement specialists;	36495 36496
(5) Two hundred dollars for asbestos hazard evaluation specialists; and	36497 36498
(6) Nine hundred dollars for approval or renewal of asbestos hazard training providers.	36499 36500
(E) Notwithstanding division (A) of this section, no business entity which that engages in asbestos hazard abatement activities <u>projects</u> solely at its own place of business is required to be licensed as an asbestos hazard abatement contractor provided that the business entity is required to and does comply with all applicable standards of the United States environmental protection agency and the United States occupational safety and health	36501 36502 36503 36504 36505 36506 36507

administration and provided further that all persons employed by 36508
the business entity on the ~~activity~~ project meet the requirements 36509
of this chapter. 36510

Sec. 3710.051. No ~~person~~ asbestos hazard abatement contractor 36511
shall enter into an agreement to perform any aspect of an asbestos 36512
hazard abatement project unless the agreement is written and 36513
contains at least all of the following: 36514

(A) A requirement that all persons working on the project are 36515
licensed or certified by the director of environmental protection 36516
as required by this chapter; 36517

(B) A requirement that all project clearance levels and 36518
sampling be in accordance with rules adopted by the director; 36519

(C) A requirement that all clearance air-monitoring be 36520
conducted by asbestos hazard abatement air-monitoring technicians 36521
or asbestos hazard evaluation specialists certified by the 36522
director. 36523

Sec. 3710.06. (A) Within fifteen business days after 36524
receiving an application, the director of environmental protection 36525
shall acknowledge receipt of the application and notify the 36526
applicant of any deficiency in the application. Within sixty 36527
calendar days after receiving a completed application, including 36528
all additional information requested by the director, the director 36529
shall issue a license or certificate or deny the application. The 36530
director shall issue only one license or certificate that is in 36531
effect at one time to a business entity and its principal officers 36532
and a public entity and its principal officers. 36533

(B)(1) The director shall deny an application if it 36534
determines that the applicant has not demonstrated the ability to 36535
comply fully with all applicable federal and state requirements 36536
and all requirements, procedures, and standards established by the 36537

director in this chapter, Chapter 3704. of the Revised Code, or 36538
rules adopted under those chapters, as those chapters and rules 36539
pertain to asbestos. 36540

(2) The director shall deny any application for an asbestos 36541
hazard abatement contractor's license if the applicant or an 36542
officer or employee of the applicant has been convicted of a 36543
felony or found liable in a civil proceeding under any state or 36544
federal law designed to protect the environment. 36545

(3) The director shall send all denials of an application by 36546
certified mail to the applicant. If the director receives a timely 36547
request for a hearing from the applicant on the proposed denial of 36548
an application, the director shall hold a hearing in accordance 36549
with Chapter 119. of the Revised Code, as provided in division (A) 36550
of section 3710.13 of the Revised Code. 36551

(C) In an emergency that results from a sudden, unexpected 36552
event that is not a planned asbestos hazard abatement project, the 36553
director may waive the requirements for a license ~~or certificate~~. 36554
For the purposes of this division, "emergency" includes operations 36555
necessitated by nonroutine failures of equipment or by actions of 36556
fire and emergency medical personnel pursuant to duties within 36557
their official capacities. Any person who performs an asbestos 36558
hazard abatement ~~activity~~ project under emergency conditions shall 36559
notify the director within three days after performance thereof. 36560

(D) Each license or certificate issued under this chapter 36561
expires one year after the date of issue, but each licensee or 36562
certificate holder may apply to the environmental protection 36563
agency for the extension of the holder's license or certificate 36564
under the standard renewal procedures of Chapter 4745. of the 36565
Revised Code. 36566

To qualify for renewal of a license or certificate issued 36567
under this chapter, each licensee or certificate holder shall send 36568

the appropriate renewal fee set forth in division (D) of section 3710.05 of the Revised Code or as adopted by rule by the director pursuant to division (A)(4) of section 3710.02 of the Revised Code.

Certificate holders also shall successfully complete an annual renewal course approved by the agency pursuant to section 3710.10 of the Revised Code.

(E) The director may charge a fee in addition to those specified in division (D) of section 3710.05 of the Revised Code or in rules adopted by the director pursuant to division (A)(4) of section 3710.02 of the Revised Code if the licensee or certificate holder applies for renewal after the expiration thereof or requests a reissuance of any license or certificate, provided that no such fee shall exceed the original fees by more than fifty per cent.

Sec. 3710.07. (A) Prior to engaging in any asbestos hazard abatement project, an asbestos hazard abatement contractor shall do all of the following:

(1) Prepare a written respiratory protection program as defined by the director of environmental protection pursuant to rule, and make the program available to the environmental protection agency, and workers at the job site if the contractor is a public entity or prepare a written respiratory protection program, consistent with 29 C.F.R. 1910.134 and make the program available to the agency, and workers at the job site if the contractor is a business entity;

(2) Ensure that each worker who will be involved in any asbestos hazard abatement project has been examined within the preceding year and has been declared by a physician to be physically capable of working while wearing a respirator;

(3) Ensure that each of the contractor's employees or agents who will come in contact with asbestos-containing materials or will be responsible for an asbestos hazard abatement project receives the appropriate certification or licensure required by this chapter and the following training:

(a) An initial course approved by the agency pursuant to section 3710.10 of the Revised Code, completed before engaging in any asbestos hazard abatement ~~project~~ activity; and

(b) An annual review course approved by the agency pursuant to section 3710.10 of the Revised Code.

(B) After obtaining or renewing a license, an asbestos hazard abatement contractor shall notify the agency, on a form approved by the director, at least ten working days before beginning each asbestos hazard abatement project conducted during the term of the contractor's license.

(C) In addition to any other fee imposed under this chapter, an asbestos hazard abatement contractor shall pay, at the time of providing notice under division (B) of this section, the agency a fee of sixty-five dollars for each asbestos hazard abatement project conducted.

Sec. 3710.08. (A) An asbestos hazard abatement contractor engaging in any asbestos hazard abatement project shall, during the course of the project:

(1) Conduct each project in a manner that is in compliance with the requirements the director of environmental protection adopts pursuant to section 3704.03 of the Revised Code and the asbestos requirements of the United States occupational safety and health administration set forth in 29 C.F.R. 1926.1101;

(2) Comply with all applicable rules adopted by the director of environmental protection pursuant to sections 3704.03 and

3710.02 of the Revised Code. 36629

(B) An asbestos hazard abatement contractor that is a public 36630
entity shall: 36631

(1) Provide workers with protective clothing and equipment 36632
and ensure that the workers involved in any asbestos hazard 36633
abatement project use the items properly. Protective clothing and 36634
equipment shall include: 36635

(a) Respirators approved by the national institute of 36636
occupational safety and health. These respirators shall be fit 36637
tested in accordance with requirements of the United States 36638
occupational safety and health administration set forth in 29 36639
C.F.R. 1926.1101. At the request of an employee, the asbestos 36640
hazard abatement contractor shall provide the employee with a 36641
powered air purifying respirator, in which case, the testing 36642
requirements of division (B)(1)(a) of this section do not apply. 36643

(b) Items required by the director by rule as provided in 36644
division (A)(7) of section 3710.02 of the Revised Code. 36645

(2) Comply with all applicable standards of conduct and 36646
requirements adopted by the director pursuant to section 3710.02 36647
of the Revised Code. 36648

(C) An asbestos hazard abatement specialist engaging in any 36649
asbestos hazard abatement ~~project~~ activity shall, during the 36650
course of the ~~project~~ activity: 36651

(1) Conduct each ~~project~~ activity in a manner that will meet 36652
decontamination procedures, project containment procedures, and 36653
asbestos fiber dispersal methods as provided in division (A)(6) of 36654
section 3710.02 of the Revised Code; 36655

(2) Ensure that workers utilize, handle, remove, and dispose 36656
of the disposable clothing provided by abatement contractors in a 36657
manner that will prevent contamination or recontamination of the 36658

environment and protect the public health from the hazards of 36659
exposure to asbestos; 36660

(3) Ensure that workers utilize protective clothing and 36661
equipment and comply with the applicable health and safety 36662
standards set forth in division (A) of section 3710.08 of the 36663
Revised Code; 36664

(4) Ensure that there is no smoking, eating, or drinking in 36665
the work area; 36666

(5) Comply with all applicable standards of conduct and 36667
requirements adopted by the director pursuant to sections 3704.03 36668
and 3710.02 of the Revised Code. 36669

(D) An asbestos hazard evaluation specialist engaged in the 36670
identification, detection, and assessment of asbestos-containing 36671
materials, the determination of appropriate response actions, or 36672
other activities associated with an abatement project or the 36673
preparation of management plans, shall comply with the applicable 36674
standards of conduct and requirements adopted by the director 36675
pursuant to sections 3704.03 and 3710.02 of the Revised Code. 36676

(E) Every asbestos hazard abatement worker shall comply with 36677
all applicable standards adopted by the director pursuant to 36678
sections 3704.03 and 3710.02 of the Revised Code. 36679

~~(F) The director may, on a case by case basis, approve an 36680
alternative to the worker protection requirements of divisions 36681
(A), (B), and (C) of this section for an asbestos hazard abatement 36682
project conducted by a public entity, provided that the asbestos 36683
hazard abatement contractor submits the alternative procedure to 36684
the director in writing and demonstrates to the satisfaction of 36685
the director that the proposed alternative procedure provides 36686
equivalent worker protection. 36687~~

Sec. 3710.12. Subject to section 3710.13 of the Revised Code, 36688

the director of environmental protection may deny, suspend, or 36689
revoke any license or certificate, or renewal thereof, if the 36690
licensee or certificate holder: 36691

(A) Fraudulently or deceptively obtains or attempts to obtain 36692
a license or certificate; 36693

(B) Fails at any time to meet the qualifications for a 36694
license or certificate; 36695

(C) Is violating or threatening to violate any provisions of 36696
any of the following: 36697

(1) This chapter, Chapters 3704. and 3745. of the Revised 36698
Code, or the rules of the director adopted pursuant to those 36699
chapters, as those chapters and rules pertain to asbestos; 36700

(2) The "National Emission Standard for Hazardous Air 36701
Pollutants" regulations of the United States environmental 36702
protection agency as the regulations pertain to asbestos; 36703

(3) The regulations of the United States occupational safety 36704
and health administration as the regulations pertain to asbestos; 36705

(4) The regulations adopted by the United States 36706
environmental protection agency pursuant to the "Asbestos Hazard 36707
Emergency Response Act," Title II of the "Federal Toxic Substances 36708
Control Act," 90 Stat. 2003, 15 U.S.C. 2641 et seq. (1986). 36709

Sec. 3711.02. (A) Except as provided in division (B) of this 36710
section, no person shall operate any of the following, unless the 36711
person holds the appropriate license issued under this chapter and 36712
the license is valid: 36713

(1) A maternity unit; 36714

(2) A newborn care nursery; 36715

(3) A maternity home. 36716

(B) Division (A) of this section does not apply to a health 36717

care facility, as defined in ~~division (A)(4) of~~ section 3702.30 of 36718
the Revised Code. 36719

Sec. 3713.022. (A) No person shall recklessly manufacture, 36720
offer for sale, sell, deliver, or possess for the purpose of 36721
manufacturing, selling, or delivering a mesh crib liner intended 36722
for placement between a crib mattress and one or more of the 36723
crib's inner sides that does not comply with consumer product 36724
safety standards governing such liners that are promulgated after 36725
October 9, 2016, by the United States consumer product safety 36726
commission (pursuant to section 104 of the "Consumer Product 36727
Safety Improvement Act of 2008," 15 U.S.C. 2056a, as amended) for 36728
the purpose of ensuring sufficient permeability and breathability 36729
so as to prevent infant suffocation. 36730

(B) In the absence of standards described in division (A) of 36731
this section, ~~no person shall, beginning three years after the~~ 36732
~~effective date of this section, recklessly~~ a person may 36733
manufacture, offer for sale, sell, deliver, or possess for the 36734
purpose of manufacturing, selling, or delivering a mesh crib 36735
liner. 36736

(C) The superintendent of industrial compliance shall issue a 36737
notice of violation to any person found to have violated division 36738
(A) ~~or (B)~~ of this section. 36739

Sec. 3713.99. (A) Whoever violates division (A), (B), or (D) 36740
of section 3713.02 of the Revised Code is guilty of a misdemeanor 36741
of the fourth degree. 36742

(B) Whoever violates division (C) of section 3713.02 of the 36743
Revised Code is guilty of a misdemeanor of the third degree. 36744

(C) A person who, after receiving a notice issued under 36745
division (B) of section 3713.021 of the Revised Code or division 36746
~~(B) or~~ (C) of section 3713.022 of the Revised Code, continues to 36747

violate the applicable division of either of those sections is 36748
subject to a fine of not more than five hundred dollars. Each day 36749
of violation constitutes a separate offense. 36750

Sec. 3721.026. (A) If the operation of a nursing home is 36751
assigned or transferred to a different person, the person to whom 36752
the operation is assigned or transferred must, before the director 36753
of health may issue a license authorizing the person to operate 36754
the nursing home, submit to the director documentation showing 36755
that the person meets all of the following requirements: 36756

(1) Unless the assignment or transfer is in the form of a 36757
lease of the nursing home, the person has financial resources that 36758
the director determines are sufficient to cover any reasonably 36759
anticipated revenue shortfall for at least twelve months after the 36760
assignment or transfer. 36761

(2) If the assignment or transfer is in the form of a lease 36762
of the nursing home, either of the following applies to the 36763
person: 36764

(a) The person has obtained a bond that has a term of at 36765
least twelve months, has an annual renewal, and is for an amount 36766
not less than one million dollars. 36767

(b) If the person is unable to obtain a bond that meets the 36768
requirements of division (A)(2)(a) of this section at a cost the 36769
director determines to be reasonable or operates other nursing 36770
homes in this state, the person has financial resources that the 36771
director determines are sufficient to cover any reasonably 36772
anticipated revenue shortfall for at least twelve months after the 36773
assignment or transfer. 36774

(3) The person has at least five years of experience as an 36775
operator, manager, or administrator of a nursing home. 36776

(4) The person has plans for quality assurance and risk 36777

management for the nursing home. 36778

(5) The person has general and professional liability insurance coverage that provides coverage of at least one million dollars per occurrence and three million dollars aggregate. 36779
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(B) The documentation required by divisions (A)(1) and (2)(b) of this section shall include projected financial statements for the nursing home for the twelve-month period after the assignment or transfer of the operation of the nursing home. 36782
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The documentation required by division (A)(3) of this section shall include a list of each currently or previously licensed nursing home located in this or another state in which the person has or previously had any percentage of ownership. The percentage of ownership may have been in the operation, real property, or both of the nursing home. 36786
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(C) The requirements established by this section are in addition to the other requirements established by this chapter and the rules adopted under it for a license to operate a nursing home. 36792
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Sec. 3721.03. (A) As used in this section, "person" has the same meaning as in section 1.59 of the Revised Code. 36796
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(B) The director of health shall enforce the provisions of sections 3721.01 to 3721.13 and 3721.99 of the Revised Code and may issue orders to secure compliance with the provisions of these sections and the rules adopted under them. The director may hold hearings, issue subpoenas, compel testimony, and make adjudications. 36798
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The director may issue an order revoking a license in the event the director finds, upon hearing or opportunity afforded pursuant to Chapter 119. of the Revised Code, that any of the following apply to a person, county home, or district home 36804
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licensed under section 3721.07 of the Revised Code: 36808

(1) Has violated any of the provisions of Chapter 3721. of 36809
the Revised Code or rules adopted by the director under it; 36810

(2) Has violated any order issued by the director; 36811

(3) Is not, or any of its principals are not suitable, 36812
morally or financially to operate such an institution; 36813

(4) Is not furnishing humane, kind, and adequate treatment 36814
and care; 36815

(5) Has had a long-standing pattern of violations of this 36816
chapter or the rules adopted under it that has caused physical, 36817
emotional, mental, or psychosocial harm to one or more residents. 36818

Upon the issuance of any order of revocation, the person 36819
whose license is revoked, or the county home or district home that 36820
has its license revoked, may appeal in accordance with Chapter 36821
119. of the Revised Code. 36822

(C) Once the director notifies a person, county home, or 36823
district home licensed to operate a home that the license may be 36824
revoked or issues any order under this section, the person, county 36825
home, or district home shall not assign or transfer to another 36826
person or entity the right to operate the home, unless the notice 36827
or order is issued solely because the home has already closed or 36828
ceased operations or a certificate of need application has been 36829
filed with the director prior to the notification. This 36830
prohibition shall remain in effect until proceedings under Chapter 36831
119. of the Revised Code concerning the order or license 36832
revocation have been concluded ~~or the director notifies the~~ 36833
~~person, county home, or district home that the prohibition has~~ 36834
~~been lifted.~~ 36835

If a license is revoked under this section, the former 36836
license holder shall not assign or transfer or consent to 36837

assignment or transfer of the right to operate the home. Any 36838
attempted assignment or transfer to another person or entity is 36839
void. 36840

On revocation of a license, the former licensee shall take 36841
all necessary steps to cease operation of the home. 36842

The director of health shall not accept a certificate of need 36843
application under section 3702.52 of the Revised Code regarding a 36844
home if the license to operate the home has been revoked under 36845
this section. 36846

Sec. 3723.081. The director of health shall not require a 36847
licensed radon mitigation specialist to be physically present for 36848
supervision purposes when radon mitigation is performed. However, 36849
the director may require such a specialist to be physically 36850
present immediately before and after radon mitigation is 36851
performed. 36852

Sec. 3727.49. (A) As used in this section: 36853

(1) "Freestanding emergency department" means a facility that 36854
provides emergency care and is structurally separate and distinct 36855
from a hospital, as defined in section 3727.01 of the Revised 36856
Code. 36857

(2) "Health benefit plan" has the same meaning as in section 36858
3922.01 of the Revised Code. 36859

(B)(1) Unless a freestanding emergency department chooses to 36860
act under division (B)(2) of this section, the freestanding 36861
emergency department shall post, in a conspicuous place in an area 36862
of the facility accessible to the public, a notice that does all 36863
of the following: 36864

(a) Identifies the facility as a freestanding emergency 36865
department; 36866

(b) Specifies that the facility or a health care professional providing services at the facility may not be a participating provider in the provider network established by the patient's health benefit plan; 36867
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(c) Specifies that a health care professional providing services at the facility may charge separately from the facility for the services provided to the patient; 36871
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(d) Lists each health benefit plan in which the facility is a participating provider in the provider network established by the plan or states that the facility is not a participating provider in any provider network established by any health benefit plan. 36874
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(2) If a freestanding emergency department is a participating provider in one or more health benefit plan provider networks, the freestanding emergency department may do both of the following in lieu of posting the notice described in division (B)(1) of this section: 36878
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(a) Post a notice on the facility's internet web site listing each health benefit plan in which the facility is a participating provider in the provider network established by the plan; 36883
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(b) Provide each patient with written confirmation specifying whether the facility is a participating provider in the provider network established by the patient's health benefit plan. 36886
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(C) A freestanding emergency department shall use the national provider identifier, as assigned to the freestanding emergency department by the national provider system pursuant to 45 C.F.R. 162.408, on all claims for payment for health care services or goods. 36889
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(D) The director of health may apply to the court of common pleas of the county in which a freestanding emergency department is located for a temporary or permanent injunction restraining the freestanding emergency department from failure to comply with this 36894
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section. 36898

Sec. 3734.01. As used in this chapter: 36899

(A) "Board of health" means the board of health of a city or 36900
general health district or the authority having the duties of a 36901
board of health in any city as authorized by section 3709.05 of 36902
the Revised Code. 36903

(B) "Director" means the director of environmental 36904
protection. 36905

(C) "Health district" means a city or general health district 36906
as created by or under authority of Chapter 3709. of the Revised 36907
Code. 36908

(D) "Agency" means the environmental protection agency. 36909

(E) "Solid wastes" means such unwanted residual solid or 36910
semisolid material as results from industrial, commercial, 36911
agricultural, and community operations, excluding earth or 36912
material from construction, mining, or demolition operations, or 36913
other waste materials of the type that normally would be included 36914
in demolition debris, nontoxic fly ash and bottom ash, including 36915
at least ash that results from the combustion of coal and ash that 36916
results from the combustion of coal in combination with scrap 36917
tires where scrap tires comprise not more than fifty per cent of 36918
heat input in any month, spent nontoxic foundry sand, nontoxic, 36919
nonhazardous, unwanted fired and unfired, glazed and unglazed, 36920
structural products made from shale and clay products, and slag 36921
and other substances that are not harmful or inimical to public 36922
health, and includes, but is not limited to, garbage, scrap tires, 36923
combustible and noncombustible material, street dirt, and debris. 36924
"Solid wastes" does not include any material that is an infectious 36925
waste or a hazardous waste. 36926

(F) "Disposal" means the discharge, deposit, injection, 36927

dumping, spilling, leaking, emitting, or placing of any solid 36928
wastes or hazardous waste into or on any land or ground or surface 36929
water or into the air, except if the disposition or placement 36930
constitutes storage or treatment or, if the solid wastes consist 36931
of scrap tires, the disposition or placement constitutes a 36932
beneficial use or occurs at a scrap tire recovery facility 36933
licensed under section 3734.81 of the Revised Code. "Disposal" 36934
does not include the process of converting post-use polymers and 36935
recoverable feedstocks using gasification or pyrolysis. 36936

(G) "Person" includes the state, any political subdivision 36937
and other state or local body, the United States and any agency or 36938
instrumentality thereof, and any legal entity defined as a person 36939
under section 1.59 of the Revised Code. 36940

(H) "Open burning" means the burning of solid wastes in an 36941
open area or burning of solid wastes in a type of chamber or 36942
vessel that is not approved or authorized in rules adopted by the 36943
director under section 3734.02 of the Revised Code or, if the 36944
solid wastes consist of scrap tires, in rules adopted under 36945
division (V) of this section or section 3734.73 of the Revised 36946
Code, or the burning of treated or untreated infectious wastes in 36947
an open area or in a type of chamber or vessel that is not 36948
approved in rules adopted by the director under section 3734.021 36949
of the Revised Code. 36950

(I) "Open dumping" means the depositing of solid wastes into 36951
a body or stream of water or onto the surface of the ground at a 36952
site that is not licensed as a solid waste facility under section 36953
3734.05 of the Revised Code or, if the solid wastes consist of 36954
scrap tires, as a scrap tire collection, storage, monocell, 36955
monofill, or recovery facility licensed under section 3734.81 of 36956
the Revised Code; the depositing of solid wastes that consist of 36957
scrap tires onto the surface of the ground at a site or in a 36958
manner not specifically identified in divisions (C)(2) to (5), 36959

(7), or (10) of section 3734.85 of the Revised Code; the 36960
depositing of untreated infectious wastes into a body or stream of 36961
water or onto the surface of the ground; or the depositing of 36962
treated infectious wastes into a body or stream of water or onto 36963
the surface of the ground at a site that is not licensed as a 36964
solid waste facility under section 3734.05 of the Revised Code. 36965

(J) "Hazardous waste" means any waste or combination of 36966
wastes in solid, liquid, semisolid, or contained gaseous form that 36967
in the determination of the director, because of its quantity, 36968
concentration, or physical or chemical characteristics, may do 36969
either of the following: 36970

(1) Cause or significantly contribute to an increase in 36971
mortality or an increase in serious irreversible or incapacitating 36972
reversible illness; 36973

(2) Pose a substantial present or potential hazard to human 36974
health or safety or to the environment when improperly stored, 36975
treated, transported, disposed of, or otherwise managed. 36976

"Hazardous waste" includes any substance identified by 36977
regulation as hazardous waste under the "Resource Conservation and 36978
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 36979
amended, and does not include any substance that is subject to the 36980
"Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as 36981
amended. 36982

(K) "Treat" or "treatment," when used in connection with 36983
hazardous waste, means any method, technique, or process, 36984
including neutralization, designed to change the physical, 36985
chemical, or biological character or composition of any hazardous 36986
waste so as to neutralize the waste; recover energy or material 36987
resources from the waste; render the waste nonhazardous or less 36988
hazardous, safer to transport, store, or dispose of, or amenable 36989
for recovery or storage; or reduce the volume of the waste. When 36990

used in connection with infectious wastes, "treat" or "treatment" 36991
means any method, technique, or process that renders the wastes 36992
noninfectious so that it is no longer an infectious waste and is 36993
no longer an infectious substance as defined in applicable federal 36994
law, including, without limitation, steam sterilization and 36995
incineration, and, in the instance of wastes identified in 36996
division (R)(7) of this section, to substantially reduce or 36997
eliminate the potential for the wastes to cause lacerations or 36998
puncture wounds. 36999

(L) "Manifest" means the form used for identifying the 37000
quantity, composition, origin, routing, and destination of 37001
hazardous waste during its transportation from the point of 37002
generation to the point of disposal, treatment, or storage. 37003

(M) ~~"Storage," when~~ (1) When used in connection with 37004
hazardous waste, "storage" means the holding of hazardous waste 37005
for a temporary period in such a manner that it remains 37006
retrievable and substantially unchanged physically and chemically 37007
and, at the end of the period, is treated; disposed of; stored 37008
elsewhere; or reused, recycled, or reclaimed in a beneficial 37009
manner. ~~When~~ 37010

(2) When used in connection with ~~solid wastes that consist of~~ 37011
scrap tires, "storage" means the holding of scrap tires for a 37012
temporary period in such a manner that they remain retrievable 37013
and, at the end of that period, are beneficially used; stored 37014
elsewhere; placed in a scrap tire monocell or monofill facility 37015
licensed under section 3734.81 of the Revised Code; processed at a 37016
scrap tire recovery facility licensed under that section or a 37017
solid waste incineration or energy recovery facility subject to 37018
regulation under this chapter; or transported to a scrap tire 37019
monocell, monofill, or recovery facility, any other solid waste 37020
facility authorized to dispose of scrap tires, or a facility that 37021
will beneficially use the scrap tires, that is located in another 37022

state and is operating in compliance with the laws of the state in 37023
which the facility is located. 37024

(3) When used in connection with recoverable feedstocks or 37025
post-use polymers, "storage" means holding recoverable feedstocks 37026
or post-use polymers for a period of less than ninety days, 37027
provided all of the following apply: 37028

(a) The recoverable feedstocks or post-use polymers remain 37029
retrievable and substantially unchanged physically and chemically. 37030

(b) The storage of recoverable feedstocks or post-use 37031
polymers does not cause a nuisance. 37032

(c) The storage of recoverable feedstocks or post-use 37033
polymers does not pose a threat from vectors. 37034

(d) The storage of recoverable feedstocks or post-use 37035
polymers does not adversely impact public health, safety, or the 37036
environment. 37037

(e) Prior to the end of the storage period of less than 37038
ninety days, the recoverable feedstocks or post-use polymers are 37039
converted using gasification or pyrolysis. 37040

(N) "Facility" means any site, location, tract of land, 37041
installation, or building used for incineration, composting, 37042
sanitary landfilling, or other methods of disposal of solid wastes 37043
or, if the solid wastes consist of scrap tires, for the 37044
collection, storage, or processing of the solid wastes; for the 37045
transfer of solid wastes; for the treatment of infectious wastes; 37046
or for the storage, treatment, or disposal of hazardous waste. 37047

(O) "Closure" means the time at which a hazardous waste 37048
facility will no longer accept hazardous waste for treatment, 37049
storage, or disposal, the time at which a solid waste facility 37050
will no longer accept solid wastes for transfer or disposal or, if 37051
the solid wastes consist of scrap tires, for storage or 37052

processing, or the effective date of an order revoking the permit 37053
for a hazardous waste facility or the registration certificate, 37054
permit, or license for a solid waste facility, as applicable. 37055
"Closure" includes measures performed to protect public health or 37056
safety, to prevent air or water pollution, or to make the facility 37057
suitable for other uses, if any, including, but not limited to, 37058
the removal of processing residues resulting from solid wastes 37059
that consist of scrap tires; the establishment and maintenance of 37060
a suitable cover of soil and vegetation over cells in which 37061
hazardous waste or solid wastes are buried; minimization of 37062
erosion, the infiltration of surface water into such cells, the 37063
production of leachate, and the accumulation and runoff of 37064
contaminated surface water; the final construction of facilities 37065
for the collection and treatment of leachate and contaminated 37066
surface water runoff, except as otherwise provided in this 37067
division; the final construction of air and water quality 37068
monitoring facilities, except as otherwise provided in this 37069
division; the final construction of methane gas extraction and 37070
treatment systems; or the removal and proper disposal of hazardous 37071
waste or solid wastes from a facility when necessary to protect 37072
public health or safety or to abate or prevent air or water 37073
pollution. With regard to a solid waste facility that is a scrap 37074
tire facility, "closure" includes the final construction of 37075
facilities for the collection and treatment of leachate and 37076
contaminated surface water runoff and the final construction of 37077
air and water quality monitoring facilities only if those actions 37078
are determined to be necessary. 37079

(P) "Premises" means either of the following: 37080

(1) Geographically contiguous property owned by a generator; 37081

(2) Noncontiguous property that is owned by a generator and 37082
connected by a right-of-way that the generator controls and to 37083
which the public does not have access. Two or more pieces of 37084

property that are geographically contiguous and divided by public 37085
or private right-of-way or rights-of-way are a single premises. 37086

(Q) "Post-closure" means that period of time following 37087
closure during which a hazardous waste facility is required to be 37088
monitored and maintained under this chapter and rules adopted 37089
under it, including, without limitation, operation and maintenance 37090
of methane gas extraction and treatment systems, or the period of 37091
time after closure during which a scrap tire monocell or monofill 37092
facility licensed under section 3734.81 of the Revised Code is 37093
required to be monitored and maintained under this chapter and 37094
rules adopted under it. 37095

(R) "Infectious wastes" means any wastes or combination of 37096
wastes that include cultures and stocks of infectious agents and 37097
associated biologicals, human blood and blood products, and 37098
substances that were or are likely to have been exposed to or 37099
contaminated with or are likely to transmit an infectious agent or 37100
zoonotic agent, including all of the following: 37101

(1) Laboratory wastes; 37102

(2) Pathological wastes; 37103

(3) Animal blood and blood products; 37104

(4) Animal carcasses and parts; 37105

(5) Waste materials from the rooms of humans, or the 37106
enclosures of animals, that have been isolated because of 37107
diagnosed communicable disease that are likely to transmit 37108
infectious agents. Such waste materials from the rooms of humans 37109
do not include any wastes of patients who have been placed on 37110
blood and body fluid precautions under the universal precaution 37111
system established by the centers for disease control in the 37112
public health service of the United States department of health 37113
and human services, except to the extent specific wastes generated 37114
under the universal precautions system have been identified as 37115

infectious wastes by rules adopted under division (R)(7) of this section. 37116
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(6) Sharp wastes used in the treatment, diagnosis, or inoculation of human beings or animals; 37118
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(7) Any other waste materials generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, that the director of health, by rules adopted in accordance with Chapter 119. of the Revised Code, identifies as infectious wastes after determining that the wastes present a substantial threat to human health when improperly managed because they are contaminated with, or are likely to be contaminated with, infectious agents. 37120
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As used in this division, "blood products" does not include patient care waste such as bandages or disposable gowns that are lightly soiled with blood or other body fluids unless those wastes are soiled to the extent that the generator of the wastes determines that they should be managed as infectious wastes. 37129
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(S) "Infectious agent" means a type of microorganism, pathogen, virus, or proteinaceous infectious particle that can cause or significantly contribute to disease in or death of human beings. 37134
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(T) "Zoonotic agent" means a type of microorganism, pathogen, or virus that causes disease in vertebrate animals, is transmissible to human beings, and can cause or significantly contribute to disease in or death of human beings. 37138
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(U) "Solid waste transfer facility" means any site, location, tract of land, installation, or building that is used or intended to be used primarily for the purpose of transferring solid wastes that were generated off the premises of the facility from vehicles or containers into other vehicles for transportation to a solid 37142
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waste disposal facility. "Solid waste transfer facility" does not 37147
include any facility that consists solely of portable containers 37148
that have an aggregate volume of fifty cubic yards or less nor any 37149
facility where legitimate recycling activities are conducted. 37150

(V) "Beneficially use" includes: 37151

(1) With regard to scrap tires, to use a scrap tire in a 37152
manner that results in a commodity for sale or exchange or in any 37153
other manner authorized as a beneficial use in rules adopted by 37154
the director in accordance with Chapter 119. of the Revised Code; 37155

(2) With regard to material from a horizontal well that has 37156
come in contact with a refined oil-based substance and that is not 37157
technologically enhanced naturally occurring radioactive material, 37158
to use the material in any manner authorized as a beneficial use 37159
in rules adopted by the director under section 3734.125 of the 37160
Revised Code. 37161

(W) "Commercial car," "commercial tractor," "farm machinery," 37162
"motor bus," "vehicles," "motor vehicle," and "semitrailer" have 37163
the same meanings as in section 4501.01 of the Revised Code. 37164

(X) "Construction equipment" means road rollers, traction 37165
engines, power shovels, power cranes, and other equipment used in 37166
construction work, or in mining or producing or processing 37167
aggregates, and not designed for or used in general highway 37168
transportation. 37169

(Y) "Motor vehicle salvage dealer" has the same meaning as in 37170
section 4738.01 of the Revised Code. 37171

(Z) "Scrap tire" means an unwanted or discarded tire. 37172

(AA) "Scrap tire collection facility" means any facility that 37173
meets all of the following qualifications: 37174

(1) The facility is used for the receipt and storage of whole 37175
scrap tires from the public prior to their transportation to a 37176

scrap tire storage, monocell, monofill, or recovery facility 37177
licensed under section 3734.81 of the Revised Code; a solid waste 37178
incineration or energy recovery facility subject to regulation 37179
under this chapter; a premises within the state where the scrap 37180
tires will be beneficially used; or a scrap tire storage, 37181
monocell, monofill, or recovery facility, any other solid waste 37182
disposal facility authorized to dispose of scrap tires, or a 37183
facility that will beneficially use the scrap tires, that is 37184
located in another state, and that is operating in compliance with 37185
the laws of the state in which the facility is located. 37186

(2) The facility exclusively stores scrap tires in portable 37187
containers. 37188

(3) The aggregate storage of the portable containers in which 37189
the scrap tires are stored does not exceed five thousand cubic 37190
feet. 37191

(BB) "Scrap tire monocell facility" means an individual site 37192
within a solid waste landfill that is used exclusively for the 37193
environmentally sound storage or disposal of whole scrap tires or 37194
scrap tires that have been shredded, chipped, or otherwise 37195
mechanically processed. 37196

(CC) "Scrap tire monofill facility" means an engineered 37197
facility used or intended to be used exclusively for the storage 37198
or disposal of scrap tires, including at least facilities for the 37199
submergence of whole scrap tires in a body of water. 37200

(DD) "Scrap tire recovery facility" means any facility, or 37201
portion thereof, for the processing of scrap tires for the purpose 37202
of extracting or producing usable products, materials, or energy 37203
from the scrap tires through a controlled combustion process, 37204
mechanical process, or chemical process. "Scrap tire recovery 37205
facility" includes any facility that uses the controlled 37206
combustion of scrap tires in a manufacturing process to produce 37207

process heat or steam or any facility that produces usable heat or 37208
electric power through the controlled combustion of scrap tires in 37209
combination with another fuel, but does not include any solid 37210
waste incineration or energy recovery facility that is designed, 37211
constructed, and used for the primary purpose of incinerating 37212
mixed municipal solid wastes and that burns scrap tires in 37213
conjunction with mixed municipal solid wastes, or any tire 37214
retreading business, tire manufacturing finishing center, or tire 37215
adjustment center having on the premises of the business a single, 37216
covered scrap tire storage area at which not more than four 37217
thousand scrap tires are stored. 37218

(EE) "Scrap tire storage facility" means any facility where 37219
whole scrap tires are stored prior to their transportation to a 37220
scrap tire monocell, monofill, or recovery facility licensed under 37221
section 3734.81 of the Revised Code; a solid waste incineration or 37222
energy recovery facility subject to regulation under this chapter; 37223
a premises within the state where the scrap tires will be 37224
beneficially used; or a scrap tire storage, monocell, monofill, or 37225
recovery facility, any other solid waste disposal facility 37226
authorized to dispose of scrap tires, or a facility that will 37227
beneficially use the scrap tires, that is located in another 37228
state, and that is operating in compliance with the laws of the 37229
state in which the facility is located. 37230

(FF) "Used oil" means any oil that has been refined from 37231
crude oil, or any synthetic oil, that has been used and, as a 37232
result of that use, is contaminated by physical or chemical 37233
impurities. "Used oil" includes only those substances identified 37234
as used oil by the United States environmental protection agency 37235
under the "Used Oil Recycling Act of 1980," 94 Stat. 2055, 42 37236
U.S.C.A. 6901a, as amended. 37237

(GG) "Accumulated speculatively" has the same meaning as in 37238
rules adopted by the director under section 3734.12 of the Revised 37239

Code.	37240
(HH) "Horizontal well" has the same meaning as in section 1509.01 of the Revised Code.	37241 37242
(II) "Technologically enhanced naturally occurring radioactive material" has the same meaning as in section 3748.01 of the Revised Code.	37243 37244 37245
<u>(JJ) "Post-use polymer" means a plastic polymer to which both of the following apply:</u>	37246 37247
<u>(1) It is derived from any source and is not being used for its original intended purpose.</u>	37248 37249
<u>(2) Its use or intended use is to manufacture crude oil, fuels, other raw materials, intermediate products, or final products using pyrolysis or gasification. "Post-use polymer" may contain incidental contaminants or impurities, such as paper labels or metal rings.</u>	37250 37251 37252 37253 37254
<u>(KK) "Pyrolysis" means a process through which post-use polymers are heated in the absence of oxygen until melted and thermally decomposed, and are then cooled, condensed, and converted to one of the following:</u>	37255 37256 37257 37258
<u>(1) Crude oil, diesel, gasoline, home heating oil, or another fuel;</u>	37259 37260
<u>(2) Feedstocks;</u>	37261
<u>(3) Diesel and gasoline blendstocks;</u>	37262
<u>(4) Chemicals, waxes, or lubricants;</u>	37263
<u>(5) Other raw materials, intermediate products, or final products.</u>	37264 37265
<u>(LL) "Gasification" means a process through which recoverable feedstocks are heated and converted into a fuel-gas mixture in an oxygen-deficient atmosphere, and the mixture is converted into</u>	37266 37267 37268

fuel, including ethanol and transportation fuel, chemicals, or 37269
other chemical feedstocks. 37270

(MM) "Recoverable feedstock" means one or more of the 37271
following materials, derived from nonrecycled waste, that have 37272
been processed for use as a feedstock in a gasification facility: 37273

(1) Post-use polymers; 37274

(2) Materials concerning which the United States 37275
environmental protection agency has made a non-waste determination 37276
under 40 C.F.R. 241.3(c) or has otherwise determined are not solid 37277
waste. 37278

Sec. 3734.57. (A) The following fees are hereby levied on the 37279
transfer or disposal of solid wastes in this state: 37280

(1) Ninety cents per ton through June 30, ~~2020~~ 2022, twenty 37281
cents of the proceeds of which shall be deposited in the state 37282
treasury to the credit of the hazardous waste facility management 37283
fund created in section 3734.18 of the Revised Code and seventy 37284
cents of the proceeds of which shall be deposited in the state 37285
treasury to the credit of the hazardous waste clean-up fund 37286
created in section 3734.28 of the Revised Code; 37287

(2) An additional seventy-five cents per ton through June 30, 37288
~~2020~~ 2022, the proceeds of which shall be deposited in the state 37289
treasury to the credit of the waste management fund created in 37290
section 3734.061 of the Revised Code. 37291

(3) An additional two dollars and eighty-five cents per ton 37292
through June 30, ~~2020~~ 2022, the proceeds of which shall be 37293
deposited in the state treasury to the credit of the environmental 37294
protection fund created in section 3745.015 of the Revised Code; 37295

(4) An additional twenty-five cents per ton through June 30, 37296
~~2020~~ 2022, the proceeds of which shall be deposited in the state 37297
treasury to the credit of the soil and water conservation district 37298

assistance fund created in section 940.15 of the Revised Code. 37299

In the case of solid wastes that are taken to a solid waste 37300
transfer facility located in this state prior to being transported 37301
for disposal at a solid waste disposal facility located in this 37302
state or outside of this state, the fees levied under this 37303
division shall be collected by the owner or operator of the 37304
transfer facility as a trustee for the state. The amount of fees 37305
required to be collected under this division at such a transfer 37306
facility shall equal the total tonnage of solid wastes received at 37307
the facility multiplied by the fees levied under this division. In 37308
the case of solid wastes that are not taken to a solid waste 37309
transfer facility located in this state prior to being transported 37310
to a solid waste disposal facility, the fees shall be collected by 37311
the owner or operator of the solid waste disposal facility as a 37312
trustee for the state. The amount of fees required to be collected 37313
under this division at such a disposal facility shall equal the 37314
total tonnage of solid wastes received at the facility that was 37315
not previously taken to a solid waste transfer facility located in 37316
this state multiplied by the fees levied under this division. Fees 37317
levied under this division do not apply to materials separated 37318
from a mixed waste stream for recycling by a generator or 37319
materials removed from the solid waste stream through recycling, 37320
as "recycling" is defined in rules adopted under section 3734.02 37321
of the Revised Code. 37322

The owner or operator of a solid waste transfer facility or 37323
disposal facility, as applicable, shall prepare and file with the 37324
director of environmental protection each month a return 37325
indicating the total tonnage of solid wastes received at the 37326
facility during that month and the total amount of the fees 37327
required to be collected under this division during that month. In 37328
addition, the owner or operator of a solid waste disposal facility 37329
shall indicate on the return the total tonnage of solid wastes 37330

received from transfer facilities located in this state during 37331
that month for which the fees were required to be collected by the 37332
transfer facilities. The monthly returns shall be filed on a form 37333
prescribed by the director. Not later than thirty days after the 37334
last day of the month to which a return applies, the owner or 37335
operator shall mail to the director the return for that month 37336
together with the fees required to be collected under this 37337
division during that month as indicated on the return or may 37338
submit the return and fees electronically in a manner approved by 37339
the director. If the return is filed and the amount of the fees 37340
due is paid in a timely manner as required in this division, the 37341
owner or operator may retain a discount of three-fourths of one 37342
per cent of the total amount of the fees that are required to be 37343
paid as indicated on the return. 37344

The owner or operator may request an extension of not more 37345
than thirty days for filing the return and remitting the fees, 37346
provided that the owner or operator has submitted such a request 37347
in writing to the director together with a detailed description of 37348
why the extension is requested, the director has received the 37349
request not later than the day on which the return is required to 37350
be filed, and the director has approved the request. If the fees 37351
are not remitted within thirty days after the last day of the 37352
month to which the return applies or are not remitted by the last 37353
day of an extension approved by the director, the owner or 37354
operator shall not retain the three-fourths of one per cent 37355
discount and shall pay an additional ten per cent of the amount of 37356
the fees for each month that they are late. For purposes of 37357
calculating the late fee, the first month in which fees are late 37358
begins on the first day after the deadline has passed for timely 37359
submitting the return and fees, and one additional month shall be 37360
counted every thirty days thereafter. 37361

The owner or operator of a solid waste facility may request a 37362

refund or credit of fees levied under this division and remitted 37363
to the director that have not been paid to the owner or operator. 37364
Such a request shall be made only if the fees have not been 37365
collected by the owner or operator, have become a debt that has 37366
become worthless or uncollectable for a period of six months or 37367
more, and may be claimed as a deduction, including a deduction 37368
claimed if the owner or operator keeps accounts on an accrual 37369
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 37370
U.S.C. 166, as amended, and regulations adopted under it. Prior to 37371
making a request for a refund or credit, an owner or operator 37372
shall make reasonable efforts to collect the applicable fees. A 37373
request for a refund or credit shall not include any costs 37374
resulting from those efforts to collect unpaid fees. 37375

A request for a refund or credit of fees shall be made in 37376
writing, on a form prescribed by the director, and shall be 37377
supported by evidence that may be required in rules adopted by the 37378
director under this chapter. After reviewing the request, and if 37379
the request and evidence submitted with the request indicate that 37380
a refund or credit is warranted, the director shall grant a refund 37381
to the owner or operator or shall permit a credit to be taken by 37382
the owner or operator on a subsequent monthly return submitted by 37383
the owner or operator. The amount of a refund or credit shall not 37384
exceed an amount that is equal to ninety days' worth of fees owed 37385
to an owner or operator by a particular debtor of the owner or 37386
operator. A refund or credit shall not be granted by the director 37387
to an owner or operator more than once in any twelve-month period 37388
for fees owed to the owner or operator by a particular debtor. 37389

If, after receiving a refund or credit from the director, an 37390
owner or operator receives payment of all or part of the fees, the 37391
owner or operator shall remit the fees with the next monthly 37392
return submitted to the director together with a written 37393
explanation of the reason for the submittal. 37394

For purposes of computing the fees levied under this division 37395
or division (B) of this section, any solid waste transfer or 37396
disposal facility that does not use scales as a means of 37397
determining gate receipts shall use a conversion factor of three 37398
cubic yards per ton of solid waste or one cubic yard per ton for 37399
baled waste, as applicable. 37400

The fees levied under this division and divisions (B) and (C) 37401
of this section are in addition to all other applicable fees and 37402
taxes and shall be paid by the customer or a political subdivision 37403
to the owner or operator of a solid waste transfer or disposal 37404
facility. In the alternative, the fees shall be paid by a customer 37405
or political subdivision to a transporter of waste who 37406
subsequently transfers the fees to the owner or operator of such a 37407
facility. The fees shall be paid notwithstanding the existence of 37408
any provision in a contract that the customer or a political 37409
subdivision may have with the owner or operator or with a 37410
transporter of waste to the facility that would not require or 37411
allow such payment regardless of whether the contract was entered 37412
prior to or after October 16, 2009. For those purposes, "customer" 37413
means a person who contracts with, or utilizes the solid waste 37414
services of, the owner or operator of a solid waste transfer or 37415
disposal facility or a transporter of solid waste to such a 37416
facility. 37417

(B) For the purposes specified in division (G) of this 37418
section, the solid waste management policy committee of a county 37419
or joint solid waste management district may levy fees upon the 37420
following activities: 37421

(1) The disposal at a solid waste disposal facility located 37422
in the district of solid wastes generated within the district; 37423

(2) The disposal at a solid waste disposal facility within 37424
the district of solid wastes generated outside the boundaries of 37425
the district, but inside this state; 37426

(3) The disposal at a solid waste disposal facility within 37427
the district of solid wastes generated outside the boundaries of 37428
this state. 37429

The solid waste management plan of the county or joint 37430
district approved under section 3734.521 or 3734.55 of the Revised 37431
Code and any amendments to it, or the resolution adopted under 37432
this division, as appropriate, shall establish the rates of the 37433
fees levied under divisions (B)(1), (2), and (3) of this section, 37434
if any, and shall specify whether the fees are levied on the basis 37435
of tons or cubic yards as the unit of measurement. A solid waste 37436
management district that levies fees under this division on the 37437
basis of cubic yards shall do so in accordance with division (A) 37438
of this section. 37439

The fee levied under division (B)(1) of this section shall be 37440
not less than one dollar per ton nor more than two dollars per 37441
ton, the fee levied under division (B)(2) of this section shall be 37442
not less than two dollars per ton nor more than four dollars per 37443
ton, and the fee levied under division (B)(3) of this section 37444
shall be not more than the fee levied under division (B)(1) of 37445
this section. 37446

Prior to the approval of the solid waste management plan of a 37447
district under section 3734.55 of the Revised Code, the solid 37448
waste management policy committee of a district may levy fees 37449
under this division by adopting a resolution establishing the 37450
proposed amount of the fees. Upon adopting the resolution, the 37451
committee shall deliver a copy of the resolution to the board of 37452
county commissioners of each county forming the district and to 37453
the legislative authority of each municipal corporation and 37454
township under the jurisdiction of the district and shall prepare 37455
and publish the resolution and a notice of the time and location 37456
where a public hearing on the fees will be held. Upon adopting the 37457
resolution, the committee shall deliver written notice of the 37458

adoption of the resolution; of the amount of the proposed fees; 37459
and of the date, time, and location of the public hearing to the 37460
director and to the fifty industrial, commercial, or institutional 37461
generators of solid wastes within the district that generate the 37462
largest quantities of solid wastes, as determined by the 37463
committee, and to their local trade associations. The committee 37464
shall make good faith efforts to identify those generators within 37465
the district and their local trade associations, but the 37466
nonprovision of notice under this division to a particular 37467
generator or local trade association does not invalidate the 37468
proceedings under this division. The publication shall occur at 37469
least thirty days before the hearing. After the hearing, the 37470
committee may make such revisions to the proposed fees as it 37471
considers appropriate and thereafter, by resolution, shall adopt 37472
the revised fee schedule. Upon adopting the revised fee schedule, 37473
the committee shall deliver a copy of the resolution doing so to 37474
the board of county commissioners of each county forming the 37475
district and to the legislative authority of each municipal 37476
corporation and township under the jurisdiction of the district. 37477
Within sixty days after the delivery of a copy of the resolution 37478
adopting the proposed revised fees by the policy committee, each 37479
such board and legislative authority, by ordinance or resolution, 37480
shall approve or disapprove the revised fees and deliver a copy of 37481
the ordinance or resolution to the committee. If any such board or 37482
legislative authority fails to adopt and deliver to the policy 37483
committee an ordinance or resolution approving or disapproving the 37484
revised fees within sixty days after the policy committee 37485
delivered its resolution adopting the proposed revised fees, it 37486
shall be conclusively presumed that the board or legislative 37487
authority has approved the proposed revised fees. The committee 37488
shall determine if the resolution has been ratified in the same 37489
manner in which it determines if a draft solid waste management 37490
plan has been ratified under division (B) of section 3734.55 of 37491

the Revised Code. 37492

The committee may amend the schedule of fees levied pursuant 37493
to a resolution adopted and ratified under this division by 37494
adopting a resolution establishing the proposed amount of the 37495
amended fees. The committee may repeal the fees levied pursuant to 37496
such a resolution by adopting a resolution proposing to repeal 37497
them. Upon adopting such a resolution, the committee shall proceed 37498
to obtain ratification of the resolution in accordance with this 37499
division. 37500

Not later than fourteen days after declaring the new fees to 37501
be ratified or the fees to be repealed under this division, the 37502
committee shall notify by certified mail the owner or operator of 37503
each solid waste disposal facility that is required to collect the 37504
fees of the ratification and the amount of the fees or of the 37505
repeal of the fees. Collection of any fees shall commence or 37506
collection of repealed fees shall cease on the first day of the 37507
second month following the month in which notification is sent to 37508
the owner or operator. 37509

Fees levied under this division also may be established, 37510
amended, or repealed by a solid waste management policy committee 37511
through the adoption of a new district solid waste management 37512
plan, the adoption of an amended plan, or the amendment of the 37513
plan or amended plan in accordance with sections 3734.55 and 37514
3734.56 of the Revised Code or the adoption or amendment of a 37515
district plan in connection with a change in district composition 37516
under section 3734.521 of the Revised Code. 37517

Not later than fourteen days after the director issues an 37518
order approving a district's solid waste management plan, amended 37519
plan, or amendment to a plan or amended plan that establishes, 37520
amends, or repeals a schedule of fees levied by the district, the 37521
committee shall notify by certified mail the owner or operator of 37522
each solid waste disposal facility that is required to collect the 37523

fees of the approval of the plan or amended plan, or the amendment 37524
to the plan, as appropriate, and the amount of the fees, if any. 37525
In the case of an initial or amended plan approved under section 37526
3734.521 of the Revised Code in connection with a change in 37527
district composition, other than one involving the withdrawal of a 37528
county from a joint district, the committee, within fourteen days 37529
after the change takes effect pursuant to division (G) of that 37530
section, shall notify by certified mail the owner or operator of 37531
each solid waste disposal facility that is required to collect the 37532
fees that the change has taken effect and of the amount of the 37533
fees, if any. Collection of any fees shall commence or collection 37534
of repealed fees shall cease on the first day of the second month 37535
following the month in which notification is sent to the owner or 37536
operator. 37537

If, in the case of a change in district composition involving 37538
the withdrawal of a county from a joint district, the director 37539
completes the actions required under division (G)(1) or (3) of 37540
section 3734.521 of the Revised Code, as appropriate, forty-five 37541
days or more before the beginning of a calendar year, the policy 37542
committee of each of the districts resulting from the change that 37543
obtained the director's approval of an initial or amended plan in 37544
connection with the change, within fourteen days after the 37545
director's completion of the required actions, shall notify by 37546
certified mail the owner or operator of each solid waste disposal 37547
facility that is required to collect the district's fees that the 37548
change is to take effect on the first day of January immediately 37549
following the issuance of the notice and of the amount of the fees 37550
or amended fees levied under divisions (B)(1) to (3) of this 37551
section pursuant to the district's initial or amended plan as so 37552
approved or, if appropriate, the repeal of the district's fees by 37553
that initial or amended plan. Collection of any fees set forth in 37554
such a plan or amended plan shall commence on the first day of 37555
January immediately following the issuance of the notice. If such 37556

an initial or amended plan repeals a schedule of fees, collection 37557
of the fees shall cease on that first day of January. 37558

If, in the case of a change in district composition involving 37559
the withdrawal of a county from a joint district, the director 37560
completes the actions required under division (G)(1) or (3) of 37561
section 3734.521 of the Revised Code, as appropriate, less than 37562
forty-five days before the beginning of a calendar year, the 37563
director, on behalf of each of the districts resulting from the 37564
change that obtained the director's approval of an initial or 37565
amended plan in connection with the change proceedings, shall 37566
notify by certified mail the owner or operator of each solid waste 37567
disposal facility that is required to collect the district's fees 37568
that the change is to take effect on the first day of January 37569
immediately following the mailing of the notice and of the amount 37570
of the fees or amended fees levied under divisions (B)(1) to (3) 37571
of this section pursuant to the district's initial or amended plan 37572
as so approved or, if appropriate, the repeal of the district's 37573
fees by that initial or amended plan. Collection of any fees set 37574
forth in such a plan or amended plan shall commence on the first 37575
day of the second month following the month in which notification 37576
is sent to the owner or operator. If such an initial or amended 37577
plan repeals a schedule of fees, collection of the fees shall 37578
cease on the first day of the second month following the month in 37579
which notification is sent to the owner or operator. 37580

If the schedule of fees that a solid waste management 37581
district is levying under divisions (B)(1) to (3) of this section 37582
is amended or repealed, the fees in effect immediately prior to 37583
the amendment or repeal shall continue to be collected until 37584
collection of the amended fees commences or collection of the 37585
repealed fees ceases, as applicable, as specified in this 37586
division. In the case of a change in district composition, money 37587
so received from the collection of the fees of the former 37588

districts shall be divided among the resulting districts in 37589
accordance with division (B) of section 343.012 of the Revised 37590
Code and the agreements entered into under division (B) of section 37591
343.01 of the Revised Code to establish the former and resulting 37592
districts and any amendments to those agreements. 37593

For the purposes of the provisions of division (B) of this 37594
section establishing the times when newly established or amended 37595
fees levied by a district are required to commence and the 37596
collection of fees that have been amended or repealed is required 37597
to cease, "fees" or "schedule of fees" includes, in addition to 37598
fees levied under divisions (B)(1) to (3) of this section, those 37599
levied under section 3734.573 or 3734.574 of the Revised Code. 37600

(C) For the purposes of defraying the added costs to a 37601
municipal corporation or township of maintaining roads and other 37602
public facilities and of providing emergency and other public 37603
services, and compensating a municipal corporation or township for 37604
reductions in real property tax revenues due to reductions in real 37605
property valuations resulting from the location and operation of a 37606
solid waste disposal facility within the municipal corporation or 37607
township, a municipal corporation or township in which such a 37608
solid waste disposal facility is located may levy a fee of not 37609
more than twenty-five cents per ton on the disposal of solid 37610
wastes at a solid waste disposal facility located within the 37611
boundaries of the municipal corporation or township regardless of 37612
where the wastes were generated. 37613

The legislative authority of a municipal corporation or 37614
township may levy fees under this division by enacting an 37615
ordinance or adopting a resolution establishing the amount of the 37616
fees. Upon so doing the legislative authority shall mail a 37617
certified copy of the ordinance or resolution to the board of 37618
county commissioners or directors of the county or joint solid 37619
waste management district in which the municipal corporation or 37620

township is located or, if a regional solid waste management 37621
authority has been formed under section 343.011 of the Revised 37622
Code, to the board of trustees of that regional authority, the 37623
owner or operator of each solid waste disposal facility in the 37624
municipal corporation or township that is required to collect the 37625
fee by the ordinance or resolution, and the director of 37626
environmental protection. Although the fees levied under this 37627
division are levied on the basis of tons as the unit of 37628
measurement, the legislative authority, in its ordinance or 37629
resolution levying the fees under this division, may direct that 37630
the fees be levied on the basis of cubic yards as the unit of 37631
measurement based upon a conversion factor of three cubic yards 37632
per ton generally or one cubic yard per ton for baled wastes. 37633

Not later than five days after enacting an ordinance or 37634
adopting a resolution under this division, the legislative 37635
authority shall so notify by certified mail the owner or operator 37636
of each solid waste disposal facility that is required to collect 37637
the fee. Collection of any fee levied on or after March 24, 1992, 37638
shall commence on the first day of the second month following the 37639
month in which notification is sent to the owner or operator. 37640

(D)(1) The fees levied under divisions (A), (B), and (C) of 37641
this section do not apply to the disposal of solid wastes that: 37642

(a) Are disposed of at a facility owned by the generator of 37643
the wastes when the solid waste facility exclusively disposes of 37644
solid wastes generated at one or more premises owned by the 37645
generator regardless of whether the facility is located on a 37646
premises where the wastes are generated; 37647

(b) Are generated from the combustion of coal, or from the 37648
combustion of primarily coal, regardless of whether the disposal 37649
facility is located on the premises where the wastes are 37650
generated; 37651

(c) Are asbestos or asbestos-containing materials or products 37652
disposed of at a construction and demolition debris facility that 37653
is licensed under Chapter 3714. of the Revised Code or at a solid 37654
waste facility that is licensed under this chapter. 37655

(2) Except as provided in section 3734.571 of the Revised 37656
Code, any fees levied under division (B)(1) of this section apply 37657
to solid wastes originating outside the boundaries of a county or 37658
joint district that are covered by an agreement for the joint use 37659
of solid waste facilities entered into under section 343.02 of the 37660
Revised Code by the board of county commissioners or board of 37661
directors of the county or joint district where the wastes are 37662
generated and disposed of. 37663

(3) When solid wastes, other than solid wastes that consist 37664
of scrap tires, are burned in a disposal facility that is an 37665
incinerator or energy recovery facility, the fees levied under 37666
divisions (A), (B), and (C) of this section shall be levied upon 37667
the disposal of the fly ash and bottom ash remaining after burning 37668
of the solid wastes and shall be collected by the owner or 37669
operator of the sanitary landfill where the ash is disposed of. 37670

(4) When solid wastes are delivered to a solid waste transfer 37671
facility, the fees levied under divisions (B) and (C) of this 37672
section shall be levied upon the disposal of solid wastes 37673
transported off the premises of the transfer facility for disposal 37674
and shall be collected by the owner or operator of the solid waste 37675
disposal facility where the wastes are disposed of. 37676

(5) The fees levied under divisions (A), (B), and (C) of this 37677
section do not apply to sewage sludge that is generated by a waste 37678
water treatment facility holding a national pollutant discharge 37679
elimination system permit and that is disposed of through 37680
incineration, land application, or composting or at another 37681
resource recovery or disposal facility that is not a landfill. 37682

(6) The fees levied under divisions (A), (B), and (C) of this section do not apply to solid wastes delivered to a solid waste composting facility for processing. When any unprocessed solid waste or compost product is transported off the premises of a composting facility and disposed of at a landfill, the fees levied under divisions (A), (B), and (C) of this section shall be collected by the owner or operator of the landfill where the unprocessed waste or compost product is disposed of.

(7) When solid wastes that consist of scrap tires are processed at a scrap tire recovery facility, the fees levied under divisions (A), (B), and (C) of this section shall be levied upon the disposal of the fly ash and bottom ash or other solid wastes remaining after the processing of the scrap tires and shall be collected by the owner or operator of the solid waste disposal facility where the ash or other solid wastes are disposed of.

(8) The director of environmental protection may issue an order exempting from the fees levied under this section solid wastes, including, but not limited to, scrap tires, that are generated, transferred, or disposed of as a result of a contract providing for the expenditure of public funds entered into by the administrator or regional administrator of the United States environmental protection agency, the director of environmental protection, or the director of administrative services on behalf of the director of environmental protection for the purpose of remediating conditions at a hazardous waste facility, solid waste facility, or other location at which the administrator or regional administrator or the director of environmental protection has reason to believe that there is a substantial threat to public health or safety or the environment or that the conditions are causing or contributing to air or water pollution or soil contamination. An order issued by the director of environmental protection under division (D)(8) of this section shall include a

determination that the amount of the fees not received by a solid waste management district as a result of the order will not adversely impact the implementation and financing of the district's approved solid waste management plan and any approved amendments to the plan. Such an order is a final action of the director of environmental protection.

(E) The fees levied under divisions (B) and (C) of this section shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of as a trustee for the county or joint district and municipal corporation or township where the wastes are disposed of. Moneys from the fees levied under division (B) of this section shall be forwarded to the board of county commissioners or board of directors of the district in accordance with rules adopted under division (H) of this section. Moneys from the fees levied under division (C) of this section shall be forwarded to the treasurer or such other officer of the municipal corporation as, by virtue of the charter, has the duties of the treasurer or to the fiscal officer of the township, as appropriate, in accordance with those rules.

(F) Moneys received by the treasurer or other officer of the municipal corporation under division (E) of this section shall be paid into the general fund of the municipal corporation. Moneys received by the fiscal officer of the township under that division shall be paid into the general fund of the township. The treasurer or other officer of the municipal corporation or the township fiscal officer, as appropriate, shall maintain separate records of the moneys received from the fees levied under division (C) of this section.

(G) Moneys received by the board of county commissioners or board of directors under division (E) of this section or section 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code shall be paid to the county treasurer, or other official acting in

a similar capacity under a county charter, in a county district or 37747
to the county treasurer or other official designated by the board 37748
of directors in a joint district and kept in a separate and 37749
distinct fund to the credit of the district. If a regional solid 37750
waste management authority has been formed under section 343.011 37751
of the Revised Code, moneys received by the board of trustees of 37752
that regional authority under division (E) of this section shall 37753
be kept by the board in a separate and distinct fund to the credit 37754
of the district. Moneys in the special fund of the county or joint 37755
district arising from the fees levied under division (B) of this 37756
section and the fee levied under division (A) of section 3734.573 37757
of the Revised Code shall be expended by the board of county 37758
commissioners or directors of the district in accordance with the 37759
district's solid waste management plan or amended plan approved 37760
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 37761
exclusively for the following purposes: 37762

(1) Preparation of the solid waste management plan of the 37763
district under section 3734.54 of the Revised Code, monitoring 37764
implementation of the plan, and conducting the periodic review and 37765
amendment of the plan required by section 3734.56 of the Revised 37766
Code by the solid waste management policy committee; 37767

(2) Implementation of the approved solid waste management 37768
plan or amended plan of the district, including, without 37769
limitation, the development and implementation of solid waste 37770
recycling or reduction programs; 37771

(3) Providing financial assistance to boards of health within 37772
the district, if solid waste facilities are located within the 37773
district, for enforcement of this chapter and rules, orders, and 37774
terms and conditions of permits, licenses, and variances adopted 37775
or issued under it, other than the hazardous waste provisions of 37776
this chapter and rules adopted and orders and terms and conditions 37777
of permits issued under those provisions; 37778

(4) Providing financial assistance to each county within the district to defray the added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation of a solid waste facility within the county under the district's approved solid waste management plan or amended plan;

(5) Pursuant to contracts entered into with boards of health within the district, if solid waste facilities contained in the district's approved plan or amended plan are located within the district, for paying the costs incurred by those boards of health for collecting and analyzing samples from public or private water wells on lands adjacent to those facilities;

(6) Developing and implementing a program for the inspection of solid wastes generated outside the boundaries of this state that are disposed of at solid waste facilities included in the district's approved solid waste management plan or amended plan;

(7) Providing financial assistance to boards of health within the district for the enforcement of section 3734.03 of the Revised Code or to local law enforcement agencies having jurisdiction within the district for enforcing anti-littering laws and ordinances;

(8) Providing financial assistance to boards of health of health districts within the district that are on the approved list under section 3734.08 of the Revised Code to defray the costs to the health districts for the participation of their employees responsible for enforcement of the solid waste provisions of this chapter and rules adopted and orders and terms and conditions of permits, licenses, and variances issued under those provisions in the training and certification program as required by rules adopted under division (L) of section 3734.02 of the Revised Code;

(9) Providing financial assistance to individual municipal

corporations and townships within the district to defray their 37810
added costs of maintaining roads and other public facilities and 37811
of providing emergency and other public services resulting from 37812
the location and operation within their boundaries of a 37813
composting, energy or resource recovery, incineration, or 37814
recycling facility that either is owned by the district or is 37815
furnishing solid waste management facility or recycling services 37816
to the district pursuant to a contract or agreement with the board 37817
of county commissioners or directors of the district; 37818

(10) Payment of any expenses that are agreed to, awarded, or 37819
ordered to be paid under section 3734.35 of the Revised Code and 37820
of any administrative costs incurred pursuant to that section. In 37821
the case of a joint solid waste management district, if the board 37822
of county commissioners of one of the counties in the district is 37823
negotiating on behalf of affected communities, as defined in that 37824
section, in that county, the board shall obtain the approval of 37825
the board of directors of the district in order to expend moneys 37826
for administrative costs incurred. 37827

Prior to the approval of the district's solid waste 37828
management plan under section 3734.55 of the Revised Code, moneys 37829
in the special fund of the district arising from the fees shall be 37830
expended for those purposes in the manner prescribed by the solid 37831
waste management policy committee by resolution. 37832

Notwithstanding division (G)(6) of this section as it existed 37833
prior to October 29, 1993, or any provision in a district's solid 37834
waste management plan prepared in accordance with division 37835
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 37836
prior to that date, any moneys arising from the fees levied under 37837
division (B)(3) of this section prior to January 1, 1994, may be 37838
expended for any of the purposes authorized in divisions (G)(1) to 37839
(10) of this section. 37840

(H) The director shall adopt rules in accordance with Chapter 37841

119. of the Revised Code prescribing procedures for collecting and 37842
forwarding the fees levied under divisions (B) and (C) of this 37843
section to the boards of county commissioners or directors of 37844
county or joint solid waste management districts and to the 37845
treasurers or other officers of municipal corporations and the 37846
fiscal officers of townships. The rules also shall prescribe the 37847
dates for forwarding the fees to the boards and officials and may 37848
prescribe any other requirements the director considers necessary 37849
or appropriate to implement and administer divisions (A), (B), and 37850
(C) of this section. 37851

Sec. 3734.901. (A)(1) For the purpose of providing revenue to 37852
defray the cost of administering and enforcing the scrap tire 37853
provisions of this chapter, rules adopted under those provisions, 37854
and terms and conditions of orders, variances, and licenses issued 37855
under those provisions; to abate accumulations of scrap tires; to 37856
make grants supporting market development activities for scrap 37857
tires and synthetic rubber from tire manufacturing processes and 37858
tire recycling processes and to support scrap tire amnesty and 37859
cleanup events; to make loans to promote the recycling or recovery 37860
of energy from scrap tires; and to defray the costs of 37861
administering and enforcing sections 3734.90 to 3734.9014 of the 37862
Revised Code, a fee of fifty cents per tire is hereby levied on 37863
the sale of tires. The proceeds of the fee shall be deposited in 37864
the state treasury to the credit of the scrap tire management fund 37865
created in section 3734.82 of the Revised Code. The fee is levied 37866
from the first day of the calendar month that begins next after 37867
thirty days from October 29, 1993, through June 30, ~~2020~~ 2022. 37868

(2) Beginning on July 1, 2011, and ending on June 30, ~~2020~~ 37869
2022, there is hereby levied an additional fee of fifty cents per 37870
tire on the sale of tires the proceeds of which shall be deposited 37871
in the state treasury to the credit of the soil and water 37872
conservation district assistance fund created in section 940.15 of 37873

the Revised Code. 37874

(B) Only one sale of the same article shall be used in 37875

computing the amount of the fee due. 37876

Sec. 3735.31. A metropolitan housing authority created under 37877
sections 3735.27 to 3735.50 of the Revised Code constitutes a body 37878
corporate and politic. Nothing in this chapter shall limit the 37879
authority of a metropolitan housing authority, or a nonprofit 37880
corporation formed by a metropolitan housing authority to carry 37881
out its functions, to compete for and perform federal housing 37882
contracts or grants within or outside this state. To clear, plan, 37883
redevelop, and rebuild slum areas within the district in which the 37884
authority is created; to provide safe and sanitary housing 37885
accommodations to families of low income within that district; to 37886
make available, acquire, construct, improve, manage, lease, or own 37887
mixed-use or mixed-income developments, or a combination of such 37888
developments; or to accomplish any combination of the foregoing 37889
public purposes, the authority may do any of the following: 37890

(A) Sue and be sued; have a seal; have corporate succession; 37891
receive grants from state, federal, or other governments, or from 37892
private sources; conduct investigations into housing and living 37893
conditions; enter any buildings or property in order to conduct 37894
its investigations; conduct examinations, subpoena, and require 37895
the attendance of witnesses and the production of books and 37896
papers; issue commissions for the examination of witnesses who are 37897
out of the state or unable to attend before the authority or 37898
excused from attendance; and in connection with these powers, any 37899
member of the authority may administer oaths, take affidavits, and 37900
issue subpoenas; 37901

(B) Determine what areas constitute slum areas, and prepare 37902
plans for housing or other projects in those areas; purchase, 37903
lease, sell, exchange, transfer, assign, or mortgage any property, 37904

real or personal, or any interest in that property, or acquire the 37905
same by gift, bequest, or eminent domain; own, hold, clear, and 37906
improve property; provide and set aside housing projects, or 37907
dwelling units comprising portions of housing projects, designed 37908
especially for the use of families, the head of which or the 37909
spouse of which is sixty-five years of age or older; engage in, or 37910
contract for, the construction, reconstruction, alteration, or 37911
repair, or both, of any housing project or part of any housing 37912
project; participate in partnerships or joint ventures relating to 37913
the development of housing or projects with other public or 37914
private entities; include in any contract let in connection with a 37915
project, stipulations requiring that the contractor and any 37916
subcontractors comply with requirements as to minimum wages and 37917
maximum hours of labor, and comply with any conditions that the 37918
federal government has attached to its financial aid of the 37919
project; lease or operate, or both, any project, and establish or 37920
revise schedules of rents for any projects or part of any project; 37921
arrange with the county or municipal corporations, or both, for 37922
the planning and replanning of streets, alleys, and other public 37923
places or facilities in connection with any area or project; 37924
borrow money upon its notes, debentures, or other evidences of 37925
indebtedness, and secure the same by mortgages upon property held 37926
or to be held by it, or by pledge of its revenues, or in any other 37927
manner; invest any funds held in reserves or sinking funds or not 37928
required for immediate disbursements; enter into a shared service 37929
agreement with another metropolitan housing authority; execute 37930
contracts and all other instruments necessary or convenient to the 37931
exercise of the powers granted in this section; make, amend, and 37932
repeal bylaws and rules to carry into effect its powers and 37933
purposes; 37934

(C) Borrow money or accept grants or other financial 37935
assistance from the federal government for or in aid of any 37936
housing project within its territorial limits; take over or lease 37937

or manage any housing project or undertaking constructed or owned 37938
by the federal government; comply with any conditions and enter 37939
into any mortgages, trust indentures, leases, or agreements that 37940
are necessary, convenient, or desirable; 37941

(D) Subject to section 3735.311 of the Revised Code, employ a 37942
police force to protect the lives and property of the residents of 37943
housing projects within the district, to preserve the peace in the 37944
housing projects, and to enforce the laws, ordinances, and 37945
regulations of this state and its political subdivisions in the 37946
housing projects and, when authorized by law, outside the limits 37947
of the housing projects. 37948

(E) Enter into an agreement with a county, municipal 37949
corporation, or township in whose jurisdiction the metropolitan 37950
housing authority is located that permits metropolitan housing 37951
authority police officers employed under division (D) of this 37952
section to exercise full arrest powers as provided in section 37953
2935.03 of the Revised Code, perform any police function, exercise 37954
any police power, or render any police service within specified 37955
areas of the county, municipal corporation, or township for the 37956
purpose of preserving the peace and enforcing all laws of the 37957
state, ordinances of the municipal corporation, or regulations of 37958
the township. 37959

Sec. 3735.33. Any two or more metropolitan housing 37960
authorities created under sections 3735.27 to 3735.50 of the 37961
Revised Code, may join or cooperate with one another in the 37962
exercise, either jointly or otherwise, of any or all of their 37963
powers relative to the purpose of financing as provided in 37964
sections 3735.31 and 3735.45 to 3735.49 of the Revised Code. The 37965
moneys received from such joint or cooperative financing may be 37966
used for planning, undertaking, owning, constructing, operating, 37967
or contracting with respect to a housing project or projects 37968

located within the area of operation of any one or more of the 37969
authorities. An authority may by resolution prescribe and 37970
authorize any other authority or authorities, joining or 37971
cooperating with it, to act on its behalf with respect to any or 37972
all powers relative to the purpose of financing, as its agent or 37973
otherwise, in the name of the authority or authorities so joining 37974
or cooperating, or in its own name. 37975

Any two or more metropolitan housing authorities created 37976
under sections 3735.27 to 3735.50 of the Revised Code may enter 37977
into a shared service agreement. 37978

A metropolitan housing authority may, directly or through its 37979
subsidiaries or instrumentalities, provide, consult, sell, 37980
license, transfer, or contract to provide to other metropolitan 37981
housing authorities, public housing authorities, or other 37982
organizations formed inside or outside of this state, or to 37983
government agencies, housing-related knowledge, technology, 37984
software, innovations, or expertise for any of the following: 37985

(A) The development or redevelopment of housing projects; 37986

(B) The performance of federal housing contracts or grants; 37987

(C) Any matter related to the efficient operation of housing 37988
organizations; 37989

(D) The management or operation of a metropolitan housing 37990
authority or redevelopment authority. 37991

Sec. 3735.40. As used in sections 3735.27, 3735.31, and 37992
3735.40 to 3735.50 of the Revised Code: 37993

(A) "Federal government" includes the United States, the 37994
federal works administrator, or any other agency or 37995
instrumentality, corporate or otherwise, of the United States. 37996

(B) "Slum" has the meaning defined in section 1.08 of the 37997
Revised Code. 37998

(C) "Housing project" or "project" means any of the following works or undertakings: 37999
38000

(1) Demolish, clear, or remove buildings from any slum area. 38001
Such work or undertaking may embrace the adaptation of such area 38002
to public purposes, including parks or other recreational or 38003
community purposes. 38004

(2) Provide decent, safe, and sanitary urban or rural 38005
dwellings, apartments, or other living accommodations for persons 38006
of low income. 38007

(3) Provide for buildings, land, equipment, facilities, and 38008
other real or personal property for necessary, convenient, or 38009
desirable appurtenances, streets, sewers, water service, parks, 38010
site preparation, gardening, administrative, community, health, 38011
recreational, educational, welfare, commercial, residential, or 38012
other purposes. 38013

(4) Accomplish a combination of the foregoing. "Housing 38014
project" also may be applied to the planning of the buildings and 38015
improvements, the acquisition of property, the demolition of 38016
existing structures, the construction, reconstruction, alteration, 38017
and repair of the improvements, and all other work in connection 38018
therewith. 38019

(D) "Families of low income" ~~means~~ and "persons of low 38020
income" mean persons or families who lack the amount of income 38021
which is necessary, as determined by the metropolitan housing 38022
authority undertaking the housing project, to enable them, without 38023
financial assistance, to live in decent, safe, and sanitary 38024
dwellings, without overcrowding. The terms include persons or 38025
families as defined by federal law or regulations who are eligible 38026
for a federally derived rent subsidy. 38027

(E) "Families" means families consisting of two or more 38028
persons, a single person who has attained the age at which an 38029

individual may elect to receive an old age benefit under Title II 38030
of the "Social Security Act" or is under disability as defined in 38031
section 223 of that act, 49 Stat. 622 (1935), 42 U.S.C.A. 401, as 38032
amended, or the remaining member of a tenant family. 38033

(F) "Families" also means a single person discharged by the 38034
head of a hospital pursuant to section 5122.21 of the Revised Code 38035
after March 10, 1964. 38036

(G) "Mixed-income development" means a development that 38037
includes decent, safe, and sanitary urban or rural dwellings, 38038
apartments, or other living accommodations for persons or families 38039
of varying incomes. 38040

(H) "Mixed-use development" means a development that is both 38041
residential and nonresidential in character. 38042

Sec. 3735.41. Except as otherwise provided in section 3735.43 38043
of the Revised Code, in the operation or management of housing 38044
projects a metropolitan housing authority shall observe the 38045
following with respect to rentals and tenant selection: 38046

(A)(1) It shall not provide a federally derived rent subsidy 38047
to any tenant for any dwelling in a housing project if the persons 38048
who would occupy the dwelling have an aggregate annual net income 38049
that equals or exceeds the amount that the authority determines to 38050
be necessary to enable such persons to do both of the following: 38051

(a) Secure safe, sanitary, and uncongested dwelling 38052
accommodations within the area of operation of the authority; 38053

(b) Provide an adequate standard of living for themselves. 38054

(2) As used in this division, "aggregate annual net income" 38055
means the aggregate annual income less the deductions and 38056
exemptions from that income authorized by law or regulations 38057
established by the United States department of housing and urban 38058
development. 38059

(B) ~~It~~ (1) Except as provided in division (B)(2) of this section, it may rent or lease the dwelling accommodations therein only at rentals within the financial reach of persons who lack the amount of income which it determines, pursuant to division (A) of this section, to be necessary in order to obtain safe, sanitary, and uncongested dwelling accommodations within the area of operation of the authority and to provide an adequate standard of living. 38060
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(2) It may rent or lease to nonresidential tenants and persons of varying incomes within a project, mixed-use development, or mixed-income development. 38068
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(C) It may use a federally derived rent subsidy to rent or lease to a tenant a dwelling consisting of the number of rooms, but no greater number, which it considers necessary to provide safe and sanitary accommodations to the proposed occupants thereof, without overcrowding. 38071
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Sections 3735.27 to 3735.50 of the Revised Code do not limit the power of an authority to vest in a bondholder the right, in the event of a default by such authority, to take possession of a housing project or cause the appointment of a receiver thereof or acquire title thereto through foreclosure proceedings, free from all the restrictions imposed by such sections. 38076
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Sec. 3735.661. (A) For the purpose of determining the "first two amendments" referenced in division (B) of Section 3 of Am. Sub. S.B. 19 of the 120th general assembly, an amendment means any modification to an ordinance or resolution adopted under section 3735.66 of the Revised Code that does any of the following: 38082
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(1) Expands the geographic size of a community reinvestment area; 38087
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(2) Increases a property's or category of property's exempted 38089

percentage of assessed valuation, notwithstanding the requirements 38090
of section 3735.66 of the Revised Code as that section existed on 38091
July 21, 1994. Division (A)(2) of this section does not authorize 38092
a municipal corporation or county to increase a property's or 38093
category of property's exempted percentage of assessed valuation 38094
pursuant to that section. 38095

(3) Increases the term of any tax exemption or category of 38096
tax exemptions, except as provided in division (B)~~(6)~~(7) of this 38097
section; 38098

(4) Extends the duration of a community reinvestment area; 38099

(5) Changes eligibility requirements for receiving tax 38100
exemptions. 38101

(B) For the purpose of determining the "first two amendments" 38102
in division (B) of Section 3 of Am. Sub. S.B. 19 of the 120th 38103
general assembly, an amendment does not include any modification 38104
to an ordinance or resolution adopted under section 3735.66 of the 38105
Revised Code that does any of the following: 38106

(1) Restricts the availability of tax exemptions, including 38107
any of the following: 38108

(a) Removes area from or decreases the geographic size of a 38109
community reinvestment area; 38110

(b) Decreases a property's or category of property's exempted 38111
percentage of assessed valuation, notwithstanding the requirements 38112
of section 3735.66 of the Revised Code as that section existed on 38113
July 21, 1994. Division (B)(1)(b) of this section does not 38114
authorize a municipal corporation or county to decrease a 38115
property's or category of property's exempted percentage of 38116
assessed valuation pursuant to that section. 38117

(c) Decreases the term of any tax exemption or category of 38118
exemption; 38119

(d) Shortens the period of time after which the granting of tax exemptions may be terminated.	38120 38121
(2) <u>Requires property owners or developers to enter into an agreement to provide a number of affordable housing units as a condition of granting, continuing, or revoking an exemption, and authorizing municipal or county officials to implement such conditions and agreements;</u>	38122 38123 38124 38125 38126
(3) Recognizes or confirms the continuing existence of a community reinvestment area, including by providing a date after which the area may be terminated;	38127 38128 38129
(3) (4) Recognizes or confirms a previously granted tax exemption;	38130 38131
(4) (5) Clarifies ambiguities or corrects defects in previously enacted ordinances or resolutions;	38132 38133
(5) (6) Makes modifications that are procedural or administrative, including changing the designation of a housing officer, the process for approving or appealing a tax exemption, or the amount of any application fee, or modifying a community reinvestment area housing council created under section 3735.69 of the Revised Code or a tax incentive review council under section 5709.85 of the Revised Code;	38134 38135 38136 38137 38138 38139 38140
(6) (7) Increases the term of tax exemption for remodeling to not more than that authorized by H.B. 463 of the 131st general assembly for an exemption application that has been filed but not yet granted, or has been filed, on or after April 6, 2017, or that is filed on or after any other later date, provided the maximum term of the exemption for such remodeling before the ordinance's or resolution's modification was the maximum term allowed under division (D)(1) or (2) of section 3735.67 of the Revised Code as that section existed before its amendment by H.B. 463 of the 131st general assembly.	38141 38142 38143 38144 38145 38146 38147 38148 38149 38150

Sec. 3738.01. (A) As used in this section and sections 38151
3738.02 to 3738.09 of the Revised Code, "pregnancy-associated 38152
death" means the death of a woman while pregnant or anytime within 38153
one year of pregnancy regardless of cause. 38154

(B) There is hereby established in the department of health a 38155
pregnancy-associated mortality review (PAMR) board to identify and 38156
review all pregnancy-associated deaths statewide for the purpose 38157
of reducing the incidence of those deaths. 38158

Sec. 3738.02. The PAMR board may not conduct a review of a 38159
pregnancy-associated death while an investigation of the death or 38160
prosecution of a person for causing the death is pending unless 38161
the prosecuting attorney agrees to allow the review. The law 38162
enforcement agency conducting the criminal investigation, on the 38163
conclusion of the investigation, and the prosecuting attorney 38164
prosecuting the case, on the conclusion of the prosecution, shall 38165
notify the chairperson of the PAMR board of the conclusion. 38166

Sec. 3738.03. All of the following apply with respect to the 38167
PAMR board: 38168

(A) The director of health shall appoint the board's members. 38169
In doing so, the director shall make a good faith effort to select 38170
members who represent all regions of the state and multiple areas 38171
of expertise and constituencies concerned with the care of 38172
pregnant and postpartum women. 38173

(B) The board, by a majority vote of a quorum of its members, 38174
shall select an individual to serve as its chairperson. The board 38175
may replace a chairperson in the same manner. 38176

(C) An appointed member shall hold office until a successor 38177
is appointed. The director of health shall fill a vacancy as soon 38178
as practicable. 38179

(D) A member shall not receive any compensation for, and shall not be paid for any expenses incurred pursuant to, fulfilling the member's duties on the board. 38180
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(E) The board shall meet at the call of the board's chairperson as often as the chairperson determines necessary for timely completion of pregnancy-associated death reviews. The reviews shall be conducted in accordance with rules adopted under section 3738.09 of the Revised Code. 38183
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(F) The department of health shall provide meeting space, staff services, and other technical assistance required by the board in carrying out its duties. 38188
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Sec. 3738.04. The PAMR board shall seek to reduce the incidence of pregnancy-associated deaths in this state by doing all of the following: 38191
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(A) Promoting cooperation, collaboration, and communication between all groups, professions, agencies, and entities that serve pregnant and postpartum women and families; 38194
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(B) Recommending and developing plans for implementing service and program changes, as well as changes to the groups, professions, agencies, and entities that serve pregnant and postpartum women and families; 38197
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(C) Providing the department of health with aggregate data, trends, and patterns regarding pregnancy-associated deaths using data and other relevant information specified in rules adopted under section 3738.09 of the Revised Code; 38201
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(D) Developing effective interventions to reduce the mortality of pregnant and postpartum women. 38205
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Sec. 3738.05. (A) Notwithstanding section 3701.243 and any other section of the Revised Code pertaining to confidentiality, 38207
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and except as provided in division (B) of this section, an 38209
individual, government entity, agency that provides services 38210
specifically to individuals or families, law enforcement agency, 38211
health care provider, or other public or private entity that 38212
provided services to a woman whose death is being reviewed by the 38213
PAMR board shall submit to the board a copy of any record it 38214
possesses that the board requests. In addition, such an individual 38215
or entity may make available to the board additional information, 38216
documents, or reports that could be useful to the board's 38217
investigation. 38218

(B) No person, government entity, law enforcement agency, or 38219
prosecuting attorney shall provide any information regarding a 38220
pregnancy-associated death while an investigation of the death or 38221
prosecution of a person for causing the death is pending unless 38222
the prosecuting attorney agrees to allow the review. 38223

(C) A family member of the deceased may decline to 38224
participate in an interview as part of the review process. In that 38225
case, the review shall continue without the family member's 38226
participation. 38227

Sec. 3738.06. (A) Any record, document, report, or other 38228
information presented to the PAMR board, as well as all statements 38229
made by board members during board meetings, all work products of 38230
the board, and data submitted to the department of health by the 38231
board, other than the triennial reports described in section 38232
3738.08 of the Revised Code, are confidential and not a public 38233
record under section 149.43 of the Revised Code. Such materials 38234
shall be used by the board and department only in the exercise of 38235
the proper functions of the board and department. 38236

(B) No person shall permit or encourage the unauthorized 38237
dissemination of confidential information described in division 38238

<u>(A) of this section.</u>	38239
<u>(C) Whoever violates division (B) of this section is guilty</u>	38240
<u>of a misdemeanor of the second degree.</u>	38241
<u>Sec. 3738.07. (A) An individual or public or private entity</u>	38242
<u>providing records, documents, reports, or other information to the</u>	38243
<u>PAMR board is immune from any civil liability for injury, death,</u>	38244
<u>or loss to person or property that otherwise might be incurred or</u>	38245
<u>imposed as a result of providing the records, documents, reports,</u>	38246
<u>or information to the board.</u>	38247
<u>(B) Each board member is immune from any civil liability for</u>	38248
<u>injury, death, or loss to person or property that might otherwise</u>	38249
<u>be incurred or imposed as a result of the member's participation</u>	38250
<u>on the board.</u>	38251
<u>Sec. 3738.08. (A) The PAMR board shall prepare a triennial</u>	38252
<u>report that does all of the following:</u>	38253
<u>(1) Summarizes the board's findings from the reviews</u>	38254
<u>completed in the immediately preceding two calendar years,</u>	38255
<u>including any trends or patterns identified by the board;</u>	38256
<u>(2) Makes recommendations on how pregnancy-associated deaths</u>	38257
<u>may be prevented, including changes that should be made to</u>	38258
<u>policies and laws;</u>	38259
<u>(3) Includes any other information related to</u>	38260
<u>pregnancy-associated mortality the board considers useful.</u>	38261
<u>(B) A report shall not contain individually identifiable</u>	38262
<u>information regarding any woman whose death was reviewed by the</u>	38263
<u>board.</u>	38264
<u>(C) The board shall submit a copy of each report to the</u>	38265
<u>director of health, the general assembly, and the governor. The</u>	38266
<u>copy to the general assembly shall be submitted in accordance with</u>	38267

section 101.68 of the Revised Code. The initial report shall be 38268
submitted not later than March 1, 2020, with subsequent reports 38269
submitted not later than March 1 every two years thereafter. 38270

The director shall make a copy of each report available on 38271
the department of health's web site. 38272

(D) Reports prepared under this section are public records 38273
under section 149.43 of the Revised Code. 38274

Sec. 3738.09. The director of health shall adopt rules that 38275
are necessary for the implementation of sections 3738.01 to 38276
3738.08 of the Revised Code, including rules that do all of the 38277
following: 38278

(A) Establish a procedure for the PAMR board to follow in 38279
conducting pregnancy-associated death reviews; 38280

(B) Specify the data and other relevant information the board 38281
must use when conducting pregnancy-associated death reviews; 38282

(C) Establish guidelines for the board to follow to prevent 38283
an unauthorized dissemination of confidential information in 38284
violation of division (B) of section 3738.06 of the Revised Code. 38285

The rules shall be adopted in accordance with Chapter 119. of 38286
the Revised Code. 38287

Sec. 3742.03. The director of health shall adopt rules in 38288
accordance with Chapter 119. of the Revised Code for the 38289
administration and enforcement of sections 3742.01 to 3742.19 and 38290
3742.99 of the Revised Code. The rules shall specify all of the 38291
following: 38292

(A) Procedures to be followed by a lead abatement contractor, 38293
lead abatement project designer, lead abatement worker, lead 38294
inspector, or lead risk assessor licensed under section 3742.05 of 38295
the Revised Code for undertaking lead abatement activities and 38296

procedures to be followed by a clearance technician, lead 38297
inspector, or lead risk assessor in performing a clearance 38298
examination; 38299

(B)(1) Requirements for training and licensure, in addition 38300
to those established under section 3742.08 of the Revised Code, to 38301
include levels of training and periodic refresher training for 38302
each class of worker, and to be used for licensure under section 38303
3742.05 of the Revised Code. Except in the case of clearance 38304
technicians, these requirements shall include at least twenty-four 38305
classroom hours of training based on the Occupational Safety and 38306
Health Act training program for lead set forth in 29 C.F.R. 38307
1926.62. For clearance technicians, the training requirements to 38308
obtain an initial license shall not exceed six hours and the 38309
requirements for refresher training shall not exceed two hours 38310
every four years. In establishing the training and licensure 38311
requirements, the director shall consider the core of information 38312
that is needed by all licensed persons, and establish the training 38313
requirements so that persons who would seek licenses in more than 38314
one area would not have to take duplicative course work. 38315

(2) Persons certified by the American board of industrial 38316
hygiene as a certified industrial hygienist or as an industrial 38317
hygienist-in-training, and persons registered as a sanitarian or 38318
sanitarian-in-training under Chapter 4736. of the Revised Code, 38319
shall be exempt from any training requirements for initial 38320
licensure established under this chapter, but shall be required to 38321
take any examinations for licensure required under section 3742.05 38322
of the Revised Code. 38323

(C) Fees for licenses issued under section 3742.05 of the 38324
Revised Code and for their renewal; 38325

(D) Procedures to be followed by lead inspectors, lead 38326
abatement contractors, environmental lead analytical laboratories, 38327
lead risk assessors, lead abatement project designers, and lead 38328

abatement workers to prevent public exposure to lead hazards and 38329
ensure worker protection during lead abatement projects; 38330

(E)(1) Record-keeping and reporting requirements for clinical 38331
laboratories, environmental lead analytical laboratories, lead 38332
inspectors, lead abatement contractors, lead risk assessors, lead 38333
abatement project designers, and lead abatement workers for lead 38334
abatement projects and record-keeping and reporting requirements 38335
for clinical laboratories, environmental lead analytical 38336
laboratories, and clearance technicians for clearance 38337
examinations; 38338

(2) Record-keeping and reporting requirements regarding lead 38339
poisoning for physicians, ~~in addition to the requirements of~~ 38340
~~section 3701.25 of the Revised Code;~~ 38341

(3) Information that is required to be reported under rules 38342
based on divisions (E)(1) and (2) of this section and that is a 38343
medical record is not a public record under section 149.43 of the 38344
Revised Code and shall not be released, except in aggregate 38345
statistical form. 38346

(F) Environmental sampling techniques for use in collecting 38347
samples of air, water, dust, paint, and other materials; 38348

(G) Requirements for a respiratory protection plan prepared 38349
in accordance with section 3742.07 of the Revised Code; 38350

(H) Requirements under which a manufacturer of encapsulants 38351
must demonstrate evidence of the safety and durability of its 38352
encapsulants by providing results of testing from an independent 38353
laboratory indicating that the encapsulants meet the standards 38354
developed by the "E06.23.30 task group on encapsulants," which is 38355
the task group of the lead hazards associated with buildings 38356
subcommittee of the performance of buildings committee of the 38357
American society for testing and materials. 38358

Sec. 3742.04. (A) The director of health shall do all of the following: 38359
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(1) Administer and enforce the requirements of sections 3742.01 to 3742.19 and 3742.99 of the Revised Code and the rules adopted pursuant to those sections; 38361
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(2) Examine records and reports submitted by lead inspectors, lead abatement contractors, lead risk assessors, lead abatement project designers, lead abatement workers, and clearance technicians in accordance with section 3742.05 of the Revised Code to determine whether the requirements of this chapter are being met; 38364
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(3) Examine records and reports submitted by physicians, pursuant to rules adopted under section 3742.03 of the Revised Code and by clinical laboratories, and environmental lead analytical laboratories under section ~~3701.25~~ or 3742.09 of the Revised Code; 38370
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(4) Issue approval to manufacturers of encapsulants that have done all of the following: 38375
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(a) Submitted an application for approval to the director on a form prescribed by the director; 38377
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(b) Paid the application fee established by the director; 38379

(c) Submitted results from an independent laboratory indicating that the manufacturer's encapsulants satisfy the requirements established in rules adopted under division (H) of section 3742.03 of the Revised Code; 38380
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(d) Complied with rules adopted by the director regarding durability and safety to workers and residents. 38384
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(5) Establish liaisons and cooperate with the directors or agencies in states having lead abatement, licensing, accreditation, certification, and approval programs to promote 38386
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consistency between the requirements of this chapter and those of 38389
other states in order to facilitate reciprocity of the programs 38390
among states; 38391

(6) Establish a program to monitor and audit the quality of 38392
work of lead inspectors, lead risk assessors, lead abatement 38393
project designers, lead abatement contractors, lead abatement 38394
workers, and clearance technicians. The director may refer 38395
improper work discovered through the program to the attorney 38396
general for appropriate action. 38397

(B) In addition to any other authority granted by this 38398
chapter, the director of health may do any of the following: 38399

(1) Employ persons who have received training from a program 38400
the director has determined provides the necessary background. The 38401
appropriate training may be obtained in a state that has an 38402
ongoing lead abatement program under which it conducts educational 38403
programs. 38404

(2) Cooperate with the United States environmental protection 38405
agency in any joint oversight procedures the agency may propose 38406
for laboratories that offer lead analysis services and are 38407
accredited under the agency's laboratory accreditation program; 38408

(3) Advise, consult, cooperate with, or enter into contracts 38409
or cooperative agreements with any person, government entity, 38410
interstate agency, or the federal government as the director 38411
considers necessary to fulfill the requirements of this chapter 38412
and the rules adopted under it. 38413

Sec. 3742.18. (A)(1) At the request of the director of 38414
health, the attorney general may commence a civil action for civil 38415
penalties and injunctive and other equitable relief against any 38416
person who violates section 3742.02, 3742.06, or 3742.07 of the 38417
Revised Code. The action shall be commenced in the court of common 38418

pleas of the county in which the violation occurred or is about to occur. 38419
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(2) The court shall grant injunctive and other equitable relief on a showing that the person has violated or is about to violate section 3742.02, 3742.06, or 3742.07 of the Revised Code. On a finding of a violation, the court shall assess a civil penalty of not more than one thousand dollars. Each day a violation continues is a separate violation. All civil penalties collected by the court under this section shall be deposited into the state treasury to the credit of the lead abatement personnel licensing fund created under section 3742.19 of the Revised Code. 38421
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(B) At the request of the director or a board of health, a prosecuting attorney, city director of law, village solicitor, or similar chief legal officer may commence a civil action for injunctive and other equitable relief against any person who violates or is about to violate an order issued by the director or board of health under section 3742.40 of the Revised Code. The court shall grant injunctive or other equitable relief on a showing that the person has violated or is about to violate the order. 38430
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Sec. 3742.32. (A) The director of health shall appoint an advisory council to assist in the ongoing development and implementation of the child lead poisoning prevention program created under section 3742.31 of the Revised Code. The advisory council shall consist of the following members: 38439
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(1) A representative of the department of medicaid; 38444

(2) A representative of the bureau of child care in the department of job and family services; 38445
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(3) A representative of the department of environmental protection; 38447
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(4) A representative of the department of education;	38449
(5) A representative of the development services agency;	38450
(6) A representative of the Ohio apartment owner's association;	38451 38452
(7) A representative of the Ohio help end lead poisoning coalition <u>healthy homes network</u> ;	38453 38454
(8) A representative of the Ohio environmental health association;	38455 38456
(9) An Ohio representative of the national paint and <u>American</u> coatings association;	38457 38458
<u>(10) A representative from Ohio realtors;</u>	38459
<u>(11) A representative of the Ohio housing finance agency;</u>	38460
<u>(12) A physician knowledgeable in the field of lead poisoning</u> <u>prevention;</u>	38461 38462
<u>(13) A representative of the public.</u>	38463
(B) The advisory council shall do both of the following:	38464
(1) Provide the director with advice regarding the policies the child lead poisoning prevention program should emphasize, preferred methods of financing the program, and any other matter relevant to the program's operation;	38465 38466 38467 38468
(2) Submit a report of the state's activities to the governor, president of the senate, and speaker of the house of representatives on or before the first day of March each year.	38469 38470 38471
(C) The advisory council is not subject to sections 101.82 to 101.87 of the Revised Code.	38472 38473
Sec. 3742.40. If the owner and manager of a residential unit, child care facility, or school fails or refuses for any reason to comply with a lead hazard control order issued under section	38474 38475 38476

3742.37 of the Revised Code, the director of health or board of 38477
health that issued the order shall issue an order prohibiting the 38478
owner and manager from permitting the unit, facility, or school to 38479
be used ~~as a residential unit, child care facility, or school~~ for 38480
any purpose until the unit, facility, or school passes a clearance 38481
examination. On receipt of the order, the owner or manager shall 38482
take appropriate measures to notify each occupant, in the case of 38483
a residential unit, and the parent, guardian, or custodian of each 38484
child attending the facility or school, in the case of a child 38485
care facility or school, to vacate the unit, facility, or school 38486
until the unit, facility, or school passes a clearance 38487
examination. The director or board shall post a sign at the unit, 38488
facility, or school that warns the public that the unit, facility, 38489
or school has a lead hazard. The sign shall include a declaration 38490
that the unit, facility, or school is unsafe for human occupation, 38491
especially for children under six years of age and pregnant women. 38492
The director or board shall ensure that the sign remains posted at 38493
the unit, facility, or school and that the unit, facility, or 38494
school is not used ~~as a residential unit, child care facility, or~~ 38495
~~school~~ until the unit, facility, or school passes a clearance 38496
examination. 38497

Sec. 3742.50. (A) As used in this section: 38498

(1) "Lead abatement costs" means costs incurred by a taxpayer 38499
for either of the following: 38500

(a) A lead abatement specialist to conduct a lead risk 38501
assessment, a lead abatement project, or a clearance examination, 38502
provided the specialist is authorized under this chapter to 38503
conduct the respective task; 38504

(b) Relocation costs incurred in the relocation of occupants 38505
of an eligible dwelling to achieve occupant protection, as 38506

described in 24 C.F.R. 35.1345(a). 38507

"Lead abatement costs" do not include such costs for which 38508
the taxpayer is reimbursed or such costs the taxpayer deducts or 38509
excludes in computing the taxpayer's federal adjusted gross income 38510
for federal income tax purposes or Ohio adjusted gross income as 38511
determined under section 5747.01 of the Revised Code. 38512

(2) "Eligible dwelling" means a residential unit constructed 38513
in this state before 1978. 38514

(3) "Lead abatement specialist" means an individual who holds 38515
a valid license issued under section 3742.05 of the Revised Code. 38516

(4) "Taxable year" and "taxpayer" have the same meanings as 38517
in section 5747.01 of the Revised Code. 38518

(B) A taxpayer who incurs lead abatement costs on an eligible 38519
dwelling during a taxable year may apply to the director of health 38520
for a lead abatement tax credit certificate. The applicant shall 38521
list on the application the amount of lead abatement costs the 38522
applicant incurred for the eligible dwelling during the taxable 38523
year. The director, in consultation with the tax commissioner, 38524
shall prescribe the form of a lead abatement tax credit 38525
certificate, the manner by which an applicant shall apply for the 38526
certificate, and requirements for the submission of any record or 38527
other information an applicant must furnish with the application 38528
to verify the lead abatement costs. 38529

(C)(1) Upon receipt of an application under division (B) of 38530
this section, the director of health shall verify all of the 38531
following: 38532

(a) The residential unit that is the subject of the 38533
application is an eligible dwelling. 38534

(b) The taxpayer incurred lead abatement costs during the 38535
taxable year related to the eligible dwelling. 38536

(c) The eligible dwelling has passed a clearance examination 38537
in accordance with standards prescribed in rules adopted by the 38538
director under section 3742.03 or 3742.45 of the Revised Code. 38539

(2) After verifying the conditions described in division 38540
(C)(1) of this section, the director shall issue a lead abatement 38541
tax credit certificate to the applicant equal to the lesser of (a) 38542
the lead abatement costs incurred by the taxpayer on the eligible 38543
dwelling during the taxable year, (b) the amount of lead abatement 38544
costs listed on the application, or (c) ten thousand dollars, 38545
subject to the limitation in division (C)(3) of this section. 38546

(3) The director may not issue more than five million dollars 38547
in lead abatement tax credit certificates in any fiscal year. 38548

(D) The director of health, in consultation with the tax 38549
commissioner, may adopt rules in accordance with Chapter 119. of 38550
the Revised Code as necessary for the administration of this 38551
section. 38552

Sec. 3745.11. (A) Applicants for and holders of permits, 38553
licenses, variances, plan approvals, and certifications issued by 38554
the director of environmental protection pursuant to Chapters 38555
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 38556
to the environmental protection agency for each such issuance and 38557
each application for an issuance as provided by this section. No 38558
fee shall be charged for any issuance for which no application has 38559
been submitted to the director. 38560

(B) Except as otherwise provided in division (C)(2) of this 38561
section, beginning July 1, 1994, each person who owns or operates 38562
an air contaminant source and who is required to apply for and 38563
obtain a Title V permit under section 3704.036 of the Revised Code 38564
shall pay the fees set forth in this division. For the purposes of 38565
this division, total emissions of air contaminants may be 38566
calculated using engineering calculations, emissions factors, 38567

material balance calculations, or performance testing procedures, 38568
as authorized by the director. 38569

The following fees shall be assessed on the total actual 38570
emissions from a source in tons per year of the regulated 38571
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 38572
organic compounds, and lead: 38573

(1) Fifteen dollars per ton on the total actual emissions of 38574
each such regulated pollutant during the period July through 38575
December 1993, to be collected no sooner than July 1, 1994; 38576

(2) Twenty dollars per ton on the total actual emissions of 38577
each such regulated pollutant during calendar year 1994, to be 38578
collected no sooner than April 15, 1995; 38579

(3) Twenty-five dollars per ton on the total actual emissions 38580
of each such regulated pollutant in calendar year 1995, and each 38581
subsequent calendar year, to be collected no sooner than the 38582
fifteenth day of April of the year next succeeding the calendar 38583
year in which the emissions occurred. 38584

The fees levied under this division do not apply to that 38585
portion of the emissions of a regulated pollutant at a facility 38586
that exceed four thousand tons during a calendar year. 38587

(C)(1) The fees assessed under division (B) of this section 38588
are for the purpose of providing funding for the Title V permit 38589
program. 38590

(2) The fees assessed under division (B) of this section do 38591
not apply to emissions from any electric generating unit 38592
designated as a Phase I unit under Title IV of the federal Clean 38593
Air Act prior to calendar year 2000. Those fees shall be assessed 38594
on the emissions from such a generating unit commencing in 38595
calendar year 2001 based upon the total actual emissions from the 38596
generating unit during calendar year 2000 and shall continue to be 38597
assessed each subsequent calendar year based on the total actual 38598

emissions from the generating unit during the preceding calendar 38599
year. 38600

(3) The director shall issue invoices to owners or operators 38601
of air contaminant sources who are required to pay a fee assessed 38602
under division (B) or (D) of this section. Any such invoice shall 38603
be issued no sooner than the applicable date when the fee first 38604
may be collected in a year under the applicable division, shall 38605
identify the nature and amount of the fee assessed, and shall 38606
indicate that the fee is required to be paid within thirty days 38607
after the issuance of the invoice. 38608

(D)(1) Except as provided in division (D)(3) of this section, 38609
from January 1, 1994, through December 31, 2003, each person who 38610
owns or operates an air contaminant source; who is required to 38611
apply for a permit to operate pursuant to rules adopted under 38612
division (G), or a variance pursuant to division (H), of section 38613
3704.03 of the Revised Code; and who is not required to apply for 38614
and obtain a Title V permit under section 3704.036 of the Revised 38615
Code shall pay a single fee based upon the sum of the actual 38616
annual emissions from the facility of the regulated pollutants 38617
particulate matter, sulfur dioxide, nitrogen oxides, organic 38618
compounds, and lead in accordance with the following schedule: 38619

Total tons per year 38620		
of regulated pollutants 38621	Annual fee	
emitted 38622	per facility	
More than 0, but less than 50 38623	\$ 75	
50 or more, but less than 100 38624	300	
100 or more 38625	700	

(2) Except as provided in division (D)(3) of this section, 38626
beginning January 1, 2004, each person who owns or operates an air 38627
contaminant source; who is required to apply for a permit to 38628
operate pursuant to rules adopted under division (G), or a 38629
variance pursuant to division (H), of section 3704.03 of the 38630

Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.03 of the Revised Code shall pay a single fee based upon the sum of the actual annual emissions from the facility of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead in accordance with the following schedule:

Total tons per year of regulated pollutants emitted	Annual fee per facility	
More than 0, but less than 10	\$ 100	38640
10 or more, but less than 50	200	38641
50 or more, but less than 100	300	38642
100 or more	700	38643

(3)(a) As used in division (D) of this section, "synthetic minor facility" means a facility for which one or more permits to install or permits to operate have been issued for the air contaminant sources at the facility that include terms and conditions that lower the facility's potential to emit air contaminants below the major source thresholds established in rules adopted under section 3704.036 of the Revised Code.

(b) Beginning January 1, 2000, through June 30, ~~2020~~ 2022, each person who owns or operates a synthetic minor facility shall pay an annual fee based on the sum of the actual annual emissions from the facility of particulate matter, sulfur dioxide, nitrogen dioxide, organic compounds, and lead in accordance with the following schedule:

Combined total tons per year of all regulated pollutants emitted	Annual fee per facility	
Less than 10	\$ 170	38660
10 or more, but less than 20	340	38661
20 or more, but less than 30	670	38662

30 or more, but less than 40	1,010	38663
40 or more, but less than 50	1,340	38664
50 or more, but less than 60	1,680	38665
60 or more, but less than 70	2,010	38666
70 or more, but less than 80	2,350	38667
80 or more, but less than 90	2,680	38668
90 or more, but less than 100	3,020	38669
100 or more	3,350	38670

(4) The fees assessed under division (D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 1995. The fees assessed under division (D)(2) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 2005. The fees assessed under division (D)(3) of this section shall be collected no sooner than the fifteenth day of April, commencing in 2000. The fees assessed under division (D) of this section in a calendar year shall be based upon the sum of the actual emissions of those regulated pollutants during the preceding calendar year. For the purpose of division (D) of this section, emissions of air contaminants may be calculated using engineering calculations, emission factors, material balance calculations, or performance testing procedures, as authorized by the director. The director, by rule, may require persons who are required to pay the fees assessed under division (D) of this section to pay those fees biennially rather than annually.

(E)(1) Consistent with the need to cover the reasonable costs of the Title V permit program, the director annually shall increase the fees prescribed in division (B) of this section by the percentage, if any, by which the consumer price index for the most recent calendar year ending before the beginning of a year exceeds the consumer price index for calendar year 1989. Upon calculating an increase in fees authorized by division (E)(1) of this section, the director shall compile revised fee schedules for

the purposes of division (B) of this section and shall make the revised schedules available to persons required to pay the fees assessed under that division and to the public.

(2) For the purposes of division (E)(1) of this section:

(a) The consumer price index for any year is the average of the consumer price index for all urban consumers published by the United States department of labor as of the close of the twelve-month period ending on the thirty-first day of August of that year.

(b) If the 1989 consumer price index is revised, the director shall use the revision of the consumer price index that is most consistent with that for calendar year 1989.

(F) Each person who is issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code on or after July 1, 2003, shall pay the fees specified in the following schedules:

(1) Fuel-burning equipment (boilers, furnaces, or process heaters used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer)		
Input capacity (maximum)		
(million British thermal units per hour)	Permit to install	
Greater than 0, but less than 10	\$ 200	
10 or more, but less than 100	400	
100 or more, but less than 300	1000	
300 or more, but less than 500	2250	
500 or more, but less than 1000	3750	
1000 or more, but less than 5000	6000	
5000 or more	9000	

Units burning exclusively natural gas, number two fuel oil, or both shall be assessed a fee that is one-half the applicable amount shown in division (F)(1) of this section.

(2) Combustion turbines and stationary internal combustion engines designed to generate electricity		38727
Generating capacity (mega watts)	Permit to install	38728
0 or more, but less than 10	\$ 25	38729
10 or more, but less than 25	150	38730
25 or more, but less than 50	300	38731
50 or more, but less than 100	500	38732
100 or more, but less than 250	1000	38733
250 or more	2000	38734
(3) Incinerators		38735
Input capacity (pounds per hour)	Permit to install	38736
0 to 100	\$ 100	38737
101 to 500	500	38738
501 to 2000	1000	38739
2001 to 20,000	1500	38740
more than 20,000	3750	38741
(4)(a) Process		38742
Process weight rate (pounds per hour)	Permit to install	38743
0 to 1000	\$ 200	38744
1001 to 5000	500	38745
5001 to 10,000	750	38746
10,001 to 50,000	1000	38747
more than 50,000	1250	38748
In any process where process weight rate cannot be ascertained, the minimum fee shall be assessed. A boiler, furnace, combustion turbine, stationary internal combustion engine, or process heater designed to provide direct heat or power to a process not designed to generate electricity shall be assessed a fee established in division (F)(4)(a) of this section. A combustion turbine or stationary internal combustion engine designed to generate electricity shall be assessed a fee established in division (F)(2) of this section.		38749
		38750
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(b) Notwithstanding division (F)(4)(a) of this section, any person issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code shall pay the fees set forth in division (F)(4)(c) of this section for a process used in any of the following industries, as identified by the applicable two-digit, three-digit, or four-digit standard industrial classification code according to the Standard Industrial Classification Manual published by the United States office of management and budget in the executive office of the president, 1987, as revised:

- Major group 10, metal mining;
- Major group 12, coal mining;
- Major group 14, mining and quarrying of nonmetallic minerals;
- Industry group 204, grain mill products;
- 2873 Nitrogen fertilizers;
- 2874 Phosphatic fertilizers;
- 3281 Cut stone and stone products;
- 3295 Minerals and earth, ground or otherwise treated;
- 4221 Grain elevators (storage only);
- 5159 Farm related raw materials;
- 5261 Retail nurseries and lawn and garden supply stores.

(c) The fees set forth in the following schedule apply to the issuance of a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code for a process identified in division (F)(4)(b) of this section:

Process weight rate (pounds per hour)	Permit to install	
0 to 10,000	\$ 200	
10,001 to 50,000	400	

50,001 to 100,000	500	38787
100,001 to 200,000	600	38788
200,001 to 400,000	750	38789
400,001 or more	900	38790
(5) Storage tanks		38791
Gallons (maximum useful capacity)	Permit to install	38792
0 to 20,000	\$ 100	38793
20,001 to 40,000	150	38794
40,001 to 100,000	250	38795
100,001 to 500,000	400	38796
500,001 or greater	750	38797
(6) Gasoline/fuel dispensing facilities		38798
For each gasoline/fuel		38799
dispensing facility (includes all	Permit to install	38800
units at the facility)	\$ 100	38801
(7) Dry cleaning facilities		38802
For each dry cleaning		38803
facility (includes all units	Permit to install	38804
at the facility)	\$ 100	38805
(8) Registration status		38806
For each source covered	Permit to install	38807
by registration status	\$ 75	38808
(G) An owner or operator who is responsible for an asbestos		38809
demolition or renovation project pursuant to rules adopted under		38810
section 3704.03 of the Revised Code shall pay, upon submitting a		38811
notification pursuant to rules adopted under that section, the		38812
fees set forth in the following schedule:		38813
Action	Fee	38814
Each notification	\$75	38815
Asbestos removal	\$3/unit	38816
Asbestos cleanup	\$4/cubic yard	38817

For purposes of this division, "unit" means any combination of 38818
linear feet or square feet equal to fifty. 38819

(H) A person who is issued an extension of time for a permit 38820
to install an air contaminant source pursuant to rules adopted 38821
under division (F) of section 3704.03 of the Revised Code shall 38822
pay a fee equal to one-half the fee originally assessed for the 38823
permit to install under this section, except that the fee for such 38824
an extension shall not exceed two hundred dollars. 38825

(I) A person who is issued a modification to a permit to 38826
install an air contaminant source pursuant to rules adopted under 38827
section 3704.03 of the Revised Code shall pay a fee equal to 38828
one-half of the fee that would be assessed under this section to 38829
obtain a permit to install the source. The fee assessed by this 38830
division only applies to modifications that are initiated by the 38831
owner or operator of the source and shall not exceed two thousand 38832
dollars. 38833

(J) Notwithstanding division (F) of this section, a person 38834
who applies for or obtains a permit to install pursuant to rules 38835
adopted under division (F) of section 3704.03 of the Revised Code 38836
after the date actual construction of the source began shall pay a 38837
fee for the permit to install that is equal to twice the fee that 38838
otherwise would be assessed under the applicable division unless 38839
the applicant received authorization to begin construction under 38840
division (W) of section 3704.03 of the Revised Code. This division 38841
only applies to sources for which actual construction of the 38842
source begins on or after July 1, 1993. The imposition or payment 38843
of the fee established in this division does not preclude the 38844
director from taking any administrative or judicial enforcement 38845
action under this chapter, Chapter 3704., 3714., 3734., or 6111. 38846
of the Revised Code, or a rule adopted under any of them, in 38847
connection with a violation of rules adopted under division (F) of 38848
section 3704.03 of the Revised Code. 38849

As used in this division, "actual construction of the source" 38850
means the initiation of physical on-site construction activities 38851
in connection with improvements to the source that are permanent 38852
in nature, including, without limitation, the installation of 38853
building supports and foundations and the laying of underground 38854
pipework. 38855

(K)(1) Money received under division (B) of this section 38856
shall be deposited in the state treasury to the credit of the 38857
Title V clean air fund created in section 3704.035 of the Revised 38858
Code. Annually, not more than fifty cents per ton of each fee 38859
assessed under division (B) of this section on actual emissions 38860
from a source and received by the environmental protection agency 38861
pursuant to that division may be transferred by the director using 38862
an interstate transfer voucher to the state treasury to the credit 38863
of the small business assistance fund created in section 3706.19 38864
of the Revised Code. In addition, annually, the amount of money 38865
necessary for the operation of the office of ombudsperson as 38866
determined under division (B) of that section shall be transferred 38867
to the state treasury to the credit of the small business 38868
ombudsperson fund created by that section. 38869

(2) Money received by the agency pursuant to divisions (D), 38870
(F), (G), (H), (I), and (J) of this section shall be deposited in 38871
the state treasury to the credit of the non-Title V clean air fund 38872
created in section 3704.035 of the Revised Code. 38873

(L)(1) A person applying for a plan approval for a wastewater 38874
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 38875
of the Revised Code shall pay a nonrefundable fee of one hundred 38876
dollars plus sixty-five one-hundredths of one per cent of the 38877
estimated project cost through June 30, ~~2020~~ 2022, and a 38878
nonrefundable application fee of one hundred dollars plus 38879
two-tenths of one per cent of the estimated project cost on and 38880
after July 1, ~~2020~~ 2022, except that the total fee shall not 38881

exceed fifteen thousand dollars through June 30, ~~2020~~ 2022, and 38882
five thousand dollars on and after July 1, ~~2020~~ 2022. The fee 38883
shall be paid at the time the application is submitted. 38884

(2) A person who has entered into an agreement with the 38885
director under section 6111.14 of the Revised Code shall pay an 38886
administrative service fee for each plan submitted under that 38887
section for approval that shall not exceed the minimum amount 38888
necessary to pay administrative costs directly attributable to 38889
processing plan approvals. The director annually shall calculate 38890
the fee and shall notify all persons who have entered into 38891
agreements under that section, or who have applied for agreements, 38892
of the amount of the fee. 38893

(3)(a)(i) Not later than January 30, ~~2019~~ 2020, and January 38894
30, ~~2019~~ 2021, a person holding an NPDES discharge permit issued 38895
pursuant to Chapter 6111. of the Revised Code with an average 38896
daily discharge flow of five thousand gallons or more shall pay a 38897
nonrefundable annual discharge fee. Any person who fails to pay 38898
the fee at that time shall pay an additional amount that equals 38899
ten per cent of the required annual discharge fee. 38900

(ii) The billing year for the annual discharge fee 38901
established in division (L)(3)(a)(i) of this section shall consist 38902
of a twelve-month period beginning on the first day of January of 38903
the year preceding the date when the annual discharge fee is due. 38904
In the case of an existing source that permanently ceases to 38905
discharge during a billing year, the director shall reduce the 38906
annual discharge fee, including the surcharge applicable to 38907
certain industrial facilities pursuant to division (L)(3)(c) of 38908
this section, by one-twelfth for each full month during the 38909
billing year that the source was not discharging, but only if the 38910
person holding the NPDES discharge permit for the source notifies 38911
the director in writing, not later than the first day of October 38912
of the billing year, of the circumstances causing the cessation of 38913

discharge. 38914

(iii) The annual discharge fee established in division 38915
(L)(3)(a)(i) of this section, except for the surcharge applicable 38916
to certain industrial facilities pursuant to division (L)(3)(c) of 38917
this section, shall be based upon the average daily discharge flow 38918
in gallons per day calculated using first day of May through 38919
thirty-first day of October flow data for the period two years 38920
prior to the date on which the fee is due. In the case of NPDES 38921
discharge permits for new sources, the fee shall be calculated 38922
using the average daily design flow of the facility until actual 38923
average daily discharge flow values are available for the time 38924
period specified in division (L)(3)(a)(iii) of this section. The 38925
annual discharge fee may be prorated for a new source as described 38926
in division (L)(3)(a)(ii) of this section. 38927

(b)(i) An NPDES permit holder that is a public discharger 38928
shall pay the fee specified in the following schedule: 38929

Average daily	Fee due by	
discharge flow	January 30,	
	2018 <u>2020</u> , and	
	January 30, 2019	
	<u>2021</u>	
5,000 to 49,999	\$ 200	38934
50,000 to 100,000	500	38935
100,001 to 250,000	1,050	38936
250,001 to 1,000,000	2,600	38937
1,000,001 to 5,000,000	5,200	38938
5,000,001 to 10,000,000	10,350	38939
10,000,001 to 20,000,000	15,550	38940
20,000,001 to 50,000,000	25,900	38941
50,000,001 to 100,000,000	41,400	38942
100,000,001 or more	62,100	38943

(ii) Public dischargers owning or operating two or more 38944

publicly owned treatment works serving the same political 38945
subdivision, as "treatment works" is defined in section 6111.01 of 38946
the Revised Code, and that serve exclusively political 38947
subdivisions having a population of fewer than one hundred 38948
thousand persons shall pay an annual discharge fee under division 38949
(L)(3)(b)(i) of this section that is based on the combined average 38950
daily discharge flow of the treatment works. 38951

(c)(i) An NPDES permit holder that is an industrial 38952
discharger, other than a coal mining operator identified by P in 38953
the third character of the permittee's NPDES permit number, shall 38954
pay the fee specified in the following schedule: 38955

Average daily	Fee due by	
discharge flow	January 30,	
	2018 <u>2020</u> , and	38958
	January 30, 2019	38959
	<u>2021</u>	
5,000 to 49,999	\$ 250	38960
50,000 to 250,000	1,200	38961
250,001 to 1,000,000	2,950	38962
1,000,001 to 5,000,000	5,850	38963
5,000,001 to 10,000,000	8,800	38964
10,000,001 to 20,000,000	11,700	38965
20,000,001 to 100,000,000	14,050	38966
100,000,001 to 250,000,000	16,400	38967
250,000,001 or more	18,700	38968

(ii) In addition to the fee specified in the above schedule, 38969
an NPDES permit holder that is an industrial discharger classified 38970
as a major discharger during all or part of the annual discharge 38971
fee billing year specified in division (L)(3)(a)(ii) of this 38972
section shall pay a nonrefundable annual surcharge of seven 38973
thousand five hundred dollars not later than January 30, ~~2018~~ 38974
2020, and not later than January 30, ~~2019~~ 2021. Any person who 38975

fails to pay the surcharge at that time shall pay an additional 38976
amount that equals ten per cent of the amount of the surcharge. 38977

(d) Notwithstanding divisions (L)(3)(b) and (c) of this 38978
section, a public discharger, that is not a separate municipal 38979
storm sewer system, identified by I in the third character of the 38980
permittee's NPDES permit number and an industrial discharger 38981
identified by I, J, L, V, W, X, Y, or Z in the third character of 38982
the permittee's NPDES permit number shall pay a nonrefundable 38983
annual discharge fee of one hundred eighty dollars not later than 38984
January 30, ~~2018~~ 2020, and not later than January 30, ~~2019~~ 2021. 38985
Any person who fails to pay the fee at that time shall pay an 38986
additional amount that equals ten per cent of the required fee. 38987

(4) Each person obtaining an NPDES permit for municipal storm 38988
water discharge shall pay a nonrefundable storm water annual 38989
discharge fee of ten dollars per one-tenth of a square mile of 38990
area permitted. The fee shall not exceed ten thousand dollars and 38991
shall be payable on or before January 30, 2004, and the thirtieth 38992
day of January of each year thereafter. Any person who fails to 38993
pay the fee on the date specified in division (L)(4) of this 38994
section shall pay an additional amount per year equal to ten per 38995
cent of the annual fee that is unpaid. 38996

(5) The director shall transmit all moneys collected under 38997
division (L) of this section to the treasurer of state for deposit 38998
into the state treasury to the credit of the surface water 38999
protection fund created in section 6111.038 of the Revised Code. 39000

(6) As used in this section: 39001

(a) "NPDES" means the federally approved national pollutant 39002
discharge elimination system individual and general program for 39003
issuing, modifying, revoking, reissuing, terminating, monitoring, 39004
and enforcing permits and imposing and enforcing pretreatment 39005
requirements under Chapter 6111. of the Revised Code and rules 39006

adopted under it. 39007

(b) "Public discharger" means any holder of an NPDES permit 39008
identified by P in the second character of the NPDES permit number 39009
assigned by the director. 39010

(c) "Industrial discharger" means any holder of an NPDES 39011
permit identified by I in the second character of the NPDES permit 39012
number assigned by the director. 39013

(d) "Major discharger" means any holder of an NPDES permit 39014
classified as major by the regional administrator of the United 39015
States environmental protection agency in conjunction with the 39016
director. 39017

(M) Through June 30, ~~2020~~ 2022, a person applying for a 39018
license or license renewal to operate a public water system under 39019
section 6109.21 of the Revised Code shall pay the appropriate fee 39020
established under this division at the time of application to the 39021
director. Any person who fails to pay the fee at that time shall 39022
pay an additional amount that equals ten per cent of the required 39023
fee. The director shall transmit all moneys collected under this 39024
division to the treasurer of state for deposit into the drinking 39025
water protection fund created in section 6109.30 of the Revised 39026
Code. 39027

Except as provided in divisions (M)(4) and (5) of this 39028
section, fees required under this division shall be calculated and 39029
paid in accordance with the following schedule: 39030

(1) For the initial license required under section 6109.21 of 39031
the Revised Code for any public water system that is a community 39032
water system as defined in section 6109.01 of the Revised Code, 39033
and for each license renewal required for such a system prior to 39034
January 31, ~~2020~~ 2022, the fee is: 39035

Number of service connections	Fee amount	
Not more than 49	\$ 112	39037

50 to 99	176	39038
Number of service connections	Average cost per connection	39039
100 to 2,499	\$ 1.92	39040
2,500 to 4,999	1.48	39041
5,000 to 7,499	1.42	39042
7,500 to 9,999	1.34	39043
10,000 to 14,999	1.16	39044
15,000 to 24,999	1.10	39045
25,000 to 49,999	1.04	39046
50,000 to 99,999	.92	39047
100,000 to 149,999	.86	39048
150,000 to 199,999	.80	39049
200,000 or more	.76	39050

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, ~~2020~~ 2022, the fee is:

Population served	Fee amount	
Fewer than 150	\$ 112	39065
150 to 299	176	39066
300 to 749	384	39067
750 to 1,499	628	39068
1,500 to 2,999	1,268	39069

3,000 to 7,499	2,816	39070
7,500 to 14,999	5,510	39071
15,000 to 22,499	9,048	39072
22,500 to 29,999	12,430	39073
30,000 or more	16,820	39074

As used in division (M)(2) of this section, "population served" means the total number of individuals having access to the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of three individuals per service connection.

(3) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system prior to January 31, ~~2020~~ 2022, the fee is:

Number of wells or sources, other than surface water, supplying system	Fee amount	
1	\$112	39087
2	112	39088
3	176	39089
4	278	39090
5	568	39091
System designated as using a surface water source	792	39092 39093

As used in division (M)(3) of this section, "number of wells or sources, other than surface water, supplying system" means those wells or sources that are physically connected to the plumbing system serving the public water system.

(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M)(1) or (2) of this section,

whichever is greater. 39101

(5) An applicant for an initial license who is proposing to 39102
operate a new public water supply system shall submit a fee that 39103
equals a prorated amount of the appropriate fee for the remainder 39104
of the licensing year. 39105

(N)(1) A person applying for a plan approval for a public 39106
water supply system under section 6109.07 of the Revised Code 39107
shall pay a fee of one hundred fifty dollars plus thirty-five 39108
hundredths of one per cent of the estimated project cost, except 39109
that the total fee shall not exceed twenty thousand dollars 39110
through June 30, ~~2020~~ 2022, and fifteen thousand dollars on and 39111
after July 1, ~~2020~~ 2022. The fee shall be paid at the time the 39112
application is submitted. 39113

(2) A person who has entered into an agreement with the 39114
director under division (A)(2) of section 6109.07 of the Revised 39115
Code shall pay an administrative service fee for each plan 39116
submitted under that section for approval that shall not exceed 39117
the minimum amount necessary to pay administrative costs directly 39118
attributable to processing plan approvals. The director annually 39119
shall calculate the fee and shall notify all persons that have 39120
entered into agreements under that division, or who have applied 39121
for agreements, of the amount of the fee. 39122

(3) Through June 30, ~~2020~~ 2022, the following fee, on a per 39123
survey basis, shall be charged any person for services rendered by 39124
the state in the evaluation of laboratories and laboratory 39125
personnel for compliance with accepted analytical techniques and 39126
procedures established pursuant to Chapter 6109. of the Revised 39127
Code for determining the qualitative characteristics of water: 39128

microbiological		39129
MMO-MUG	\$2,000	39130
MF	2,100	39131

MMO-MUG and MF	2,550	39132
organic chemical	5,400	39133
trace metals	5,400	39134
standard chemistry	2,800	39135
limited chemistry	1,550	39136

On and after July 1, ~~2020~~ 2022, the following fee, on a per survey basis, shall be charged any such person:

microbiological	\$ 1,650	39139
organic chemicals	3,500	39140
trace metals	3,500	39141
standard chemistry	1,800	39142
limited chemistry	1,000	39143

The fee for those services shall be paid at the time the request for the survey is made. Through June 30, ~~2020~~ 2022, an individual laboratory shall not be assessed a fee under this division more than once in any three-year period unless the person requests the addition of analytical methods or analysts, in which case the person shall pay eighteen hundred dollars for each additional survey requested.

As used in division (N)(3) of this section:

- (a) "MF" means microfiltration.
- (b) "MMO" means minimal medium ONPG.
- (c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide.
- (d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(O) Any person applying to the director to take an examination for certification as an operator of a water supply

system or wastewater system under Chapter 6109. or 6111. of the Revised Code that is administered by the director, at the time the application is submitted, shall pay a fee in accordance with the following schedule through November 30, ~~2020~~ 2022:

Class A operator	\$ 80	39162
Class I operator	105	39163
Class II operator	120	39164
Class III operator	130	39165
Class IV operator	145	39166

On and after December 1, ~~2020~~ 2022, the applicant shall pay a fee in accordance with the following schedule:

Class A operator	\$ 50	39167
Class I operator	70	39168
Class II operator	80	39169
Class III operator	90	39170
Class IV operator	100	39171

Any person applying to the director for certification as an operator of a water supply system or wastewater system who has passed an examination administered by an examination provider approved by the director shall pay a certification fee of forty-five dollars.

A person shall pay a biennial certification renewal fee for each applicable class of certification in accordance with the following schedule:

Class A operator	\$25	39172
Class I operator	35	39173
Class II operator	45	39174
Class III operator	55	39175
Class IV operator	65	39176

If a certification renewal fee is received by the director more than thirty days, but not more than one year, after the expiration date of the certification, the person shall pay a

certification renewal fee in accordance with the following 39194
schedule: 39195

Class A operator	\$45	39196
Class I operator	55	39197
Class II operator	65	39198
Class III operator	75	39199
Class IV operator	85	39200

A person who requests a replacement certificate shall pay a 39201
fee of twenty-five dollars at the time the request is made. 39202

Any person applying to be a water supply system or wastewater 39203
treatment system examination provider shall pay an application fee 39204
of five hundred dollars. Any person approved by the director as a 39205
water supply system or wastewater treatment system examination 39206
provider shall pay an annual fee that is equal to ten per cent of 39207
the fees that the provider assesses and collects for administering 39208
water supply system or wastewater treatment system certification 39209
examinations in this state for the calendar year. The fee shall be 39210
paid not later than forty-five days after the end of a calendar 39211
year. 39212

The director shall transmit all moneys collected under this 39213
division to the treasurer of state for deposit into the drinking 39214
water protection fund created in section 6109.30 of the Revised 39215
Code. 39216

(P) Any person submitting an application for an industrial 39217
water pollution control certificate under section 6111.31 of the 39218
Revised Code, as that section existed before its repeal by H.B. 95 39219
of the 125th general assembly, shall pay a nonrefundable fee of 39220
five hundred dollars at the time the application is submitted. The 39221
director shall transmit all moneys collected under this division 39222
to the treasurer of state for deposit into the surface water 39223
protection fund created in section 6111.038 of the Revised Code. A 39224
person paying a certificate fee under this division shall not pay 39225

an application fee under division (S)(1) of this section. On and 39226
after June 26, 2003, persons shall file such applications and pay 39227
the fee as required under sections 5709.20 to 5709.27 of the 39228
Revised Code, and proceeds from the fee shall be credited as 39229
provided in section 5709.212 of the Revised Code. 39230

(Q) Except as otherwise provided in division (R) of this 39231
section, a person issued a permit by the director for a new solid 39232
waste disposal facility other than an incineration or composting 39233
facility, a new infectious waste treatment facility other than an 39234
incineration facility, or a modification of such an existing 39235
facility that includes an increase in the total disposal or 39236
treatment capacity of the facility pursuant to Chapter 3734. of 39237
the Revised Code shall pay a fee of ten dollars per thousand cubic 39238
yards of disposal or treatment capacity, or one thousand dollars, 39239
whichever is greater, except that the total fee for any such 39240
permit shall not exceed eighty thousand dollars. A person issued a 39241
modification of a permit for a solid waste disposal facility or an 39242
infectious waste treatment facility that does not involve an 39243
increase in the total disposal or treatment capacity of the 39244
facility shall pay a fee of one thousand dollars. A person issued 39245
a permit to install a new, or modify an existing, solid waste 39246
transfer facility under that chapter shall pay a fee of two 39247
thousand five hundred dollars. A person issued a permit to install 39248
a new or to modify an existing solid waste incineration or 39249
composting facility, or an existing infectious waste treatment 39250
facility using incineration as its principal method of treatment, 39251
under that chapter shall pay a fee of one thousand dollars. The 39252
increases in the permit fees under this division resulting from 39253
the amendments made by Amended Substitute House Bill 592 of the 39254
117th general assembly do not apply to any person who submitted an 39255
application for a permit to install a new, or modify an existing, 39256
solid waste disposal facility under that chapter prior to 39257
September 1, 1987; any such person shall pay the permit fee 39258

established in this division as it existed prior to June 24, 1988. 39259
In addition to the applicable permit fee under this division, a 39260
person issued a permit to install or modify a solid waste facility 39261
or an infectious waste treatment facility under that chapter who 39262
fails to pay the permit fee to the director in compliance with 39263
division (V) of this section shall pay an additional ten per cent 39264
of the amount of the fee for each week that the permit fee is 39265
late. 39266

Permit and late payment fees paid to the director under this 39267
division shall be credited to the general revenue fund. 39268

(R)(1) A person issued a registration certificate for a scrap 39269
tire collection facility under section 3734.75 of the Revised Code 39270
shall pay a fee of two hundred dollars, except that if the 39271
facility is owned or operated by a motor vehicle salvage dealer 39272
licensed under Chapter 4738. of the Revised Code, the person shall 39273
pay a fee of twenty-five dollars. 39274

(2) A person issued a registration certificate for a new 39275
scrap tire storage facility under section 3734.76 of the Revised 39276
Code shall pay a fee of three hundred dollars, except that if the 39277
facility is owned or operated by a motor vehicle salvage dealer 39278
licensed under Chapter 4738. of the Revised Code, the person shall 39279
pay a fee of twenty-five dollars. 39280

(3) A person issued a permit for a scrap tire storage 39281
facility under section 3734.76 of the Revised Code shall pay a fee 39282
of one thousand dollars, except that if the facility is owned or 39283
operated by a motor vehicle salvage dealer licensed under Chapter 39284
4738. of the Revised Code, the person shall pay a fee of fifty 39285
dollars. 39286

(4) A person issued a permit for a scrap tire monocell or 39287
monofill facility under section 3734.77 of the Revised Code shall 39288
pay a fee of ten dollars per thousand cubic yards of disposal 39289

capacity or one thousand dollars, whichever is greater, except 39290
that the total fee for any such permit shall not exceed eighty 39291
thousand dollars. 39292

(5) A person issued a registration certificate for a scrap 39293
tire recovery facility under section 3734.78 of the Revised Code 39294
shall pay a fee of one hundred dollars. 39295

(6) A person issued a permit for a scrap tire recovery 39296
facility under section 3734.78 of the Revised Code shall pay a fee 39297
of one thousand dollars. 39298

(7) In addition to the applicable registration certificate or 39299
permit fee under divisions (R)(1) to (6) of this section, a person 39300
issued a registration certificate or permit for any such scrap 39301
tire facility who fails to pay the registration certificate or 39302
permit fee to the director in compliance with division (V) of this 39303
section shall pay an additional ten per cent of the amount of the 39304
fee for each week that the fee is late. 39305

(8) The registration certificate, permit, and late payment 39306
fees paid to the director under divisions (R)(1) to (7) of this 39307
section shall be credited to the scrap tire management fund 39308
created in section 3734.82 of the Revised Code. 39309

(S)(1)(a) Except as provided by divisions (L), (M), (N), (O), 39310
(P), and (S)(2) of this section, division (A)(2) of section 39311
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 39312
and rules adopted under division (T)(1) of this section, any 39313
person applying for a registration certificate under section 39314
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 39315
variance, or plan approval under Chapter 3734. of the Revised Code 39316
shall pay a nonrefundable fee of fifteen dollars at the time the 39317
application is submitted. 39318

(b) Except as otherwise provided, any person applying for a 39319
permit, variance, or plan approval under Chapter 6109. or 6111. of 39320

the Revised Code shall pay a nonrefundable application fee of one 39321
hundred dollars at the time the application is submitted through 39322
June 30, ~~2020~~ 2022, and a nonrefundable application fee of fifteen 39323
dollars at the time the application is submitted on and after July 39324
1, ~~2020~~ 2022. 39325

(c)(i) Except as otherwise provided in divisions 39326
(S)(1)(c)(iii) and (iv) of this section, through June 30, ~~2020~~ 39327
2022, any person applying for an NPDES permit under Chapter 6111. 39328
of the Revised Code shall pay a nonrefundable application fee of 39329
two hundred dollars at the time of application for the permit. On 39330
and after July 1, ~~2020~~ 2022, such a person shall pay a 39331
nonrefundable application fee of fifteen dollars at the time of 39332
application. 39333

(ii) In addition to the nonrefundable application fee, any 39334
person applying for an NPDES permit under Chapter 6111. of the 39335
Revised Code shall pay a design flow discharge fee based on each 39336
point source to which the issuance is applicable in accordance 39337
with the following schedule: 39338

Design flow discharge (gallons per day)	Fee	
0 to 1000 <u>1,000</u>	\$ 0	39339
1,001 to 5000 <u>5,000</u>	100	39340
5,001 to 50,000	200	39341
50,001 to 100,000	300	39342
100,001 to 300,000	525	39343
over 300,000	750	39344

(iii) Notwithstanding divisions (S)(1)(c)(i) and (ii) of this 39346
section, the application and design flow discharge fee for an 39347
NPDES permit for a public discharger identified by the letter I in 39348
the third character of the NPDES permit number shall not exceed 39349
nine hundred fifty dollars. 39350

(iv) Notwithstanding divisions (S)(1)(c)(i) and (ii) of this 39351
section, the application and design flow discharge fee for an 39352

NPDES permit for a coal mining operation regulated under Chapter 39353
1513. of the Revised Code shall not exceed four hundred fifty 39354
dollars per mine. 39355

(v) A person issued a modification of an NPDES permit shall 39356
pay a nonrefundable modification fee equal to the application fee 39357
and one-half the design flow discharge fee based on each point 39358
source, if applicable, that would be charged for an NPDES permit, 39359
except that the modification fee shall not exceed six hundred 39360
dollars. 39361

(d) In addition to the application fee established under 39362
division (S)(1)(c)(i) of this section, any person applying for an 39363
NPDES general storm water construction permit shall pay a 39364
nonrefundable fee of twenty dollars per acre for each acre that is 39365
permitted above five acres at the time the application is 39366
submitted. However, the per acreage fee shall not exceed three 39367
hundred dollars. In addition to the application fee established 39368
under division (S)(1)(c)(i) of this section, any person applying 39369
for an NPDES general storm water industrial permit shall pay a 39370
nonrefundable fee of one hundred fifty dollars at the time the 39371
application is submitted. 39372

(e) The director shall transmit all moneys collected under 39373
division (S)(1) of this section pursuant to Chapter 6109. of the 39374
Revised Code to the treasurer of state for deposit into the 39375
drinking water protection fund created in section 6109.30 of the 39376
Revised Code. 39377

(f) The director shall transmit all moneys collected under 39378
division (S)(1) of this section pursuant to Chapter 6111. of the 39379
Revised Code and under division (S)(3) of this section to the 39380
treasurer of state for deposit into the surface water protection 39381
fund created in section 6111.038 of the Revised Code. 39382

(g) If a registration certificate is issued under section 39383

3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 39384
the application fee paid shall be deducted from the amount of the 39385
registration certificate fee due under division (R)(1), (2), or 39386
(5) of this section, as applicable. 39387

(h) If a person submits an electronic application for a 39388
registration certificate, permit, variance, or plan approval for 39389
which an application fee is established under division (S)(1) of 39390
this section, the person shall pay all applicable fees as 39391
expeditiously as possible after the submission of the electronic 39392
application. An application for a registration certificate, 39393
permit, variance, or plan approval for which an application fee is 39394
established under division (S)(1) of this section shall not be 39395
reviewed or processed until the applicable application fee, and 39396
any other fees established under this division, are paid. 39397

(2) Division (S)(1) of this section does not apply to an 39398
application for a registration certificate for a scrap tire 39399
collection or storage facility submitted under section 3734.75 or 39400
3734.76 of the Revised Code, as applicable, if the owner or 39401
operator of the facility or proposed facility is a motor vehicle 39402
salvage dealer licensed under Chapter 4738. of the Revised Code. 39403

(3) A person applying for coverage under an NPDES general 39404
discharge permit for household sewage treatment systems shall pay 39405
the following fees: 39406

(a) A nonrefundable fee of two hundred dollars at the time of 39407
application for initial permit coverage; 39408

(b) A nonrefundable fee of one hundred dollars at the time of 39409
application for a renewal of permit coverage. 39410

(T) The director may adopt, amend, and rescind rules in 39411
accordance with Chapter 119. of the Revised Code that do all of 39412
the following: 39413

(1) Prescribe fees to be paid by applicants for and holders 39414

of any license, permit, variance, plan approval, or certification 39415
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 39416
the Revised Code that are not specifically established in this 39417
section. The fees shall be designed to defray the cost of 39418
processing, issuing, revoking, modifying, denying, and enforcing 39419
the licenses, permits, variances, plan approvals, and 39420
certifications. 39421

The director shall transmit all moneys collected under rules 39422
adopted under division (T)(1) of this section pursuant to Chapter 39423
6109. of the Revised Code to the treasurer of state for deposit 39424
into the drinking water protection fund created in section 6109.30 39425
of the Revised Code. 39426

The director shall transmit all moneys collected under rules 39427
adopted under division (T)(1) of this section pursuant to Chapter 39428
6111. of the Revised Code to the treasurer of state for deposit 39429
into the surface water protection fund created in section 6111.038 39430
of the Revised Code. 39431

(2) Exempt the state and political subdivisions thereof, 39432
including education facilities or medical facilities owned by the 39433
state or a political subdivision, or any person exempted from 39434
taxation by section 5709.07 or 5709.12 of the Revised Code, from 39435
any fee required by this section; 39436

(3) Provide for the waiver of any fee, or any part thereof, 39437
otherwise required by this section whenever the director 39438
determines that the imposition of the fee would constitute an 39439
unreasonable cost of doing business for any applicant, class of 39440
applicants, or other person subject to the fee; 39441

(4) Prescribe measures that the director considers necessary 39442
to carry out this section. 39443

(U) When the director reasonably demonstrates that the direct 39444
cost to the state associated with the issuance of a permit, 39445

license, variance, plan approval, or certification exceeds the fee 39446
for the issuance or review specified by this section, the director 39447
may condition the issuance or review on the payment by the person 39448
receiving the issuance or review of, in addition to the fee 39449
specified by this section, the amount, or any portion thereof, in 39450
excess of the fee specified under this section. The director shall 39451
not so condition issuances for which a fee is prescribed in 39452
division (S)(1)(c)(iii) of this section. 39453

(V) Except as provided in divisions (L), (M), (P), and (S) of 39454
this section or unless otherwise prescribed by a rule of the 39455
director adopted pursuant to Chapter 119. of the Revised Code, all 39456
fees required by this section are payable within thirty days after 39457
the issuance of an invoice for the fee by the director or the 39458
effective date of the issuance of the license, permit, variance, 39459
plan approval, or certification. If payment is late, the person 39460
responsible for payment of the fee shall pay an additional ten per 39461
cent of the amount due for each month that it is late. 39462

(W) As used in this section, "fuel-burning equipment," 39463
"fuel-burning equipment input capacity," "incinerator," 39464
"incinerator input capacity," "process," "process weight rate," 39465
"storage tank," "gasoline dispensing facility," "dry cleaning 39466
facility," "design flow discharge," and "new source treatment 39467
works" have the meanings ascribed to those terms by applicable 39468
rules or standards adopted by the director under Chapter 3704. or 39469
6111. of the Revised Code. 39470

(X) As used in divisions (B), (D), (E), (F), (H), (I), and 39471
(J) of this section, and in any other provision of this section 39472
pertaining to fees paid pursuant to Chapter 3704. of the Revised 39473
Code: 39474

(1) "Facility," "federal Clean Air Act," "person," and "Title 39475
V permit" have the same meanings as in section 3704.01 of the 39476
Revised Code. 39477

(2) "Title V permit program" means the following activities	39478
as necessary to meet the requirements of Title V of the federal	39479
Clean Air Act and 40 C.F.R. part 70, including at least:	39480
(a) Preparing and adopting, if applicable, generally	39481
applicable rules or guidance regarding the permit program or its	39482
implementation or enforcement;	39483
(b) Reviewing and acting on any application for a Title V	39484
permit, permit revision, or permit renewal, including the	39485
development of an applicable requirement as part of the processing	39486
of a permit, permit revision, or permit renewal;	39487
(c) Administering the permit program, including the	39488
supporting and tracking of permit applications, compliance	39489
certification, and related data entry;	39490
(d) Determining which sources are subject to the program and	39491
implementing and enforcing the terms of any Title V permit, not	39492
including any court actions or other formal enforcement actions;	39493
(e) Emission and ambient monitoring;	39494
(f) Modeling, analyses, or demonstrations;	39495
(g) Preparing inventories and tracking emissions;	39496
(h) Providing direct and indirect support to small business	39497
stationary sources to determine and meet their obligations under	39498
the federal Clean Air Act pursuant to the small business	39499
stationary source technical and environmental compliance	39500
assistance program required by section 507 of that act and	39501
established in sections 3704.18, 3704.19, and 3706.19 of the	39502
Revised Code.	39503
(3) "Organic compound" means any chemical compound of carbon,	39504
excluding carbon monoxide, carbon dioxide, carbonic acid, metallic	39505
carbides or carbonates, and ammonium carbonate.	39506
(Y)(1) Except as provided in divisions (Y)(2), (3), and (4)	39507

of this section, each sewage sludge facility shall pay a 39508
nonrefundable annual sludge fee equal to three dollars and fifty 39509
cents per dry ton of sewage sludge, including the dry tons of 39510
sewage sludge in materials derived from sewage sludge, that the 39511
sewage sludge facility treats or disposes of in this state. The 39512
annual volume of sewage sludge treated or disposed of by a sewage 39513
sludge facility shall be calculated using the first day of January 39514
through the thirty-first day of December of the calendar year 39515
preceding the date on which payment of the fee is due. 39516

(2)(a) Except as provided in division (Y)(2)(d) of this 39517
section, each sewage sludge facility shall pay a minimum annual 39518
sewage sludge fee of one hundred dollars. 39519

(b) The annual sludge fee required to be paid by a sewage 39520
sludge facility that treats or disposes of exceptional quality 39521
sludge in this state shall be thirty-five per cent less per dry 39522
ton of exceptional quality sludge than the fee assessed under 39523
division (Y)(1) of this section, subject to the following 39524
exceptions: 39525

(i) Except as provided in division (Y)(2)(d) of this section, 39526
a sewage sludge facility that treats or disposes of exceptional 39527
quality sludge shall pay a minimum annual sewage sludge fee of one 39528
hundred dollars. 39529

(ii) A sewage sludge facility that treats or disposes of 39530
exceptional quality sludge shall not be required to pay the annual 39531
sludge fee for treatment or disposal in this state of exceptional 39532
quality sludge generated outside of this state and contained in 39533
bags or other containers not greater than one hundred pounds in 39534
capacity. 39535

A thirty-five per cent reduction for exceptional quality 39536
sludge applies to the maximum annual fees established under 39537
division (Y)(3) of this section. 39538

(c) A sewage sludge facility that transfers sewage sludge to another sewage sludge facility in this state for further treatment prior to disposal in this state shall not be required to pay the annual sludge fee for the tons of sewage sludge that have been transferred. In such a case, the sewage sludge facility that disposes of the sewage sludge shall pay the annual sludge fee. However, the facility transferring the sewage sludge shall pay the one-hundred-dollar minimum fee required under division (Y)(2)(a) of this section.

In the case of a sewage sludge facility that treats sewage sludge in this state and transfers it out of this state to another entity for disposal, the sewage sludge facility in this state shall be required to pay the annual sludge fee for the tons of sewage sludge that have been transferred.

(d) A sewage sludge facility that generates sewage sludge resulting from an average daily discharge flow of less than five thousand gallons per day is not subject to the fees assessed under division (Y) of this section.

(3) No sewage sludge facility required to pay the annual sludge fee shall be required to pay more than the maximum annual fee for each disposal method that the sewage sludge facility uses. The maximum annual fee does not include the additional amount that may be charged under division (Y)(5) of this section for late payment of the annual sludge fee. The maximum annual fee for the following methods of disposal of sewage sludge is as follows:

(a) Incineration: five thousand dollars;

(b) Preexisting land reclamation project or disposal in a landfill: five thousand dollars;

(c) Land application, land reclamation, surface disposal, or any other disposal method not specified in division (Y)(3)(a) or (b) of this section: twenty thousand dollars.

(4)(a) In the case of an entity that generates sewage sludge 39570
or a sewage sludge facility that treats sewage sludge and 39571
transfers the sewage sludge to an incineration facility for 39572
disposal, the incineration facility, and not the entity generating 39573
the sewage sludge or the sewage sludge facility treating the 39574
sewage sludge, shall pay the annual sludge fee for the tons of 39575
sewage sludge that are transferred. However, the entity or 39576
facility generating or treating the sewage sludge shall pay the 39577
one-hundred-dollar minimum fee required under division (Y)(2)(a) 39578
of this section. 39579

(b) In the case of an entity that generates sewage sludge and 39580
transfers the sewage sludge to a landfill for disposal or to a 39581
sewage sludge facility for land reclamation or surface disposal, 39582
the entity generating the sewage sludge, and not the landfill or 39583
sewage sludge facility, shall pay the annual sludge fee for the 39584
tons of sewage sludge that are transferred. 39585

(5) Not later than the first day of April of the calendar 39586
year following March 17, 2000, and each first day of April 39587
thereafter, the director shall issue invoices to persons who are 39588
required to pay the annual sludge fee. The invoice shall identify 39589
the nature and amount of the annual sludge fee assessed and state 39590
the first day of May as the deadline for receipt by the director 39591
of objections regarding the amount of the fee and the first day of 39592
July as the deadline for payment of the fee. 39593

Not later than the first day of May following receipt of an 39594
invoice, a person required to pay the annual sludge fee may submit 39595
objections to the director concerning the accuracy of information 39596
regarding the number of dry tons of sewage sludge used to 39597
calculate the amount of the annual sludge fee or regarding whether 39598
the sewage sludge qualifies for the exceptional quality sludge 39599
discount established in division (Y)(2)(b) of this section. The 39600
director may consider the objections and adjust the amount of the 39601

fee to ensure that it is accurate. 39602

If the director does not adjust the amount of the annual 39603
sludge fee in response to a person's objections, the person may 39604
appeal the director's determination in accordance with Chapter 39605
119. of the Revised Code. 39606

Not later than the first day of June, the director shall 39607
notify the objecting person regarding whether the director has 39608
found the objections to be valid and the reasons for the finding. 39609
If the director finds the objections to be valid and adjusts the 39610
amount of the annual sludge fee accordingly, the director shall 39611
issue with the notification a new invoice to the person 39612
identifying the amount of the annual sludge fee assessed and 39613
stating the first day of July as the deadline for payment. 39614

Not later than the first day of July, any person who is 39615
required to do so shall pay the annual sludge fee. Any person who 39616
is required to pay the fee, but who fails to do so on or before 39617
that date shall pay an additional amount that equals ten per cent 39618
of the required annual sludge fee. 39619

(6) The director shall transmit all moneys collected under 39620
division (Y) of this section to the treasurer of state for deposit 39621
into the surface water protection fund created in section 6111.038 39622
of the Revised Code. The moneys shall be used to defray the costs 39623
of administering and enforcing provisions in Chapter 6111. of the 39624
Revised Code and rules adopted under it that govern the use, 39625
storage, treatment, or disposal of sewage sludge. 39626

(7) Beginning in fiscal year 2001, and every two years 39627
thereafter, the director shall review the total amount of moneys 39628
generated by the annual sludge fees to determine if that amount 39629
exceeded six hundred thousand dollars in either of the two 39630
preceding fiscal years. If the total amount of moneys in the fund 39631
exceeded six hundred thousand dollars in either fiscal year, the 39632

director, after review of the fee structure and consultation with 39633
affected persons, shall issue an order reducing the amount of the 39634
fees levied under division (Y) of this section so that the 39635
estimated amount of moneys resulting from the fees will not exceed 39636
six hundred thousand dollars in any fiscal year. 39637

If, upon review of the fees under division (Y)(7) of this 39638
section and after the fees have been reduced, the director 39639
determines that the total amount of moneys collected and 39640
accumulated is less than six hundred thousand dollars, the 39641
director, after review of the fee structure and consultation with 39642
affected persons, may issue an order increasing the amount of the 39643
fees levied under division (Y) of this section so that the 39644
estimated amount of moneys resulting from the fees will be 39645
approximately six hundred thousand dollars. Fees shall never be 39646
increased to an amount exceeding the amount specified in division 39647
(Y)(7) of this section. 39648

Notwithstanding section 119.06 of the Revised Code, the 39649
director may issue an order under division (Y)(7) of this section 39650
without the necessity to hold an adjudicatory hearing in 39651
connection with the order. The issuance of an order under this 39652
division is not an act or action for purposes of section 3745.04 39653
of the Revised Code. 39654

(8) As used in division (Y) of this section: 39655

(a) "Sewage sludge facility" means an entity that performs 39656
treatment on or is responsible for the disposal of sewage sludge. 39657

(b) "Sewage sludge" means a solid, semi-solid, or liquid 39658
residue generated during the treatment of domestic sewage in a 39659
treatment works as defined in section 6111.01 of the Revised Code. 39660
"Sewage sludge" includes, but is not limited to, scum or solids 39661
removed in primary, secondary, or advanced wastewater treatment 39662
processes. "Sewage sludge" does not include ash generated during 39663

the firing of sewage sludge in a sewage sludge incinerator, grit 39664
and screenings generated during preliminary treatment of domestic 39665
sewage in a treatment works, animal manure, residue generated 39666
during treatment of animal manure, or domestic septage. 39667

(c) "Exceptional quality sludge" means sewage sludge that 39668
meets all of the following qualifications: 39669

(i) Satisfies the class A pathogen standards in 40 C.F.R. 39670
503.32(a); 39671

(ii) Satisfies one of the vector attraction reduction 39672
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 39673

(iii) Does not exceed the ceiling concentration limitations 39674
for metals listed in table one of 40 C.F.R. 503.13; 39675

(iv) Does not exceed the concentration limitations for metals 39676
listed in table three of 40 C.F.R. 503.13. 39677

(d) "Treatment" means the preparation of sewage sludge for 39678
final use or disposal and includes, but is not limited to, 39679
thickening, stabilization, and dewatering of sewage sludge. 39680

(e) "Disposal" means the final use of sewage sludge, 39681
including, but not limited to, land application, land reclamation, 39682
surface disposal, or disposal in a landfill or an incinerator. 39683

(f) "Land application" means the spraying or spreading of 39684
sewage sludge onto the land surface, the injection of sewage 39685
sludge below the land surface, or the incorporation of sewage 39686
sludge into the soil for the purposes of conditioning the soil or 39687
fertilizing crops or vegetation grown in the soil. 39688

(g) "Land reclamation" means the returning of disturbed land 39689
to productive use. 39690

(h) "Surface disposal" means the placement of sludge on an 39691
area of land for disposal, including, but not limited to, 39692
monofills, surface impoundments, lagoons, waste piles, or 39693

dedicated disposal sites. 39694

(i) "Incinerator" means an entity that disposes of sewage 39695
sludge through the combustion of organic matter and inorganic 39696
matter in sewage sludge by high temperatures in an enclosed 39697
device. 39698

(j) "Incineration facility" includes all incinerators owned 39699
or operated by the same entity and located on a contiguous tract 39700
of land. Areas of land are considered to be contiguous even if 39701
they are separated by a public road or highway. 39702

(k) "Annual sludge fee" means the fee assessed under division 39703
(Y)(1) of this section. 39704

(l) "Landfill" means a sanitary landfill facility, as defined 39705
in rules adopted under section 3734.02 of the Revised Code, that 39706
is licensed under section 3734.05 of the Revised Code. 39707

(m) "Preexisting land reclamation project" means a 39708
property-specific land reclamation project that has been in 39709
continuous operation for not less than five years pursuant to 39710
approval of the activity by the director and includes the 39711
implementation of a community outreach program concerning the 39712
activity. 39713

Sec. 3769.07. (A) Except as otherwise provided in this 39714
section, no permit shall be issued under sections 3769.01 to 39715
3769.14 of the Revised Code, authorizing the conduct of a live 39716
racing program for thoroughbred horses and quarter horses at any 39717
place, track, or enclosure except between the hours of twelve noon 39718
and seven p.m., for running horse-racing meetings, except that on 39719
special events days running horse-racing meetings may begin at 39720
nine a.m. by application to the state racing commission and except 39721
that the seven p.m. time may be extended to eight p.m. on a Sunday 39722
or holiday by application to the commission, and no permit shall 39723

be issued under those sections authorizing the conduct of a live 39724
racing program for harness horses at any place, track, or 39725
enclosure except between the hours of twelve noon and twelve 39726
midnight for light harness horse-racing meetings. The seven p.m. 39727
and eight p.m. closing times described in this section shall upon 39728
application to the commission be extended to nine p.m. for any 39729
running horse-racing meeting conducted between the fifteenth day 39730
of May and the fifteenth day of September at a track that is 39731
located more than twenty-five miles from a track located in this 39732
state where a light harness horse-racing meeting, other than a 39733
light harness horse-racing meeting at a county fair or independent 39734
fair, is being conducted and that is located less than twenty-five 39735
miles from a track located outside this state. A permit issued for 39736
horse racing at a county fair shall authorize live horse racing to 39737
begin at nine a.m. 39738

(B) No permit shall be granted for the holding or conducting 39739
of a horse-racing meeting after the tenth day of December in any 39740
calendar year, except for racing at winterized tracks. "Winterized 39741
track" means a track with enclosed club house or grandstand, 39742
all-weather racing track, heated facilities for jockeys or 39743
drivers, backstretch facilities that are properly prepared for 39744
winter racing, and adequate snow removal equipment available. 39745

(C) No permit shall be issued for more than an aggregate of 39746
fifty-six racing days in any one calendar year, except that an 39747
additional five days of racing may be approved by the commission 39748
upon application by a permit holder and except that an additional 39749
thirty days of racing may be granted for racing at any time after 39750
the fifteenth day of October and prior to the fifteenth day of 39751
March to a permit holder who has a winterized facility, but no 39752
more than thirty such additional days may be issued at any one 39753
track or enclosure. No more than an aggregate of fifty-six racing 39754
days shall be issued in any one calendar year for any one race 39755

track, place, or enclosure, except for the additional five days of 39756
racing for each permit holder which may be approved by the 39757
commission pursuant to this section, except as provided in 39758
sections 3769.071 and 3769.13 of the Revised Code, except for 39759
racing days granted as a result of a winterized facility, and 39760
except that the commission may issue a second permit for a maximum 39761
of fifty-six racing days for any one track, place, or enclosure, 39762
if the commission determines that the issuance of such second 39763
permit is not against the public interest. No such second permit 39764
shall be issued: 39765

~~(A)~~(1) For the operation of racing in any county with a 39766
population of less than seven hundred thousand or for the 39767
operation of racing in any county which has more than one race 39768
track at which a racing meet has been authorized, except as 39769
provided in this division and in sections 3769.071 and 3769.13 of 39770
the Revised Code, in the same year by the commission. A second 39771
permit issued pursuant to this division may be issued at either or 39772
both race tracks in a county that has only two race tracks if a 39773
racing meet has been authorized at both race tracks in the same 39774
year by the commission and one race track has been authorized to 39775
conduct thoroughbred racing meets and the other race track has 39776
been authorized to conduct harness racing meets. When such second 39777
permit is issued pursuant to this division for racing at the one 39778
race track, racing shall not be conducted at that race track on 39779
the same day that racing is conducted at the other race track in 39780
the county except by mutual agreement of the two race tracks. 39781

~~(B)~~(2) To any corporation having one or more shareholders 39782
owning an interest in any other permit issued by the commission 39783
for the operation of racing, in the same year, at any other race 39784
track, place, or enclosure in this state; 39785

~~(C)~~(3) To any person, association, or trust which owns, or 39786
which has any members owning, an interest in any other permit 39787

issued by the commission for the operation of racing, in the same 39788
year, at any other race track, place, or enclosure in this state. 39789

(D) No permit shall be issued so as to permit live racing 39790
programs on the same hour at more than one track in one county or 39791
on tracks in operation in 1975 within fifty miles of each other, 39792
nor shall any other form of pari-mutuel wagering other than horse 39793
racing be permitted within seventy-five miles of a track where 39794
horse racing is being conducted, except that this provision shall 39795
not apply to a horse-racing meeting held at the state fair or at a 39796
fair conducted by a county agricultural society or at a fair 39797
conducted by an independent agricultural society. Distribution of 39798
days shall not apply to fairs or horse shows not required to 39799
secure a permit under such section. ~~Notwithstanding~~ 39800

(E) ~~Notwithstanding any other contrary provision of this~~ 39801
~~chapter, a~~The Revised Code: 39802

(1) No person, association, trust, or corporation may own or 39803
operate or entity shall be issued permits to conduct horse-racing 39804
meetings at more than two separate facilities in this state that 39805
are conducting horse racing meetings at any one time. 39806

(2) No person or entity shall be issued permits to conduct 39807
thoroughbred horse-racing meetings at more than one facility in 39808
this state at any one time. 39809

(3) No person or entity shall be a management company for 39810
persons or entities that have been issued permits to conduct 39811
horse-racing meetings at more than two facilities in this state at 39812
any one time. 39813

(4) A person or entity is not prohibited from owning more 39814
than two facilities in this state at which horse-racing meetings 39815
are conducted, so long as the person or entity is not in violation 39816
of division (E)(1), (2), or (3) of this section. 39817

(F) A permit, granted under sections 3769.01 to 3769.14 of 39818

the Revised Code, shall be conspicuously displayed during the 39819
horse-racing meeting in the principal office at such race track 39820
and at all reasonable times shall be exhibited to any authorized 39821
person requesting to see the same. 39822

Sec. 3770.06. (A) There is hereby created the state lottery 39823
gross revenue fund, which shall be in the custody of the treasurer 39824
of state but shall not be part of the state treasury. All gross 39825
revenues received from sales of lottery tickets, fines, fees, and 39826
related proceeds in connection with the statewide lottery and all 39827
gross proceeds from statewide joint lottery games shall be 39828
deposited into the fund. The treasurer of state shall invest any 39829
portion of the fund not needed for immediate use in the same 39830
manner as, and subject to all provisions of law with respect to 39831
the investment of, state funds. The treasurer of state shall 39832
disburse money from the fund on order of the director of the state 39833
lottery commission or the director's designee. 39834

Except for gross proceeds from statewide joint lottery games, 39835
all revenues of the state lottery gross revenue fund that are not 39836
paid to holders of winning lottery tickets, that are not required 39837
to meet short-term prize liabilities, that are not credited to 39838
lottery sales agents in the form of bonuses, commissions, or 39839
reimbursements, that are not paid to financial institutions to 39840
reimburse those institutions for sales agent nonsufficient funds, 39841
and that are collected from sales agents for remittance to 39842
insurers under contract to provide sales agent bonding services 39843
shall be transferred to the state lottery fund, which is hereby 39844
created in the state treasury. In addition, all revenues of the 39845
state lottery gross revenue fund that represent the gross proceeds 39846
from the statewide joint lottery games and that are not paid to 39847
holders of winning lottery tickets, that are not required to meet 39848
short-term prize liabilities, that are not credited to lottery 39849
sales agents in the form of bonuses, commissions, or 39850

reimbursements, and that are not necessary to cover operating 39851
expenses associated with those games or to otherwise comply with 39852
the agreements signed by the governor that the director enters 39853
into under division (J) of section 3770.02 of the Revised Code or 39854
the rules the commission adopts under division (B)(5) of section 39855
3770.03 of the Revised Code shall be transferred to the state 39856
lottery fund. All investment earnings of the fund shall be 39857
credited to the fund. Moneys shall be disbursed from the fund 39858
pursuant to vouchers approved by the director. Total disbursements 39859
for monetary prize awards to holders of winning lottery tickets in 39860
connection with the statewide lottery and purchases of goods and 39861
services awarded as prizes to holders of winning lottery tickets 39862
shall be of an amount equal to at least fifty per cent of the 39863
total revenue accruing from the sale of lottery tickets. 39864

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, 39865
there is hereby established in the state treasury the lottery 39866
profits education fund. Whenever, in the judgment of the director 39867
of the state lottery commission, the amount to the credit of the 39868
state lottery fund that does not represent proceeds from statewide 39869
joint lottery games is in excess of that needed to meet the 39870
maturing obligations of the commission and as working capital for 39871
its further operations, the director of the state lottery 39872
commission shall recommend the amount of the excess to be 39873
transferred to the lottery profits education fund, and the 39874
director of budget and management may transfer the excess to the 39875
lottery profits education fund in connection with the statewide 39876
lottery. In addition, whenever, in the judgment of the director of 39877
the state lottery commission, the amount to the credit of the 39878
state lottery fund that represents proceeds from statewide joint 39879
lottery games equals the entire net proceeds of those games as 39880
described in division (B)(5) of section 3770.03 of the Revised 39881
Code and the rules adopted under that division, the director of 39882
the state lottery commission shall recommend the amount of the 39883

proceeds to be transferred to the lottery profits education fund, 39884
and the director of budget and management may transfer those 39885
proceeds to the lottery profits education fund. Investment 39886
earnings of the lottery profits education fund shall be credited 39887
to the fund. 39888

The lottery profits education fund shall be used solely for 39889
the support of elementary, secondary, vocational, and special 39890
education programs as determined in appropriations made by the 39891
general assembly, or as provided in applicable bond proceedings 39892
for the payment of debt service on obligations issued to pay costs 39893
of capital facilities, including those for a system of common 39894
schools throughout the state pursuant to section 2n of Article 39895
VIII, Ohio Constitution. When determining the availability of 39896
money in the lottery profits education fund, the director of 39897
budget and management may consider all balances and estimated 39898
revenues of the fund. 39899

(C) There is hereby established in the state treasury the 39900
deferred prizes trust fund. With the approval of the director of 39901
budget and management, an amount sufficient to fund annuity prizes 39902
shall be transferred from the state lottery fund and credited to 39903
the trust fund. The treasurer of state shall credit all earnings 39904
arising from investments purchased under this division to the 39905
trust fund. Within sixty days after the end of each fiscal year, 39906
the treasurer of state shall certify to the director of budget and 39907
management whether the actuarial amount of the trust fund is 39908
sufficient over the fund's life for continued funding of all 39909
remaining deferred prize liabilities as of the last day of the 39910
fiscal year just ended. Also, within that sixty days, the director 39911
of budget and management shall certify the amount of investment 39912
earnings necessary to have been credited to the trust fund during 39913
the fiscal year just ending to provide for such continued funding 39914
of deferred prizes. Any earnings credited in excess of the latter 39915

certified amount shall be transferred to the lottery profits 39916
education fund. 39917

To provide all or a part of the amounts necessary to fund 39918
deferred prizes awarded by the commission in connection with the 39919
statewide lottery, the treasurer of state, in consultation with 39920
the commission, may invest moneys contained in the deferred prizes 39921
trust fund which represents proceeds from the statewide lottery in 39922
obligations of the type permitted for the investment of state 39923
funds but whose maturities are thirty years or less. 39924
Notwithstanding the requirements of any other section of the 39925
Revised Code, to provide all or part of the amounts necessary to 39926
fund deferred prizes awarded by the commission in connection with 39927
statewide joint lottery games, the treasurer of state, in 39928
consultation with the commission, may invest moneys in the trust 39929
fund which represent proceeds derived from the statewide joint 39930
lottery games in accordance with the rules the commission adopts 39931
under division (B)(5) of section 3770.03 of the Revised Code. 39932
Investments of the trust fund are not subject to the provisions of 39933
division (A)(10) of section 135.143 of the Revised Code limiting 39934
to twenty-five per cent the amount of the state's total average 39935
portfolio that may be invested in debt interests other than 39936
commercial paper and limiting to five per cent the amount that may 39937
be invested in debt interests, including commercial paper, of a 39938
single issuer. 39939

All purchases made under this division shall be effected on a 39940
delivery versus payment method and shall be in the custody of the 39941
treasurer of state. 39942

The treasurer of state may retain an investment advisor, if 39943
necessary. The commission shall pay any costs incurred by the 39944
treasurer of state in retaining an investment advisor. 39945

(D) The auditor of state shall conduct annual audits of all 39946
funds and any other audits as the auditor of state or the general 39947

assembly considers necessary. The auditor of state may examine all records, files, and other documents of the commission, and records of lottery sales agents that pertain to their activities as agents, for purposes of conducting authorized audits.

(E) The state lottery commission shall establish an internal audit plan before the beginning of each fiscal year, subject to the approval of the office of internal audit in the office of budget and management. At the end of each fiscal year, the commission shall prepare and submit an annual report to the office of internal audit for the office's review and approval, specifying the internal audit work completed by the end of that fiscal year and reporting on compliance with the annual internal audit plan.

(1) Except as provided in division (E)(2) of this section, any internal audit report and all work papers of the internal audit produced by commission staff are confidential and are not public records under section 149.43 of the Revised Code until the final report is submitted to the director and the chairperson of the commission.

(2) Any internal audit report or work paper that meets the definition of a security record or infrastructure record under section 149.433 of the Revised Code is not a public record under section 149.43 of the Revised Code.

(F) Whenever, in the judgment of the director of budget and management, an amount of net state lottery proceeds is necessary to be applied to the payment of debt service on obligations, all as defined in sections 151.01 and 151.03 of the Revised Code, the director shall transfer that amount directly from the state lottery fund or from the lottery profits education fund to the bond service fund defined in those sections. The provisions of this division are subject to any prior pledges or obligation of those amounts to the payment of bond service charges as defined in division (C) of section 3318.21 of the Revised Code, as referred

to in division (B) of this section. 39980

Sec. 3772.19. ~~A person~~ No casino operator shall ~~not~~ hold a 39981
majority ownership interest in, ~~or be a management company for,~~ 39982
more than two casino operator licenses or casino facilities at any 39983
one time. ~~A person shall not hold a majority ownership interest~~ 39984
~~in, or be a management company, for more than two tracks at which~~ 39985
~~horse racing where the pari-mutuel system of wagering is conducted~~ 39986
~~at any one time, of which not more than one shall be a track for~~ 39987
~~thoroughbred horses.~~ No person shall be a management company for 39988
casino operators licensed to operate more than two casino 39989
facilities in this state at any one time. 39990

Sec. 3781.03. (A) The state fire marshal, the fire chief of a 39991
municipal corporation that has a fire department, or the fire 39992
chief of a township that has a fire department shall enforce the 39993
provisions of this chapter and Chapter 3791. of the Revised Code 39994
that relate to fire prevention. 39995

(B) ~~The~~ (1) Except as provided in division (B)(2) of this 39996
section, the superintendent of industrial compliance, or the 39997
building inspector or commissioner of buildings in a municipal 39998
corporation, county, or township in which the building department 39999
is certified by the board of building standards under section 40000
3781.10 of the Revised Code shall enforce in the jurisdiction of 40001
each entity all the provisions in this chapter and Chapter 3791. 40002
of the Revised Code and any rules adopted pursuant to those 40003
chapters that relate to the construction, arrangement, and 40004
erection of all buildings or parts of buildings, as defined in 40005
section 3781.06 of the Revised Code, including the sanitary 40006
condition of those buildings in relation to heating and 40007
ventilation. 40008

(2) The superintendent, or the building inspector or 40009

commissioner of buildings in a municipal corporation, county, or 40010
township in which the building department is certified by the 40011
superintendent under section 3781.43 of the Revised Code shall 40012
enforce in the jurisdiction of each entity section 3781.41 of the 40013
Revised Code. 40014

(C) The division of industrial compliance in the department 40015
of commerce, boards of health of health districts, certified 40016
departments of building inspection of municipal corporations, and 40017
county building departments that have authority to perform 40018
inspections pursuant to a contract under division (C)(1) of 40019
section 3703.01 of the Revised Code, subject to Chapter 3703. of 40020
the Revised Code, shall enforce this chapter and Chapter 3791. of 40021
the Revised Code and the rules adopted pursuant to those chapters 40022
that relate to plumbing. Building drains are considered plumbing 40023
for the purposes of enforcement of those chapters. 40024

(D)(1) In accordance with Chapter 3703. of the Revised Code, 40025
the department of the city engineer, in cities having such 40026
departments, the boards of health of health districts, or the 40027
sewer purveyor, as appropriate, shall have complete authority to 40028
supervise and regulate the entire sewerage and drainage system in 40029
the jurisdiction in which it is exercising the authority described 40030
in this division, including the building sewer and all laterals 40031
draining into the street sewers. 40032

(2) In accordance with Chapter 3703. of the Revised Code, the 40033
department of the city engineer, the boards of health of health 40034
districts, or the sewer purveyor, as appropriate, shall control 40035
and supervise the installation and construction of all drains and 40036
sewers that become a part of the sewerage system and shall issue 40037
all the necessary permits and licenses for the construction and 40038
installation of all building sewers and of all other lateral 40039
drains that empty into the main sewers. The department of the city 40040
engineer, the boards of health of health districts, and the sewer 40041

purveyor, as appropriate, shall keep a permanent record of the 40042
installation and location of every drain and sewer of the drainage 40043
and sewerage system of the jurisdiction in which it has exercised 40044
the authority described in this division. 40045

(E) This section does not exempt any officer or department 40046
from the obligation to enforce this chapter and Chapter 3791. of 40047
the Revised Code. 40048

Sec. 3781.06. (A)(1) Any building that may be used as a place 40049
of resort, assembly, education, entertainment, lodging, dwelling, 40050
trade, manufacture, repair, storage, traffic, or occupancy by the 40051
public, any residential building, and all other buildings or parts 40052
and appurtenances of those buildings erected within this state, 40053
shall be so constructed, erected, equipped, and maintained that 40054
they shall be safe and sanitary for their intended use and 40055
occupancy. 40056

(2) Nothing in sections 3781.06 to 3781.18, 3781.40 to 40057
3781.43, and 3791.04 of the Revised Code shall be construed to 40058
limit the power of the division of industrial compliance of the 40059
department of commerce to adopt rules of uniform application 40060
governing manufactured home parks pursuant to section 4781.26 of 40061
the Revised Code. 40062

(B) Sections 3781.06 to 3781.18, 3781.40 to 3781.43, and 40063
3791.04 of the Revised Code do not apply to either of the 40064
following: 40065

(1) Buildings or structures that are incident to the use for 40066
agricultural purposes of the land on which the buildings or 40067
structures are located, provided those buildings or structures are 40068
not used in the business of retail trade. For purposes of this 40069
division, a building or structure is not considered used in the 40070
business of retail trade if fifty per cent or more of the gross 40071
income received from sales of products in the building or 40072

structure by the owner or operator is from sales of products 40073
produced or raised in a normal crop year on farms owned or 40074
operated by the seller. 40075

(2) Existing single-family, two-family, and three-family 40076
detached dwelling houses for which applications have been 40077
submitted to the director of job and family services pursuant to 40078
section 5104.03 of the Revised Code for the purposes of operating 40079
type A family day-care homes as defined in section 5104.01 of the 40080
Revised Code. 40081

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the 40082
Revised Code: 40083

(1) "Agricultural purposes" include agriculture, farming, 40084
dairying, pasturage, apiculture, algaculture meaning the farming 40085
of algae, horticulture, floriculture, viticulture, ornamental 40086
horticulture, olericulture, pomiculture, and animal and poultry 40087
husbandry. 40088

(2) "Building" means any structure consisting of foundations, 40089
walls, columns, girders, beams, floors, and roof, or a combination 40090
of any number of these parts, with or without other parts or 40091
appurtenances. 40092

(3) "Industrialized unit" means a building unit or assembly 40093
of closed construction fabricated in an off-site facility, that is 40094
substantially self-sufficient as a unit or as part of a greater 40095
structure, and that requires transportation to the site of 40096
intended use. "Industrialized unit" includes units installed on 40097
the site as independent units, as part of a group of units, or 40098
incorporated with standard construction methods to form a 40099
completed structural entity. "Industrialized unit" does not 40100
include a manufactured home as defined by division (C)(4) of this 40101
section or a mobile home as defined by division (O) of section 40102
4501.01 of the Revised Code. 40103

(4) "Manufactured home" means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.

(5) "Permanent foundation" means permanent masonry, concrete, or a footing or foundation approved by the division of industrial compliance of the department of commerce pursuant to Chapter 4781. of the Revised Code, to which a manufactured or mobile home may be affixed.

(6) "Permanently sited manufactured home" means a manufactured home that meets all of the following criteria:

(a) The structure is affixed to a permanent foundation and is connected to appropriate facilities;

(b) The structure, excluding any addition, has a width of at least twenty-two feet at one point, a length of at least twenty-two feet at one point, and a total living area, excluding garages, porches, or attachments, of at least nine hundred square feet;

(c) The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering;

(d) The structure was manufactured after January 1, 1995;

(e) The structure is not located in a manufactured home park as defined by section 4781.01 of the Revised Code.

(7) "Safe," with respect to a building, means it is free from

danger or hazard to the life, safety, health, or welfare of 40134
persons occupying or frequenting it, or of the public and from 40135
danger of settlement, movement, disintegration, or collapse, 40136
whether such danger arises from the methods or materials of its 40137
construction or from equipment installed therein, for the purpose 40138
of lighting, heating, the transmission or utilization of electric 40139
current, or from its location or otherwise. 40140

(8) "Sanitary," with respect to a building, means it is free 40141
from danger or hazard to the health of persons occupying or 40142
frequenting it or to that of the public, if such danger arises 40143
from the method or materials of its construction or from any 40144
equipment installed therein, for the purpose of lighting, heating, 40145
ventilating, or plumbing. 40146

(9) "Residential building" means a one-family, two-family, or 40147
three-family dwelling house, and any accessory structure 40148
incidental to that dwelling house. "Residential building" includes 40149
a one-family, two-family, or three-family dwelling house that is 40150
used as a model to promote the sale of a similar dwelling house. 40151
"Residential building" does not include an industrialized unit as 40152
defined by division (C)(3) of this section, a manufactured home as 40153
defined by division (C)(4) of this section, or a mobile home as 40154
defined by division (O) of section 4501.01 of the Revised Code. 40155

(10) "Nonresidential building" means any building that is not 40156
a residential building or a manufactured or mobile home. 40157

(11) "Accessory structure" means a structure that is attached 40158
to a residential building and serves the principal use of the 40159
residential building. "Accessory structure" includes, but is not 40160
limited to, a garage, porch, or screened-in patio. 40161

Sec. 3781.061. Whenever a county zoning inspector under 40162
section 303.16 of the Revised Code, or a township zoning inspector 40163
under section 519.16 of the Revised Code, issues a zoning 40164

certificate that declares a specific building or structure is to 40165
be used in agriculture, such building is not subject to sections 40166
3781.06 to 3781.20, 3781.40 to 3781.43, or 3791.04 of the Revised 40167
Code. 40168

Sec. 3781.10. (A)(1) The board of building standards shall 40169
formulate and adopt rules governing the erection, construction, 40170
repair, alteration, and maintenance of all buildings or classes of 40171
buildings specified in section 3781.06 of the Revised Code, 40172
including land area incidental to those buildings, the 40173
construction of industrialized units, the installation of 40174
equipment, and the standards or requirements for materials used in 40175
connection with those buildings. The board shall incorporate those 40176
rules into separate residential and nonresidential building codes. 40177
The standards shall relate to the conservation of energy and the 40178
safety and sanitation of those buildings. 40179

(2) The rules governing nonresidential buildings are the 40180
lawful minimum requirements specified for those buildings and 40181
industrialized units, except that no rule other than as provided 40182
in division (C) of section 3781.108 of the Revised Code that 40183
specifies a higher requirement than is imposed by any section of 40184
the Revised Code is enforceable. The rules governing residential 40185
buildings are uniform requirements for residential buildings in 40186
any area with a building department certified to enforce the state 40187
residential building code. In no case shall any local code or 40188
regulation differ from the state residential building code unless 40189
that code or regulation addresses subject matter not addressed by 40190
the state residential building code or is adopted pursuant to 40191
section 3781.01 of the Revised Code. 40192

(3) The rules adopted pursuant to this section are complete, 40193
lawful alternatives to any requirements specified for buildings or 40194
industrialized units in any section of the Revised Code. Except as 40195

otherwise provided in division (I) of this section, the board 40196
shall, on its own motion or on application made under sections 40197
3781.12 and 3781.13 of the Revised Code, formulate, propose, 40198
adopt, modify, amend, or repeal the rules to the extent necessary 40199
or desirable to effectuate the purposes of sections 3781.06 to 40200
3781.18 of the Revised Code. 40201

(B) The board shall report to the general assembly proposals 40202
for amendments to existing statutes relating to the purposes 40203
declared in section 3781.06 of the Revised Code that public health 40204
and safety and the development of the arts require and shall 40205
recommend any additional legislation to assist in carrying out 40206
fully, in statutory form, the purposes declared in that section. 40207
The board shall prepare and submit to the general assembly a 40208
summary report of the number, nature, and disposition of the 40209
petitions filed under sections 3781.13 and 3781.14 of the Revised 40210
Code. 40211

(C) On its own motion or on application made under sections 40212
3781.12 and 3781.13 of the Revised Code, and after thorough 40213
testing and evaluation, the board shall determine by rule that any 40214
particular fixture, device, material, process of manufacture, 40215
manufactured unit or component, method of manufacture, system, or 40216
method of construction complies with performance standards adopted 40217
pursuant to section 3781.11 of the Revised Code. The board shall 40218
make its determination with regard to adaptability for safe and 40219
sanitary erection, use, or construction, to that described in any 40220
section of the Revised Code, wherever the use of a fixture, 40221
device, material, method of manufacture, system, or method of 40222
construction described in that section of the Revised Code is 40223
permitted by law. The board shall amend or annul any rule or issue 40224
an authorization for the use of a new material or manufactured 40225
unit on any like application. No department, officer, board, or 40226
commission of the state other than the board of building standards 40227

or the board of building appeals shall permit the use of any 40228
fixture, device, material, method of manufacture, newly designed 40229
product, system, or method of construction at variance with what 40230
is described in any rule the board of building standards adopts or 40231
issues or that is authorized by any section of the Revised Code. 40232
Nothing in this section shall be construed as requiring approval, 40233
by rule, of plans for an industrialized unit that conforms with 40234
the rules the board of building standards adopts pursuant to 40235
section 3781.11 of the Revised Code. 40236

(D) The board shall recommend rules, codes, and standards to 40237
help carry out the purposes of section 3781.06 of the Revised Code 40238
and to help secure uniformity of state administrative rulings and 40239
local legislation and administrative action to the bureau of 40240
workers' compensation, the director of commerce, any other 40241
department, officer, board, or commission of the state, and to 40242
legislative authorities and building departments of counties, 40243
townships, and municipal corporations, and shall recommend that 40244
they audit those recommended rules, codes, and standards by any 40245
appropriate action that they are allowed pursuant to law or the 40246
constitution. 40247

(E)(1) The Except as provided in division (E)(14) of this 40248
section, the board shall certify municipal, township, and county 40249
building departments ~~and~~, the personnel of those building 40250
departments, ~~and~~ persons described in division (E)(7) of this 40251
section, and employees of individuals, firms, the state, or 40252
corporations ~~as~~ described in division (E)(7) of this section to 40253
exercise enforcement authority, to accept and approve plans and 40254
specifications, and to make inspections, pursuant to sections 40255
3781.03, 3791.04, and 4104.43 of the Revised Code. 40256

(2) The board shall certify departments, personnel, and 40257
persons to enforce the state residential building code, to enforce 40258
the nonresidential building code, or to enforce both the 40259

residential and the nonresidential building codes. Any department, 40260
personnel, or person may enforce only the type of building code 40261
for which certified. 40262

(3) The board shall not require a building department, its 40263
personnel, or any persons that it employs to be certified for 40264
residential building code enforcement if that building department 40265
does not enforce the state residential building code. The board 40266
shall specify, in rules adopted pursuant to Chapter 119. of the 40267
Revised Code, the requirements for certification for residential 40268
and nonresidential building code enforcement, which shall be 40269
consistent with this division. The requirements for residential 40270
and nonresidential certification may differ. Except as otherwise 40271
provided in this division, the requirements shall include, but are 40272
not limited to, the satisfactory completion of an initial 40273
examination and, to remain certified, the completion of a 40274
specified number of hours of continuing building code education 40275
within each three-year period following the date of certification 40276
which shall be not less than thirty hours. The rules shall provide 40277
that continuing education credits and certification issued by the 40278
council of American building officials, national model code 40279
organizations, and agencies or entities the board recognizes are 40280
acceptable for purposes of this division. The rules shall specify 40281
requirements that are consistent with the provisions of section 40282
5903.12 of the Revised Code relating to active duty military 40283
service and are compatible, to the extent possible, with 40284
requirements the council of American building officials and 40285
national model code organizations establish. 40286

(4) The board shall establish and collect a certification and 40287
renewal fee for building department personnel, and persons and 40288
employees of persons, firms, or corporations as described in this 40289
section, who are certified pursuant to this division. 40290

(5) Any individual certified pursuant to this division shall 40291

complete the number of hours of continuing building code education 40292
that the board requires or, for failure to do so, forfeit 40293
certification. 40294

(6) This division does not require or authorize the board to 40295
certify personnel of municipal, township, and county building 40296
departments, and persons and employees of persons, firms, or 40297
corporations as described in this section, whose responsibilities 40298
do not include the exercise of enforcement authority, the approval 40299
of plans and specifications, or making inspections under the state 40300
residential and nonresidential building codes. 40301

(7) Enforcement authority for approval of plans and 40302
specifications and enforcement authority for inspections may be 40303
exercised, and plans and specifications may be approved and 40304
inspections may be made on behalf of a municipal corporation, 40305
township, or county, by any of the following who the board of 40306
building standards certifies: 40307

(a) Officers or employees of the municipal corporation, 40308
township, or county; 40309

(b) Persons, or employees of persons, firms, or corporations, 40310
pursuant to a contract to furnish architectural, engineering, or 40311
other services to the municipal corporation, township, or county; 40312

(c) Officers or employees of, and persons under contract 40313
with, a municipal corporation, township, county, health district, 40314
or other political subdivision, pursuant to a contract to furnish 40315
architectural, engineering, or other services; 40316

(d) Officers or employees of the division of industrial 40317
compliance in the department of commerce pursuant to a contract 40318
authorized by division (B) of section 121.083 of the Revised Code. 40319

(8) Municipal, township, and county building departments have 40320
jurisdiction within the meaning of sections 3781.03, 3791.04, and 40321
4104.43 of the Revised Code, only with respect to the types of 40322

buildings and subject matters for which they are certified under 40323
this section. 40324

(9) A certified municipal, township, or county building 40325
department may exercise enforcement authority, accept and approve 40326
plans and specifications, and make inspections pursuant to 40327
sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a 40328
park district created pursuant to Chapter 1545. of the Revised 40329
Code upon the approval, by resolution, of the board of park 40330
commissioners of the park district requesting the department to 40331
exercise that authority and conduct those activities, as 40332
applicable. 40333

(10) Certification shall be granted upon application by the 40334
municipal corporation, the board of township trustees, or the 40335
board of county commissioners and approval of that application by 40336
the board of building standards. The application shall set forth: 40337

(a) Whether the certification is requested for residential or 40338
nonresidential buildings, or both; 40339

(b) The number and qualifications of the staff composing the 40340
building department; 40341

(c) The names, addresses, and qualifications of persons, 40342
firms, or corporations contracting to furnish work or services 40343
pursuant to division (E)(7)(b) of this section; 40344

(d) The names of any other municipal corporation, township, 40345
county, health district, or political subdivision under contract 40346
to furnish work or services pursuant to division (E)(7) of this 40347
section; 40348

(e) The proposed budget for the operation of the building 40349
department. 40350

(11) The board of building standards shall adopt rules 40351
governing all of the following: 40352

(a) The certification of building department personnel and persons and employees of persons, firms, or corporations exercising authority pursuant to division (E)(7) of this section. The rules shall disqualify any employee of the department or person who contracts for services with the department from performing services for the department when that employee or person would have to pass upon, inspect, or otherwise exercise authority over any labor, material, or equipment the employee or person furnishes for the construction, alteration, or maintenance of a building or the preparation of working drawings or specifications for work within the jurisdictional area of the department. The department shall provide other similarly qualified personnel to enforce the residential and nonresidential building codes as they pertain to that work.

(b) The minimum services to be provided by a certified building department.

(12) The board of building standards may revoke or suspend certification to enforce the residential and nonresidential building codes, on petition to the board by any person affected by that enforcement or approval of plans, or by the board on its own motion. Hearings shall be held and appeals permitted on any proceedings for certification or revocation or suspension of certification in the same manner as provided in section 3781.101 of the Revised Code for other proceedings of the board of building standards.

(13) Upon certification, and until that authority is revoked, any county or township building department shall enforce the residential and nonresidential building codes for which it is certified without regard to limitation upon the authority of boards of county commissioners under Chapter 307. of the Revised Code or boards of township trustees under Chapter 505. of the Revised Code.

(14) The board does not have jurisdiction over certifications governed by sections 3781.40 to 3781.44 of the Revised Code. 40385
40386

(F) In addition to hearings sections 3781.06 to 3781.18 and 40387
3791.04 of the Revised Code require, the board of building 40388
standards shall make investigations and tests, and require from 40389
other state departments, officers, boards, and commissions 40390
information the board considers necessary or desirable to assist 40391
it in the discharge of any duty or the exercise of any power 40392
mentioned in this section or in sections 3781.06 to 3781.18, 40393
3791.04, and 4104.43 of the Revised Code. 40394

(G) The board shall adopt rules and establish reasonable fees 40395
for the review of all applications submitted where the applicant 40396
applies for authority to use a new material, assembly, or product 40397
of a manufacturing process. The fee shall bear some reasonable 40398
relationship to the cost of the review or testing of the 40399
materials, assembly, or products and for the notification of 40400
approval or disapproval as provided in section 3781.12 of the 40401
Revised Code. 40402

(H) The residential construction advisory committee shall 40403
provide the board with a proposal for a state residential building 40404
code that the committee recommends pursuant to division (D)(1) of 40405
section 4740.14 of the Revised Code. Upon receiving a 40406
recommendation from the committee that is acceptable to the board, 40407
the board shall adopt rules establishing that code as the state 40408
residential building code. 40409

(I)(1) The committee may provide the board with proposed 40410
rules to update or amend the state residential building code that 40411
the committee recommends pursuant to division (E) of section 40412
4740.14 of the Revised Code. 40413

(2) If the board receives a proposed rule to update or amend 40414
the state residential building code as provided in division (I)(1) 40415

of this section, the board either may accept or reject the 40416
proposed rule for incorporation into the residential building 40417
code. If the board does not act to either accept or reject the 40418
proposed rule within ninety days after receiving the proposed rule 40419
from the committee as described in division (I)(1) of this 40420
section, the proposed rule shall become part of the residential 40421
building code. 40422

(J) The board shall cooperate with the director of job and 40423
family services when the director promulgates rules pursuant to 40424
section 5104.05 of the Revised Code regarding safety and 40425
sanitation in type A family day-care homes. 40426

(K) The board shall adopt rules to implement the requirements 40427
of section 3781.108 of the Revised Code. 40428

Sec. 3781.40. As used in sections 3781.40 to 3781.44 of the 40429
Revised Code: 40430

(A) "Adequate welding standards" means specifications, 40431
guidelines, tests, and other methods used to ensure that all 40432
structural steel welds meet, at minimum, the codes and standards 40433
for such welds established in the American welding society 40434
structural steel welding code D1.1 and the nonresidential building 40435
code adopted under section 3781.10 of the Revised Code. 40436

(B) "Certified welding inspector" means a person who has been 40437
certified by the American welding society to inspect structural 40438
steel welding projects and conduct welder qualification tests. 40439

(C) "Structural steel welding" means structural welds, weld 40440
repair, the structural system, and the welding of all primary 40441
steel members of a structure in accordance with the American 40442
welding society structural steel welding code D1.1. "Structural 40443
steel welding" does not include welding that is required by the 40444
American society of mechanical engineers to have its own 40445

certification. 40446

Sec. 3781.41. A contractor, subcontractor, or project manager 40447
who is responsible for the structural steel welding on a 40448
construction project shall ensure that all of the following occur: 40449

(A) All welders performing structural steel welding for the 40450
project have been tested by and hold a valid certification from a 40451
facility that has been accredited by the American welding society 40452
to test and certify welders and welding inspectors. 40453

(B) All structural steel welding performed for the project 40454
meets adequate welding standards. 40455

(C) All structural steel welding inspections listed in the 40456
project's job specifications are completed by a certified welding 40457
inspector. 40458

Sec. 3781.42. The superintendent of industrial compliance 40459
shall adopt rules pursuant to Chapter 119. of the Revised Code to 40460
do all of the following: 40461

(A) Govern the inspection of structural steel welding; 40462

(B) Require the division of industrial compliance, any 40463
building department or personnel of any department, or any private 40464
third party, certified pursuant to section 3781.43 of the Revised 40465
Code to conduct all inspections of structural steel welding to 40466
determine compliance with section 3781.41 of the Revised Code; 40467

(C) Establish fees for conducting inspections to determine 40468
compliance with section 3781.41 of the Revised Code; 40469

(D) Govern the investigation of complaints concerning any 40470
contractor, subcontractor, or project manager who fails to comply 40471
with section 3781.41 of the Revised Code; 40472

(E) Establish the requirements and procedures for the 40473
certification of building departments, building department 40474

personnel, and private third parties pursuant to section 3781.43 40475
of the Revised Code; 40476

(F) Establish fees to be charged to building departments, 40477
building department personnel, and private third parties applying 40478
for certification and renewal of certification pursuant to section 40479
3781.43 of the Revised Code; 40480

(G) Develop a policy regarding the maintenance of records for 40481
any inspection authorized or conducted pursuant to sections 40482
3781.40 to 3781.43 of the Revised Code. 40483

Sec. 3781.43. (A) Pursuant to the rules the superintendent of 40484
industrial compliance adopts under section 3781.42 of the Revised 40485
Code, the superintendent may certify municipal, township, and 40486
county building departments and the personnel of those 40487
departments, or any private third party, to conduct all 40488
inspections of structural steel welding to determine compliance 40489
with section 3781.41 of the Revised Code. 40490

(B) On the superintendent's own motion or on the petition of 40491
a person affected by an inspection of structural steel welding to 40492
determine compliance with section 3781.41 of the Revised Code, the 40493
superintendent may investigate a municipal, township, or county 40494
building department or the personnel of those departments, or any 40495
private third party certified pursuant to this section. Following 40496
an investigation and finding of facts that support the 40497
superintendent's action, the superintendent may revoke or suspend 40498
a certification. 40499

(C)(1) If a municipal corporation, township, or county does 40500
not have a building department that is certified pursuant to this 40501
section, it may designate by resolution or ordinance another 40502
building department or a private third party that has been 40503
certified pursuant to this section to conduct all inspections of 40504
structural steel welding to determine compliance with section 40505

3781.41 of the Revised Code. The designation is effective on 40506
acceptance by the designee. 40507

(2) An owner of a project involving structural steel welding 40508
or a contractor, subcontractor, or project manager of the project 40509
may request an inspection and obtain an approval from any building 40510
department or private third party certified pursuant to this 40511
section and designated pursuant to division (C)(1) of this section 40512
by the municipal corporation, township, or county in which the 40513
project is located. 40514

Sec. 3781.44. No person shall recklessly fail to comply with 40515
sections 3781.41 to 3781.43 of the Revised Code or any rule 40516
adopted thereunder. 40517

Sec. 3798.01. As used in this chapter: 40518

(A) "Administrative safeguards," "physical safeguards," and 40519
"technical safeguards" have the same meanings as in 45 C.F.R. 40520
164.304. 40521

~~(B) "Approved health information exchange" means a health~~ 40522
~~information exchange that has been approved or reapproved by the~~ 40523
~~medicaid director pursuant to the approval or reapproval process,~~ 40524
~~as applicable, the director establishes in rules adopted under~~ 40525
~~division (A) of section 3798.15 of the Revised Code or that has~~ 40526
~~been certified by the office of the national coordinator for~~ 40527
~~health information technology in the United States department of~~ 40528
~~health and human services.~~ 40529

~~(C)~~ "Covered entity," "disclosure," "health care provider," 40530
"health information," "individually identifiable health 40531
information," "protected health information," and "use" have the 40532
same meanings as in 45 C.F.R. 160.103. 40533

~~(D)~~(C) "Designated record set" has the same meaning as in 45 40534
C.F.R. 164.501. 40535

~~(E)~~(D) "Direct exchange" means the activity of electronic transmission of health information through a direct connection between the electronic record systems of health care providers without the use of a health information exchange.

~~(F)~~(E) "Health care component" and "hybrid entity" have the same meanings as in 45 C.F.R. 164.103.

~~(G)~~(F) "Health information exchange" means any person or governmental entity that provides in this state a technical infrastructure to connect computer systems or other electronic devices used by covered entities to facilitate the secure transmission of health information. "Health information exchange" excludes health care providers engaged in direct exchange, including direct exchange through the use of a health information service provider.

~~(H)~~(G) "HIPAA privacy rule" means the standards for privacy of individually identifiable health information in 45 C.F.R. part 160 and in 45 C.F.R. part 164, subparts A and E.

~~(I)~~(H) "Interoperability" means the capacity of two or more information systems to exchange information in an accurate, effective, secure, and consistent manner.

~~(J)~~(I) "Minor" means an unemancipated person under eighteen years of age or a mentally or physically disabled person under twenty-one years of age who meets criteria specified in rules adopted by the medicaid director under section 3798.13 of the Revised Code.

~~(K)~~(J) "More stringent" has the same meaning as in 45 C.F.R. 160.202.

~~(L)~~ "~~Office of health transformation~~" means the office of health transformation created by executive order 2011-02K or a successor governmental entity responsible for health system oversight in this state.

~~(M)~~(K) "Personal representative" means a person who has 40567
authority under applicable law to make decisions related to health 40568
care on behalf of an adult or emancipated minor, or the parent, 40569
legal guardian, or other person acting in loco parentis who is 40570
authorized under law to make health care decisions on behalf of an 40571
unemancipated minor. "Personal representative" does not include 40572
the parent or legal guardian of, or another person acting in loco 40573
parentis to, a minor who consents to the minor's own receipt of 40574
health care or a minor who makes medical decisions on the minor's 40575
own behalf pursuant to law, court approval, or because the minor's 40576
parent, legal guardian, or other person acting in loco parentis 40577
has assented to an agreement of confidentiality between the 40578
provider and the minor. 40579

~~(N)~~(L) "Political subdivision" means a municipal corporation, 40580
township, county, school district, or other body corporate and 40581
politic responsible for governmental activities in a geographic 40582
area smaller than that of the state. 40583

~~(O)~~(M) "State agency" means any one or more of the following: 40584

- (1) The department of administrative services; 40585
- (2) The department of aging; 40586
- (3) The department of mental health and addiction services; 40587
- (4) The department of developmental disabilities; 40588
- (5) The department of education; 40589
- (6) The department of health; 40590
- (7) The department of insurance; 40591
- (8) The department of job and family services; 40592
- (9) The department of medicaid; 40593
- (10) The department of rehabilitation and correction; 40594
- (11) The department of youth services; 40595

- (12) The bureau of workers' compensation; 40596
- (13) The opportunities for Ohioans with disabilities agency; 40597
- (14) The office of the attorney general; 40598
- (15) A health care licensing board created under Title XLVII 40599
of the Revised Code that possesses individually identifiable 40600
health information. 40601

Sec. 3798.07. (A) ~~In addition to a covered entity generally~~ 40602
~~being subject to the conditions specified in divisions (A) to (D)~~ 40603
~~of section 3798.06 of the Revised Code when the covered entity~~ 40604
~~discloses protected health information to a health information~~ 40605
~~exchange without a valid authorization, the~~ A covered entity shall 40606
also be subject to the following conditions when it discloses 40607
protected health information to a health information exchange: 40608

(1) The covered entity shall restrict disclosure consistent 40609
with all applicable federal laws governing the disclosure. 40610

(2) If the protected health information concerns a minor, the 40611
covered entity shall restrict disclosure in a manner that complies 40612
with laws of this state pertaining to the circumstances under 40613
which a minor may consent to the minor's own receipt of health 40614
care or make medical decisions on the minor's own behalf, 40615
including sections 2907.29, 3709.241, 3719.012, 5120.172, 5122.04, 40616
and 5126.043 of the Revised Code unless the minor authorizes the 40617
disclosure. 40618

(3) The covered entity shall restrict disclosure in a manner 40619
that is consistent with a written request from the individual or 40620
the individual's personal representative to restrict disclosure of 40621
all of the individual's protected health information. 40622

~~(4) The covered entity shall restrict disclosure in a manner~~ 40623
~~that is consistent with a written request from the individual or~~ 40624
~~the individual's personal representative concerning specific~~ 40625

~~categories of protected health information to the extent that 40626
rules adopted pursuant to section 3798.16 of the Revised Code 40627
require the covered entity to comply with such a request. 40628~~

(B) The conditions in division (A) of this section on a 40629
covered entity's disclosure of protected health information to a 40630
health information exchange do not render unenforceable or 40631
restrict in any manner any of the following: 40632

(1) A provision of the Revised Code that on ~~the effective 40633
date of this section~~ September 10, 2012, requires a person or 40634
governmental entity to disclose protected health information to a 40635
state agency, political subdivision, or other governmental entity; 40636

(2) The confidential status of proceedings and records within 40637
the scope of a peer review committee of a health care entity as 40638
described in section 2305.252 of the Revised Code; 40639

(3) The confidential status of quality assurance program 40640
activities and quality assurance records as described in section 40641
5122.32 of the Revised Code; 40642

(4) The testimonial privilege established by division (B) of 40643
section 2317.02 of the Revised Code; 40644

(5) Any of the following items that govern the 40645
confidentiality, privacy, security, or privileged status of 40646
protected health information in the possession or custody of an 40647
agency as defined in section 111.15 of the Revised Code; govern 40648
the process for obtaining from a patient consent to the provision 40649
of health care or consent for participation in medical or other 40650
scientific research; govern the process for determining whether an 40651
adult has a physical or mental impairment or an adult's capacity 40652
to make health care decisions for purposes of Chapter 5126. of the 40653
Revised Code; or govern the process for determining whether a 40654
minor has been emancipated: 40655

(a) A section of the Revised Code that is not in this 40656

chapter;	40657
(b) A rule as defined in section 119.01 of the Revised Code;	40658
(c) An internal management rule as defined in section 111.15 of the Revised Code;	40659 40660
(d) Guidance issued by an agency as defined in section 111.15 of the Revised Code;	40661 40662
(e) Orders or regulations of a board of health of a city health district made under section 3709.20 of the Revised Code;	40663 40664
(f) Orders or regulations of a board of health of a general health district made under section 3709.21 of the Revised Code;	40665 40666
(g) An ordinance or resolution adopted by a political subdivision;	40667 40668
(h) A professional code of ethics;	40669
(i) When a minor is authorized to consent to the minor's own receipt of health care or make medical decisions on the minor's own behalf, including the circumstances described in sections 2907.29, 3709.241, 3719.012, 5120.172, 5122.04, and 5126.043 of the Revised Code.	40670 40671 40672 40673 40674
Sec. 3798.10. (A) Not later than six months after September 10, 2012, the The medicaid director, in consultation with the office of health transformation, shall prescribe by rules adopted in accordance with Chapter 119. of the Revised Code a standard authorization form for the use and disclosure of protected health information by covered entities in this state. The form shall meet all requirements specified in 45 C.F.R. 164.508 and, where applicable, 42 C.F.R. part 2.	40675 40676 40677 40678 40679 40680 40681 40682
(B) If a form the medicaid director prescribes under division (A) of this section is properly executed by an individual or the individual's personal representative, it shall be accepted by any	40683 40684 40685

person or governmental entity in this state as valid authorization 40686
for the use or disclosure of the individual's protected health 40687
information to the persons or governmental entities specified in 40688
the form. 40689

(C) This section does not preclude a person or governmental 40690
entity from accepting as valid authorization for the use or 40691
disclosure of protected health information a form other than the 40692
form prescribed under division (A) of this section if the other 40693
form meets all requirements specified in 45 C.F.R. 164.508 and, if 40694
applicable, 42 C.F.R. part 2. 40695

Sec. 3799.01. Article I. Definitions 40696

For purposes of this compact: 40697

1. "Compacting state" means either of the following: 40698

a. Any state that has enacted the compact and which has not 40699
withdrawn or been suspended pursuant to Article XIV of the 40700
compact; 40701

b. The federal government in accordance with the commission's 40702
bylaws. 40703

2. "Compact" means the Solemn Covenant of the States to Award 40704
Prizes for Curing Diseases enacted in this section. 40705

3. "Non-compacting state" means any state or the federal 40706
government, if it is not at the time a compacting state. 40707

4. "Public health expenses" means the amount of all costs 40708
paid by taxpayers in a specified geographic area relating to a 40709
particular disease. 40710

5. "State" means any state, district, or territory of the 40711
United States of America. 40712

Article II. Establishment of the Commission; Membership 40713

1. Upon the enactment of the compact by six states, the 40714

compacting states shall establish the Solemn Covenant of States 40715
Commission. 40716

2. The commission is a body corporate and politic and an 40717
instrumentality of each of the compacting states and is solely 40718
responsible for its liabilities, except as otherwise specifically 40719
provided in the compact. 40720

3. Each compacting state shall be represented by one member 40721
as selected by the compacting state. Each compacting state shall 40722
determine its member's qualifications and period of service and 40723
shall be responsible for any action to remove or suspend its 40724
member or to fill the member's position if it becomes vacant. 40725
Nothing in the compact shall be construed to affect a compacting 40726
state's authority regarding the qualification, selection, or 40727
service of its own member. 40728

Article III. Powers of the Commission 40729

1. To adopt bylaws and rules pursuant to Articles V and VI of 40730
the compact, which shall have the force and effect of law and 40731
shall be binding in the compacting states to the extent and in the 40732
manner provided in the compact; 40733

2. To receive and review in an expeditious manner treatments 40734
and therapeutic protocols for the cure of disease submitted to the 40735
commission and to award prizes for submissions that meet the 40736
commission's standards for a successful cure treatment or 40737
therapeutic protocol; 40738

3. To make widely available a cure treatment or therapeutic 40739
protocol upon a prize winner claiming a prize and transferring any 40740
intellectual property necessary for the manufacture and 40741
distribution of the cure in accordance with section 3.g.i. of 40742
Article VI, including by arranging or contracting for the 40743
manufacturing, production, or provision of any drug, serum, or 40744
other substance, device, or process, provided that the commission 40745

does not market the cure or conduct any other activity regarding 40746
the cure not specifically authorized in the compact; 40747

4. To establish a selling price for the cure, which shall be 40748
not more than the expenses for the cure's manufacturing, 40749
distribution, licensing, and any other necessary governmental 40750
requirements for compacting states, or those expenses plus any 40751
royalty fees, for noncompacting states; the price shall not 40752
include the expenses of any other activities; 40753

5. In non-compacting states and foreign countries, to 40754
establish and collect royalty fees imposed on manufacturers, 40755
producers, and providers of any drug, serum, or other substance, 40756
device, or process used for a cure treatment or therapeutic 40757
protocol, for which a prize is awarded; royalty fees may be added 40758
to the sales price of the cure pursuant to section 4 of this 40759
Article; provided that the royalty fees shall cumulatively be not 40760
more than the estimated five-year savings in public health 40761
expenses for that state or country, as calculated by actuaries 40762
employed or contracted by the commission; 40763

6. To do the following regarding the collected royalty fees: 40764

a. Pay or reimburse expenses related to the payment of a 40765
prize, which shall include employing or contracting actuaries to 40766
calculate annual taxpayer savings amounts in compacting states in 40767
accordance with section 3.g.iii. of Article VI, and payment of 40768
interest and other expenses related to a loan obtained in 40769
accordance with section 3.g.vi. of Article VI; 40770

b. Annually disburse any amounts remaining after making 40771
payments or reimbursements under section 6.a. of this article as 40772
refunds to compacting states based on the per cent of the state's 40773
prize obligation in relation to the total obligation amount of all 40774
compacting states; 40775

7. To bring and prosecute legal proceedings or actions in its 40776

<u>name as the commission;</u>	40777
<u>8. To issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence;</u>	40778
<u>9. To establish and maintain offices;</u>	40779
<u>10. To borrow, accept, or contract for personnel services, including personnel services from employees of a compacting state;</u>	40780
<u>11. To hire employees, professionals, or specialists, and elect or appoint officers, and to fix their compensation, define their duties and give them appropriate authority to carry out the purposes of the compact, and determine their qualifications; and to establish the commission's personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation, and qualifications of personnel;</u>	40781
<u>12. To accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same; provided that at all times the commission shall strive to avoid any appearance of impropriety;</u>	40782
<u>13. To lease, purchase, or accept appropriate gifts or donations of, or otherwise to own, hold, improve, or use, any property, real, personal, or mixed; provided, that at all times the commission shall strive to avoid any appearance of impropriety;</u>	40783
<u>14. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;</u>	40784
<u>15. To monitor compacting states for compliance with the commission's bylaws and rules;</u>	40785
<u>16. To enforce compliance by compacting states with the commission's bylaws and rules;</u>	40786
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<u>17. To provide for dispute resolution among compacting states</u>	40807
<u>or between the commission and those who submit treatments and</u>	40808
<u>therapeutic protocols for the cure of disease for consideration;</u>	40809
<u>18. To establish a budget and make expenditures;</u>	40810
<u>19. To borrow money;</u>	40811
<u>20. To appoint committees, including management, legislative,</u>	40812
<u>and advisory committees comprised of members, state legislators or</u>	40813
<u>their representatives, medical professionals, and such other</u>	40814
<u>interested persons as may be designated by the commission;</u>	40815
<u>21. To establish annual membership dues for compacting</u>	40816
<u>states, which shall be used for daily expenses of the commission</u>	40817
<u>and not for interest or prize payments;</u>	40818
<u>22. To adopt and use a corporate seal;</u>	40819
<u>23. To perform such other functions as may be necessary or</u>	40820
<u>appropriate to achieve the purposes of this compact.</u>	40821
<u>Article IV. Meetings and Voting</u>	40822
<u>1. The commission shall meet and take such actions as are</u>	40823
<u>consistent with the compact, bylaws, and rules.</u>	40824
<u>2. A majority of the members of the commission shall</u>	40825
<u>constitute a quorum necessary in order to conduct business or take</u>	40826
<u>actions at meetings of the commission.</u>	40827
<u>3. Each member of the commission shall have the right and</u>	40828
<u>power to cast one vote regarding matters determined or actions to</u>	40829
<u>be taken by the commission. Each member shall have the right and</u>	40830
<u>power to participate in the business and affairs of the</u>	40831
<u>commission.</u>	40832
<u>4. A member shall vote in person or by such other means as</u>	40833
<u>provided in the commission's bylaws. The commission's bylaws may</u>	40834
<u>provide for members' participation in meetings by telephone or</u>	40835
<u>other means of communication.</u>	40836

5. The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the commission's bylaws. 40837
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6. No decision of the commission with respect to the approval of an award for a treatment or therapeutic process for the cure of a disease shall be effective unless two-thirds of all the members of the commission vote in favor thereof. 40840
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7. Guidelines and voting requirements for all other decisions of the commission shall be established in the commission's bylaws. 40844
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Article V. Bylaws 40846

The commission shall, by a majority vote of all the members of the commission, prescribe bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes, and exercise the powers, of the compact, including, but not limited to: 40847
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1. Establishing the fiscal year of the commission; 40852

2. Providing reasonable procedures for appointing and electing members, as well as holding meetings, of the management committee; 40853
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3. Providing reasonable standards and procedures: 40856

a. For the establishment and meetings of other committees; 40857

b. Governing any general or specific delegation of any authority or function of the commission; and 40858
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c. Voting guidelines and procedures for commission decisions. 40860

4. Providing reasonable procedures for calling and conducting meetings of the commission that shall consist of requiring a quorum to be present, ensuring reasonable advance notice of each such meeting and providing for the right of citizens to attend each such meeting with enumerated exceptions designed to protect the public's interest and the privacy of individuals. 40861
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5. Providing a list of matters about which the commission may go into executive session and requiring a majority of all members of the commission vote to enter into such session. As soon as practicable, the commission shall make public: 40867
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- a. A copy of the vote to go into executive session, revealing the vote of each member with no proxy votes allowed; and 40871
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- b. The matter requiring executive session, without identifying the actual issues or individuals involved. 40873
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6. Establishing the titles, duties, authority, and reasonable procedures for the election of the officers of the commission; 40875
40876
7. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission. Notwithstanding any civil service or other similar laws of any compacting state, the commission's bylaws shall exclusively govern the personnel policies and programs of the commission; 40877
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8. Allowing a mechanism for: 40883
- a. The federal government to join as a compacting state; and 40884
- b. Foreign countries or subdivisions of those countries to join as liaison members by adopting the compact; provided that adopting countries or subdivisions shall not have voting power or the power to bind the commission in any way. 40885
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9. Adopting a code of ethics to address permissible and prohibited activities of members and employees; 40889
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10. Providing for the maintenance of the commission's books and records; 40891
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11. Governing the acceptance of and accounting for donations, annual member dues, and other sources of funding and establishing the proportion of these funds to be allocated to prize amounts for treatments and therapeutic protocols that cure disease; 40893
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12. Governing any fund raising efforts in which the 40897
commission wishes to engage; and 40898

13. Providing a mechanism for winding up the operations of 40899
the commission and the equitable disposition of any surplus funds 40900
that may exist after the termination of the compact after the 40901
payment and reserving of all its debts and obligations. 40902

Article VI. Rules 40903

1. The commission shall adopt rules to do the following: 40904

a. Effectively and efficiently achieve the purposes of this 40905
compact; 40906

b. Govern the methods, processes, and any other aspect of the 40907
research, creation, and testing of a treatment or therapeutic 40908
protocol for each disease for which a prize may be awarded. 40909

2. The commission shall also adopt rules establishing the 40910
criteria for defining and classifying the diseases for which 40911
prizes shall be awarded. The commission may define and classify 40912
subsets of diseases, for example, tubular carcinoma of the breast. 40913
For purposes of sections 3.a. and c. of this article, a subset of 40914
a disease shall be considered one disease. The commission may 40915
consult the most recent edition of the international 40916
classification of disease as published by the world health 40917
organization or other definitions agreed to by a two-thirds vote 40918
of the commission. 40919

3. The commission shall also adopt rules regarding prizes for 40920
curing diseases that establish the following: 40921

a. At least ten major diseases for which to create prizes, 40922
which shall be determined based on the following factors: 40923

i. The severity of the disease to a human individual's 40924
overall health and well-being; 40925

ii. The survival rate or severity of impact of the disease; 40926

iii. The public health expenses and treatment expenses for the disease. 40927
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b. The criteria a treatment or therapeutic protocol must meet in order to be considered a cure for any of the diseases for which a prize may be awarded, which shall include the following requirements: 40929
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i. It must be approved by the federal Food and Drug Administration or have otherwise obtained legal status for the compact to immediately contract to manufacture and distribute in the United States; 40933
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ii. Except as provided in section 4. of this article, it must yield a significant increase in survival with respect to the diseases if early death is the usual outcome; 40937
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iii. It requires less than one year of the treatment or protocol to completely cure the disease. 40940
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c. The procedure for determining the diseases for which to award prizes, which includes the option to award prizes for more than ten diseases that meet the above criteria, if agreed to by two-thirds vote of the commission, and a requirement to update the list every three years. 40942
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d. The submission and evaluation procedures and guidelines, including filing and review procedures, a requirement that the person or entity submitting the cure bears the burden of proof in demonstrating that the treatment or therapeutic protocol meets the above criteria, and limitations preventing public access to treatment or protocol submissions. 40947
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e. The estimated five-year public health savings that would result from a cure, which shall be equal to the five-year public health expenses for each disease in each compacting state, and a procedure to update these expenses every three years in conjunction with the requirements in section 3.c. of this article. 40953
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The estimated five-year public health savings amount shall be 40958
calculated, estimated, and publicized every three years by 40959
actuaries employed or contracted by the commission. 40960

f. The prize amount with respect to cures for each disease, 40961
which shall be equal to the most recent estimated total five-year 40962
savings in public health expenses for the disease as calculated in 40963
section 3.e. of this article in all of the compacting states; 40964
amounts donated by charities, individuals, and any other entities 40965
intended for the prize under Article I of the compact; and any 40966
other factors that the commission deems appropriate. 40967

g. The prize distribution procedures and guidelines, which 40968
shall include the following requirements: 40969

i. Upon acceptance of a cure, the prize winner shall transfer 40970
to the commission the patent and all related intellectual property 40971
for the manufacture and distribution of the treatment or 40972
therapeutic protocol in exchange for the prize, except in the case 40973
that the prize money is considered by the commission to be too 40974
low, and that a prize will be awarded only to the first person or 40975
entity that submits a successful cure for a disease for which a 40976
prize may be awarded. 40977

ii. Donation amounts intended for the prize shall be kept in 40978
a separate, interest-bearing account maintained by the commission. 40979
This account shall be the only account in which prize money is 40980
kept. 40981

iii. Each compacting state shall have the responsibility to 40982
pay annually the compacting state's actual one-year savings in 40983
public health expenses for the particular disease for which a cure 40984
has been accepted. The compacting state shall make such an annual 40985
payment until it has fulfilled its prize responsibility as 40986
established in section 3.f. of this article. Each compacting 40987
state's payment responsibility begins one year after the date the 40988

cure becomes widely available. The commission shall employ or 40989
contract with actuaries to calculate each state's actual one-year 40990
savings in public health expenses at the end of each year to 40991
determine each state's responsibility for the succeeding year. 40992

iv. Compacting states may meet prize responsibilities by any 40993
method including the issuance of bonds or other obligations, with 40994
the principal and interest of those bonds or obligations to be 40995
repaid only from revenue derived from estimated public health 40996
expense savings from a cure to a disease. If the compacting state 40997
does not make such revenue available to repay some or all of the 40998
revenue bonds or obligations issued, the owners or holders of 40999
those bonds or obligations have no right to have excises or taxes 41000
levied to pay the principal or interest on them. The revenue bonds 41001
and obligations are not a debt of the issuing compacting state. 41002

v. A compacting state may issue bonds or other debt that are 41003
general obligations, under which the full faith and credit, 41004
revenue, and taxing power of the state is pledged to pay the 41005
principal and interest under those obligations, only if authorized 41006
by the compacting state's constitution or, if constitutional 41007
authorization is not required, by other law of the compacting 41008
state. 41009

vi. Upon acceptance of a cure, the commission shall obtain a 41010
loan from a financial institution in an amount equal to the most 41011
recently calculated total estimated five-year public health 41012
expenses for the disease in all compacting states, in accordance 41013
with section 3.f. of this article. The commission reserves the 41014
right to continuously evaluate the cure in the interim and rescind 41015
a prize offer if the commission finds that the cure no longer 41016
meets the commission's criteria. 41017

4. The commission may award a prize for a treatment or 41018
therapeutic protocol that yields a survival rate that is less than 41019
what is established in the cure criteria through at least five 41020

years after the treatment or protocol has ended. In that case, the 41021
prize amount awarded for that treatment or therapeutic protocol 41022
shall be reduced from the prize amount originally determined by 41023
the commission for a cure for that disease. The reduction shall be 41024
in proportion to the survival rate yielded by that treatment or 41025
protocol as compared to the survival rate established in the cure 41026
criteria. 41027

5. The commission also shall adopt rules that do the 41028
following: 41029

a. Establish the following regarding commission records: 41030

i. Conditions and procedures for public inspection and 41031
copying of its information and official records, except such 41032
information and records involving the privacy of individuals or 41033
would otherwise violate privacy laws under federal law and the 41034
laws of the compacting states; 41035

ii. Procedures for sharing with federal and state agencies, 41036
including law enforcement agencies, records and information 41037
otherwise exempt from disclosure; 41038

iii. Guidelines for entering into agreements with federal and 41039
state agencies to receive or exchange information or records 41040
subject to nondisclosure and confidentiality provisions. 41041

b. Provide a process for commission review of submitted 41042
treatments and therapeutic protocols for curing diseases that 41043
includes the following: 41044

i. An opportunity for an appeal, not later than thirty days 41045
after a rejection of a treatment or protocol for prize 41046
consideration, to a review panel established under the 41047
commission's dispute resolution process; 41048

ii. Commission monitoring and review of treatment and 41049
protocol effectiveness consistent with the cure criteria 41050

established by the commission for the particular disease; 41051

iii. Commission reconsideration, modification, or withdrawal 41052
of approval of a treatment or protocol for prize consideration for 41053
failure to continue to meet the cure criteria established by the 41054
commission for the particular disease. 41055

c. Establish a dispute resolution process to resolve disputes 41056
or other issues under the compact that may arise between two or 41057
more compacting states or between the commission and individuals 41058
or entities who submit treatments and therapeutic protocols to 41059
cure diseases, which process shall provide for: 41060

i. Administrative review by a review panel appointed by the 41061
commission; 41062

ii. Judicial review of decisions issued after an 41063
administrative review; and 41064

iii. Qualifications to be appointed to a panel, due process 41065
requirements, including notice and hearing procedures, and any 41066
other procedure, requirement, or standard necessary to provide 41067
adequate dispute resolution. 41068

d. Establish and impose annual member dues on compacting 41069
states, which shall be calculated based on the percentage of each 41070
compacting state's population in relation to the population of all 41071
the compacting states. 41072

6. Recognizing that the goal of the compact is to pool the 41073
potential savings of as many states and countries as possible to 41074
generate sufficient financial incentive to develop a cure for many 41075
of the world's most devastating diseases, the compact will respect 41076
the laws of each of these United States by adopting rules that 41077
establish ethical standards for research that shall be followed in 41078
order for a prize to be claimed. The compact, in the rules, shall 41079
establish a common set of ethical standards that embodies the laws 41080
and restrictions in each of the states so that to be eligible for 41081

claiming a prize the entity submitting a cure must not have 41082
violated any of the ethical standards in any one of the fifty 41083
states, whether the states have joined the compact or not. The 41084
compact will publish these common ethical standards along with the 41085
specific criteria for a cure for each of the diseases the compact 41086
has targeted. 41087

So long as a researcher follows the common ethical standards 41088
in effect at the time the research is done, an entity presenting a 41089
cure will be deemed to have followed the standards. On or before 41090
January 1 of each year, the compact shall review all state laws to 41091
determine if additional ethical standards have been enacted by any 41092
of the fifty states and the federal government. Any changes to the 41093
common ethical standards rules based on new state laws shall be 41094
adopted and published by the compact, but shall not take effect in 41095
cure criteria for a period of three years to allow for sufficient 41096
notice to researchers. 41097

7. All rules may be amended as the commission sees necessary. 41098

8. All rules shall be adopted pursuant to a rule-making 41099
process that conforms to the model state administrative procedure 41100
act of 1981 by the uniform law commissioners, as amended, as may 41101
be appropriate to the operations of the commission. 41102

9. In the event the commission exercises its rule-making 41103
authority in a manner that is beyond the scope of the purpose of 41104
this compact, or the powers granted hereunder, then such rule 41105
shall be invalid and have no force and effect. 41106

Article VII. Committees 41107

1. Management Committee 41108

a. The commission may establish a management committee 41109
comprised of not more than fourteen members when twenty-six states 41110
enact the compact. 41111

b. The committee shall consist of those members representing compacting states whose total public health expenses of all of the established diseases are the highest. 41112
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c. The committee shall have such authority and duties as may be set forth in the commission's bylaws and rules, including: 41115
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i. Managing authority over the day-to-day affairs of the commission in a manner consistent with the commission's bylaws and rules and the purposes of the compact; 41117
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ii. Overseeing the offices of the commission; and 41120

iii. Planning, implementing, and coordinating communications and activities with state, federal, and local government organizations in order to advance the goals of the compact. 41121
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d. The commission annually shall elect officers for the committee, with each having such authority and duties as may be specified in the commission's bylaws and rules. 41124
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e. The management committee, subject to commission approval, may appoint or retain an executive director for such period, upon such terms and conditions, and for such compensation as the committee determines. The executive director shall serve as secretary to the commission, but shall not be a member of the commission. The executive director shall hire and supervise such other staff as may be authorized by the committee. 41127
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2. Advisory Committees 41134

The commission may appoint advisory committees to monitor all operations related to the purposes of the compact and make recommendations to the commission; provided that the manner of selection and term of any committee member shall be as set forth in the commission's bylaws and rules. The commission shall consult with an advisory committee, to the extent required by the commission's bylaws or rules, before doing any of the following: 41135
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<u>a. Approving cure criteria;</u>	41142
<u>b. Amending, enacting, or repealing any bylaw or rule;</u>	41143
<u>c. Adopting the commission's annual budget;</u>	41144
<u>d. Addressing any other significant matter or taking any other significant action.</u>	41145 41146
<u>Article VIII. Finance</u>	41147
<u>1. The commission annually shall establish a budget to pay or provide for the payment of its reasonable expenses. To fund the cost of initial operations, the commission may accept contributions and other forms of funding from the compacting states and other sources. Contributions and other forms of funding from other sources shall be of such a nature that the independence of the commission concerning the performance of its duties shall not be compromised.</u>	41148 41149 41150 41151 41152 41153 41154 41155
<u>2. The commission shall be exempt from all taxation in and by the compacting states.</u>	41156 41157
<u>3. The commission shall keep complete and accurate accounts of all of its internal receipts, including grants and donations, and disbursements of all funds under its control. The internal financial accounts of the commission shall be subject to the accounting procedures established under the commission's bylaws or rules. The financial accounts and reports including the system of internal controls and procedures of the commission shall be audited annually by an independent certified public accountant. Upon the determination of the commission, but not less frequently than every three years, the review of the independent auditor shall include a management and performance audit of the commission. The commission shall make an annual report to the governors and legislatures of the compacting states, which shall include a report of the independent audit. The commission's internal accounts shall not be confidential and such materials may</u>	41158 41159 41160 41161 41162 41163 41164 41165 41166 41167 41168 41169 41170 41171 41172

be shared with any compacting state upon request provided, 41173
however, that any work papers related to any internal or 41174
independent audit and any information subject to the compacting 41175
states' privacy laws, shall remain confidential. 41176

4. No compacting state shall have any claim or ownership of 41177
any property held by or vested in the commission or to any 41178
commission funds held pursuant to the provisions of the compact. 41179

Article IX. Records 41180

Except as to privileged records, data, and information, the 41181
laws of any compacting state pertaining to confidentiality or 41182
nondisclosure shall not relieve any member of the duty to disclose 41183
any relevant records, data, or information to the commission; 41184
provided, that disclosure to the commission shall not be deemed to 41185
waive or otherwise affect any confidentiality requirement; and 41186
further provided, that, except as otherwise expressly provided in 41187
the compact, the commission shall not be subject to the compacting 41188
state's laws pertaining to confidentiality and nondisclosure with 41189
respect to records, data, and information in its possession. 41190
Confidential information of the commission shall remain 41191
confidential after such information is provided to any member. All 41192
other submissions received by the commission are confidential. 41193

Article X. Compliance 41194

The commission shall notify a compacting state in writing of 41195
any noncompliance with commission bylaws and rules. If a 41196
compacting state fails to remedy its noncompliance within the time 41197
specified in the notice, the compacting state shall be deemed to 41198
be in default as set forth in Article XIV. 41199

Article XI. Venue 41200

Venue for any judicial proceedings by or against the 41201
commission shall be brought in the appropriate court of competent 41202
jurisdiction for the geographical area in which the principal 41203

office of the commission is located. 41204

Article XII. Qualified Immunity, Defense, and Indemnification 41205

1. The members, officers, executive director, employees, and 41206
representatives of the commission shall be immune from suit and 41207
liability, either personally or in their official capacity, for 41208
any claim for damage to or loss of property or personal injury or 41209
other civil liability caused by or arising out of any actual or 41210
alleged act, error, or omission that occurred, or that such person 41211
had a reasonable basis for believing occurred within the scope of 41212
the person's commission employment, duties, or responsibilities; 41213
provided, that nothing in section 1. of this article shall be 41214
construed to protect any such person from suit or liability for 41215
any damage, loss, injury, or liability caused by the intentional 41216
or willful and wanton misconduct of that person. 41217

2. The commission shall defend any member, officer, executive 41218
director, employee, or representative of the commission in any 41219
civil action seeking to impose liability arising out of any actual 41220
or alleged act, error, or omission that occurred within the scope 41221
of the person's commission employment, duties, or 41222
responsibilities, or that such person had a reasonable basis for 41223
believing occurred within the scope of commission employment, 41224
duties, or responsibilities; provided, that nothing in the compact 41225
or commission bylaws or rules shall be construed to prohibit that 41226
person from retaining his or her own counsel; and provided 41227
further, that the actual or alleged act, error, or omission did 41228
not result from that person's intentional or willful and wanton 41229
misconduct. 41230

3. The commission shall indemnify and hold harmless any 41231
member, officer, executive director, employee, or representative 41232
of the commission for the amount of any settlement or judgment 41233
obtained against the person arising out of any actual or alleged 41234
act, error, or omission that occurred within the scope of the 41235

person's commission employment, duties, or responsibilities, or 41236
that such person had a reasonable basis for believing occurred 41237
within the scope of commission employment, duties, or 41238
responsibilities; provided, that the actual or alleged act, error, 41239
or omission, did not result from the intentional or willful and 41240
wanton misconduct of that person. 41241

Article XIII. Compacting States, Effective Date, and 41242
Amendment 41243

1. Any state is eligible to become a compacting state. 41244

2. The compact shall become effective and binding upon 41245
legislative enactment of the compact into law by two compacting 41246
states; provided, the commission shall only be established after 41247
six states become compacting states. Thereafter, the compact shall 41248
become effective and binding as to any other compacting state upon 41249
enactment of the compact into law by that state. 41250

3. Amendments to the compact may be proposed by the 41251
commission for enactment by the compacting states. No amendment 41252
shall become effective and binding until all compacting states 41253
enact the amendment into law. 41254

Article XIV. Withdrawal, Default, and Expulsion 41255

1. Withdrawal 41256

a. Once effective, the compact shall continue in force and 41257
remain binding upon each and every compacting state; provided, 41258
that a compacting state may withdraw from the compact by doing 41259
both of the following: 41260

i. Repealing the law enacting the compact in that state; 41261

ii. Notifying the commission in writing of the intent to 41262
withdraw on a date that is both of the following: 41263

I. At least three years after the date the notice is sent; 41264

II. After the repeal takes effect. 41265

b. The effective date of withdrawal is the date described in section 1.a.ii. of this article. 41266
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c. The member representing the withdrawing state shall immediately notify the management committee in writing upon the introduction of legislation in that state repealing the compact. If a management committee has not been established, the member shall immediately notify the commission. 41268
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d. The commission or management committee, as applicable, shall notify the other compacting states of the introduction of such legislation within ten days after its receipt of notice thereof. 41273
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e. The withdrawing state is responsible for all obligations, duties and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal. The commission's actions shall continue to be effective and be given full force and effect in the withdrawing state. 41277
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f. Reinstatement following a state's withdrawal shall become effective upon the effective date of the subsequent enactment of the compact by that state. 41283
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2. Default 41286

a. If the commission determines that any compacting state has at any time defaulted in the performance of any of its obligations or responsibilities under the compact or the commission's bylaws or rules, then, after notice and hearing as set forth in the bylaws, all rights, privileges, and benefits conferred by this compact on the defaulting state shall be suspended from the effective date of default as fixed by the commission. The grounds for default include failure of a compacting state to perform its obligations or responsibilities, and any other grounds designated in commission rules. The commission shall immediately notify the 41287
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defaulting state in writing of the suspension pending cure of the 41297
default. The commission shall stipulate the conditions and the 41298
time period within which the defaulting state shall cure its 41299
default. If the defaulting state fails to cure the default within 41300
the time period specified by the commission, the defaulting state 41301
shall be expelled from the compact and all rights, privileges, and 41302
benefits conferred by the compact shall be terminated from the 41303
effective date of the expulsion. Any state that is expelled from 41304
the compact shall be liable for any cure prize or prizes for three 41305
years after its removal. The commission shall also take 41306
appropriate legal action to ensure that any compacting state that 41307
withdraws from the compact remains liable for paying its 41308
responsibility towards a prize for a cure that was accepted while 41309
the compacting state was a member of the commission. 41310

b. The expelled state must reenact the compact in order to 41311
become a compacting state. 41312

3. Dissolution of Compact 41313

a. The compact dissolves effective upon the date of either of 41314
the following: 41315

i. The withdrawal or expulsion of a compacting state, which 41316
withdrawal or expulsion reduces membership in the compact to one 41317
compacting state; 41318

ii. The commission votes to dissolve the compact. 41319

b. Upon the dissolution of the compact, the compact becomes 41320
null and void and shall be of no further force or effect, and the 41321
business and affairs of the commission shall be wound up and any 41322
surplus funds shall be distributed in accordance with the 41323
commission's bylaws, provided, that the commission shall pay all 41324
outstanding prizes awarded before the dissolution of the compact, 41325
as well as any other outstanding debts and obligations incurred 41326
during the existence of the compact. Any unawarded funds donated 41327

to be a part of a prize shall be returned to the donor, along with 41328
any interest earned on the amount. 41329

Article XV. Severability and Construction 41330

1. The provisions of the compact shall be severable; and if 41331
any phrase, clause, sentence, or provision is deemed 41332
unenforceable, the remaining provisions of the compact shall be 41333
enforceable. 41334

2. The provisions of the compact shall be liberally construed 41335
to effectuate its purposes. 41336

Article XVI. Binding Effect of Compact and Other Laws 41337

1. Other Laws: Nothing herein prevents the enforcement of any 41338
other law of a compacting state, except as provided in section 41339
2.b. of this article. 41340

2. Binding Effect of the Compact 41341

a. All lawful actions of the commission, including all 41342
commission rules, are binding upon the compacting states. 41343

b. All agreements between the commission and the compacting 41344
states are binding in accordance with their terms. 41345

c. Except to the extent authorized by the compacting state's 41346
constitution or, if constitutional authorization is not required, 41347
by other law of the compacting state, such state, by entering into 41348
the compact does not: 41349

i. Commit the full faith and credit or taxing power of the 41350
compacting state for the payment of prizes or other obligations 41351
under the compact; 41352

ii. Make prize payment responsibilities or other obligations 41353
under the compact a debt of the compacting state. 41354

d. Upon the request of a party to a conflict over the meaning 41355
or interpretation of commission actions, and upon a majority vote 41356

of the compacting states, the commission may issue advisory 41357
opinions regarding the meaning or interpretation in dispute. 41358

e. In the event any provision of the compact exceeds the 41359
constitutional limits imposed on any compacting state, the 41360
obligations, duties, powers or jurisdiction sought to be conferred 41361
by that provision upon the commission shall be ineffective as to 41362
that compacting state, and those obligations, duties, powers, or 41363
jurisdiction shall remain in the compacting state and shall be 41364
exercised by the agency thereof to which those obligations, 41365
duties, powers, or jurisdiction are delegated by law in effect at 41366
the time the compact becomes effective. 41367

Sec. 3901.381. (A) Except as provided in sections 3901.382, 41368
3901.383, 3901.384, and 3901.386 of the Revised Code, a 41369
third-party payer shall process a claim for payment for health 41370
care services rendered by a provider to a beneficiary in 41371
accordance with this section. 41372

(B)(1) Unless division (B)(2) or (3) of this section applies, 41373
when a third-party payer receives from a provider or beneficiary a 41374
claim on the standard claim form prescribed in rules adopted by 41375
the superintendent of insurance under section 3902.22 of the 41376
Revised Code, the third-party payer shall pay or deny the claim 41377
not later than thirty days after receipt of the claim. When a 41378
third-party payer denies a claim, the third-party payer shall 41379
notify the provider and the beneficiary. The notice shall state, 41380
with specificity, why the third-party payer denied the claim. 41381

(2)(a) Unless division (B)(3) of this section applies, when a 41382
provider or beneficiary has used the standard claim form, but the 41383
third-party payer determines that reasonable supporting 41384
documentation is needed to establish the third-party payer's 41385
responsibility to make payment, the third-party payer shall pay or 41386
deny the claim not later than forty-five days after receipt of the 41387

claim. Supporting documentation includes the verification of 41388
employer and beneficiary coverage under a benefits contract, 41389
confirmation of premium payment, medical information regarding the 41390
beneficiary and the services provided, information on the 41391
responsibility of another third-party payer to make payment or 41392
confirmation of the amount of payment by another third-party 41393
payer, and information that is needed to correct material 41394
deficiencies in the claim related to a diagnosis or treatment or 41395
the provider's identification. 41396

Not later than thirty days after receipt of the claim, the 41397
third-party payer shall notify all relevant external sources that 41398
the supporting documentation is needed. All such notices shall 41399
state, with specificity, the supporting documentation needed. If 41400
the notice was not provided in writing, the provider, beneficiary, 41401
or third-party payer may request the third-party payer to provide 41402
the notice in writing, and the third-party payer shall then 41403
provide the notice in writing. If any of the supporting 41404
documentation is under the control of the beneficiary, the 41405
beneficiary shall provide the supporting documentation to the 41406
third-party payer. 41407

The number of days that elapse between the third-party 41408
payer's last request for supporting documentation within the 41409
thirty-day period and the third-party payer's receipt of all of 41410
the supporting documentation that was requested shall not be 41411
counted for purposes of determining the third-party payer's 41412
compliance with the time period of not more than forty-five days 41413
for payment or denial of a claim. Except as provided in division 41414
(B)(2)(b) of this section, if the third-party payer requests 41415
additional supporting documentation after receiving the initially 41416
requested documentation, the number of days that elapse between 41417
making the request and receiving the additional supporting 41418
documentation shall be counted for purposes of determining the 41419

third-party payer's compliance with the time period of not more than forty-five days. 41420
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(b) If a third-party payer determines, after receiving initially requested documentation, that it needs additional supporting documentation pertaining to a beneficiary's preexisting condition, which condition was unknown to the third-party payer and about which it was reasonable for the third-party payer to have no knowledge at the time of its initial request for documentation, and the third-party payer subsequently requests this additional supporting documentation, the number of days that elapse between making the request and receiving the additional supporting documentation shall not be counted for purposes of determining the third-party payer's compliance with the time period of not more than forty-five days. 41422
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(c) When a third-party payer denies a claim, the third-party payer shall notify the provider and the beneficiary. The notice shall state, with specificity, why the third-party payer denied the claim. 41434
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(d) If a third-party payer determines that supporting documentation related to medical information is routinely necessary to process a claim for payment of a particular health care service, the third-party payer shall establish a description of the supporting documentation that is routinely necessary and make the description available to providers in a readily accessible format. 41438
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Third-party payers and providers shall, in connection with a claim, use the most current CPT code in effect, as published by the American medical association, the most current ICD-10 code in effect, as published by the United States department of health and human services, the most current CDT code in effect, as published by the American dental association, or the most current HCPCS code in effect, as published by the United States ~~health care financing~~ 41445
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administration centers for medicare and medicaid services. 41452

(3) When a provider or beneficiary submits a claim by using 41453
the standard claim form prescribed in the superintendent's rules, 41454
but the information provided in the claim is materially deficient, 41455
the third-party payer shall notify the provider or beneficiary not 41456
later than fifteen days after receipt of the claim. The notice 41457
shall state, with specificity, the information needed to correct 41458
all material deficiencies. Once the material deficiencies are 41459
corrected, the third-party payer shall proceed in accordance with 41460
division (B)(1) or (2) of this section. 41461

It is not a violation of the notification time period of not 41462
more than fifteen days if a third-party payer fails to notify a 41463
provider or beneficiary of material deficiencies in the claim 41464
related to a diagnosis or treatment or the provider's 41465
identification. A third-party payer may request the information 41466
necessary to correct these deficiencies after the end of the 41467
notification time period. Requests for such information shall be 41468
made as requests for supporting documentation under division 41469
(B)(2) of this section, and payment or denial of the claim is 41470
subject to the time periods specified in that division. 41471

(C) For purposes of this section, if a dispute exists between 41472
a provider and a third-party payer as to the day a claim form was 41473
received by the third-party payer, both of the following apply: 41474

(1) If the provider or a person acting on behalf of the 41475
provider submits a claim directly to a third-party payer by mail 41476
and retains a record of the day the claim was mailed, there exists 41477
a rebuttable presumption that the claim was received by the 41478
third-party payer on the fifth business day after the day the 41479
claim was mailed, unless it can be proven otherwise. 41480

(2) If the provider or a person acting on behalf of the 41481
provider submits a claim directly to a third-party payer 41482

electronically, there exists a rebuttable presumption that the 41483
claim was received by the third-party payer twenty-four hours 41484
after the claim was submitted, unless it can be proven otherwise. 41485

(D) Nothing in this section requires a third-party payer to 41486
provide more than one notice to an employer whose premium for 41487
coverage of employees under a benefits contract has not been 41488
received by the third-party payer. 41489

(E) Compliance with the provisions of division (B)(3) of this 41490
section shall be determined separately from compliance with the 41491
provisions of divisions (B)(1) and (2) of this section. 41492

(F) A third-party payer shall transmit electronically any 41493
payment with respect to claims that the third-party payer receives 41494
electronically and pays to a contracted provider under this 41495
section and under sections 3901.383, 3901.384, and 3901.386 of the 41496
Revised Code. A provider shall not refuse to accept a payment made 41497
under this section or sections 3901.383, 3901.384, and 3901.386 of 41498
the Revised Code on the basis that the payment was transmitted 41499
electronically. 41500

Sec. 3901.3814. Sections 3901.38 and 3901.381 to 3901.3813 of 41501
the Revised Code do not apply to the following: 41502

(A) Policies offering coverage that is regulated under 41503
Chapters 3935. and 3937. of the Revised Code; 41504

(B) An employer's self-insurance plan and any of its 41505
administrators, as defined in section 3959.01 of the Revised Code, 41506
to the extent that federal law supersedes, preempts, prohibits, or 41507
otherwise precludes the application of any provisions of those 41508
sections to the plan and its administrators; 41509

(C) A third-party payer for coverage provided under the 41510
medicare advantage program operated under Title XVIII of the 41511
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 41512

amended; 41513

(D) A third-party payer for coverage provided under the 41514
medicaid program, ~~except that if a federal waiver applied for~~ 41515
~~under section 5167.25 of the Revised Code is granted or the~~ 41516
~~medicaid director determines that this provision can be~~ 41517
~~implemented without a waiver, sections 3901.38 and 3901.381 to~~ 41518
~~3901.3813 of the Revised Code apply to claims submitted~~ 41519
~~electronically or non-electronically that are made with respect to~~ 41520
~~coverage of medicaid recipients by health insuring corporations~~ 41521
~~licensed under Chapter 1751. of the Revised Code, instead of the~~ 41522
~~prompt payment requirements of 42 C.F.R. 447.46;~~ 41523

(E) A third-party payer for coverage provided under the 41524
tricare program offered by the United States department of 41525
defense. 41526

Sec. 3901.95. A direct primary care agreement that meets all 41527
of the following shall not be considered insurance and nothing in 41528
Title XXXIX of the Revised Code shall apply to such an agreement: 41529

(A) It is in writing. 41530

(B) It is between a patient, or that patient's legal 41531
representative, and a health care provider and is related to 41532
services to be provided in exchange for the payment of a fee to be 41533
paid on a periodic basis. 41534

(C) It allows either party to terminate the agreement as 41535
specified in the agreement. 41536

(D) It requires termination to be accomplished through 41537
written notification. 41538

(E) It permits termination to take effect immediately upon 41539
the other party's receipt of the notification or not more than 41540
sixty days after the other party's receipt of the notification. 41541

(F) It does not impose a termination penalty or require 41542

payment of a termination fee. 41543

(G) It describes the health care services to be provided 41544
under the agreement and the basis on which a periodic fee is to be 41545
paid in exchange for those services. 41546

(H) It specifies the periodic fee required and any additional 41547
fees that may be charged. 41548

(I) It authorizes the periodic fee and any additional fees to 41549
be paid by a third party. 41550

(J) It prohibits the health services provider from charging 41551
or receiving any fee other than the fees prescribed in the 41552
agreement for those services prescribed in the agreement. 41553

(K) It conspicuously and prominently states that the 41554
agreement is not health insurance and does not meet any individual 41555
health insurance mandate that may be required under federal law. 41556

Sec. 3902.31. (A) As used in this section: 41557

(1) "Pay in full" means paying for a health service in its 41558
entirety without cost-sharing on the part of a third-party payer. 41559
"Pay in full" includes payment made under a deductible 41560
requirement. 41561

(2) "Third-party payer" and "provider" have the same meanings 41562
as in section 3901.38 of the Revised Code. 41563

(B)(1) Subject to division (C) of this section, a provision 41564
in a contract entered into between a third-party payer and a 41565
provider is void and against public policy if it does either of 41566
the following: 41567

(a) Establishes a minimum amount that the provider is 41568
required to charge an individual for a health service when that 41569
individual pays in full for the service; 41570

(b) Prohibits a provider from advertising the provider's 41571

rates for a service. 41572

(2) Division (B)(1)(b) of this section shall not be construed as prohibiting a provision in a contract between a provider and a third-party payer that prohibits a provider from disclosing or advertising contractually agreed upon reimbursement rates for providers. 41573
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(C)(1) This section shall apply to all new contracts between a third-party payer and a provider entered into on or after the effective date of this section. 41578
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(2) For existing contracts, this section shall apply on the earlier of either of the following: 41581
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(a) Three years after the effective date of this section; 41583

(b) The expiration date of the contract or renewal of the contract. 41584
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Sec. 3902.50. (A) As used in sections 3902.50 and 3902.51 of the Revised Code: 41586
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(1) "Covered person," "health benefit plan," "health care services," and "health plan issuer" have the same meanings as in section 3922.01 of the Revised Code. 41588
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41590

(2) "Emergency facility" has the same meaning as in section 3701.74 of the Revised Code. 41591
41592

(3) "Emergency services" means all of the following as described in 42 U.S.C. 1395dd: 41593
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(a) Medical screening examinations undertaken to determine whether an emergency medical condition exists; 41595
41596

(b) Treatment necessary to stabilize an emergency medical condition; 41597
41598

(c) Appropriate transfers undertaken prior to an emergency medical condition being stabilized. 41599
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(4) "Health care practitioner" has the same meaning as in section 3901.74 of the Revised Code. 41601
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(B) A health plan issuer shall reimburse an out-of-network health care practitioner for emergency services when the services are provided to a covered person at a hospital that is in the covered person's health benefit plan provider network. 41603
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(C) The rate required under division (B) of this section shall be the greater of the following: 41607
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(1) The average contracted rate for the same service delivered by an in-network health care practitioner in the same or similar specialty in the same geographic area; 41609
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41611

(2) The amount the health plan issuer would pay under the covered person's health benefit plan for out-of-network emergency services. 41612
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(D) A health plan issuer shall not require cost-sharing for any service described in division (B) of this section from the covered person at a rate higher than if the services were provided by an in-network health care practitioner. 41615
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(E) For health care services, other than emergency services, that are covered under a health benefit plan but are provided by an out-of-network health care practitioner at an in-network hospital, all of the following apply: 41619
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(1) The health care practitioner shall not bill the covered person for the difference between the health plan issuer's out-of-network reimbursement and the practitioner's charge for the services unless all of the following conditions are met: 41623
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(a) The health care practitioner informs the covered person that the practitioner is not in the person's health benefit plan network. 41627
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(b) The health care practitioner provides to the covered 41630

person a good faith estimate of the cost of the services, 41631
including the practitioner's charge, the estimated reimbursement 41632
by the health plan issuer, and the covered person's 41633
responsibility. The estimate shall contain a disclaimer that the 41634
covered person is not required to obtain the health care service 41635
at that location or from that practitioner. 41636

(c) The covered person affirmatively consents to receive the 41637
services. 41638

(2) The health plan issuer may reimburse the health care 41639
practitioner at either of the following: 41640

(a) The average contracted rate for the same service 41641
delivered by an in-network health care practitioner in the same or 41642
similar specialty in the same geographic area; 41643

(b) The amount the health plan issuer would pay under the 41644
covered person's health benefit plan for out-of-network health 41645
care services. 41646

Sec. 3902.51. (A) The superintendent of insurance shall adopt 41647
by rule alternative dispute resolution procedures and guidelines 41648
for complaints brought by health care practitioners against health 41649
plan issuers relating to reimbursement under section 3902.50 of 41650
the Revised Code. The superintendent shall require that mediation 41651
be attempted prior to arbitration. 41652

(B) A health care practitioner may request alternative 41653
dispute resolution if it believes that the health plan issuer's 41654
offer of reimbursement is less than the amount the issuer would 41655
reimburse an in-network practitioner in the same or similar 41656
specialty in the same geographic area. 41657

Sec. 3905.426. (A) As used in this section: 41658

(1) "Contract holder" means the person who purchased a motor 41659

vehicle ancillary product protection contract, any authorized 41660
transferee or assignee of the purchaser, or any other person 41661
assuming the purchaser's rights under the motor vehicle ancillary 41662
product protection contract. 41663

(2) "Motor vehicle" has the same meaning as in section 41664
4501.01 of the Revised Code and also includes utility vehicles as 41665
defined in that section. 41666

(3)(a) "Motor vehicle ancillary product protection contract" 41667
means a contract or agreement that is effective for a specified 41668
duration and paid for by means other than the purchase of a motor 41669
vehicle, or its parts or equipment, to perform any one or more of 41670
the following services: 41671

(i) Repair or replacement of glass on a motor vehicle 41672
necessitated by wear and tear or damage caused by a road hazard; 41673

(ii) Removal of a dent, ding, or crease without affecting the 41674
existing paint finish using paintless dent removal techniques but 41675
which expressly excludes replacement of vehicle body panels, 41676
sanding, bonding, or painting; 41677

(iii) Repair to the interior components of a motor vehicle 41678
necessitated by wear and tear but which expressly excludes 41679
replacement of any part or component of a motor vehicle's 41680
interior; 41681

~~(iv) Repair or replacement of tires or wheels damaged because 41682
of a road hazard; 41683~~

~~(v) Replacement of a lost, stolen, or inoperable key or key 41684
fob. 41685~~

(b) A motor vehicle ancillary product protection contract 41686
may, but is not required to, provide for incidental payment of 41687
indemnity under limited circumstances, including, without 41688
limitation, towing, rental, and emergency road services. 41689

(c) "Motor vehicle ancillary product protection contract"	41690
does not include any of the following:	41691
(i) A motor vehicle service contract;	41692
(ii) A vehicle protection product warranty as defined in section 3905.421 of the Revised Code;	41693 41694
(iii) A home service contract as defined in section 3905.422 of the Revised Code;	41695 41696
(iv) A consumer goods service contract as defined in section 3905.423 of the Revised Code;	41697 41698
(v) A contract for prepaid routine, scheduled maintenance only;	41699 41700
<u>(vi) A motor vehicle tire or wheel road hazard contract.</u>	41701
(4) "Motor vehicle service contract" means a contract or agreement to perform or pay for the repair, replacement, or maintenance of a motor vehicle due to defect in materials or workmanship, normal wear and tear, mechanical or electrical breakdown, or failure of parts or equipment of a motor vehicle, with or without additional provisions for incidental payment of indemnity under limited circumstances, including, without limitation, towing, rental, and emergency road services, that is effective for a specified duration and paid for by means other than the purchase of a motor vehicle.	41702 41703 41704 41705 41706 41707 41708 41709 41710 41711
(5) <u>"Motor vehicle tire or wheel road hazard contract" means a contract or agreement to perform or pay for repairs or replacement of tires or wheels damaged because of a road hazard with or without additional provisions for incidental payment of indemnity under limited circumstances, including, without limitation, towing, rental, and emergency road services, that is effective for a specified duration and paid for by means other than the purchase of the motor vehicle.</u>	41712 41713 41714 41715 41716 41717 41718 41719

(6) "Provider" means a person who is contractually obligated 41720
to a contract holder under the terms of a motor vehicle ancillary 41721
product protection contract. 41722

~~(6)~~(7) "Road hazard" means a condition that may cause damage 41723
or wear and tear to a tire or wheel on a public or private 41724
roadway, roadside, driveway, or parking lot or garage, including 41725
potholes, nails, glass, road debris, and curbs. "Road hazard" does 41726
not include fire, theft, vandalism or malicious mischief, or other 41727
perils normally covered by automobile physical damage insurance. 41728

~~(7)~~(8) "Reimbursement insurance policy" means a policy of 41729
insurance issued by an insurer authorized or eligible to do 41730
business in this state to a provider to pay, on behalf of the 41731
provider in the event of the provider's nonperformance, all 41732
covered contractual obligations incurred by the provider under the 41733
terms and conditions of the motor vehicle ancillary product 41734
protection contract. 41735

~~(8)~~(9) "Supplier" has the same meaning as in section 1345.01 41736
of the Revised Code. 41737

(B) All motor vehicle ancillary product protection contracts 41738
issued in this state shall be covered by a reimbursement insurance 41739
policy. 41740

(C) A motor vehicle ancillary product protection contract 41741
issued by a provider that is required to be covered by a 41742
reimbursement insurance policy under division (B) of this section 41743
shall conspicuously state all of the following: 41744

(1) "This contract is not insurance and is not subject to the 41745
insurance laws of this state." 41746

(2) That the obligations of the provider are guaranteed under 41747
a reimbursement insurance policy; 41748

(3) That if a provider fails to perform or make payment due 41749

under the terms of the contract within sixty days after the 41750
contract holder requests performance or payment pursuant to the 41751
terms of the contract, the contract holder may request performance 41752
or payment directly from the provider's reimbursement insurance 41753
policy insurer, including any obligation in the contract by which 41754
the provider must refund the contract holder upon cancellation of 41755
a contract; 41756

(4) The name, address, and telephone number of the provider's 41757
reimbursement insurance policy insurer. 41758

(D) A motor vehicle ancillary product protection contract 41759
that includes repair or replacement of glass on a motor vehicle as 41760
provided in division (A)(3)(a)(i) of this section, shall 41761
conspicuously state: "This contract may provide a duplication of 41762
coverage already provided by your automobile physical damage 41763
insurance policy." 41764

(E) A reimbursement insurance policy that is required to be 41765
issued under this section shall contain: 41766

(1) A statement that if a provider fails to perform or make 41767
payment due under the terms of the motor vehicle ancillary product 41768
protection contract within sixty days after the contract holder 41769
requests performance or payment pursuant to the terms of the 41770
contract, the contract holder may request performance or payment 41771
directly from the provider's reimbursement insurance policy 41772
insurer, including any obligation in the contract by which the 41773
provider must refund the contract holder upon cancellation of a 41774
contract. 41775

(2) A statement that in the event of cancellation of the 41776
provider's reimbursement insurance policy, insurance coverage will 41777
continue for all contract holders whose motor vehicle ancillary 41778
product protection contracts were issued by the provider and 41779
reported to the insurer for coverage during the term of the 41780

reimbursement insurance policy. 41781

(F) The sale or issuance of a motor vehicle ancillary product 41782
protection contract or a motor vehicle tire or wheel road hazard 41783
contract is a consumer transaction for purposes of sections 41784
1345.01 to 1345.13 of the Revised Code. The provider is the 41785
supplier and the contract holder is the consumer for purposes of 41786
those sections. 41787

(G) Unless issued by an insurer authorized or eligible to do 41788
business in this state, a motor vehicle ancillary product 41789
protection contract does not constitute a contract substantially 41790
amounting to insurance, or the contract's issuance the business of 41791
insurance, under section 3905.42 of the Revised Code. 41792

(H) Unless issued by an insurer authorized or eligible to do 41793
business in this state, a contract identified in division 41794
(A)(3)(c)(i) ~~or~~, (v), or (vi) of this section does not constitute 41795
a contract substantially amounting to insurance, or the contract's 41796
issuance the business of insurance, under section 3905.42 of the 41797
Revised Code. 41798

(I) The rights of a contract holder against a provider's 41799
reimbursement insurance policy insurer as provided in this section 41800
apply only in regard to a reimbursement insurance policy issued 41801
under this section. This section does not create any contractual 41802
rights in favor of a person that does not qualify as an insured 41803
under any other type of insurance policy described in Title XXXIX 41804
of the Revised Code. This section does not prohibit the insurer of 41805
a provider's reimbursement insurance policy from assuming 41806
liability for contracts issued prior to the effective date of the 41807
policy or July 1, 2009. 41808

~~(J) A contract or agreement described in division 41809
(A)(3)(a)(iv) of this section in which the provider is a tire 41810
manufacturer shall be exempt from the requirements of division (B) 41811~~

~~of this section if the contract or agreement conspicuously states~~ 41812
~~all of the following:~~ 41813

~~(1) That the contract or agreement is not an insurance~~ 41814
~~contract;~~ 41815

~~(2) That any covered obligations or claims under the contract~~ 41816
~~or agreement are the responsibility of the provider;~~ 41817

~~(3) The name, address, and telephone number of any~~ 41818
~~administrator responsible for the administration of the contract~~ 41819
~~or agreement, the provider obligated to perform under the contract~~ 41820
~~or agreement, and the contract seller;~~ 41821

~~(4) The procedure for making a claim under the contract or~~ 41822
~~agreement, including a toll free telephone number for claims~~ 41823
~~service and a procedure for obtaining emergency repairs or~~ 41824
~~replacements performed outside normal business hours.~~ 41825

Sec. 3923.87. Each sickness and accident insurer or public 41826
employee benefit plan shall comply with the requirements of 41827
section 3959.20 of the Revised Code as they pertain to health plan 41828
issuers. 41829

As used in this section, "health plan issuer" has the same 41830
meaning as in section 3922.01 of the Revised Code. 41831

Sec. 3953.231. (A)(1) Each title insurance agent or title 41832
insurance company shall establish and maintain an interest-bearing 41833
trust account for the deposit of all non-directed escrow funds 41834
that meet the requirements of sections 1349.20 to 1349.22 of the 41835
Revised Code. 41836

(2) The account shall be established and maintained in any 41837
federally insured bank, savings and loan association, credit 41838
union, or savings bank that is authorized to transact business in 41839
this state. 41840

(3) The account shall be in the name of the title insurance agent or company, and shall be identified as an "interest on trust account" or "IOTA." The name of the account may contain additional identifying information to distinguish it from other accounts.

(4) The title insurance agent or company establishing the account shall submit, in writing, to the superintendent of insurance the name, account number, and location of the bank, savings and loan association, credit union, or savings bank in which the trust account is maintained.

(B) Each title insurance agent or company shall deposit all non-directed escrow funds that are nominal in amount or are to be held for a short period of time into the account established under division (A) of this section no later than the next business day after receipt.

(C) Each account established under division (A) of this section shall comply with all of the following:

(1) All funds in the account shall be subject to withdrawal or transfer upon request and without delay, or as soon as permitted by law;

(2) The rate of interest payable on the account shall not be less than the rate paid by the bank, savings and loan, credit union, or savings bank to its regular depositors. The rate may be higher if there is no impairment of the right to the immediate withdrawal or transfer of the principal;

(3) All interest earned on the account, net of service charges and other related charges, shall be transmitted to the treasurer of state for deposit in the legal aid fund established under section 120.52 of the Revised Code. No part of the interest earned shall be paid to the title insurance agent or company.

(D) The title insurance agent or company establishing an account under division (A) of this section shall direct the bank,

savings and loan association, credit union, or savings bank to do 41872
both of the following: 41873

(1) Remit interest or dividends on the average monthly 41874
balance in the account, or as otherwise computed in accordance 41875
with the standard accounting practice of the bank, savings and 41876
loan association, credit union, or savings bank, less reasonable 41877
service charges and other related charges, to the treasurer of 41878
state at least quarterly for deposit in the legal aid fund 41879
established under section 120.52 of the Revised Code; 41880

(2) At the time of each remittance, transmit to the treasurer 41881
of state, and if requested, to the Ohio ~~legal assistance~~ access to 41882
justice foundation, and the title insurance agent or company, a 41883
statement showing the name of the title insurance agent or company 41884
for whom the remittance is sent, the rate of interest applied, the 41885
accounting period, the net amount remitted to the treasurer of 41886
state for each account, the total remitted, the average account 41887
balance for each month of the period for which the report is made, 41888
and the amount deducted for service charges and other related 41889
charges. 41890

(E) The statements and reports submitted by the bank, savings 41891
and loan association, credit union, or savings bank under this 41892
section, are not public records subject to section 149.43 of the 41893
Revised Code and shall be used only to administer the legal aid 41894
fund. 41895

(F) No funds belonging to a title insurance agent or company 41896
shall be deposited into an account established under division (A) 41897
of this section except funds necessary to pay service charges and 41898
other related charges of the bank, savings and loan association, 41899
credit union, or savings bank that are in excess of earnings on 41900
the account. 41901

(G) No liability arising out of any negligent act or omission 41902

of any title insurance agent or company with respect to any 41903
account established under division (A) of this section shall be 41904
imputed to the bank, savings and loan association, credit union, 41905
or savings bank. 41906

(H) No liability or responsibility arising out of any 41907
negligent act or omission of any title insurance agent with 41908
respect to any account established under division (A) of this 41909
section shall be imputed to a title insurance company. 41910

(I) The superintendent may adopt, in accordance with Chapter 41911
119. of the Revised Code, rules that pertain to the use of 41912
accounts established under division (A) of this section and to the 41913
enforcement of this section. 41914

Sec. 3959.01. (A) "Administration fees" means any amount 41915
charged a covered person for services rendered. "Administration 41916
fees" includes commissions earned or paid by any person relative 41917
to services performed by an administrator. 41918

(B) "Administrator" means any person who adjusts or settles 41919
claims on, residents of this state in connection with life, 41920
dental, health, prescription drugs, or disability insurance or 41921
self-insurance programs. "Administrator" includes a pharmacy 41922
benefit manager. "Administrator" does not include any of the 41923
following: 41924

(1) An insurance agent or solicitor licensed in this state 41925
whose activities are limited exclusively to the sale of insurance 41926
and who does not provide any administrative services; 41927

(2) Any person who administers or operates the workers' 41928
compensation program of a self-insuring employer under Chapter 41929
4123. of the Revised Code; 41930

(3) Any person who administers pension plans for the benefit 41931
of the person's own members or employees or administers pension 41932

plans for the benefit of the members or employees of any other person; 41933
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(4) Any person that administers an insured plan or a self-insured plan that provides life, dental, health, or disability benefits exclusively for the person's own members or employees; 41935
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(5) Any health insuring corporation holding a certificate of authority under Chapter 1751. of the Revised Code or an insurance company that is authorized to write life or sickness and accident insurance in this state. 41939
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(C) "Aggregate excess insurance" means that type of coverage whereby the insurer agrees to reimburse the insured employer or trust for all benefits or claims paid during an agreement period on behalf of all covered persons under the plan or trust which exceed a stated deductible amount and subject to a stated maximum. 41943
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(D) "Contracted pharmacy" or "pharmacy" means a pharmacy located in this state participating in either the network of a pharmacy benefit manager or in a health care or pharmacy benefit plan through a direct contract or through a contract with a pharmacy services administration organization, group purchasing organization, or another contracting agent. 41948
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(E) "Contributions" means any amount collected from a covered person to fund the self-insured portion of any plan in accordance with the plan's provisions, summary plan descriptions, and contracts of insurance. 41954
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(F) "Drug product reimbursement" means the amount paid by a pharmacy benefit manager to a contracted pharmacy for the cost of the drug dispensed to a patient and does not include a dispensing or professional fee. 41958
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(G) "Fiduciary" has the meaning set forth in section 1002(21)(A) of the "Employee Retirement Income Security Act of 41962
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1974," 88 Stat. 829, 29 U.S.C. 1001, as amended. 41964

(H) "Fiscal year" means the twelve-month accounting period 41965
commencing on the date the plan is established and ending twelve 41966
months following that date, and each corresponding twelve-month 41967
accounting period thereafter as provided for in the summary plan 41968
description. 41969

(I) "Insurer" means an entity authorized to do the business 41970
of insurance in this state or, for the purposes of this section, a 41971
health insuring corporation authorized to issue health care plans 41972
in this state. 41973

(J) "Managed care organization" means an entity that provides 41974
medical management and cost containment services and includes a 41975
medicaid managed care organization, as defined in section 5167.01 41976
of the Revised Code. 41977

(K) "Maximum allowable cost" means a maximum drug product 41978
reimbursement for an individual drug or for a group of 41979
therapeutically and pharmaceutically equivalent multiple source 41980
drugs that are listed in the United States food and drug 41981
administration's approved drug products with therapeutic 41982
equivalence evaluations, commonly referred to as the orange book. 41983

(L) "Maximum allowable cost list" means a list of the drugs 41984
for which a pharmacy benefit manager imposes a maximum allowable 41985
cost. 41986

(M) "Multiple employer welfare arrangement" has the same 41987
meaning as in section 1739.01 of the Revised Code. 41988

(N) "Pharmacy benefit manager" means an entity that contracts 41989
with pharmacies on behalf of an employer, a multiple employer 41990
welfare arrangement, public employee benefit plan, state agency, 41991
insurer, managed care organization, or other third-party payer to 41992
provide pharmacy health benefit services or administration. 41993

"Pharmacy benefit manager" includes the state pharmacy benefit 41994

manager under section 125.93 of the Revised Code. 41995

(O) "Plan" means any arrangement in written form for the 41996
payment of life, dental, health, or disability benefits to covered 41997
persons defined by the summary plan description and includes a 41998
drug benefit plan administered by a pharmacy benefit manager. 41999

(P) "Plan sponsor" means the person who establishes the plan. 42000

(Q) "Self-insurance program" means a program whereby an 42001
employer provides a plan of benefits for its employees without 42002
involving an intermediate insurance carrier to assume risk or pay 42003
claims. "Self-insurance program" includes but is not limited to 42004
employer programs that pay claims up to a prearranged limit beyond 42005
which they purchase insurance coverage to protect against 42006
unpredictable or catastrophic losses. 42007

(R) "Specific excess insurance" means that type of coverage 42008
whereby the insurer agrees to reimburse the insured employer or 42009
trust for all benefits or claims paid during an agreement period 42010
on behalf of a covered person in excess of a stated deductible 42011
amount and subject to a stated maximum. 42012

(S) "Summary plan description" means the written document 42013
adopted by the plan sponsor which outlines the plan of benefits, 42014
conditions, limitations, exclusions, and other pertinent details 42015
relative to the benefits provided to covered persons thereunder. 42016

(T) "Third-party payer" has the same meaning as in section 42017
3901.38 of the Revised Code. 42018

Sec. 3959.12. (A) Any license issued under sections 3959.01 42019
to 3959.16 of the Revised Code may be suspended for a period not 42020
to exceed two years, revoked, or not renewed by the superintendent 42021
of insurance after notice to the licensee and hearing in 42022
accordance with Chapter 119. of the Revised Code. The 42023
superintendent may suspend, revoke, or refuse to renew a license 42024

if upon investigation and proof the superintendent finds that the licensee has done any of the following:

- (1) Knowingly violated any provision of sections 3959.01 to 3959.16 or 3959.20 of the Revised Code or any rule promulgated by the superintendent;
- (2) Knowingly made a material misstatement in the application for the license;
- (3) Obtained or attempted to obtain a license through misrepresentation or fraud;
- (4) Misappropriated or converted to the licensee's own use or improperly withheld insurance company premiums or contributions held in a fiduciary capacity, excluding, however, any interest earnings received by the administrator as disclosed in writing by the administrator to the plan sponsor;
- (5) In the transaction of business under the license, used fraudulent, coercive, or dishonest practices;
- (6) Failed to appear without reasonable cause or excuse in response to a subpoena, examination, warrant, or other order lawfully issued by the superintendent;
- (7) Is affiliated with or under the same general management or interlocking directorate or ownership of another administrator that transacts business in this state and is not licensed under sections 3959.01 to 3959.16 of the Revised Code;
- (8) Had a license suspended, revoked, or not renewed in any other state, district, territory, or province on grounds identical to those stated in sections 3959.01 to 3959.16 of the Revised Code;
- (9) Been convicted of a financially related felony;
- (10) Failed to report a felony conviction as required under section 3959.13 of the Revised Code.

(B) Upon receipt of notice of the order of suspension in accordance with section 119.07 of the Revised Code, the licensee shall promptly deliver the license to the superintendent, unless the order of suspension is appealed under section 119.12 of the Revised Code.

(C) Any person whose license is revoked or whose application is denied pursuant to sections 3959.01 to 3959.16 of the Revised Code is ineligible to apply for an administrators license for two years.

(D) The superintendent may impose a monetary fine against a licensee if, upon investigation and after notice and opportunity for hearing in accordance with Chapter 119. of the Revised Code, the superintendent finds that the licensee has done either of the following:

(1) Committed fraud or engaged in any illegal or dishonest activity in connection with the administration of pharmacy benefit management services;

(2) Violated any provision of section 3959.111 of the Revised Code or any rule adopted by the superintendent pursuant to or to implement that section.

Sec. 3959.20. (A) As used in this section:

(1) "Cost-sharing" means the cost to an individual insured under a health benefit plan according to any coverage limit, copayment, coinsurance, deductible, or other out-of-pocket expense requirements imposed by the plan.

(2) "Health benefit plan" and "health plan issuer" have the same meanings as in section 3922.01 of the Revised Code.

(3) "Pharmacy audit" has the same meaning as in section 3901.81 of the Revised Code.

(4) "Pharmacy benefit manager" and "administrator" have the

same meanings as in section 3959.01 of the Revised Code. 42085

(B) No health plan issuer, pharmacy benefit manager, or any other administrator shall require cost-sharing in an amount, or direct a pharmacy to collect cost-sharing in an amount, greater than the lesser of either of the following from an individual purchasing a prescription drug: 42086
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(1) The amount an individual would pay for the drug if the drug were to be purchased without coverage under a health benefit plan; 42091
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(2) The net reimbursement paid to the pharmacy for the prescription drug by the health plan issuer, pharmacy benefit manager, or administrator. 42094
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(C)(1) No health plan issuer, pharmacy benefit manager, or administrator shall retroactively adjust a pharmacy claim for reimbursement for a prescription drug unless the adjustment is the result of either of the following: 42097
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(a) A pharmacy audit conducted in accordance with sections 3901.811 to 3901.814 of the Revised Code; 42101
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(b) A technical billing error. 42103

(2) No health plan issuer, pharmacy benefit manager, or administrator shall charge a fee related to a claim unless the amount of the fee can be determined at the time of claim adjudication. 42104
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(D) The department of insurance shall create a web form that consumers can use to submit complaints relating to violations of this section. 42108
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Sec. 3962.01. As used in this chapter: 42111

(A) "Business day" means each day of the week except Saturday, Sunday, or a legal holiday as defined in section 1.14 of 42112
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the Revised Code. 42114

(B) "Current procedural terminology code" or "CPT code" means 42115
the code assigned to a medical, surgical, or diagnostic product, 42116
service, or procedure that is published in the CPT code set 42117
published by the American medical association. 42118

(C) "Emergency service" has the same meaning as in section 42119
1753.28 of the Revised Code. 42120

(D) "Health plan issuer" has the same meaning as in section 42121
3922.01 of the Revised Code. 42122

(E) "Health care provider" means an individual or facility 42123
licensed, certified, or accredited under or pursuant to Chapter 42124
3721., 3727., 4715., 4725., 4731., 4732., 4734., 4747., 4753., 42125
4755., 4757., or 4779. of the Revised Code. 42126

Sec. 3962.011. (A) For purposes of this chapter, a reference 42127
to the time that an appointment for a health care product, 42128
service, or procedure is made, means, except as provided in 42129
division (B) of this section, any of the following: 42130

(1) The point in time that an appointment for a health care 42131
product, service, or procedure is made; 42132

(2) The point in time that a health care provider receives a 42133
prescription or order from another provider to provide a health 42134
care product, service, or procedure to the patient; 42135

(3) The point in time that a patient, pursuant to a 42136
prescription or order from the patient's health care provider, 42137
presents at the office or facilities of another provider to 42138
receive, on a walk-in basis, the product, service, or procedure. 42139

(B)(1) If the point in time in which an event described in 42140
division (A) of this section occurs is before nine a.m. on a 42141
particular business day, the point in time may, instead, be 42142
considered to be nine a.m. that same business day. 42143

(2) If the point in time in which an event described in 42144
division (A) of this section occurs is after five p.m. on a 42145
particular business day, or occurs on a day that is not a business 42146
day, the point in time shall, instead, be considered to be nine 42147
a.m. on the next business day. 42148

Sec. 3962.02. This chapter applies notwithstanding section 42149
5162.80 of the Revised Code. 42150

Sec. 3962.03. (A) Beginning on the effective date of this 42151
section, this section applies to a health care provider that is a 42152
hospital or hospital system or is owned by a hospital or hospital 42153
system. On and after March 1, 2020, this section applies to all 42154
other health care providers. 42155

(B) Before a health care provider provides a health care 42156
product, service, or procedure to a patient, the patient or the 42157
patient's representative shall receive a reasonable, good faith 42158
cost estimate for the product, service, or procedure. This 42159
requirement does not apply when a patient seeks emergency 42160
services, a health care provider believes that a delay in care 42161
associated with fulfilling this requirement could harm the 42162
patient, or a circumstance described in section 3962.08 of the 42163
Revised Code occurs. 42164

A health care provider may elect to provide the cost estimate 42165
as described in section 3962.04 of the Revised Code or, if the 42166
patient is insured, elect for the patient's health plan issuer to 42167
provide the cost estimate after the provider has transmitted 42168
information to the issuer in accordance with section 3962.05 of 42169
the Revised Code. The provider shall notify the patient or the 42170
patient's representative who will provide the cost estimate. The 42171
provision of a cost estimate by the provider does not preclude the 42172
issuer from also providing a cost estimate to the patient or the 42173

patient's representative. 42174

Each health care provider or health plan issuer that provides 42175
a cost estimate shall ensure that the estimate is provided in a 42176
manner that complies with all applicable state and federal laws 42177
pertaining to the privacy of patient-identifying information. 42178

Sec. 3962.04. (A) Except as provided in division (B) of this 42179
section, a cost estimate provided by a health care provider shall 42180
contain all of the following: 42181

(1) The total amount the provider will charge the patient if 42182
the patient is paying out-of-pocket or the patient's health plan 42183
issuer for each health care product, service, or procedure the 42184
patient is to receive, inclusive of facility, professional, and 42185
other fees, along with a short description and the applicable CPT 42186
code for the product, service, or procedure or, if no CPT code 42187
exists, another identifier the health plan issuer requires; 42188

(2) If the patient is insured under a health benefit plan, 42189
both of the following: 42190

(a) A notation of whether the provider is in-network or 42191
out-of-network for the patient; 42192

(b) The amount the health care provider expects to receive 42193
from the health plan issuer for the product, service, or 42194
procedure. The amount specified in the estimate shall be the 42195
amount the health plan issuer has agreed to reimburse the provider 42196
for the product, service, or procedure under a contract with the 42197
provider or the applicable government pay scale, if any. 42198

(3) The difference, if any, that the patient or other party 42199
responsible for the patient's care would be required to pay to the 42200
provider for the product, service, or procedure; 42201

(4) If the patient is not insured under a health benefit 42202
plan, the total amount the provider will charge the patient if the 42203

patient is paying out-of-pocket for each product, service, or 42204
procedure the patient is to receive, inclusive of facility, 42205
professional, and other fees, along with a short description and 42206
the applicable CPT code for the product, service, or procedure or, 42207
if no CPT code exists, another identifier that a health plan 42208
issuer would normally require. 42209

(B)(1) If a patient is to receive a health care product, 42210
service, or procedure in a hospital, the hospital is responsible 42211
for providing one comprehensive cost estimate to the patient or 42212
the patient's representative within the applicable time frame 42213
specified in division (D) of this section. The comprehensive cost 42214
estimate shall contain both of the following: 42215

(a) All information specified in division (A) of this section 42216
associated with products, services, or procedures to be provided 42217
by the hospital or its employees; 42218

(b) All information specified in division (A) of this section 42219
associated with products, services, or procedures to be provided 42220
by health care providers who are independent contractors of the 42221
hospital. 42222

(2) A health care provider who is an independent contractor 42223
of a hospital shall submit to the hospital all CPT codes or other 42224
identifiers the hospital needs to fulfill its responsibility under 42225
division (B)(1)(b) of this section. 42226

(C) A cost estimate required by this section shall be based 42227
on information provided at the time the appointment is made, as 42228
specified in section 3962.011 of the Revised Code, for the health 42229
care product, service, or procedure. In addition, the estimate 42230
need not take into account any information that subsequently 42231
arises, such as unknown, unanticipated, or subsequently needed 42232
health care products, services, or procedures provided for any 42233
reason after the initial appointment. Only one estimate is 42234

required per visit. 42235

If specific information, such as the health care provider who 42236
will be providing the health care product, service, or procedure, 42237
is not readily available at the time the appointment is made, the 42238
provider may base the cost estimate information specified in 42239
division (A)(1) of section 3962.04 of the Revised Code on either 42240
an average estimated charge for the product, service, or procedure 42241
that is submitted to the patient's health plan issuer or the 42242
average out-of-pocket price for the product, service, or procedure 42243
paid by patients who are uninsured. 42244

(D)(1) Except as provided in division (D)(2) or (3) of this 42245
section, the cost estimate required by this section shall be 42246
provided not later than twenty-four hours after the time the 42247
appointment for the health care product, service, or procedure is 42248
made, as specified in section 3962.011 of the Revised Code, or, if 42249
the product, service, or procedure is to be provided less than 42250
twenty-four hours after the appointment for the product, service, 42251
or procedure is made, as specified in section 3962.011 of the 42252
Revised Code, at the time the patient presents to receive the 42253
product, service, or procedure. 42254

(2) If the health care product, service, or procedure is to 42255
be provided by one or more independent contractors of the 42256
provider, the cost estimate shall be provided not later than 42257
thirty-six hours after the time the appointment for the product, 42258
service, or procedure is made, as specified in section 3962.011 of 42259
the Revised Code, or, if the product, service, or procedure is to 42260
be provided less than thirty-six hours after the appointment for 42261
the product, service, or procedure is made, as specified in 42262
section 3962.011 of the Revised Code, at the time the patient 42263
presents to receive the product, service, or procedure. 42264

(3) A provider may elect to send the cost estimate to the 42265
patient or the patient's representative by regular mail if the 42266

health care product, service, or procedure will be provided more 42267
than three days from the time the estimate is generated. If this 42268
election is made, the provider shall mail the cost estimate not 42269
later than the following, as applicable: 42270

(a) If the provider would otherwise be required to comply 42271
with division (D)(1) of this section, twenty-four hours after the 42272
time the appointment for the health care product, service, or 42273
procedure is made, as specified in section 3962.011 of the Revised 42274
Code; 42275

(b) If the provider would otherwise be required to comply 42276
with division (D)(2) of this section, thirty-six hours after the 42277
time the appointment for the health care product, service, or 42278
procedure is made, as specified in section 3962.011 of the Revised 42279
Code. 42280

(E)(1) If the patient is insured, a health care provider 42281
shall, not later than twenty-four hours after an appointment is 42282
made, as specified in section 3962.011 of the Revised Code, 42283
transmit to the patient's health plan issuer the patient's name; 42284
the patient's identification number, if one has been assigned; the 42285
CPT code or other identifier the issuer requires for each health 42286
care product, service, or procedure the patient is to receive; the 42287
provider's identification number; the provider's charge for each 42288
product, service, or procedure the patient has scheduled that will 42289
be delivered by a provider who is not in-network for the patient's 42290
health benefit plan; notification that the provider is providing 42291
the cost estimate to the patient or the patient's representative; 42292
and any other information the issuer requires from the provider. 42293

(2) If the provider is to provide a product, service, or 42294
procedure pursuant to a prescription or order from another 42295
provider, the provider who received the prescription or order 42296
shall transmit the information specified in division (E)(1) of 42297
this section to the patient's health plan issuer not later than 42298

twenty-four hours after receiving the prescription or order or, if 42299
received when the provider's office or facility is closed, 42300
twenty-four hours after the office or facility reopens. 42301

(3) Not later than five minutes after receiving information 42302
pursuant to division (E)(1) or (2) of this section, the health 42303
plan issuer shall give to the health care provider all information 42304
the provider needs to generate a cost estimate. 42305

If a health plan issuer does not provide the information 42306
necessary to generate the estimate, the health care provider shall 42307
notify the patient. The provider may note in the portion of the 42308
estimate pertaining to the information required by divisions 42309
(A)(2) and (3) of this section that health plan issuer information 42310
was not provided as required by law. In this case, the provider 42311
may specify only the information required by division (A)(1) of 42312
this section and, at the provider's discretion, the information 42313
required by division (A)(2) of this section. If the information 42314
necessary to complete the estimate is subsequently received and an 42315
updated estimate can be provided within the time limit established 42316
by division (D) of this section, the health care provider shall 42317
provide the updated estimate. 42318

(F) The cost estimate required by this section shall contain 42319
a disclaimer that the information is only an estimate based on 42320
facts available at the time it was prepared and that the amounts 42321
estimated could change as a result of unknown, unanticipated, or 42322
subsequently needed health care products, services, or procedures; 42323
changes to the patient's health benefit plan; or other changes. 42324
The provider has discretion in how the disclaimer is expressed. 42325

(G) If the amount estimated under division (A)(3) or (4) of 42326
this section changes by more than ten per cent before the patient 42327
initially presents for the health care product, service, or 42328
procedure, the health care provider shall supply to the patient an 42329
updated estimate within the time limit established by division (B) 42330

or (D) of this section, as applicable. 42331

(H) The cost estimate required by this section may be 42332
provided verbally or in electronic or written form and shall be 42333
easy to understand. If the estimate is provided in electronic or 42334
written form, all of the following apply: 42335

(1) It shall be provided in large font. 42336

(2) Unless the estimate contains more than nine CPT codes or 42337
other identifiers, it shall be limited to one page. 42338

(3) The subject line of the communication containing the 42339
estimate shall state "Your Ohio Healthcare Price Transparency 42340
Estimate." 42341

(I) A patient may decline to receive a cost estimate under 42342
this section. 42343

(J) Nothing in this section prohibits a health care provider 42344
or health plan issuer from collecting payment from a patient for 42345
an administered health care product, service, or procedure 42346
regardless of whether the patient does or does not receive a cost 42347
estimate under this section before the product, service, or 42348
procedure is received. 42349

Sec. 3962.05. (A)(1) If a health care provider elects for a 42350
patient's health plan issuer to provide a cost estimate in lieu of 42351
the provider, the provider shall notify the issuer of this 42352
election through the issuer's portal described in section 1751.72, 42353
3923.041, or 5160.34 of the Revised Code or, beginning January 1, 42354
2020, the connector portal established under section 3962.09 of 42355
the Revised Code. In addition, the provider shall, except as 42356
provided in division (B) of this section, also transmit to the 42357
health plan issuer through the appropriate portal all of the 42358
following: 42359

(a) The patient's name; 42360

(b) The patient's identification number, if one has been assigned; 42361
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(c) The CPT code or other identifier the health plan issuer requires for each health care product, service, or procedure the patient is to receive; 42363
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(d) The provider's identification number; 42366

(e) The charge for each product, service, or procedure the patient has scheduled that will be delivered by a provider who is out-of-network for the patient's health benefit plan; 42367
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(f) Any other information the health plan issuer requires from the provider. 42370
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The portal also shall be able to transmit a copy of this information directly to the patient to whom the information pertains. 42372
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Except as provided in division (A)(2) of this section, the transmission shall occur not later than twenty-four hours after the time the appointment for the health care product, service, or procedure is made, as specified in section 3962.011 of the Revised Code. 42375
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(2) If the health care product, service, or procedure is to be provided by one or more independent contractors of the provider, the transmission shall occur not later than thirty-six hours after the time the appointment for the product, service, or procedure is made, as specified in section 3962.011 of the Revised Code. 42380
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A health plan issuer shall modify its portal as necessary to accommodate the information transmission. 42386
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(B) If a health care provider attests to the department of insurance that it is unable to transmit information through a health plan issuer's portal or through the connector portal, the 42388
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provider may transmit the information by facsimile or telephone 42391
call to the department of insurance. The department shall enter 42392
the information on the provider's behalf in the relevant portal. 42393
Under these circumstances, the provider may compile patient 42394
information and transmit it to the department in a batch once 42395
every business day. 42396

Sec. 3962.06. (A) Under the circumstances described in 42397
division (A)(1) of section 3962.05 of the Revised Code, a health 42398
plan issuer shall provide a cost estimate to the patient or the 42399
patient's representative containing the information specified in 42400
divisions (A)(1) to (3) of section 3962.04 of the Revised Code, as 42401
well as the average rate the health plan issuer reimburses 42402
in-network providers for the same health care product, service, or 42403
procedure. 42404

(B) A health plan issuer shall ask the patient or the 42405
patient's representative whether the patient would prefer to 42406
receive cost estimates by electronic mail or other electronic 42407
means or by regular mail. The issuer shall send cost estimates by 42408
the means elected. 42409

If the means elected is by electronic mail or or other 42410
electronic means, the estimate shall be sent automatically, but 42411
not later than five minutes after the health plan issuer has 42412
received the necessary information from the health care provider. 42413
If the means elected is by regular mail, the estimate shall be 42414
mailed not later than forty-eight hours after the issuer has 42415
received the necessary information from the health care provider 42416
if the health care product, service, or procedure will be provided 42417
more than three days from the time the estimate is generated. For 42418
purposes of calculating the forty-eight hours, hours on a 42419
Saturday, Sunday, or legal holiday shall be excluded. 42420

If no election is made, the estimate shall be sent as 42421

follows: 42422

(1) If the health care product, service, or procedure will be provided more than three days from the time the estimate is generated, by regular mail; 42423
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(2) If the health care product, service, or procedure will be provided less than three days from the time the estimate is generated and the electronic mail address of the patient or patient's representative is on file with the issuer, by electronic mail. 42426
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A health plan issuer shall be held harmless if the electronic mail address of the patient or the patient's representative on file with the issuer is incorrect, invalid, or no longer used. 42431
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(C)(1) The cost estimate required by this section shall be based on information provided at the time an appointment is made, as specified in section 3962.011 of the Revised Code. In addition, the estimate need not take into account any information that subsequently arises, such as unknown, unanticipated, or subsequently needed health care products, services, or procedures provided for any reason after the initial appointment. Only one estimate is required per visit. 42434
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(2) If specific information, such as the provider who will be providing the health care product, service, or procedure, is not readily available at the time the appointment is made, the health care provider may transmit that a provider is unknown and the health plan issuer may base the estimate on an average estimated charge submitted to the health plan issuer for the product, service, or procedure at that facility or location. 42442
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(3) If a health care provider does not transmit to the health plan issuer the information necessary to generate the cost estimate, the issuer shall send to the patient or the patient's representative, by the same means used to send estimates, a notice 42449
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that the provider failed to transmit the necessary information as 42453
required by law and, consequently, a cost estimate could not be 42454
generated. This action shall be taken in the event a provider 42455
gives the issuer any indication that receipt of a health care 42456
product, service, or procedure is scheduled, such as through 42457
precertification. 42458

(D) The estimate required by this section shall contain both 42459
of the following: 42460

(1) A disclaimer that the information is only an estimate 42461
based on facts available at the time it was prepared and that the 42462
amounts estimated could change as a result of other factors; 42463
unknown, unanticipated, or subsequently needed health care 42464
products, services, or procedures; or changes to the patient's 42465
health benefit plan. The health plan issuer has discretion in how 42466
the disclaimer is expressed. 42467

(2) If applicable, a notation that a specific health care 42468
provider is out-of-network for the enrollee. 42469

(E) The cost estimate required by this section shall be 42470
provided in large font, be easy to understand, and, unless the 42471
estimate contains more than nine CPT codes or other identifiers, 42472
be limited to one page. The subject line of the communication 42473
containing the estimate shall state "Your Ohio Healthcare Price 42474
Transparency Estimate." 42475

(F) If the amount in a cost estimate required by this section 42476
changes by more than ten per cent before the patient presents for 42477
the health care product, service, or procedure, the health plan 42478
issuer shall supply to the patient an updated estimate by the 42479
means the patient or the patient's representative has elected 42480
under division (B) of this section and within the time frames 42481
specified in that division. 42482

(G) A patient may decline to receive a cost estimate under 42483

this section. 42484

(H) A patient is responsible for payment for an administered health care product, service, or procedure even if the patient does not receive a cost estimate under this section before the product, service, or procedure is received. 42485
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Sec. 3962.07. (A) Regardless of whether a cost estimate is provided to a patient by a health care provider under section 3962.04 of the Revised Code or by a health plan issuer under section 3962.06 of the Revised Code, a provider shall give the patient or the patient's representative the CPT code or other identifier the patient's health plan issuer requires for each health care product, service, or procedure the patient is to receive along with the charge information specified in division (A)(1) of section 3962.04 of the Revised Code associated with each code or other identifier. The provider has the following options for fulfilling this requirement: 42489
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(1) The provider may send this information to the patient or the patient's representative through electronic means. 42500
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(2) The provider may send this information to the patient or patient's representative by regular mail if the health care product, service, or procedure will be provided more than three days from the time the appointment for the product, service, or procedure is made, as specified in section 3962.011 of the Revised Code. 42502
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(3) The provider may provide to the patient or the patient's representative a web site address where that individual may enter each code or identifier and retrieve the charge information. If this option is elected and the provider transmits the codes or identifiers to the patient's health plan issuer through a portal as described in section 3962.05 of the Revised Code, the provider may have the portal generate an automatic electronic mail message 42508
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to the individual with instructions on how to retrieve charge 42515
information through the web site. 42516

(4) If the product, service, or procedure is to be provided 42517
less than three days from the time the appointment for the 42518
product, service, or procedure was made, the provider may give the 42519
information to the patient or the patient's representative at the 42520
time the patient presents for the product, service, or procedure 42521
to be received. 42522

Regardless of the manner in which the provider has elected to 42523
fulfill this requirement, the provider shall fulfill the 42524
requirement in accordance with all applicable state and federal 42525
laws pertaining to the privacy of patient-identifying information. 42526

The CPT codes or other identifiers and charge information 42527
shall, except as provided in division (B) of this section, be 42528
given to the patient or the patient's representative not later 42529
than twenty-four hours after the time the appointment for the 42530
health care product, service, or procedure is made, as specified 42531
in section 3962.011 of the Revised Code, or, if the product, 42532
service, or procedure is to be provided less than twenty-four 42533
hours after the appointment for the product, service, or procedure 42534
is made, as specified in section 3962.011 of the Revised Code, at 42535
the time the patient presents to receive the product, service, or 42536
procedure. 42537

(B) If the health care product, service, or procedure is to 42538
be provided by one or more independent contractors of the 42539
provider, the CPT codes or other identifiers and charge 42540
information shall be given to the patient or the patient's 42541
representative not later than thirty-six hours after the time the 42542
appointment for the product, service, or procedure is made, as 42543
specified in section 3962.011 of the Revised Code, or, if the 42544
product, service, or procedure is to be provided less than 42545
thirty-six hours after the appointment for the product, service, 42546

or procedure is made, as specified in section 3962.011 of the 42547
Revised Code, at the time the patient presents to receive the 42548
product, service, or procedure. 42549

Sec. 3962.08. (A) As used in this section, "office visit" 42550
means the family of CPT codes for "Evaluation and Management, 42551
Office Visits Established" (codes 99211, 99212, 99213, 99214, and 42552
99215) used for office or other outpatient visits for an 42553
established patient and the family of CPT codes for services 42554
similar to the foregoing, including vision services. 42555

(B) The requirement of section 3962.03 of the Revised Code 42556
does not apply in any of the following circumstances: 42557

(1) When the only service a health care provider will provide 42558
is an office visit; 42559

(2) When the patient was scheduled for only an office visit 42560
but during the visit it is determined that the patient needs a 42561
product, service, or procedure to be provided during that single 42562
visit; 42563

(3) When the patient seeks care without an appointment and 42564
without a prescription or order from another provider. 42565

(C) In the event a patient schedules or presents for health 42566
care products, services, or procedures in addition to an office 42567
visit but the health care provider is unable to estimate the level 42568
of office visit to be provided, or in the circumstances described 42569
in division (B)(3) of this section, the provider may enter a 42570
general designation for an unknown level of office visit. The 42571
estimate provided through the health care provider or health plan 42572
issuer under section 3962.03 of the Revised Code shall list the 42573
general designation and price range for all levels of office 42574
visits. 42575

Sec. 3962.081. In the event that a health care provider 42576

believes that a delay in care associated with fulfilling the cost estimate requirement of section 3962.03 of the Revised Code could harm the patient, the provider shall inform the patient or the patient's representative of this fact and provide the health care product, service, or procedure to the patient. After the product, service, or procedure is provided, the provider shall submit to the department of insurance a report, in the form and manner prescribed by the department, detailing why the provider believed that a delay in care could harm the patient. Annually, the department shall analyze the reports and prepare a summary of its findings. Each summary shall be submitted to the governor and, in accordance with section 101.68 of the Revised Code, the general assembly.

Sec. 3962.09. Not later than January 1, 2020, the department of insurance shall create or procure a connector portal that health care providers may use to transmit the information specified in section 3962.05 of the Revised Code to health plan issuers. The department shall ensure that the computer systems and software used in operating the connector portal are compatible with the computer systems and software manufactured by various vendors and used by health care providers and health plan issuers. In doing so, the department shall engage in active efforts to share with those vendors any information necessary to operate the connector portal in a manner that accomplishes both of the following, while also ensuring that the portal maintains the privacy of patient-identifying information in accordance with all applicable state and federal laws:

(A) Grants health care providers a means by which they may instantly transmit information and populate data fields that health plan issuers need to generate cost estimates under section 3962.06 of the Revised Code;

(B) Grants health plan issuers a means by which they may 42608
retrieve information directly from the connector portal in a 42609
seamless manner. 42610

Sec. 3962.10. A health care provider or health plan issuer 42611
that provides a cost estimate under this chapter is not liable in 42612
damages in a civil action for injury, death, or loss to person or 42613
property that allegedly arises from an act or omission associated 42614
with providing the estimate if the health care provider or health 42615
plan issuer made a good faith effort to collect the information 42616
necessary to generate the estimate and a good faith effort to 42617
provide the estimate to the patient or the patient's 42618
representative. 42619

Sec. 3962.11. (A) If, after completing an examination, the 42620
superintendent of insurance, department of health, department of 42621
medicaid, or appropriate regulatory board, as applicable, finds 42622
that a health plan issuer or health care provider has committed a 42623
series of violations that, taken together, constitute a consistent 42624
pattern or practice of violating the requirements of this chapter 42625
to provide cost estimates to patients or their representatives, 42626
the superintendent, department, or board may impose on the issuer 42627
or provider any of the administrative remedies specified in 42628
division (B) of this section. 42629

Before imposing an administrative remedy, the superintendent, 42630
department, or board shall give written notice to the health plan 42631
issuer or health care provider informing that party of the reasons 42632
for the finding, the administrative remedy that is proposed, and 42633
the opportunity to submit a written request for an administrative 42634
hearing regarding the finding and proposed remedy. If a hearing is 42635
requested, the superintendent, department, or board shall conduct 42636
the hearing in accordance with Chapter 119. of the Revised Code 42637
not later than fifteen days after receipt of the request. 42638

(B) In imposing administrative remedies under this section, 42639
the superintendent, department, or appropriate regulatory board 42640
may do either or both of the following: 42641

(1) Levy a monetary penalty in an amount determined in 42642
accordance with division (C) of this section; 42643

(2) Order the health plan issuer or health care provider to 42644
cease and desist from engaging in the violations. 42645

(C)(1) A finding by the superintendent, department, or 42646
appropriate regulatory board that a health plan issuer or health 42647
care provider has committed a series of violations that, taken 42648
together, constitutes a consistent pattern or practice of 42649
violating the requirements of this chapter to provide cost 42650
estimates to patients or their representatives, shall constitute a 42651
single offense for purposes of levying a fine as described in 42652
division (B)(1) of this section. 42653

(2) For a first offense, the superintendent or department may 42654
levy a fine of not more than one hundred thousand dollars; the 42655
appropriate regulatory board may levy a fine of not more than ten 42656
thousand dollars. 42657

For a second offense, the superintendent or department may 42658
levy a fine of not more than one hundred fifty thousand dollars; 42659
the appropriate regulatory board may levy a fine of not more than 42660
fifteen thousand dollars. 42661

For a third or subsequent offense, the superintendent or 42662
department may levy a fine of not more than three hundred thousand 42663
dollars; the appropriate regulatory board may levy a fine of not 42664
more than thirty thousand dollars. 42665

(3) In determining the amount of a fine to be levied within 42666
the limits specified in division (C)(2) of this section, the 42667
superintendent, department, or appropriate regulatory board shall 42668
consider the following factors: 42669

<u>(a) The extent and frequency of the violations;</u>	42670
<u>(b) Whether the violations were due to circumstances beyond the control of the health plan issuer or health care provider;</u>	42671 42672
<u>(c) Any remedial actions taken by the health plan issuer or health care provider;</u>	42673 42674
<u>(d) The actual or potential harm to others resulting from the violations;</u>	42675 42676
<u>(e) If the health plan issuer or health care provider knowingly and willingly committed the violations;</u>	42677 42678
<u>(f) The financial condition of the health plan issuer or health care provider;</u>	42679 42680
<u>(g) Any other factors the superintendent, department, or appropriate board considers appropriate.</u>	42681 42682
<u>(D) The amounts collected from levying fines under this section shall be paid into the state treasury to the credit of the general revenue fund.</u>	42683 42684 42685
<u>Sec. 3962.12. A contract clause that does any of the following is invalid and unenforceable:</u>	42686 42687
<u>(A) Prohibits a health care provider or health plan issuer from providing a patient with information that facilitates the patient's ability to choose a health care provider based on quality or cost, including providing a patient with cost and quality information for alternative providers when the patient demonstrates an intention to see a particular provider;</u>	42688 42689 42690 42691 42692 42693
<u>(B) Prohibits a health plan issuer from excluding any particular health care provider from a list or other resource that ranks providers based on quality or cost and is intended to help patients make decisions regarding their care;</u>	42694 42695 42696 42697
<u>(C) Restricts patient access to quality or cost information</u>	42698

provided by a health care provider or health plan issuer. 42699

Sec. 3962.13. (A) All of the following may adopt any rules 42700
necessary to carry out this chapter: 42701

(1) The superintendent of insurance; 42702

(2) The director of health; 42703

(3) The medicaid director; 42704

(4) Any other relevant department, agency, board, or other 42705
entity that regulates, licenses, or certifies a health care 42706
provider or health plan issuer. 42707

(B) Any rules adopted under this section shall be adopted in 42708
accordance with Chapter 119. of the Revised Code. 42709

Sec. 3962.14. Any member of the general assembly may 42710
intervene in litigation that challenges sections 3962.01 to 42711
3962.13 or section 5164.65 of the Revised Code. 42712

Sec. 3962.15. It is the general assembly's intent in enacting 42713
sections 3962.01 to 3962.14 of the Revised Code to provide 42714
patients with the information they need to make informed choices 42715
regarding their health care, to maximize health care cost savings 42716
for all residents of this state, and to reduce the burden of 42717
health care expenditures on government entities, including 42718
medicaid. 42719

Sec. 4109.05. (A) The director of commerce, after 42720
consultation with the director of health, shall adopt rules, in 42721
accordance with Chapter 119. of the Revised Code, prohibiting the 42722
employment of minors in occupations which are hazardous or 42723
detrimental to the health and well-being of minors. 42724

In adopting the rules, the director of commerce shall 42725

consider the orders issued pursuant to the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C. 201, as amended. 42726
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The director of commerce shall not adopt any rule that prohibits a minor who is sixteen or seventeen years of age and who is employed by an employer under the manufacturing mentorship program created in section 4109.22 of the Revised Code from being employed in a manufacturing occupation if the orders issued pursuant to the "Fair Labor Standards Act of 1938," 29 U.S.C. 201, et seq., permit the employment of the minor in the manufacturing occupation. As used in this division, "manufacturing occupation" has the same meaning as in section 4109.22 of the Revised Code. 42728
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(B) No minor may be employed in any occupation found hazardous or detrimental to the health and well-being of minors under the rules adopted pursuant to division (A) of this section. 42737
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Sec. 4109.22. (A) As used in this section: 42740

(1) "Manufacturing occupation" means employment that consists of the mechanical, physical, or chemical transformation of materials, substances, or components into new products for sale, including the assembling of component parts into a finished product. 42741
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(2) Notwithstanding the definition of "employer" in section 4109.01 of the Revised Code, "employer" means every person who employs any individual in a manufacturing occupation. 42746
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(B) There is hereby created the manufacturing mentorship program to expose minors who are sixteen or seventeen years of age to manufacturing occupations in this state through temporary employment with an employer. An employer employing a minor under the mentorship program shall do all of the following: 42749
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(1) Determine the duration of the minor's employment; 42754

(2) Assign the minor a mentor to provide direct and close 42755

<u>supervision while the minor is engaged in any workplace activity;</u>	42756
<u>(3) Provide the minor with the training described in division</u>	42757
<u>(C) of this section;</u>	42758
<u>(4) Encourage the minor to participate in a career-technical</u>	42759
<u>education program approved by the department of education, if the</u>	42760
<u>minor is not participating in a career-technical education program</u>	42761
<u>when the minor begins employment;</u>	42762
<u>(5) Comply with all applicable state and federal laws and</u>	42763
<u>regulations relating to the employment of minors.</u>	42764
<u>(C)(1) An employer employing a minor who is sixteen or</u>	42765
<u>seventeen years of age in a manufacturing occupation under the</u>	42766
<u>mentorship program shall provide the minor with training that</u>	42767
<u>includes all of the following:</u>	42768
<u>(a) A ten-hour course in general industry safety and health</u>	42769
<u>hazard recognition and prevention approved by the occupational</u>	42770
<u>safety and health administration of the United States department</u>	42771
<u>of labor;</u>	42772
<u>(b) Instructions on how to operate the specific tools the</u>	42773
<u>minor will use during the minor's employment;</u>	42774
<u>(c) The general safety and health hazards to which the minor</u>	42775
<u>may be exposed at the minor's workplace;</u>	42776
<u>(d) The value of safety and management commitment;</u>	42777
<u>(e) Information on the employer's drug testing policy.</u>	42778
<u>(2) For purposes of division (C)(1)(a) of this section, a</u>	42779
<u>minor may participate in a thirty-hour course in general industry</u>	42780
<u>safety and health hazard recognition and prevention approved by</u>	42781
<u>the occupational safety and health administration if the minor has</u>	42782
<u>already successfully completed a ten-hour course.</u>	42783
<u>(3) The employer shall pay any costs associated with</u>	42784
<u>providing the training required by division (C)(1) or permitted</u>	42785

under division (C)(2) of this section. 42786

(4) An employer is not required to provide the training described in division (C)(1) or (2) of this section if the minor presents proof of completing the training during the six-month period immediately before beginning employment with the employer. 42787
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(D) The director of commerce, in consultation with employers, shall adopt rules in accordance with Chapter 119. of the Revised Code specifying a list of the tools that a minor who is sixteen or seventeen years of age who is employed under the mentorship program may operate during the minor's employment in a manufacturing occupation. The director shall use the manual issued by the wage and hour division of the United States department of labor titled "field operations handbook" or its successor for guidance in developing the list. Nothing in this division requires the director to include a tool on the list if the orders issued pursuant to the "Fair Labor Standards Act of 1938," 29 U.S.C. 201, et seq., and section 4109.05 of the Revised Code or rules adopted under that section specifically permit minors of that age to operate the tool. 42791
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(E) A minor who is sixteen or seventeen years of age who is employed by an employer under the mentorship program may work in any manufacturing occupation not denied by law to minors of that age under section 4109.05 of the Revised Code or rules adopted under that section. 42805
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(F) No employer shall do either of the following: 42810

(1) Permit a minor who is sixteen or seventeen years of age to operate a tool minors of that age are permitted to operate pursuant to the rules adopted under division (D) of this section unless the minor is employed by the employer under the mentorship program; 42811
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(2) Permit a minor who is sixteen or seventeen years of age 42816

who is employed by the employer under the mentorship program to 42817
operate a tool prohibited for use by minors of that age pursuant 42818
to the "Fair Labor Standards Act of 1938," 29 U.S.C. 201, et seq., 42819
and section 4109.05 of the Revised Code or rules adopted under 42820
that section. 42821

Sec. 4109.99. (A) Whoever violates section 4109.04, division 42822
(C) of section 4109.07, division (A), (B), or (D) of section 42823
4109.08, section 4109.11, or division (B) of section 4109.12 of 42824
the Revised Code is guilty of a minor misdemeanor. 42825

(B) Whoever violates section 4109.05 of the Revised Code is 42826
guilty of a misdemeanor of the third degree. 42827

(C) Whoever violates section 4109.03, division (A), (B), or 42828
(D) of section 4109.07, or section 4109.10 of the Revised Code is 42829
guilty of a minor misdemeanor on a first offense and a misdemeanor 42830
of the third degree on each subsequent offense. 42831

(D) Whoever violates division (A) of section 4109.12 of the 42832
Revised Code is guilty of a minor misdemeanor for each day the 42833
violation continues. 42834

(E) Whoever violates division (A) of section 4109.21 of the 42835
Revised Code is guilty of a misdemeanor of the fourth degree on a 42836
first offense and a first degree misdemeanor on each subsequent 42837
offense. If, however, the violation on a first offense contains 42838
aggravating circumstances, including, but not limited to, threats 42839
to a minor, reckless operation of a motor vehicle, or abandonment 42840
of or endangerment to a minor but not including circumstances that 42841
are the basis of a felony violation of section 2919.22 of the 42842
Revised Code, then the person is guilty of a misdemeanor of the 42843
first degree. If the offender previously has been convicted under 42844
this section and if the subsequent offense contains aggravating 42845
circumstances other than circumstances that are the basis of a 42846
felony violation of section 2919.22 of the Revised Code, then the 42847

person is guilty of a felony of the fourth degree. 42848

(F) Whoever violates division (F) of section 4109.22 of the 42849
Revised Code shall be assessed a civil penalty of up to one 42850
thousand seven hundred thirty dollars for each violation. 42851

Sec. 4141.35. (A) If the director of job and family services 42852
finds that any fraudulent misrepresentation has been made by an 42853
applicant for or a recipient of benefits with the object of 42854
obtaining benefits to which the applicant or recipient was not 42855
entitled, and in addition to any other penalty or forfeiture under 42856
this chapter, then the director: 42857

(1) Shall within four years after the end of the benefit year 42858
in which the fraudulent misrepresentation was made reject or 42859
cancel such person's entire weekly claim for benefits that was 42860
fraudulently claimed, or the person's entire benefit rights if the 42861
misrepresentation was in connection with the filing of the 42862
claimant's application for determination of benefit rights; 42863

(2) Shall by order declare that, for each application for 42864
benefit rights and for each weekly claim canceled, such person 42865
shall be ineligible for two otherwise valid weekly claims for 42866
benefits, claimed within six years subsequent to the discovery of 42867
such misrepresentation; 42868

(3) By order shall require that the total amount of benefits 42869
rejected or canceled under division (A)(1) of this section be 42870
repaid to the director before such person may become eligible for 42871
further benefits, and shall withhold such unpaid sums from future 42872
benefit payments accruing and otherwise payable to such claimant. 42873
Effective with orders issued on or after January 1, 1993, if such 42874
benefits are not repaid within thirty days after the director's 42875
order becomes final, interest on the amount remaining unpaid shall 42876
be charged to the person at a rate and calculated in the same 42877
manner as provided under section 4141.23 of the Revised Code. When 42878

a person ordered to repay benefits has repaid all overpaid 42879
benefits according to a plan approved by the director, the 42880
director may cancel the amount of interest that accrued during the 42881
period of the repayment plan. The director may take action in any 42882
court of competent jurisdiction to collect benefits and interest 42883
as provided in sections 4141.23 and 4141.27 of the Revised Code, 42884
in regard to the collection of unpaid contributions, using the 42885
final repayment order as the basis for such action. Except as 42886
otherwise provided in this division, no administrative or legal 42887
proceedings for the collection of such benefits or interest due, 42888
or for the collection of a penalty under division (A)(4) of this 42889
section, shall be initiated after the expiration of six years from 42890
the date on which the director's order requiring repayment became 42891
final and the amount of any benefits, penalty, or interest not 42892
recovered at that time, and any liens thereon, shall be canceled 42893
as uncollectible. The time limit for instituting proceedings shall 42894
be extended by the period of any stay to the collection or by any 42895
other time period to which the parties mutually agree. 42896

(4) Shall, for findings made on or after October 21, 2013, by 42897
order assess a mandatory penalty on such a person in an amount 42898
equal to twenty-five per cent of the total amount of benefits 42899
rejected or canceled under division (A)(1) of this section. The 42900
first sixty per cent of each penalty collected under division 42901
(A)(4) of this section shall be deposited into the unemployment 42902
compensation fund created under section 4141.09 of the Revised 42903
Code and shall be credited to the mutualized account, as provided 42904
in division (B)(2)(g) of section 4141.25 of the Revised Code. The 42905
remainder of each penalty collected shall be deposited into the 42906
unemployment compensation special administrative fund created 42907
under section 4141.11 of the Revised Code. 42908

(5) May take action to collect benefits fraudulently obtained 42909
under the unemployment compensation law of any other state or the 42910

United States or Canada. Such action may be initiated in the courts of this state in the same manner as provided for unpaid contributions in section 4141.41 of the Revised Code.

(6) May take action to collect benefits that have been fraudulently obtained from the director, interest pursuant to division (A)(3) of this section, and court costs, through attachment proceedings under Chapter 2715. of the Revised Code and garnishment proceedings under Chapter 2716. of the Revised Code.

(B) If the director finds that an applicant for benefits has been credited with a waiting period or paid benefits to which the applicant was not entitled for reasons other than fraudulent misrepresentation, the director shall:

(1)(a) Within six months after the determination under which the claimant was credited with that waiting period or paid benefits becomes final pursuant to section 4141.28 of the Revised Code, or within three years after the end of the benefit year in which such benefits were claimed, whichever is later, by order cancel such waiting period and require that such benefits be repaid to the director or be withheld from any benefits to which such applicant is or may become entitled before any additional benefits are paid, provided that the repayment or withholding shall not be required where the overpayment is the result of the director's correcting a prior decision due to a typographical or clerical error in the director's prior decision, or an error in an employer's report under division (G) of section 4141.28 of the Revised Code.

(b) The limitation specified in division (B)(1)(a) of this section shall not apply to cases involving the retroactive payment of remuneration covering periods for which benefits were previously paid to the claimant. However, in such cases, the director's order requiring repayment shall not be issued unless the director is notified of such retroactive payment within six

months from the date the retroactive payment was made to the 42943
claimant. 42944

(2) The director may, by reciprocal agreement with the United 42945
States secretary of labor or another state, recover overpayment 42946
amounts from unemployment benefits otherwise payable to an 42947
individual under Chapter 4141. of the Revised Code. Any 42948
overpayments made to the individual that have not previously been 42949
recovered under an unemployment benefit program of the United 42950
States may be recovered in accordance with section 303(g) of the 42951
"Social Security Act" and sections 3304(a)(4) and 3306(f) of the 42952
"Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 42953
3301 to 3311. 42954

(3) If the amounts required to be repaid under division (B) 42955
of this section are not recovered within three years from the date 42956
the director's order requiring payment became final, initiate no 42957
further action to collect such benefits and the amount of any 42958
benefits not recovered at that time shall be canceled as 42959
uncollectible, provided that the time limit for collection shall 42960
be extended by the period of any stay to the collection or by any 42961
other time period to which the parties mutually agree. 42962

(C) The appeal provisions of sections 4141.281 and 4141.282 42963
of the Revised Code shall apply to all orders and determinations 42964
issued under this section, except that an individual's right of 42965
appeal under division (B)(2) of this section shall be limited to 42966
this state's authority to recover overpayment of benefits. 42967

(D) The director shall deposit any repayment collected under 42968
this section that the director determines to be payment of 42969
interest or court costs into the unemployment compensation special 42970
administrative fund established pursuant to section 4141.11 of the 42971
Revised Code. 42972

(E) If an individual makes a full repayment or a repayment 42973

that is less than the full amount required by this section, the 42974
director shall apply the repayment to the mutualized account under 42975
division (B) of section 4141.25 of the Revised Code, except that 42976
the director shall credit the repayment to the accounts of the 42977
individual's base period employers that previously have not been 42978
credited for the amount of improperly paid benefits charged 42979
against their accounts based on the proportion of benefits charged 42980
against the accounts as determined pursuant to division (D) of 42981
section 4141.24 of the Revised Code. 42982

~~The director shall deposit any repayment collected under this 42983
section that the director determines to be payment of interest or 42984
court costs into the unemployment compensation special 42985
administrative fund established pursuant to section 4141.11 of the 42986
Revised Code. 42987~~

This division does not apply to any of the following: 42988

(1) Federal tax refund offsets under 31 C.F.R. 285.8; 42989

(2) Unclaimed fund recoveries under section 131.024 of the 42990
Revised Code; 42991

(3) Lottery award offsets under section 3770.073 of the 42992
Revised Code; 42993

(4) State tax refund offsets under section 5747.12 of the 42994
Revised Code; 42995

(5) Unemployment compensation debts collected by the attorney 42996
general under Chapter 131. of the Revised Code. 42997

Sec. 4141.50. (A) As used in this section and in sections 42998
4141.51 to 4141.56 of the Revised Code: 42999

(1) "Affected unit" means a department, shift, or other 43000
organizational unit of two or more employees that is designated by 43001
a participating employer in a shared work plan. 43002

(2) "Approved shared work plan" means an employer's shared work plan, submitted pursuant to section 4141.51 of the Revised Code, that satisfies all of the requirements for approval under that section and that the director of job and family services has approved in writing.

(3) "Intermittent basis" means employment that is not continuous but may consist of periodic intervals of weekly work and intervals of no weekly work.

(4) "Normal weekly hours of work" means the normal hours of work in employment each week for an employee in an affected unit when that unit is operating on a full-time basis, not to exceed forty hours and not including any overtime worked.

(5) "Participating employee" means an employee whose normal weekly hours of work are reduced by the reduction percentage under an approved shared work plan.

(6) "Participating employer" means an employer who has an approved shared work plan in effect.

(7) "Reduction percentage" means the percentage by which each participating employee's normal weekly hours of work are reduced under an approved shared work plan.

(8) "Seasonal basis" has the same meaning as "seasonal employment" as defined in division (A) of section 4141.33 of the Revised Code.

(9) "Shared work compensation" means the pro rata share of unemployment compensation benefits payable to a participating employee under an approved shared work plan. "Shared work compensation" does not include unemployment compensation benefits otherwise payable to an eligible claimant who is totally or partially unemployed.

(10) "Temporary basis" means employment where an employee is

expected to remain in a position for only a limited period of time 43033
or is hired by a temporary agency to fill a gap in the employer's 43034
workforce. 43035

(B) There is hereby created the "SharedWork Ohio" program, 43036
under which an employer who participates in the program reduces 43037
the number of hours worked by the employees of the employer in 43038
lieu of layoffs. 43039

The director may adopt rules as the director determines 43040
necessary to implement any guidance issued by the United States 43041
secretary of labor with respect to the SharedWork Ohio program. 43042

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 of 43043
the Revised Code: 43044

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 43045
fluid ounces. 43046

(2) "Sale" or "sell" includes exchange, barter, gift, 43047
distribution, and, except with respect to A-4 permit holders, 43048
offer for sale. 43049

(B) For the purposes of providing revenues for the support of 43050
the state and encouraging the grape industries in the state, a tax 43051
is hereby levied on the sale or distribution of wine in Ohio, 43052
except for known sacramental purposes, at the rate of thirty cents 43053
per wine gallon for wine containing not less than four per cent of 43054
alcohol by volume and not more than fourteen per cent of alcohol 43055
by volume, ninety-eight cents per wine gallon for wine containing 43056
more than fourteen per cent but not more than twenty-one per cent 43057
of alcohol by volume, one dollar and eight cents per wine gallon 43058
for vermouth, and one dollar and forty-eight cents per wine gallon 43059
for sparkling and carbonated wine and champagne, the tax to be 43060
paid by the holders of A-2, A-2f, and B-5 permits or by any other 43061
person selling or distributing wine upon which no tax has been 43062

paid. From the tax paid under this section on wine, vermouth, and 43063
sparkling and carbonated wine and champagne, the treasurer of 43064
state shall credit to the Ohio grape industries fund created under 43065
section 924.54 of the Revised Code a sum equal to one cent per 43066
gallon for each gallon upon which the tax is paid. 43067

(C) For the purpose of providing revenues for the support of 43068
the state, there is hereby levied a tax on prepared and bottled 43069
highballs, cocktails, cordials, and other mixed beverages at the 43070
rate of one dollar and twenty cents per wine gallon to be paid by 43071
holders of A-4 permits or by any other person selling or 43072
distributing those products upon which no tax has been paid. Only 43073
one sale of the same article shall be used in computing the amount 43074
of tax due. The tax on mixed beverages to be paid by holders of 43075
A-4 permits under this section shall not attach until the 43076
ownership of the mixed beverage is transferred for valuable 43077
consideration to a wholesaler or retailer, and no payment of the 43078
tax shall be required prior to that time. 43079

(D) During the period of July 1, ~~2017~~ 2019, through June 30, 43080
~~2019~~ 2021, from the tax paid under this section on wine, vermouth, 43081
and sparkling and carbonated wine and champagne, the treasurer of 43082
state shall credit to the Ohio grape industries fund created under 43083
section 924.54 of the Revised Code a sum equal to two cents per 43084
gallon upon which the tax is paid. The amount credited under this 43085
division is in addition to the amount credited to the Ohio grape 43086
industries fund under division (B) of this section. 43087

(E) For the purpose of providing revenues for the support of 43088
the state, there is hereby levied a tax on cider at the rate of 43089
twenty-four cents per wine gallon to be paid by the holders of 43090
A-2, A-2f, and B-5 permits or by any other person selling or 43091
distributing cider upon which no tax has been paid. Only one sale 43092
of the same article shall be used in computing the amount of the 43093
tax due. 43094

Sec. 4313.02. (A) The state may transfer to JobsOhio, and 43095
JobsOhio may accept the transfer of, all or a portion of the 43096
enterprise acquisition project for a transfer price payable by 43097
JobsOhio to the state. Any such transfer shall be treated as an 43098
absolute conveyance and true sale of the interest in the 43099
enterprise acquisition project purported to be conveyed for all 43100
purposes, and not as a pledge or other security interest. The 43101
characterization of any such transfer as a true sale and absolute 43102
conveyance shall not be negated or adversely affected by the 43103
acquisition or retention by the state of a residual or 43104
reversionary interest in the enterprise acquisition project, the 43105
participation of any state officer or employee as a member or 43106
officer of, or contracting for staff support to, JobsOhio or any 43107
subsidiary of JobsOhio, any regulatory responsibility of an 43108
officer or employee of the state, including the authority to 43109
collect amounts to be received in connection therewith, the 43110
retention of the state of any legal title to or interest in any 43111
portion of the enterprise acquisition project for the purpose of 43112
regulatory activities, or any characterization of JobsOhio or 43113
obligations of JobsOhio under accounting, taxation, or securities 43114
regulations, or any other reason whatsoever. An absolute 43115
conveyance and true sale or lease shall exist under this section 43116
regardless of whether JobsOhio has any recourse against the state 43117
or the treatment or characterization of the transfer as a 43118
financing for any purpose. Upon and following the transfer, the 43119
state shall not have any right, title, or interest in the 43120
enterprise acquisition project so transferred other than any 43121
residual interest that may be described in the transfer agreement 43122
pursuant to the following paragraph and division (D) of this 43123
section. Any determination of the fair market value of the 43124
enterprise acquisition project reflected in the transfer agreement 43125
shall be conclusive and binding on the state and JobsOhio. 43126

Any transfer of the enterprise acquisition project that is a 43127
lease or grant of a franchise shall be for a term not to exceed 43128
twenty-five years. Any transfer of the enterprise acquisition 43129
project that is an assignment and sale, conveyance, or other 43130
transfer shall contain a provision that the state shall have the 43131
option to have conveyed or transferred back to it, at no cost, the 43132
enterprise acquisition project, as it then exists, no later than 43133
twenty-five years after the original transfer authorized in the 43134
transfer agreement on such other terms as shall be provided in the 43135
transfer agreement. 43136

The exercise of the powers granted by this section will be 43137
for the benefit of the people of the state. All or any portion of 43138
the enterprise acquisition project transferred pursuant to the 43139
transfer agreement that would be exempt from real property taxes 43140
or assessments or real property taxes or assessments in the 43141
absence of such transfer shall, as it may from time to time exist 43142
thereafter, remain exempt from real property taxes or assessments 43143
levied by the state and its subdivisions to the same extent as if 43144
not transferred. The gross receipts and income of JobsOhio derived 43145
from the enterprise acquisition project shall be exempt from 43146
taxation levied by the state and its subdivisions, including, but 43147
not limited to, the taxes levied pursuant to Chapters 718., 5739., 43148
5741., 5747., and 5751. of the Revised Code. Any transfer from the 43149
state to JobsOhio of the enterprise acquisition project, or item 43150
included or to be included in the project, shall be exempt from 43151
the taxes levied pursuant to Chapters 5739. and 5741. of the 43152
Revised Code. 43153

(B) The proceeds of any transfer under division (A) of this 43154
section may be expended as provided in the transfer agreement for 43155
any one or more of the following purposes: 43156

(1) Funding, payment, or defeasance of outstanding bonds 43157
issued pursuant to Chapters 151. and 166. of the Revised Code and 43158

secured by pledged liquor profits as defined in section 151.40 of the Revised Code; 43159
43160

(2) Deposit into the general revenue fund; 43161

(3) Deposit into the clean Ohio revitalization fund created pursuant to section 122.658 of the Revised Code, the innovation Ohio loan fund created pursuant to section 166.16 of the Revised Code, the research and development loan fund created pursuant to section 166.20 of the Revised Code, and the logistics and distribution infrastructure fund created pursuant to section 166.26 of the Revised Code, ~~the advanced energy research and development fund created pursuant to section 3706.27 of the Revised Code, and the advanced energy research and development taxable fund created pursuant to section 3706.27 of the Revised Code;~~ 43162
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(4) Conveyance to JobsOhio for the purposes for which it was created. 43173
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(C)(1) The state may covenant, pledge, and agree in the transfer agreement, with and for the benefit of JobsOhio, that it shall maintain statutory authority for the enterprise acquisition project and the revenues of the enterprise acquisition project and not otherwise materially impair any obligations supported by a pledge of revenues of the enterprise acquisition project. The transfer agreement may provide or authorize the manner for determining material impairment of the security for any such outstanding obligations, including by assessing and evaluating the revenues of the enterprise acquisition project. 43175
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(2) The director of budget and management, in consultation with the director of commerce, may, without need for any other approval, negotiate terms of any documents, including the transfer agreement, necessary to effect the transfer and the acceptance of the transfer of the enterprise acquisition project. The director 43185
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of budget and management and the director of commerce shall 43190
execute the transfer agreement on behalf of the state. The 43191
director of budget and management may also, without need for any 43192
other approval, retain or contract for the services of commercial 43193
appraisers, underwriters, investment bankers, and financial 43194
advisers, as are necessary in the judgment of the director of 43195
budget and management to effect the transfer agreement. Any 43196
transfer agreement may contain terms and conditions established by 43197
the state to carry out and effectuate the purposes of this 43198
section, including, without limitation, covenants binding the 43199
state in favor of JobsOhio. Any such transfer agreement shall be 43200
sufficient to effectuate the transfer without regard to any other 43201
laws governing other property sales or financial transactions by 43202
the state. The director of budget and management may create any 43203
funds or accounts, within or without the state treasury, as are 43204
needed for the transactions and activities authorized by this 43205
section. 43206

(3) The transfer agreement may authorize JobsOhio, in the 43207
ordinary course of doing business, to convey, lease, release, or 43208
otherwise dispose of any regular inventory or tangible personal 43209
property. Ownership of the interest in the enterprise acquisition 43210
project that is transferred to JobsOhio under this section and the 43211
transfer agreement shall be maintained in JobsOhio or a nonprofit 43212
entity the sole member of which is JobsOhio until the enterprise 43213
acquisition project is transferred back to the state pursuant to 43214
the second paragraph of division (A) and division (D) of this 43215
section. 43216

(D) The transfer agreement may authorize JobsOhio to fix, 43217
alter, and collect rentals and other charges for the use and 43218
occupancy of all or any portion of the enterprise acquisition 43219
project and to lease any portion of the enterprise acquisition 43220
project to the state, and shall include a contract with, or the 43221

granting of an option to, the state to have the enterprise 43222
acquisition project, as it then exists, transferred back to it 43223
without charge in accordance with the terms of the transfer 43224
agreement after retirement or redemption, or provision therefor, 43225
of all obligations supported by a pledge of spirituous liquor 43226
profits. 43227

(E) JobsOhio, the director of budget and management, and the 43228
director of commerce shall, subject to approval by the controlling 43229
board, enter into a contract, which may be part of the transfer 43230
agreement, for the continuing operation by the division of liquor 43231
control of spirituous liquor distribution and merchandising 43232
subject to standards for performance provided in that contract 43233
that may relate to or support division (C)(1) of this section. The 43234
contract shall establish other terms and conditions for the 43235
assignment of duties to, and the provision of advice, services, 43236
and other assistance by, the division of liquor control, including 43237
providing for the necessary staffing and payment by JobsOhio of 43238
appropriate compensation to the division for the performance of 43239
such duties and the provision of such advice, services, and other 43240
assistance. The division of liquor control shall manage and 43241
actively supervise the activities required or authorized under 43242
sections 4301.10 and 4301.17 of the Revised Code as those sections 43243
exist on September 29, 2011, including, but not limited to, 43244
controlling the traffic in intoxicating liquor in this state and 43245
fixing the wholesale and retail prices at which the various 43246
classes, varieties, and brands of spirituous liquor are sold. 43247

(F) The transfer agreement shall require JobsOhio to pay for 43248
the operations of the division of liquor control with regard to 43249
the spirituous liquor merchandising operations of the division. 43250
The payments from JobsOhio shall be deposited into the state 43251
treasury to the credit of the liquor operating services fund, 43252
which is hereby created in the state treasury. The fund shall be 43253

used to pay for the operations of the division specified in this 43254
division. 43255

(G) The transaction and transfer provided for under this 43256
section shall comply with all applicable provisions of the Ohio 43257
Constitution. 43258

Sec. 4501.10. (A) Except as provided in division (B) of this 43259
section, money received by the department of public safety from 43260
the sale of motor vehicles and related equipment pursuant to 43261
section 125.13 of the Revised Code shall be transferred to the 43262
public safety - highway purposes fund created in section 4501.06 43263
of the Revised Code. The money shall be used only to purchase 43264
replacement motor vehicles and related equipment. 43265

(B) Money received by the department of public safety 43266
investigative unit established under section 5502.13 of the 43267
Revised Code from the sale of motor vehicles and other equipment 43268
pursuant to section 125.13 of the Revised Code shall be deposited 43269
into the ~~public safety Ohio~~ investigative unit ~~salvage and~~ 43270
~~exchange fund, which is hereby created in the state treasury~~ 43271
section 5502.132 of the Revised Code. The money ~~in the fund~~ shall 43272
be used only to purchase replacement motor vehicles and other 43273
equipment for that unit. 43274

Sec. 4501.24. There is hereby created in the state treasury 43275
the scenic rivers protection fund. The fund shall consist of the 43276
donations to the fund received by the department of natural 43277
resources and the contributions not to exceed forty dollars that 43278
are paid to the registrar of motor vehicles by applicants who 43279
voluntarily choose to obtain scenic rivers license plates pursuant 43280
to section 4503.56 of the Revised Code. 43281

The contributions deposited in the fund shall be used by the 43282
department ~~of natural resources~~ to help finance wild, scenic, and 43283

recreational river areas conservation, education, corridor 43284
protection, restoration, and habitat enhancement and clean-up 43285
projects along rivers in those areas. The chief of the division of 43286
parks and watercraft in the department may expend money in the 43287
fund for the acquisition of wild, scenic, and recreational river 43288
areas, for the maintenance, protection, and administration of such 43289
areas, and for construction of facilities within those areas. All 43290
investment earnings of the fund shall be credited to the fund. 43291

As used in this section, "wild river areas," "scenic river 43292
areas," and "recreational river areas" have the same meanings as 43293
in section 1546.01 of the Revised Code. 43294

Sec. 4503.29. (A) The director of veterans services in 43295
conjunction with the registrar of motor vehicles shall develop and 43296
maintain a program to establish and issue nonstandard license 43297
plates recognizing military service and military honors pertaining 43298
to valor and service. 43299

(B) The director and the registrar shall jointly adopt rules 43300
in accordance with Chapter 119. of the Revised Code for purposes 43301
of establishing the program under this section. The director and 43302
registrar shall adopt the rules as soon as possible after ~~the~~ 43303
~~effective date of this section~~ June 29, 2018, but not later than 43304
nine months after ~~that effective date~~ June 29, 2018. The rules 43305
shall do all of the following: 43306

(1) Establish nonstandard license plates recognizing military 43307
service; 43308

(2) Establish nonstandard license plates recognizing military 43309
honors pertaining to valor and service; 43310

(3) Establish eligibility criteria that apply to each 43311
nonstandard license plate issued under this section; 43312

(4) Establish requirements governing any necessary 43313

documentary evidence required to be presented by an applicant for 43314
a nonstandard license plate issued under this section; 43315

(5) Establish guidelines for the designs, markings, and 43316
inscriptions on a nonstandard license plate established under this 43317
section; 43318

(6) Establish procedures for altering the designs, markings, 43319
or inscriptions on a nonstandard license plate established under 43320
this section; 43321

(7) Prohibit nonstandard license plates established under 43322
this section from recognizing achievement awards or unit awards; 43323

(8) Establish any other procedures or requirements that are 43324
necessary for the implementation and administration of this 43325
section. 43326

(C) The rules adopted under division (B) of this section 43327
shall provide for the establishment of the military nonstandard 43328
license plates created under sections 4503.431, 4503.432, 43329
4503.433, 4503.434, 4503.436, 4503.48, 4503.481, 4503.53, 43330
4503.532, 4503.533, 4503.536, 4503.537, 4503.538, 4503.54, 43331
4503.541, 4503.543, 4503.544, 4503.547, 4503.548, 4503.581, 43332
4503.59, and 4503.731 of the Revised Code as those sections 43333
existed prior to ~~the effective date of this section~~ June 29, 2018. 43334

(D)(1) Any person who meets the applicable qualifications for 43335
the issuance of a nonstandard license plate established by rule 43336
adopted under division (B) of this section may apply to the 43337
registrar of motor vehicles for the registration of any passenger 43338
car, noncommercial motor vehicle, recreational vehicle, or other 43339
vehicle the person owns or leases of a class approved by the 43340
registrar. The application may be combined with a request for a 43341
special reserved license plate under section 4503.40 or 4503.42 of 43342
the Revised Code. 43343

(2) ~~Upon~~ (a) Except as provided in division (D)(2)(b) of this 43344

section, upon receipt of an application for registration of a 43345
motor vehicle under this section and the required taxes and fees, 43346
compliance with all applicable laws relating to the registration 43347
of a motor vehicle, and, if necessary, upon presentation of the 43348
required documentary evidence, the registrar shall issue to the 43349
applicant the appropriate motor vehicle registration and a set of 43350
license plates and a validation sticker, or a validation sticker 43351
alone when required by section 4503.191 of the Revised Code. 43352

(b) Any disabled veteran who qualifies to apply to the 43353
registrar for the registration of a motor vehicle under section 43354
4503.41 of the Revised Code without the payment of any 43355
registration taxes or fees, may apply instead for registration of 43356
the motor vehicle under this section. The disabled veteran 43357
applying for registration under this section is not required to 43358
pay any registration taxes or fees as required by sections 43359
4503.038, 4503.04, 4503.10, 4503.102, and 4503.103 of the Revised 43360
Code, any local motor vehicle tax levied under Chapter 4504. of 43361
the Revised Code, or any fee charged under section 4503.19 of the 43362
Revised Code for up to two motor vehicles, including any motor 43363
vehicle registered under section 4503.41 of the Revised Code. Upon 43364
receipt of an application for registration of the motor vehicle 43365
and presentation of any documentation the registrar may require by 43366
rule, the registrar shall issue to the applicant the appropriate 43367
motor vehicle registration and a set of license plates authorized 43368
under this section and a validation sticker, or a validation 43369
sticker alone when required by section 4503.191 of the Revised 43370
Code. 43371

(3) The license plates shall display county identification 43372
stickers that identify the county of registration as required 43373
under section 4503.19 of the Revised Code. 43374

(E) Sections 4503.77 and 4503.78 of the Revised Code do not 43375
apply to license plates issued under this section. 43376

Sec. 4503.515. (A) The owner or lessee of any passenger car, 43377
noncommercial motor vehicle, recreational vehicle, or other 43378
vehicle of a class approved by the registrar of motor vehicles may 43379
apply to the registrar for the registration of the vehicle and 43380
issuance of "Ohio geology" license plates. The application may be 43381
combined with a request for a special reserved license plate under 43382
section 4503.40 or 4503.42 of the Revised Code. Upon receipt of 43383
the completed application and compliance by the applicant with 43384
divisions (B) and (C) of this section, the registrar shall issue 43385
to the applicant the appropriate vehicle registration and a set of 43386
"Ohio geology" license plates and a validation sticker, or a 43387
validation sticker alone when required by section 4503.191 of the 43388
Revised Code. 43389

In addition to the letters and numbers ordinarily inscribed 43390
on the license plates, "Ohio geology" license plates shall bear an 43391
appropriate logo and words selected by the director of natural 43392
resources and approved by the registrar. "Ohio geology" license 43393
plates shall display county identification stickers that identify 43394
the county of registration as required under section 4503.19 of 43395
the Revised Code. 43396

(B) "Ohio geology" license plates and a validation sticker, 43397
or validation sticker alone, shall be issued upon receipt of an 43398
application for registration of a motor vehicle under this 43399
section; payment of the regular license tax as prescribed under 43400
section 4503.04 of the Revised Code, any applicable motor vehicle 43401
license tax levied under Chapter 4504. of the Revised Code, any 43402
applicable additional fee prescribed by section 4503.40 or 4503.42 43403
of the Revised Code, an additional fee of ten dollars, and a 43404
contribution as provided in division (C) of this section; and 43405
compliance with all other applicable laws relating to the 43406
registration of motor vehicles. 43407

(C) For each application for registration and registration 43408
renewal notice the registrar receives under this section, the 43409
registrar shall collect a contribution of fifteen dollars. The 43410
registrar shall transmit this contribution to the treasurer of 43411
state for deposit into the state treasury to the credit of the 43412
~~"Ohio geology" license plate~~ geological mapping fund created by 43413
section ~~1505.13~~ 1505.09 of the Revised Code. 43414

The registrar shall transmit the additional fee of ten 43415
dollars, the purpose of which is to compensate the bureau of motor 43416
vehicles for the additional services required in the issuing of 43417
"Ohio geology" license plates, to the treasurer of state for 43418
deposit into the state treasury to the credit of the public safety 43419
- highway purposes fund created by section 4501.06 of the Revised 43420
Code. 43421

Sec. 4505.11. This section shall also apply to all-purpose 43422
vehicles and off-highway motorcycles as defined in section 4519.01 43423
of the Revised Code. 43424

(A) Each owner of a motor vehicle and each person mentioned 43425
as owner in the last certificate of title, when the motor vehicle 43426
is dismantled, destroyed, or changed in such manner that it loses 43427
its character as a motor vehicle, or changed in such manner that 43428
it is not the motor vehicle described in the certificate of title, 43429
shall surrender the certificate of title to that motor vehicle to 43430
a clerk of a court of common pleas, and the clerk, with the 43431
consent of any holders of any liens noted on the certificate of 43432
title, then shall enter a cancellation upon the clerk's records 43433
and shall notify the registrar of motor vehicles of the 43434
cancellation. 43435

Upon the cancellation of a certificate of title in the manner 43436
prescribed by this section, any clerk and the registrar of motor 43437
vehicles may cancel and destroy all certificates and all 43438

memorandum certificates in that chain of title. 43439

(B)(1) If an Ohio certificate of title or salvage certificate 43440
of title to a motor vehicle is assigned to a salvage dealer, the 43441
dealer is not required to obtain an Ohio certificate of title or a 43442
salvage certificate of title to the motor vehicle in the dealer's 43443
own name if the dealer dismantles or destroys the motor vehicle, 43444
indicates the number of the dealer's motor vehicle salvage 43445
dealer's license on it, marks "FOR DESTRUCTION" across the face of 43446
the certificate of title or salvage certificate of title, and 43447
surrenders the certificate of title or salvage certificate of 43448
title to a clerk of a court of common pleas as provided in 43449
division (A) of this section. If the salvage dealer retains the 43450
motor vehicle for resale, the dealer shall make application for a 43451
salvage certificate of title to the motor vehicle in the dealer's 43452
own name as provided in division (C)(1) of this section. 43453

(2) At the time any salvage motor vehicle is sold at auction 43454
or through a pool, the salvage motor vehicle auction or salvage 43455
motor vehicle pool shall give a copy of the salvage certificate of 43456
title or a copy of the certificate of title marked "FOR 43457
DESTRUCTION" to the purchaser. 43458

(C)(1) When an insurance company declares it economically 43459
impractical to repair such a motor vehicle and has paid an agreed 43460
price for the purchase of the motor vehicle to any insured or 43461
claimant owner, the insurance company shall proceed as follows: 43462

(a) If an insurance company receives the certificate of title 43463
and the motor vehicle, within thirty business days, the insurance 43464
company shall deliver the certificate of title to a clerk of a 43465
court of common pleas and shall make application for a salvage 43466
certificate of title. This certificate of title, any supporting 43467
power of attorney, or application for a salvage certificate of 43468
title shall be exempt from the requirements of notarization and 43469
verification as described in this chapter and in section 1337.25 43470

of the Revised Code. 43471

(b) If an insurance company obtains possession of the motor 43472
vehicle and a physical certificate of title was issued for the 43473
vehicle but the insurance company is unable to obtain the properly 43474
endorsed certificate of title for the motor vehicle within thirty 43475
business days following the vehicle's owner or lienholder's 43476
acceptance of the insurance company's payment for the vehicle, the 43477
insurance company may apply to the clerk of a court of common 43478
pleas for a salvage certificate of title without delivering the 43479
certificate of title for the motor vehicle. The application shall 43480
be accompanied by evidence that the insurance company has paid a 43481
total loss claim on the vehicle, a copy of the written request for 43482
the certificate of title from the insurance company or its 43483
designee, and proof that the request was delivered by a nationally 43484
recognized courier service to the last known address of the owner 43485
of the vehicle and any known lienholder, to obtain the certificate 43486
of title. 43487

(c) If an insurance company obtains possession of the motor 43488
vehicle and a physical certificate of title was not issued for the 43489
vehicle, the insurance company may apply to the clerk of a court 43490
of common pleas for a salvage certificate of title without 43491
delivering a certificate of title for the motor vehicle. The 43492
application shall be accompanied by the electronic certificate of 43493
title control number and a properly executed power of attorney, or 43494
other appropriate document, from the owner of the motor vehicle 43495
authorizing the insurance company to apply for a salvage 43496
certificate of title. The application for a salvage certificate of 43497
title, any supporting power of attorney, and any other appropriate 43498
document shall be exempt from the requirements of notarization and 43499
verification as described in this chapter and in section 1337.25 43500
of the Revised Code. 43501

(d) Upon receipt of a properly completed application for a 43502

salvage certificate of title as described in division (C)(1)(a), 43503
(b), or (c) or (C)(2) of this section, the clerk shall issue the 43504
salvage certificate of title on a form, prescribed by the 43505
registrar, that shall be easily distinguishable from the original 43506
certificate of title and shall bear the same information as the 43507
original certificate of title except that it may bear a different 43508
number than that of the original certificate of title. The salvage 43509
certificate of title shall include the following notice in bold 43510
lettering: 43511

"SALVAGE MOTOR VEHICLE - PURSUANT TO R.C. 4738.01." 43512

Except as provided in division (C)(3) of this section, the 43513
salvage certificate of title shall be assigned by the insurance 43514
company to a salvage dealer or any other person for use as 43515
evidence of ownership upon the sale or other disposition of the 43516
motor vehicle, and the salvage certificate of title shall be 43517
transferable to any other person. The clerk shall charge a fee of 43518
four dollars for the cost of processing each salvage certificate 43519
of title. 43520

(2) If an insurance company requests that a salvage motor 43521
vehicle auction take possession of a motor vehicle that is the 43522
subject of an insurance claim, and subsequently the insurance 43523
company denies coverage with respect to the motor vehicle or does 43524
not otherwise take ownership of the motor vehicle, the salvage 43525
motor vehicle auction may proceed as follows. After the salvage 43526
motor vehicle auction has possession of the motor vehicle for 43527
forty-five days, it may apply to the clerk of a court of common 43528
pleas for a salvage certificate of title without delivering the 43529
certificate of title for the motor vehicle. The application shall 43530
be accompanied by a copy of the written request that the vehicle 43531
be removed from the facility on the salvage motor vehicle 43532
auction's letterhead, and proof that the request was delivered by 43533
a nationally recognized courier service to the last known address 43534

of the owner of the vehicle and any known lienholder, requesting 43535
that the vehicle be removed from the facility of the salvage motor 43536
vehicle auction. Upon receipt of a properly completed application, 43537
the clerk shall follow the process as described in division 43538
(C)(1)(d) of this section. The salvage certificate of title so 43539
issued shall be free and clear of all liens. 43540

(3) If an insurance company considers a motor vehicle as 43541
described in division (C)(1)(a), (b), or (c) of this section to be 43542
impossible to restore for highway operation, the insurance company 43543
may assign the certificate of title to the motor vehicle to a 43544
salvage dealer or scrap metal processing facility and send the 43545
assigned certificate of title to the clerk of the court of common 43546
pleas of any county. The insurance company shall mark the face of 43547
the certificate of title "FOR DESTRUCTION" and shall deliver a 43548
photocopy of the certificate of title to the salvage dealer or 43549
scrap metal processing facility for its records. 43550

(4) If an insurance company declares it economically 43551
impractical to repair a motor vehicle, agrees to pay to the 43552
insured or claimant owner an amount in settlement of a claim 43553
against a policy of motor vehicle insurance covering the motor 43554
vehicle, and agrees to permit the insured or claimant owner to 43555
retain possession of the motor vehicle, the insurance company 43556
shall not pay the insured or claimant owner any amount in 43557
settlement of the insurance claim until the owner obtains a 43558
salvage certificate of title to the vehicle and furnishes a copy 43559
of the salvage certificate of title to the insurance company. 43560

(D) When a self-insured organization, rental or leasing 43561
company, or secured creditor becomes the owner of a motor vehicle 43562
that is burned, damaged, or dismantled and is determined to be 43563
economically impractical to repair, the self-insured organization, 43564
rental or leasing company, or secured creditor shall do one of the 43565
following: 43566

(1) Mark the face of the certificate of title to the motor vehicle "FOR DESTRUCTION" and surrender the certificate of title to a clerk of a court of common pleas for cancellation as described in division (A) of this section. The self-insured organization, rental or leasing company, or secured creditor then shall deliver the motor vehicle, together with a photocopy of the certificate of title, to a salvage dealer or scrap metal processing facility and shall cause the motor vehicle to be dismantled, flattened, crushed, or destroyed.

(2) Obtain a salvage certificate of title to the motor vehicle in the name of the self-insured organization, rental or leasing company, or secured creditor, as provided in division (C)(1) of this section, and then sell or otherwise dispose of the motor vehicle. If the motor vehicle is sold, the self-insured organization, rental or leasing company, or secured creditor shall obtain a salvage certificate of title to the motor vehicle in the name of the purchaser from a clerk of a court of common pleas.

(E) If a motor vehicle titled with a salvage certificate of title is restored for operation upon the highways, application shall be made to a clerk of a court of common pleas for a certificate of title. Upon inspection by the state highway patrol, which shall include establishing proof of ownership and an inspection of the motor number and vehicle identification number of the motor vehicle and of documentation or receipts for the materials used in restoration by the owner of the motor vehicle being inspected, which documentation or receipts shall be presented at the time of inspection, the clerk, upon surrender of the salvage certificate of title, shall issue a certificate of title for a fee prescribed by the registrar. The certificate of title shall be in the same form as the original certificate of title and shall bear the words "REBUILT SALVAGE" in black boldface letters on its face. Every subsequent certificate of title,

memorandum certificate of title, or duplicate certificate of title 43599
issued for the motor vehicle also shall bear the words "REBUILT 43600
SALVAGE" in black boldface letters on its face. The exact location 43601
on the face of the certificate of title of the words "REBUILT 43602
SALVAGE" shall be determined by the registrar, who shall develop 43603
an automated procedure within the automated title processing 43604
system to comply with this division. The clerk shall use 43605
reasonable care in performing the duties imposed on the clerk by 43606
this division in issuing a certificate of title pursuant to this 43607
division, but the clerk is not liable for any of the clerk's 43608
errors or omissions or those of the clerk's deputies, or the 43609
automated title processing system in the performance of those 43610
duties. A fee of fifty dollars shall be assessed by the state 43611
highway patrol for each inspection made pursuant to this division 43612
and shall be deposited into the public safety - highway purposes 43613
fund established by section 4501.06 of the Revised Code. 43614

(F) No person shall operate upon the highways in this state a 43615
motor vehicle, title to which is evidenced by a salvage 43616
certificate of title, except to deliver the motor vehicle pursuant 43617
to an appointment for an inspection under this section. 43618

(G) No motor vehicle the certificate of title to which has 43619
been marked "FOR DESTRUCTION" and surrendered to a clerk of a 43620
court of common pleas shall be used for anything except parts and 43621
scrap metal. 43622

(H)(1) Except as otherwise provided in this division, an 43623
owner of a manufactured or mobile home that will be taxed as real 43624
property pursuant to division (B) of section 4503.06 of the 43625
Revised Code shall surrender the certificate of title to the 43626
auditor of the county containing the taxing district in which the 43627
home is located. An owner whose home qualifies for real property 43628
taxation under divisions (B)(1)(a) and (b) of section 4503.06 of 43629
the Revised Code shall surrender the certificate within fifteen 43630

days after the home meets the conditions specified in those 43631
divisions. The auditor shall deliver the certificate of title to 43632
the clerk of the court of common pleas who issued it. 43633

(2) If the certificate of title for a manufactured or mobile 43634
home that is to be taxed as real property is held by a lienholder, 43635
the lienholder shall surrender the certificate of title to the 43636
auditor of the county containing the taxing district in which the 43637
home is located, and the auditor shall deliver the certificate of 43638
title to the clerk of the court of common pleas who issued it. The 43639
lienholder shall surrender the certificate within thirty days 43640
after both of the following have occurred: 43641

(a) The homeowner has provided written notice to the 43642
lienholder requesting that the certificate of title be surrendered 43643
to the auditor of the county containing the taxing district in 43644
which the home is located. 43645

(b) The homeowner has either paid the lienholder the 43646
remaining balance owed to the lienholder, or, with the 43647
lienholder's consent, executed and delivered to the lienholder a 43648
mortgage on the home and land on which the home is sited in the 43649
amount of the remaining balance owed to the lienholder. 43650

(3) Upon the delivery of a certificate of title by the county 43651
auditor to the clerk, the clerk shall inactivate it and maintain 43652
it in the automated title processing system for a period of thirty 43653
years. 43654

(4) Upon application by the owner of a manufactured or mobile 43655
home that is taxed as real property pursuant to division (B) of 43656
section 4503.06 of the Revised Code and that no longer satisfies 43657
divisions (B)(1)(a) and (b) or divisions (B)(2)(a) and (b) of that 43658
section, the clerk shall reactivate the record of the certificate 43659
of title that was inactivated under division (H)(3) of this 43660
section and shall issue a new certificate of title, but only if 43661

the application contains or has attached to it all of the 43662
following: 43663

(a) An endorsement of the county treasurer that all real 43664
property taxes charged against the home under Title LVII of the 43665
Revised Code and division (B) of section 4503.06 of the Revised 43666
Code for all preceding tax years have been paid; 43667

(b) An endorsement of the county auditor that the home will 43668
be removed from the real property tax list; 43669

(c) Proof that there are no outstanding mortgages or other 43670
liens on the home or, if there are such mortgages or other liens, 43671
that the mortgagee or lienholder has consented to the reactivation 43672
of the certificate of title. 43673

(I)(1) Whoever violates division (F) of this section shall be 43674
fined not more than two thousand dollars, imprisoned not more than 43675
one year, or both. 43676

(2) Whoever violates division (G) of this section shall be 43677
fined not more than one thousand dollars, imprisoned not more than 43678
six months, or both. 43679

Sec. 4506.03. (A) Except as provided in divisions (B) and (C) 43680
of this section, the following shall apply: 43681

(1) No person shall drive a commercial motor vehicle on a 43682
highway in this state unless the person holds, and has in the 43683
person's possession, any of the following: 43684

(a) A valid commercial driver's license with proper 43685
endorsements for the motor vehicle being driven, issued by the 43686
registrar of motor vehicles or by another jurisdiction recognized 43687
by this state; 43688

(b) A valid examiner's commercial driving permit issued under 43689
section 4506.13 of the Revised Code; 43690

(c) A valid restricted commercial driver's license and waiver 43691
for farm-related service industries issued under section 4506.24 43692
of the Revised Code; 43693

(d) A valid commercial driver's license temporary instruction 43694
permit issued by the registrar, provided that the person is 43695
accompanied by an authorized state driver's license examiner or 43696
tester or a person who has been issued and has in the person's 43697
immediate possession a current, valid commercial driver's license 43698
and who meets the requirements of division (B) of section 4506.06 43699
of the Revised Code. 43700

(2) No person's commercial driver's license temporary 43701
instruction permit shall be upgraded, and no commercial driver's 43702
license shall be upgraded, renewed, or issued to a person until 43703
the person surrenders to the registrar of motor vehicles all valid 43704
licenses and permits issued to the person by this state or by 43705
another jurisdiction recognized by this state. If the license or 43706
permit was issued by any other state or another jurisdiction 43707
recognized by this state, the registrar shall report the surrender 43708
of a license or permit to the issuing authority, together with 43709
information that a license or permit is now issued in this state. 43710
The registrar shall destroy any such license or permit that is not 43711
returned to the issuing authority. 43712

(3) No person who has been a resident of this state for 43713
thirty days or longer shall drive a commercial motor vehicle under 43714
the authority of a commercial driver's license issued by another 43715
jurisdiction. 43716

(B) Nothing in division (A) of this section applies to any 43717
qualified person when engaged in the operation of any of the 43718
following: 43719

(1) A farm truck; 43720

(2) Fire equipment for a fire department, volunteer or 43721

nonvolunteer fire company, fire district, ~~or~~ joint fire district, 43722
or the state fire marshal; 43723

(3) A public safety vehicle used to provide transportation or 43724
emergency medical service for ill or injured persons; 43725

(4) A recreational vehicle; 43726

(5) A commercial motor vehicle within the boundaries of an 43727
eligible unit of local government, if the person is employed by 43728
the eligible unit of local government and is operating the 43729
commercial motor vehicle for the purpose of removing snow or ice 43730
from a roadway by plowing, sanding, or salting, but only if either 43731
the employee who holds a commercial driver's license issued under 43732
this chapter and ordinarily operates a commercial motor vehicle 43733
for these purposes is unable to operate the vehicle, or the 43734
employing eligible unit of local government determines that a snow 43735
or ice emergency exists that requires additional assistance; 43736

(6) A vehicle operated for military purposes by any member or 43737
uniformed employee of the armed forces of the United States or 43738
their reserve components, including the Ohio national guard. This 43739
exception does not apply to United States reserve technicians. 43740

(7) A commercial motor vehicle that is operated for 43741
nonbusiness purposes. "Operated for nonbusiness purposes" means 43742
that the commercial motor vehicle is not used in commerce as 43743
"commerce" is defined in 49 C.F.R. 383.5, as amended, and is not 43744
regulated by the public utilities commission pursuant to Chapter 43745
4905., 4921., or 4923. of the Revised Code. 43746

(8) A motor vehicle that is designed primarily for the 43747
transportation of goods and not persons, while that motor vehicle 43748
is being used for the occasional transportation of personal 43749
property by individuals not for compensation and not in the 43750
furtherance of a commercial enterprise; 43751

(9) A police SWAT team vehicle; 43752

(10) A police vehicle used to transport prisoners. 43753

(C) Nothing contained in division (B)(5) of this section 43754
shall be construed as preempting or superseding any law, rule, or 43755
regulation of this state concerning the safe operation of 43756
commercial motor vehicles. 43757

(D) Whoever violates this section is guilty of a misdemeanor 43758
of the first degree. 43759

Sec. 4507.12. (A)(1) Except as provided in division (C) of 43760
section 4507.10 of the Revised Code, each person applying for the 43761
renewal of a driver's license shall submit to a screening of the 43762
person's vision before the license may be renewed. The Except as 43763
provided in division (A)(2) of this section, the vision screening 43764
shall be conducted at the office of the deputy registrar receiving 43765
the application for license renewal. 43766

(2) A person applying for the renewal of a driver's license 43767
who is capable of meeting the standards required for licensing, 43768
but who is not capable of passing the vision screening conducted 43769
at the office of the deputy registrar, may have the vision 43770
screening conducted at a licensed optometrist's or 43771
ophthalmologist's office. The person shall have the vision 43772
screening performed within ninety days prior to the time the 43773
person applies for the driver's license renewal. The person shall 43774
bring any forms required by the registrar to the vision screening 43775
conducted at the optometrist's or ophthalmologist's office to be 43776
completed by the optometrist or ophthalmologist. The person shall 43777
submit such forms to the registrar or deputy registrar at the time 43778
the person applies for the driver's license renewal to verify that 43779
the vision screening results meet the vision standards required 43780
for licensing. 43781

(B) When the results of a vision screening given under 43782
division (A) of this section indicate that the vision of the 43783

person examined meets the standards required for licensing, the 43784
deputy registrar may renew the person's driver's license at that 43785
time. 43786

(C) When the results of a vision screening given under 43787
division (A) of this section indicate that the vision of the 43788
person screened may not meet the standards required for licensing, 43789
the deputy registrar shall not renew the person's driver's license 43790
at that time but shall refer the person to a driver's license 43791
examiner appointed by the director of public safety under section 43792
5502.05 of the Revised Code for a further examination of the 43793
person's vision. ~~When~~ 43794

(D) When a person referred to a driver's license examiner by 43795
a deputy registrar does not meet the vision standards required for 43796
licensing, the driver's license examiner shall retain the person's 43797
operator's ~~or chauffeur's~~ license and shall immediately notify the 43798
registrar of motor vehicles of that fact. The driver's license 43799
examiner shall refer the person to a licensed optometrist or 43800
ophthalmologist of the person's choice. The person may have the 43801
optometrist or ophthalmologist conduct a vision screening and 43802
shall request the optometrist or ophthalmologist to certify the 43803
vision screening results on any forms required by the registrar. 43804
The person shall submit such forms to the registrar, deputy 43805
registrar, or driver's license examiner to verify that the vision 43806
screening results meet the vision standards required for 43807
licensing. 43808

(E) No driver's license shall be issued to ~~any such~~ a person, 43809
until the person's vision is corrected to meet the standards 43810
required for licensing ~~and the person passes the vision screening 43811
required~~ by this section. Any person who operates a motor vehicle 43812
on a highway, or on any public or private property used by the 43813
public for purposes of vehicular travel or parking, during the 43814
time the person's driver's license is held by a driver's license 43815

examiner under this division, shall be deemed to be operating a 43816
motor vehicle in violation of division (A) of section 4510.12 of 43817
the Revised Code. 43818

~~(D)~~(F) The registrar shall adopt rules and shall provide any 43819
forms necessary to properly conduct vision screenings at the 43820
office of a deputy registrar, a driver examination station, or at 43821
the office of a licensed optometrist or ophthalmologist. 43822

~~(E)~~ ~~No~~ (G) A person conducting vision screenings under this 43823
section ~~shall be~~ is not personally liable for damages for injury 43824
or loss to persons or property and for death caused by the 43825
operation of a motor vehicle by any person whose driver's license 43826
was renewed by the deputy registrar under division (B) of this 43827
section. 43828

Sec. 4582.06. (A) A port authority created in accordance with 43829
section 4582.02 of the Revised Code may: 43830

(1) Acquire, construct, furnish, equip, maintain, repair, 43831
sell, exchange, lease to or from, lease with an option to 43832
purchase, convey other interests in, or operate real or personal 43833
property, or any combination thereof, related to, useful for, or 43834
in furtherance of any authorized purpose, and make charges for the 43835
use of any port authority facility, which shall be not less than 43836
the charges established for the same services furnished by a 43837
public utility or common carrier in the jurisdiction of the 43838
particular port authority; 43839

(2) Straighten, deepen, and improve any canal, channel, 43840
river, stream, or other water course or way that may be necessary 43841
or proper in the development of the facilities of the port 43842
authority; 43843

(3) Issue bonds or notes for the acquisition, construction, 43844
furnishing, or equipping of any real or personal property, or any 43845

combination thereof, related to, useful for, or in furtherance of 43846
any authorized purpose, in compliance with Chapter 133. of the 43847
Revised Code, except that the bonds or notes only may be issued 43848
pursuant to a vote of the electors residing within the territory 43849
of the port authority. The net indebtedness incurred by a port 43850
authority shall never exceed two per cent of the total value of 43851
all property within the territory comprising the authority as 43852
listed and assessed for taxation. 43853

(4) By resolution of its board of directors, issue revenue 43854
bonds beyond the limit of bonded indebtedness provided by law, for 43855
the acquisition, construction, furnishing, or equipping of any 43856
real or personal property, or any combination thereof, related to, 43857
useful for, or in furtherance of any authorized purpose, including 43858
all costs in connection with or incidental thereto. 43859

The revenue bonds of the port authority shall be secured only 43860
by a pledge of and a lien on the revenues of the port authority 43861
derived from those loan payments, rentals, fees, charges, or other 43862
revenues that are designated in the resolution, including, but not 43863
limited to, any property to be acquired, constructed, furnished, 43864
or equipped with the proceeds of the bond issue, after provision 43865
only for the reasonable cost of operating, maintaining, and 43866
repairing the property of the port authority so designated. The 43867
bonds may further be secured by the covenant of the port authority 43868
to maintain rates or charges that will produce revenues sufficient 43869
to meet the costs of operating, maintaining, and repairing such 43870
property and to meet the interest and principal requirements of 43871
the bonds and to establish and maintain reserves for the foregoing 43872
purposes. The board of directors, by resolution, may provide for 43873
the issuance of additional revenue bonds from time to time, to be 43874
secured equally and ratably, without preference, priority, or 43875
distinction, with outstanding revenue bonds, but subject to the 43876
terms and limitations of any trust agreement described in this 43877

section, and of any resolution authorizing bonds then outstanding. 43878
The board of directors, by resolution, may designate additional 43879
property of the port authority, the revenues of which shall be 43880
pledged and be subject to a lien for the payment of the debt 43881
charges on revenue bonds theretofore authorized by resolution of 43882
the board of directors, to the same extent as the revenues above 43883
described. 43884

In the discretion of the board of directors, the revenue 43885
bonds of the port authority may be secured by a trust agreement 43886
between the board of directors on behalf of the port authority and 43887
a corporate trustee, that may be any trust company or bank having 43888
powers of a trust company, within or without the state. 43889

The trust agreement may provide for the pledge or assignment 43890
of the revenues to be received, but shall not pledge the general 43891
credit and taxing power of the port authority. A trust agreement 43892
securing revenue bonds issued to acquire, construct, furnish, or 43893
equip real property, plants, factories, offices, and other 43894
structures and facilities for authorized purposes consistent with 43895
Section 13 or 16 of Article VIII, Ohio Constitution, may mortgage 43896
the real or personal property, or a combination thereof, to be 43897
acquired, constructed, furnished, or equipped from the proceeds of 43898
such revenue bonds, as further security for the bonds. The trust 43899
agreement or the resolution providing for the issuance of revenue 43900
bonds may set forth the rights and remedies of the bondholders and 43901
trustee, and may contain other provisions for protecting and 43902
enforcing their rights and remedies that are determined in the 43903
discretion of the board of directors to be reasonable and proper. 43904
The agreement or resolution may provide for the custody, 43905
investment, and disbursement of all moneys derived from the sale 43906
of such bonds, or from the revenues of the port authority, other 43907
than those moneys received from taxes levied pursuant to section 43908
4582.14 of the Revised Code, and may provide for the deposit of 43909

such funds without regard to section 4582.15 of the Revised Code. 43910

All bonds issued under authority of this chapter, regardless 43911
of form or terms and regardless of any other law to the contrary, 43912
shall have all qualities and incidents of negotiable instruments, 43913
subject to provisions for registration, and may be issued in 43914
coupon, fully registered, or other form, or any combination 43915
thereof, as the board of directors determines. Provision may be 43916
made for the registration of any coupon bonds as to principal 43917
alone or as to both principal and interest, and for the conversion 43918
into coupon bonds of any fully registered bonds or bonds 43919
registered as to both principal and interest. 43920

The revenue bonds shall bear interest at such rate or rates, 43921
shall bear such date or dates, and shall mature within forty-five 43922
years following the date of issuance and in such amount, at such 43923
time or times, and in such number of installments, as may be 43924
provided in or pursuant to the resolution authorizing their 43925
issuance. The final maturity of any original issue of revenue 43926
bonds shall not be later than forty-five years from their date of 43927
issue. Such resolution also shall provide for the execution of the 43928
bonds, which may be by facsimile signatures unless prohibited by 43929
the resolution, and the manner of sale of the bonds. The 43930
resolution shall provide for, or provide for the determination of, 43931
any other terms and conditions relative to the issuance, sale, and 43932
retirement of the bonds that the board of directors in its 43933
discretion determines to be reasonable and proper. 43934

Whenever a port authority considers it expedient, it may 43935
issue renewal notes and refund any bonds, whether the bonds to be 43936
refunded have or have not matured. The final maturity of any 43937
notes, including any renewal notes, shall not be later than five 43938
years from the date of issue of the original issue of notes. The 43939
final maturity of any refunding bonds shall not be later than the 43940
later of forty-five years from the date of issue of the original 43941

issue of bonds. The refunding bonds shall be sold and the proceeds 43942
applied to the purchase, redemption, or payment of the bonds to be 43943
refunded and the costs of issuance of the refunding bonds. The 43944
bonds and notes issued under this chapter, their transfer, and the 43945
income therefrom, shall at all times be free from taxation within 43946
the state. 43947

(5) Do any of the following, in regard to any interests in 43948
any real or personal property, or any combination thereof, 43949
including, without limitation, machinery, equipment, plants, 43950
factories, offices, and other structures and facilities related 43951
to, useful for, or in furtherance of any authorized purpose, for 43952
such consideration and in such manner, consistent with Article 43953
VIII, Ohio Constitution, as the board in its sole discretion may 43954
determine: 43955

(a) Loan moneys to any person or governmental entity for the 43956
acquisition, construction, furnishing, and equipping of the 43957
property; 43958

(b) Acquire, construct, maintain, repair, furnish, and equip 43959
the property; 43960

(c) Sell to, exchange with, lease, convey other interests in, 43961
or lease with an option to purchase the same or any lesser 43962
interest in the property to the same or any other person or 43963
governmental entity; 43964

(d) Guarantee the obligations of any person or governmental 43965
entity. 43966

A port authority may accept and hold as consideration for the 43967
conveyance of property or any interest therein such property or 43968
interests therein as the board in its discretion may determine, 43969
notwithstanding any restrictions that apply to the investment of 43970
funds by a port authority. 43971

(6) Construct, maintain, repair, furnish, equip, sell, 43972

exchange, lease, or lease with an option to purchase, any property 43973
that it is authorized to acquire. A port authority that is subject 43974
to this section also may operate any property in connection with 43975
transportation, recreational, governmental operations, or cultural 43976
activities. 43977

(a) Any purchase, exchange, sale, lease, lease with an option 43978
to purchase, conveyance of other interests in, or other contract 43979
with a person or governmental entity that pertains to the 43980
acquisition, construction, maintenance, repair, furnishing, 43981
equipping, or operation of any real or personal property, or any 43982
combination thereof, related to, useful for, or in furtherance of 43983
an activity contemplated by Section 13 or 16 of Article VIII, Ohio 43984
Constitution, shall be made in such manner and subject to such 43985
terms and conditions as may be determined by the board of 43986
directors in its discretion. 43987

(b) Division (A)(6)(a) of this section applies to all 43988
contracts that are subject to the division, notwithstanding any 43989
other provision of law that might otherwise apply, including, 43990
without limitation, any requirement of notice, any requirement of 43991
competitive bidding or selection, or any requirement for the 43992
provision of security. 43993

(c) Divisions (A)(6)(a) and (b) of this section do not apply 43994
to either of the following: 43995

(i) Any contract secured by or to be paid from moneys raised 43996
by taxation or the proceeds of obligations secured by a pledge of 43997
moneys raised by taxation; 43998

(ii) Any contract secured exclusively by or to be paid 43999
exclusively from the general revenues of the port authority. For 44000
the purposes of this section, any revenues derived by the port 44001
authority under a lease or other agreement that, by its terms, 44002
contemplates the use of amounts payable under the agreement either 44003

to pay the costs of the improvement that is the subject of the 44004
contract or to secure obligations of the port authority issued to 44005
finance costs of such improvement, are excluded from general 44006
revenues. 44007

(7) Apply to the proper authorities of the United States 44008
pursuant to appropriate law for the right to establish, operate, 44009
and maintain foreign trade zones and to establish, operate, and 44010
maintain foreign trade zones; and to acquire land or property 44011
therefor, in a manner consistent with section 4582.17 of the 44012
Revised Code; 44013

(8) Exercise the right of eminent domain to appropriate any 44014
land, rights, rights-of-way, franchises, easements, or other 44015
property, necessary or proper for any authorized purpose, pursuant 44016
to the procedure provided in sections 163.01 to 163.22 of the 44017
Revised Code, if funds equal to the appraised value of the 44018
property to be acquired as a result of such proceedings are 44019
available for that purpose, except that nothing contained in 44020
sections 4582.01 to 4582.20 of the Revised Code shall authorize a 44021
port authority to take or disturb property or facilities belonging 44022
to any agency or political subdivision of this state, public 44023
utility, or common carrier, which property or facilities are 44024
necessary and convenient in the operation of the agency or 44025
political subdivision, public utility, or common carrier, unless 44026
provision is made for the restoration, relocation, or duplication 44027
of the property or facilities, or upon the election of the agency 44028
or political subdivision, public utility, or common carrier, for 44029
the payment of compensation, if any, at the sole cost of the port 44030
authority, provided that: 44031

(a) If any restoration or duplication proposed to be made 44032
pursuant to this section involves a relocation of such property or 44033
facilities, the new facilities and location shall be of at least 44034
comparable utilitarian value and effectiveness, and the relocation 44035

shall not impair the ability of the public utility or common carrier to compete in its original area of operation. 44036
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(b) If any restoration or duplication made pursuant to this section involves a relocation of such property or facilities, the port authority shall acquire no interest or right in or to the appropriated property or facilities, except as provided in division (A)(11) of this section, until the relocated property or facilities are available for use and until marketable title thereto has been transferred to the public utility or common carrier. 44038
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(c) Provisions for restoration or duplication shall be described in detail in the resolution for appropriation passed by the port authority. 44046
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(9) Enjoy and possess the same rights, privileges, and powers granted municipal corporations under sections 721.04 to 721.11 of the Revised Code; 44049
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(10) Maintain such funds as it considers necessary; 44052

(11) Direct its agents or employees, when properly identified in writing, and after at least five days' written notice, to enter upon lands within the confines of its jurisdiction in order to make surveys and examinations preliminary to location and construction of works for the purposes of the port authority, without liability of the port authority or its agents or employees except for actual damage done; 44053
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(12) Sell, lease, or convey other interests in real and personal property and grant easements or rights-of-way over property of the port authority. The board of directors shall specify the consideration and any terms thereof for the sale, lease, or conveyance of other interests in real and personal property. Any determinations made by the board of directors under this division shall be conclusive. The sale, lease, or conveyance 44060
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may be made without advertising and the receipt of bids. 44067

(13) Promote, advertise, and publicize the port authority 44068
facilities and its authorized purposes, provide information to 44069
persons with an interest in transportation and other port 44070
authority activities, and appear before rate-making authorities to 44071
represent and promote the interests of the port authority and its 44072
authorized purposes; 44073

(14) Adopt rules, not in conflict with general law, governing 44074
the use of and the safeguarding of its property, grounds, 44075
buildings, equipment, and facilities, safeguarding persons and 44076
their property located on or in port authority property, and 44077
governing the conduct of its employees and the public, in order to 44078
promote the public safety and convenience in and about its 44079
terminals and grounds, and to maintain order. Any such regulation 44080
shall be posted at no less than five public places in the port 44081
authority, as determined by the board of directors, for a period 44082
of not fewer than fifteen days, and shall be available for public 44083
inspection at the principal office of the port authority during 44084
regular business hours. No person shall violate any lawful 44085
regulation adopted and posted as provided in this division. 44086

(15) Establish and administer one or more payment card 44087
programs for purposes of paying expenses related to port authority 44088
business. Any obligation incurred as a result of the use of such a 44089
payment card shall be paid from port authority funds. 44090

(16) Act as a portal operator for purposes of an OhioInvests 44091
offering under sections 1707.05 to 1707.058 of the Revised Code; 44092

(17) Do all acts necessary or appropriate to carry out its 44093
authorized purposes. The port authority shall have the powers and 44094
rights granted to other subdivisions under section 9.20 of the 44095
Revised Code. 44096

(B) Any instrument by which real property is acquired 44097

pursuant to this section shall identify the agency of the state 44098
that has the use and benefit of the real property as specified in 44099
section 5301.012 of the Revised Code. 44100

(C) Whoever violates division (A)(14) of this section is 44101
guilty of a minor misdemeanor. 44102

Sec. 4582.31. (A) A port authority created in accordance with 44103
section 4582.22 of the Revised Code may: 44104

(1) Adopt bylaws for the regulation of its affairs and the 44105
conduct of its business; 44106

(2) Adopt an official seal; 44107

(3) Maintain a principal office within its jurisdiction, and 44108
maintain such branch offices as it may require; 44109

(4) Acquire, construct, furnish, equip, maintain, repair, 44110
sell, exchange, lease to or from, or lease with an option to 44111
purchase, convey other interests in real or personal property, or 44112
any combination thereof, related to, useful for, or in furtherance 44113
of any authorized purpose and operate any property in connection 44114
with transportation, recreational, governmental operations, or 44115
cultural activities; 44116

(5) Straighten, deepen, and improve any channel, river, 44117
stream, or other water course or way which may be necessary or 44118
proper in the development of the facilities of a port authority; 44119

(6) Make available the use or services of any port authority 44120
facility to one or more persons, one or more governmental 44121
agencies, or any combination thereof; 44122

(7) Issue bonds or notes for the acquisition, construction, 44123
furnishing, or equipping of any port authority facility or other 44124
permanent improvement that a port authority is authorized to 44125
acquire, construct, furnish, or equip, in compliance with Chapter 44126
133. of the Revised Code, except that such bonds or notes may only 44127

be issued pursuant to a vote of the electors residing within the 44128
area of jurisdiction of the port authority. The net indebtedness 44129
incurred by a port authority shall never exceed two per cent of 44130
the total value of all property within the territory comprising 44131
the port authority as listed and assessed for taxation. 44132

(8) Issue port authority revenue bonds beyond the limit of 44133
bonded indebtedness provided by law, payable solely from revenues 44134
as provided in section 4582.48 of the Revised Code, for the 44135
purpose of providing funds to pay the costs of any port authority 44136
facility or facilities or parts thereof; 44137

(9) Apply to the proper authorities of the United States 44138
pursuant to appropriate law for the right to establish, operate, 44139
and maintain foreign trade zones and establish, operate, and 44140
maintain foreign trade zones and to acquire, exchange, sell, lease 44141
to or from, lease with an option to purchase, or operate 44142
facilities, land, or property therefor in accordance with the 44143
"Foreign Trade Zones Act," 48 Stat. 998 (1934), 19 U.S.C. 81a to 44144
81u; 44145

(10) Enjoy and possess the same rights, privileges, and 44146
powers granted municipal corporations under sections 721.04 to 44147
721.11 of the Revised Code; 44148

(11) Maintain such funds as it considers necessary; 44149

(12) Direct its agents or employees, when properly identified 44150
in writing, and after at least five days' written notice, to enter 44151
upon lands within the confines of its jurisdiction in order to 44152
make surveys and examinations preliminary to location and 44153
construction of works for the purposes of the port authority, 44154
without liability of the port authority or its agents or employees 44155
except for actual damage done; 44156

(13) Promote, advertise, and publicize the port authority and 44157
its facilities; provide information to shippers and other 44158

commercial interests; and appear before rate-making authorities to 44159
represent and promote the interests of the port authority; 44160

(14) Adopt rules, not in conflict with general law, it finds 44161
necessary or incidental to the performance of its duties and the 44162
execution of its powers under sections 4582.21 to 4582.54 of the 44163
Revised Code. Any such rule shall be posted at no less than five 44164
public places in the port authority, as determined by the board of 44165
directors, for a period of not fewer than fifteen days, and shall 44166
be available for public inspection at the principal office of the 44167
port authority during regular business hours. No person shall 44168
violate any lawful rule adopted and posted as provided in this 44169
division. 44170

(15) Do any of the following, in regard to any interests in 44171
any real or personal property, or any combination thereof, 44172
including, without limitation, machinery, equipment, plants, 44173
factories, offices, and other structures and facilities related 44174
to, useful for, or in furtherance of any authorized purpose, for 44175
such consideration and in such manner, consistent with Article 44176
VIII of the Ohio Constitution, as the board in its sole discretion 44177
may determine: 44178

(a) Loan moneys to any person or governmental entity for the 44179
acquisition, construction, furnishing, and equipping of the 44180
property; 44181

(b) Acquire, construct, maintain, repair, furnish, and equip 44182
the property; 44183

(c) Sell to, exchange with, lease, convey other interests in, 44184
or lease with an option to purchase the same or any lesser 44185
interest in the property to the same or any other person or 44186
governmental entity; 44187

(d) Guarantee the obligations of any person or governmental 44188
entity. 44189

A port authority may accept and hold as consideration for the 44190
conveyance of property or any interest therein such property or 44191
interests therein as the board in its discretion may determine, 44192
notwithstanding any restrictions that apply to the investment of 44193
funds by a port authority. 44194

(16) Sell, lease, or convey other interests in real and 44195
personal property, and grant easements or rights-of-way over 44196
property of the port authority. The board of directors shall 44197
specify the consideration and any terms for the sale, lease, or 44198
conveyance of other interests in real and personal property. Any 44199
determination made by the board under this division shall be 44200
conclusive. The sale, lease, or conveyance may be made without 44201
advertising and the receipt of bids. 44202

(17) Exercise the right of eminent domain to appropriate any 44203
land, rights, rights-of-way, franchises, easements, or other 44204
property, necessary or proper for any authorized purpose, pursuant 44205
to the procedure provided in sections 163.01 to 163.22 of the 44206
Revised Code, if funds equal to the appraised value of the 44207
property to be acquired as a result of such proceedings are 44208
available for that purpose. However, nothing contained in sections 44209
4582.201 to 4582.59 of the Revised Code shall authorize a port 44210
authority to take or disturb property or facilities belonging to 44211
any agency or political subdivision of this state, public utility, 44212
cable operator, or common carrier, which property or facilities 44213
are necessary and convenient in the operation of the agency or 44214
political subdivision, public utility, cable operator, or common 44215
carrier, unless provision is made for the restoration, relocation, 44216
or duplication of such property or facilities, or upon the 44217
election of the agency or political subdivision, public utility, 44218
cable operator, or common carrier, for the payment of 44219
compensation, if any, at the sole cost of the port authority, 44220
provided that: 44221

(a) If any restoration or duplication proposed to be made 44222
under this section involves a relocation of the property or 44223
facilities, the new facilities and location shall be of at least 44224
comparable utilitarian value and effectiveness and shall not 44225
impair the ability of the public utility, cable operator, or 44226
common carrier to compete in its original area of operation; 44227

(b) If any restoration or duplication made under this section 44228
involves a relocation of the property or facilities, the port 44229
authority shall acquire no interest or right in or to the 44230
appropriated property or facilities, except as provided in 44231
division (A)(15) of this section, until the relocated property or 44232
facilities are available for use and until marketable title 44233
thereto has been transferred to the public utility, cable 44234
operator, or common carrier. 44235

As used in division (A)(17) of this section, "cable operator" 44236
has the same meaning as in the "Cable Communications Policy Act of 44237
1984," Pub. L. No. 98-549, 98 Stat. 2780, 47 U.S.C. 522, as 44238
amended by the "Telecommunications Act of 1996," Pub. L. No. 44239
104-104, 110 Stat. 56. 44240

(18)(a) Make and enter into all contracts and agreements and 44241
execute all instruments necessary or incidental to the performance 44242
of its duties and the execution of its powers under sections 44243
4582.21 to 4582.59 of the Revised Code. 44244

(b) Except as provided in division (A)(18)(c) of this section 44245
or except when the port authority elects to construct a building, 44246
structure, or other improvement pursuant to a contract made with a 44247
construction manager at risk under sections 9.33 to 9.335 of the 44248
Revised Code or with a design-build firm under section 153.65 to 44249
153.73 of the Revised Code, when the cost of a contract for the 44250
construction of any building, structure, or other improvement 44251
undertaken by a port authority involves an expenditure exceeding 44252
one hundred fifty thousand dollars and the port authority is the 44253

contracting entity, the port authority shall make a written 44254
contract after notice calling for bids for the award of the 44255
contract has been given by publication twice, with at least seven 44256
days between publications, in a newspaper of general circulation 44257
in the area of the port authority or as provided in section 7.16 44258
of the Revised Code. Each such contract shall be let to the lowest 44259
responsive and responsible bidder in accordance with section 9.312 44260
of the Revised Code. Every contract shall be accompanied by or 44261
shall refer to plans and specifications for the work to be done, 44262
prepared for and approved by the port authority, signed by an 44263
authorized officer of the port authority and by the contractor, 44264
and shall be executed in triplicate. 44265

Each bid shall be awarded in accordance with sections 153.54, 44266
153.57, and 153.571 of the Revised Code. The port authority may 44267
reject any and all bids. 44268

(c) The board of directors by rule may provide criteria for 44269
the negotiation and award without competitive bidding of any 44270
contract as to which the port authority is the contracting entity 44271
for the construction of any building or structure or other 44272
improvement under any of the following circumstances: 44273

(i) There exists a real and present emergency that threatens 44274
damage or injury to persons or property of the port authority or 44275
other persons, provided that a statement specifying the nature of 44276
the emergency that is the basis for the negotiation and award of a 44277
contract without competitive bidding shall be signed by the 44278
officer of the port authority that executes that contract at the 44279
time of the contract's execution and shall be attached to the 44280
contract. 44281

(ii) A commonly recognized industry or other standard or 44282
specification does not exist and cannot objectively be articulated 44283
for the improvement. 44284

(iii) The contract is for any energy conservation measure as defined in section 307.041 of the Revised Code. 44285
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(iv) With respect to material to be incorporated into the improvement, only a single source or supplier exists for the material. 44287
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(v) A single bid is received by the port authority after complying with the provisions of division (A)(18)(b) of this section. 44290
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(d)(i) If a contract is to be negotiated and awarded without competitive bidding for the reason set forth in division (A)(18)(c)(ii) of this section, the port authority shall publish a notice calling for technical proposals twice, with at least seven days between publications, in a newspaper of general circulation in the area of the port authority or as provided in section 7.16 of the Revised Code. After receipt of the technical proposals, the port authority may negotiate with and award a contract for the improvement to the proposer making the proposal considered to be the most advantageous to the port authority. 44293
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(ii) If a contract is to be negotiated and awarded without competitive bidding for the reason set forth in division (A)(18)(c)(iv) of this section, any construction activities related to the incorporation of the material into the improvement also may be provided without competitive bidding by the source or supplier of that material. 44303
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(e)(i) Any purchase, exchange, sale, lease, lease with an option to purchase, conveyance of other interests in, or other contract with a person or governmental entity that pertains to the acquisition, construction, maintenance, repair, furnishing, equipping, or operation of any real or personal property, or any combination thereof, related to, useful for, or in furtherance of an activity contemplated by Section 13 or 16 of Article VIII, Ohio 44309
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Constitution, shall be made in such manner and subject to such 44316
terms and conditions as may be determined by the board of 44317
directors in its discretion. 44318

(ii) Division (A)(18)(e)(i) of this section applies to all 44319
contracts that are subject to the division, notwithstanding any 44320
other provision of law that might otherwise apply, including, 44321
without limitation, any requirement of notice, any requirement of 44322
competitive bidding or selection, or any requirement for the 44323
provision of security. 44324

(iii) Divisions (A)(18)(e)(i) and (ii) of this section do not 44325
apply to either of the following: any contract secured by or to be 44326
paid from moneys raised by taxation or the proceeds of obligations 44327
secured by a pledge of moneys raised by taxation; or any contract 44328
secured exclusively by or to be paid exclusively from the general 44329
revenues of the port authority. For the purposes of this section, 44330
any revenues derived by the port authority under a lease or other 44331
agreement that, by its terms, contemplates the use of amounts 44332
payable under the agreement either to pay the costs of the 44333
improvement that is the subject of the contract or to secure 44334
obligations of the port authority issued to finance costs of such 44335
improvement, are excluded from general revenues. 44336

(19) Employ managers, superintendents, and other employees 44337
and retain or contract with consulting engineers, financial 44338
consultants, accounting experts, architects, attorneys, and any 44339
other consultants and independent contractors as are necessary in 44340
its judgment to carry out this chapter, and fix the compensation 44341
thereof. All expenses thereof shall be payable from any available 44342
funds of the port authority or from funds appropriated for that 44343
purpose by a political subdivision creating or participating in 44344
the creation of the port authority. 44345

(20) Receive and accept from any state or federal agency 44346
grants and loans for or in aid of the construction of any port 44347

authority facility or for research and development with respect to 44348
port authority facilities, and receive and accept aid or 44349
contributions from any source of money, property, labor, or other 44350
things of value, to be held, used, and applied only for the 44351
purposes for which the grants and contributions are made; 44352

(21) Engage in research and development with respect to port 44353
authority facilities; 44354

(22) Purchase fire and extended coverage and liability 44355
insurance for any port authority facility and for the principal 44356
office and branch offices of the port authority, insurance 44357
protecting the port authority and its officers and employees 44358
against liability for damage to property or injury to or death of 44359
persons arising from its operations, and any other insurance the 44360
port authority may agree to provide under any resolution 44361
authorizing its port authority revenue bonds or in any trust 44362
agreement securing the same; 44363

(23) Charge, alter, and collect rentals and other charges for 44364
the use or services of any port authority facility as provided in 44365
section 4582.43 of the Revised Code; 44366

(24) Provide coverage for its employees under Chapters 145., 44367
4123., and 4141. of the Revised Code; 44368

(25) Establish and administer one or more payment card 44369
programs for purposes of paying expenses related to port authority 44370
business. Any obligation incurred as a result of the use of such a 44371
payment card shall be paid from port authority funds. 44372

(26) Act as a portal operator for purposes of an OhioInvests 44373
offering under sections 1707.05 to 1707.058 of the Revised Code; 44374

(27) Do all acts necessary or proper to carry out the powers 44375
expressly granted in sections 4582.21 to 4582.59 of the Revised 44376
Code. 44377

(B) Any instrument by which real property is acquired 44378
pursuant to this section shall identify the agency of the state 44379
that has the use and benefit of the real property as specified in 44380
section 5301.012 of the Revised Code. 44381

(C) Whoever violates division (A)(14) of this section is 44382
guilty of a minor misdemeanor. 44383

Sec. 4701.16. (A) After notice and hearing as provided in 44384
Chapter 119. of the Revised Code, the accountancy board may 44385
discipline as described in division (B) of this section a person 44386
holding an Ohio permit, an Ohio registration, a firm registration, 44387
a CPA certificate, or a PA registration or any other person whose 44388
activities are regulated by the board for any one or any 44389
combination of the following causes: 44390

(1) Fraud or deceit in obtaining a firm registration or in 44391
obtaining a CPA certificate, a PA registration, an Ohio permit, or 44392
an Ohio registration; 44393

(2) Dishonesty, fraud, or gross negligence in the practice of 44394
public accounting; 44395

(3) Violation of any of the provisions of section 4701.14 of 44396
the Revised Code; 44397

(4) Violation of a rule of professional conduct promulgated 44398
by the board under the authority granted by this chapter; 44399

(5) Conviction of a felony under the laws of any state or of 44400
the United States; 44401

(6) Conviction of any crime, an element of which is 44402
dishonesty or fraud, under the laws of any state or of the United 44403
States; 44404

(7) Cancellation, revocation, suspension, or refusal to renew 44405
authority to practice as a certified public accountant, a public 44406
accountant, or a public accounting firm by any other state, for 44407

any cause other than failure to pay registration fees in that	44408
other state;	44409
(8) Suspension or revocation of the right to practice before	44410
any state or federal agency;	44411
(9) Failure of a holder of a CPA certificate or PA	44412
registration to obtain an Ohio permit or an Ohio registration, or	44413
the failure of a public accounting firm to obtain a firm	44414
registration;	44415
(10) Conduct discreditable to the public accounting	44416
profession or to the holder of an Ohio permit, Ohio registration,	44417
or foreign certificate;	44418
(11) Failure of a public accounting firm to comply with	44419
section 4701.04 of the Revised Code.	44420
(B) For any of the reasons specified in division (A) of this	44421
section, the board may do any of the following:	44422
(1) Revoke, suspend, or refuse to renew any CPA certificate	44423
or PA registration or any Ohio permit, Ohio registration, or firm	44424
registration;	44425
(2) Disqualify a person who is not a holder of an Ohio permit	44426
or a foreign certificate from owning an equity interest in a	44427
public accounting firm or qualified firm;	44428
(3) Publicly censure a registered firm or a holder of a CPA	44429
certificate, a PA registration, an Ohio permit, or an Ohio	44430
registration;	44431
(4) Levy against a registered firm or a holder of a CPA	44432
certificate, a PA registration, an Ohio permit, or an Ohio	44433
registration a penalty or fine not to exceed five thousand dollars	44434
for each offense. Any fine shall be reasonable and in relation to	44435
the severity of the offense.	44436
(5) In the case of violations of division (A)(2) or (4) of	44437

this section, require completion of remedial continuing education 44438
programs prescribed by the board in addition to those required by 44439
section 4701.11 of the Revised Code; 44440

(6) In the case of violations of division (A)(2) or (4) of 44441
this section, require the holder of a CPA certificate, PA 44442
registration, or firm registration to submit to a peer review by a 44443
professional committee designated by the board, which committee 44444
shall report to the board concerning that holder's compliance with 44445
generally accepted accounting principles, generally accepted 44446
auditing standards, or other generally accepted technical 44447
standards; 44448

(7) Revoke or suspend the privileges to offer or render 44449
attest services in this state or to use a CPA title or designation 44450
in this state of an individual who holds a foreign certificate. 44451

(C) If the board levies a fine against or suspends the 44452
certificate of a person or registration of a person or firm for a 44453
violation of division (A)(2) or (4) of this section, it may waive 44454
all or any portion of the fine or suspension if the holder of the 44455
CPA certificate, PA registration, or firm registration complies 44456
fully with division (B)(5) or (6) of this section. 44457

(D) A person engaged in the practice of public accounting 44458
shall not be subject to discipline by the accountancy board solely 44459
because the person provided professional accounting services to 44460
the holder of a license under Chapter 3796. of the Revised Code. 44461

Sec. 4705.10. (A) All of the following apply to an 44462
interest-bearing trust account established under authority of 44463
section 4705.09 of the Revised Code: 44464

(1) All funds in the account shall be subject to withdrawal 44465
upon request and without delay, or as soon as is permitted by 44466
federal law; 44467

(2) The rate of interest payable on the account shall not be 44468
less than the rate paid by the depository institution to regular, 44469
nonattorney depositors. Higher rates offered by the institution to 44470
customers whose deposits exceed certain time or quantity 44471
qualifications, such as those offered in the form of certificates 44472
of deposit, may be obtained by a person or law firm establishing 44473
the account if there is no impairment of the right to withdraw or 44474
transfer principal immediately. 44475

(3) The depository institution shall be directed, by the 44476
person or law firm establishing the account, to do all of the 44477
following: 44478

(a) Remit interest or dividends, whichever is applicable, on 44479
the average monthly balance in the account or as otherwise 44480
computed in accordance with the institution's standard accounting 44481
practice, less reasonable service charges, to the treasurer of 44482
state at least quarterly for deposit in the legal aid fund 44483
established under section 120.52 of the Revised Code; 44484

(b) Transmit to the treasurer of state, upon its request, to 44485
the Ohio ~~Legal Assistance Foundation~~ access to justice foundation, 44486
and the depositing attorney, law firm, or legal professional 44487
association upon the attorney's, firm's, or association's request, 44488
at the time of each remittance required by division (A)(3)(a) of 44489
this section, a statement showing the name of the attorney for 44490
whom or the law firm or legal professional association for which 44491
the remittance is sent, the rate of interest applied, the 44492
accounting period, the net amount remitted to the treasurer of 44493
state for each account, the total remitted, the average account 44494
balance for each month of the period for which the report is made, 44495
and the amount deducted for service charges; 44496

(4) The depository institution shall notify the office of 44497
disciplinary counsel or other entity designated by the supreme 44498
court on each occasion when a properly payable instrument is 44499

presented for payment from the account, and the account contains 44500
insufficient funds. The depository institution shall provide this 44501
notice without regard to whether the instrument is honored by the 44502
depository institution. The depository institution shall provide 44503
the notice described in division (A)(4) of this section by 44504
electronic or other means within five banking days of the date 44505
that the instrument was honored or returned as dishonored. The 44506
notice shall contain all of the following: 44507

(a) The name and address of the depository institution; 44508

(b) The name and address of the lawyer, law firm, or legal 44509
professional association that maintains the account; 44510

(c) The account number and either the amount of the overdraft 44511
and the date issued or the amount of the dishonored instrument and 44512
the date returned. 44513

(B)(1) The statements and reports of individual depositor 44514
information made under divisions (A)(3) and (4) of this section 44515
are confidential and shall be used only for purposes of 44516
administering the legal aid fund and for enforcement of the rules 44517
of professional conduct adopted by the supreme court. 44518

(2) A depository institution may charge the lawyer, law firm, 44519
or legal professional association that maintains the account with 44520
fees associated with producing and mailing a notice required by 44521
division (A)(4) of this section but shall not deduct such fees 44522
from the interest earned on the account. 44523

Sec. 4712.02. (A) A credit services organization shall file a 44524
registration application with, and receive a certificate of 44525
registration from, the division of financial institutions before 44526
conducting business in this state. The registration application 44527
shall be accompanied by a one-hundred-dollar fee and shall contain 44528
all of the following information: 44529

- (1) The name and address of the credit services organization; 44530
- (2) The name and address of any person that directly or 44531
indirectly owns or controls ten per cent or more of the 44532
outstanding shares of stock in the organization; 44533
- (3) Either of the following: 44534
- (a) A full and complete disclosure of any litigation 44535
commenced against the organization or unresolved complaint that 44536
relates to the operation of the organization and that is filed 44537
with the attorney general, the secretary of state, or any other 44538
governmental authority of the United States, this state, or any 44539
other state of the United States; 44540
- (b) A notarized statement stating that no litigation has been 44541
commenced and no unresolved complaint relating to the operation of 44542
the organization has been filed with the attorney general, the 44543
secretary of state, or any other governmental authority of the 44544
United States, this state, or any other state of the United 44545
States. 44546
- (4) Any other information required at any time by the 44547
division. 44548
- (B)(1) Except as otherwise provided in division (B)(2) of 44549
this section, each credit services organization shall notify the 44550
division in writing within thirty days after the date of a change 44551
in the information required by division (A) of this section. 44552
- (2) Each organization shall notify the division in writing no 44553
later than thirty days prior to any change in the information 44554
required by division (A)(1) or (2) of this section and shall 44555
receive approval from the division before making any such change. 44556
- (C)(1) A credit services organization shall attach both of 44557
the following to the registration application submitted pursuant 44558
to division (A) of this section: 44559

(a) A copy of the contract that the organization intends to execute with its customers; 44560
44561

(b) Evidence of the bond required under section 4712.06 of the Revised Code. 44562
44563

(2) Any modification made to the contract described in division (C)(1)(a) of this section shall be filed with the division prior to its use by the organization. 44564
44565
44566

(D) Each credit services organization registering under this section shall maintain a copy of the registration application in its files. The organization shall allow a buyer to inspect the registration application upon request. 44567
44568
44569
44570

(E) Each nonresident credit services organization registering under this section shall designate and maintain a resident of this state as the organization's statutory agent for purposes of receipt of service of process. 44571
44572
44573
44574

(F) If, in order to issue a certificate of registration to a credit services organization, investigation by the division outside this state is necessary, the division may require the organization to advance sufficient funds to pay the actual expenses of the investigation. 44575
44576
44577
44578
44579

(G) Each credit services organization registering under this section shall use no more than one fictitious or trade name. 44580
44581

(H)(1) A certificate of registration issued by the division pursuant to this section shall expire annually on the thirtieth day of April, or annually on a different date established by the superintendent pursuant to section 1181.23 of the Revised Code. 44582
44583
44584
44585

(2) A credit services organization may renew its certificate of registration by filing with the division a renewal application accompanied by a one-hundred-dollar renewal fee. 44586
44587
44588

(I) All money collected by the division pursuant to this 44589

section shall be deposited by it in the state treasury to the 44590
credit of the consumer finance fund. 44591

(J)(1) No credit services organization shall fail to comply 44592
with division (A) of this section. 44593

(2) No credit services organization shall fail to comply with 44594
division (B), (D), (E), (F), or (G) of this section. 44595

Sec. 4713.14. No individual shall do any of the following: 44596

(A) Use fraud or deceit in making application for a license, 44597
permit, or registration; 44598

(B) Aid or abet any individual or entity in any of the 44599
following: 44600

(1) Violating this chapter or a rule adopted under it; 44601

(2) Obtaining a license, permit, or registration 44602
fraudulently; 44603

(3) Falsely pretending to hold a current, valid license or 44604
permit. 44605

(C) Practice a branch of cosmetology, for pay, free, or 44606
otherwise, without one of the following authorizing the practice 44607
of that branch of cosmetology: 44608

(1) A current, valid license under section 4713.28, 4713.30, 44609
or 4713.34 of the Revised Code; 44610

(2) A current, valid temporary pre-examination work permit 44611
issued under section 4713.22 of the Revised Code; 44612

(3) A current, valid temporary special occasion work permit 44613
issued under section 4713.37 of the Revised Code; 44614

(4) A current, valid temporary work permit issued under rules 44615
adopted by the board pursuant to section 4713.08 of the Revised 44616
Code; 44617

(5) A current, valid registration under section 4713.69 of the Revised Code. 44618
44619

(D) Employ an individual to practice a branch of cosmetology if the individual does not hold one of the following authorizing the practice of that branch of cosmetology: 44620
44621
44622

(1) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code; 44623
44624

(2) A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code; 44625
44626

(3) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code; 44627
44628

(4) A current, valid temporary work permit issued under rules adopted by the board pursuant to section 4713.08 of the Revised Code; 44629
44630
44631

(5) A current, valid registration under section 4713.69 of the Revised Code. 44632
44633

(E) Except for apprentice instructors and as provided in section 4713.45 of the Revised Code, teach the theory or practice of a branch of cosmetology at a school of cosmetology without either of the following authorizing the teaching of that branch of cosmetology: 44634
44635
44636
44637
44638

(1) A current, valid license under section 4713.31 or 4713.34 of the Revised Code; 44639
44640

(2) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code. 44641
44642

(F) Advertise or operate a glamour photography service in which a branch of cosmetology is practiced unless the individual practicing the branch of cosmetology holds either of the following authorizing the practice of that branch of cosmetology: 44643
44644
44645
44646

(1) A current, valid license under section 4713.28, 4713.30, 44647

or 4713.34 of the Revised Code; 44648

(2) A current, valid temporary special occasion work permit 44649
issued under section 4713.37 of the Revised Code. 44650

(G) Advertise or operate a glamour photography service in 44651
which a branch of cosmetology is practiced at a location not 44652
specified by rules adopted under section 4713.08 of the Revised 44653
Code; 44654

(H) Practice a branch of cosmetology at a salon as an 44655
independent contractor without a current, valid independent 44656
contractor license issued under section 4713.39 of the Revised 44657
Code; 44658

(I) Operate a salon without a current, valid license under 44659
section 4713.41 of the Revised Code; 44660

(J) Provide cosmetic therapy or massage therapy at a salon 44661
for pay, free, or otherwise without a current, valid ~~certificate~~ 44662
license issued by the state medical board under section 4731.15 of 44663
the Revised Code or provide any other professional service at a 44664
salon for pay, free, or otherwise without a current, valid license 44665
or certificate issued by the professional regulatory board of this 44666
state that regulates the profession; 44667

(K) Teach a branch of cosmetology at a salon, unless the 44668
individual receiving the instruction holds either of the following 44669
authorizing the practice of that branch of cosmetology: 44670

(1) A current, valid license under section 4713.28, 4713.30, 44671
or 4713.34 of the Revised Code; 44672

(2) A current, valid temporary pre-examination work permit 44673
issued under section 4713.22 of the Revised Code. 44674

(L) Operate a school of cosmetology without a current, valid 44675
license under section 4713.44 of the Revised Code; 44676

(M) At a salon or school of cosmetology, do any of the 44677

following:	44678
(1) Use or possess a cosmetic product containing an ingredient that the United States food and drug administration has prohibited by regulation;	44679 44680 44681
(2) Use a cosmetic product in a manner inconsistent with a restriction established by the United States food and drug administration by regulation;	44682 44683 44684
(3) Use or possess a liquid nail monomer containing any trace of methyl methacrylate (MMA).	44685 44686
(N) While in charge of a salon or school of cosmetology, permit any individual to sleep in, or use for residential purposes, any room used wholly or in part as the salon or school of cosmetology;	44687 44688 44689 44690
(O) Maintain, as an established place of business for the practice of one or more of the branches of cosmetology, a room used wholly or in part for sleeping or residential purposes;	44691 44692 44693
(P) Operate a tanning facility that is offered to the public for a fee or other compensation without a current, valid permit under section 4713.48 of the Revised Code;	44694 44695 44696
(Q) Practice a branch of cosmetology in a location other than a licensed facility unless otherwise exempted under section 4713.16 or 4713.17 of the Revised Code;	44697 44698 44699
(R) Use any of the services or arts that are part of cosmetology to treat or attempt to cure a physical or mental disease or ailment.	44700 44701 44702
Sec. 4713.16. (A) This chapter does not prohibit any of the following:	44703 44704
(1) Practicing a branch of cosmetology without a license or registration if the individual does so for free at the	44705 44706

individual's home for a family member who resides in the same 44707
household as the individual; 44708

(2) The retail sale, or trial demonstration by application to 44709
the skin for purposes of retail sale, of cosmetics, preparations, 44710
tonics, antiseptics, creams, lotions, wigs, or hairpieces without 44711
a practicing license or registration; 44712

(3) The retailing, at a salon, of cosmetics, preparations, 44713
tonics, antiseptics, creams, lotions, wigs, hairpieces, clothing, 44714
or any other items that pose no risk of creating unsanitary 44715
conditions at the salon; 44716

(4) The provision of glamour photography services at a 44717
licensed salon if either of the following is the case: 44718

(a) A branch of cosmetology is not practiced as part of the 44719
services. 44720

(b) If a branch of cosmetology is practiced as part of the 44721
services, the part of the services that is a branch of cosmetology 44722
is performed by an individual who holds either of the following 44723
authorizing the individual to practice that branch of cosmetology: 44724

(i) A current, valid license under section 4713.28, 4713.30, 44725
or 4713.34 of the Revised Code; 44726

(ii) A current, valid temporary special occasion work permit 44727
issued under section 4713.37 of the Revised Code. 44728

(5) A student engaging, as a student, in work connected with 44729
a branch of cosmetology taught at the school of cosmetology at 44730
which the student is enrolled; 44731

(6) Practicing a branch of cosmetology without a license or 44732
registration if the individual does so for free for the purpose of 44733
researching or developing a cosmetic as defined in section 3715.01 44734
of the Revised Code. 44735

(B) A student in a career-technical program learning a branch 44736

of cosmetology may continue developing skills in the respective 44737
branch of cosmetology after completing the required coursework or 44738
obtaining a license in the respective branch of cosmetology by 44739
working in the licensed career-technical school clinic if the 44740
student does not receive any compensation. This allowance 44741
terminates upon the graduation of the student from the 44742
career-technical school. 44743

Sec. 4713.17. (A) The following persons are exempt from the 44744
provisions of this chapter, except, as applicable, section 4713.42 44745
of the Revised Code: 44746

(1) All individuals authorized to practice medicine, surgery, 44747
dentistry, and nursing or any of its branches in this state; 44748

(2) Commissioned surgical and medical officers of the United 44749
States army, navy, air force, or marine hospital service when 44750
engaged in the actual performance of their official duties, and 44751
attendants attached to same; 44752

(3) Funeral directors, embalmers, and apprentices licensed or 44753
registered under Chapter 4717. of the Revised Code; 44754

(4) Persons who are engaged in the retail sale, cleaning, or 44755
beautification of wigs and hairpieces but who do not engage in any 44756
other act constituting the practice of a branch of cosmetology; 44757

(5) Volunteers of hospitals, and homes as defined in section 44758
3721.01 of the Revised Code, who render service to registered 44759
patients and inpatients who reside in such hospitals or homes. 44760
Such volunteers shall not use or work with any chemical products 44761
such as permanent wave, hair dye, or chemical hair relaxer, which 44762
without proper training would pose a health or safety problem to 44763
the patient. 44764

(6) Nurse aides and other employees of hospitals and homes as 44765
defined in section 3721.01 of the Revised Code, who practice a 44766

branch of cosmetology on registered patients only as part of 44767
general patient care services and who do not charge patients 44768
directly on a fee for service basis; 44769

(7) Cosmetic therapists and massage therapists who hold 44770
current, valid ~~certificates~~ licenses to practice cosmetic or 44771
massage therapy issued by the state medical board under section 44772
4731.15 of the Revised Code, to the extent their actions are 44773
authorized by their ~~certificates to practice~~ licenses; 44774

(8) Inmates who provide services related to a branch of 44775
cosmetology to other inmates, except when those services are 44776
provided in a licensed school of cosmetology within a state 44777
correctional institution for females. 44778

(B) The director of rehabilitation and correction shall 44779
oversee the services described in division (A)(8) of this section 44780
with respect to sanitation and adopt rules governing those types 44781
of services provided by inmates. 44782

Sec. 4713.42. An individual holding a current, valid 44783
~~certificate~~ license issued under section 4731.15 of the Revised 44784
Code to provide cosmetic therapy or massage therapy may provide 44785
cosmetic therapy or massage therapy, as appropriate, in a salon. 44786
An individual holding a current, valid license or certificate 44787
issued by a professional regulatory board of this state may 44788
practice the individual's profession in a salon if the 44789
individual's profession is authorized by rules adopted under 44790
section 4713.08 of the Revised Code to practice in a salon. 44791

An individual providing cosmetic therapy, massage therapy, or 44792
other professional service in a salon pursuant to this section 44793
shall satisfy the standards established by rules adopted under 44794
section 4713.08 of the Revised Code. 44795

Sec. 4715.22. (A)(1) This section applies only when a 44796

licensed dental hygienist is not practicing in accordance with 44797
either of the following: 44798

(a) A permit issued pursuant to section 4715.363 of the 44799
Revised Code authorizing practice under the oral health access 44800
supervision of a dentist; 44801

(b) Section 4715.431 of the Revised Code. 44802

(2) As used in this section, "health care facility" means 44803
either of the following: 44804

(a) A hospital registered under section 3701.07 of the 44805
Revised Code; 44806

(b) A ~~"home"~~ home, as defined in section 3721.01 of the 44807
Revised Code. 44808

(B) A licensed dental hygienist shall practice under the 44809
supervision, order, control, and full responsibility of a dentist 44810
licensed under this chapter. A dental hygienist may practice in a 44811
dental office, public or private school, health care facility, 44812
dispensary, or public institution. Except as provided in divisions 44813
(C) to (E) of this section, a dental hygienist may not provide 44814
dental hygiene services to a patient when the supervising dentist 44815
is not physically present at the location where the dental 44816
hygienist is practicing. 44817

(C) A dental hygienist may provide, for not more than fifteen 44818
consecutive business days, dental hygiene services to a patient 44819
when the supervising dentist is not physically present at the 44820
location where the services are provided if all of the following 44821
requirements are met: 44822

(1) The dental hygienist has at least one year and a minimum 44823
of one thousand five hundred hours of experience in the practice 44824
of dental hygiene. 44825

(2) The dental hygienist has successfully completed a course 44826

approved by the state dental board in the identification and 44827
prevention of potential medical emergencies. 44828

(3) The dental hygienist does not perform, while the 44829
supervising dentist is absent from the location, procedures while 44830
the patient is anesthetized, definitive root planing, definitive 44831
subgingival curettage, or other procedures identified in rules the 44832
state dental board adopts. 44833

(4) The supervising dentist has evaluated the dental 44834
hygienist's skills. 44835

(5) The supervising dentist examined the patient not more 44836
than one year prior to the date the dental hygienist provides the 44837
dental hygiene services to the patient. 44838

(6) The dental hygienist complies with written protocols or 44839
written standing orders that the supervising dentist establishes, 44840
including those established for emergencies. 44841

(7) The supervising dentist completed and evaluated a medical 44842
and dental history of the patient not more than one year prior to 44843
the date the dental hygienist provides dental hygiene services to 44844
the patient and, except when the dental hygiene services are 44845
provided in a health care facility, the supervising dentist 44846
determines that the patient is in a medically stable condition. 44847

(8) If the dental hygiene services are provided in a health 44848
care facility, a doctor of medicine and surgery or osteopathic 44849
medicine and surgery ~~who holds a current certificate issued~~ 44850
licensed under Chapter 4731. of the Revised Code or a registered 44851
nurse licensed under Chapter 4723. of the Revised Code is present 44852
in the health care facility when the services are provided. 44853

(9) In advance of the appointment for dental hygiene 44854
services, the patient is notified that the supervising dentist 44855
will be absent from the location and that the dental hygienist 44856
cannot diagnose the patient's dental health care status. 44857

(10) The dental hygienist is employed by, or under contract	44858
with, one of the following:	44859
(a) The supervising dentist;	44860
(b) A dentist licensed under this chapter who is one of the	44861
following:	44862
(i) The employer of the supervising dentist;	44863
(ii) A shareholder in a professional association formed under	44864
Chapter 1785. of the Revised Code of which the supervising dentist	44865
is a shareholder;	44866
(iii) A member or manager of a limited liability company	44867
formed under Chapter 1705. of the Revised Code of which the	44868
supervising dentist is a member or manager;	44869
(iv) A shareholder in a corporation formed under division (B)	44870
of section 1701.03 of the Revised Code of which the supervising	44871
dentist is a shareholder;	44872
(v) A partner or employee of a partnership or a limited	44873
liability partnership formed under Chapter 1775. or 1776. of the	44874
Revised Code of which the supervising dentist is a partner or	44875
employee.	44876
(c) A government entity that employs the dental hygienist to	44877
provide dental hygiene services in a public school or in	44878
connection with other programs the government entity administers.	44879
(D) A dental hygienist may provide dental hygiene services to	44880
a patient when the supervising dentist is not physically present	44881
at the location where the services are provided if the services	44882
are provided as part of a dental hygiene program that is approved	44883
by the state dental board and all of the following requirements	44884
are met:	44885
(1) The program is operated through a school district board	44886
of education or the governing board of an educational service	44887

center; the board of health of a city or general health district 44888
or the authority having the duties of a board of health under 44889
section 3709.05 of the Revised Code; a national, state, district, 44890
or local dental association; or any other public or private entity 44891
recognized by the state dental board. 44892

(2) The supervising dentist is employed by or a volunteer 44893
for, and the patients are referred by, the entity through which 44894
the program is operated. 44895

(3)(a) Except as provided in division (D)(3)(b) of this 44896
section, the services are performed after examination and 44897
diagnosis by the dentist and in accordance with the dentist's 44898
written treatment plan. 44899

(b) The requirement in division (D)(3)(a) of this section 44900
does not apply when the only services to be provided by the dental 44901
hygienist are the placement of pit and fissure sealants and the 44902
application of fluoride varnish. 44903

(E) A dental hygienist may do any of the following when the 44904
supervising dentist is not physically present at the location 44905
where the services are provided, regardless of whether the dentist 44906
has examined the patient, if the dental hygienist is employed by, 44907
or under contract with, the supervising dentist or another person 44908
or government entity specified in division (C)(10)(b) or (c) of 44909
this section: 44910

(1) Apply fluoride varnish; 44911

(2) Apply desensitizing agents, excluding silver diamine 44912
fluoride; 44913

(3) Apply disclosing solutions; 44914

(4) Apply pit and fissure sealants; 44915

(5) Recement temporary crowns or recement crowns with 44916
temporary cement; 44917

(6) Conduct caries susceptibility testing;	44918
(7) Provide instruction on oral hygiene home care, including the use of toothbrushes and dental floss;	44919 44920
(8) Discuss general nonmedical nutrition information for the purpose of maintaining good oral health.	44921 44922
As used in division (E)(8) of this section, "general nonmedical nutrition information" means information on the following: principles of good nutrition and food preparation, food to be included in the normal daily diet, the essential nutrients needed by the body, recommended amounts of the essential nutrients, the actions of nutrients on the body, the effects of deficiencies or excesses of nutrients, or food and supplements that are good sources of essential nutrients.	44923 44924 44925 44926 44927 44928 44929 44930
(F) No person shall do either of the following:	44931
(1) Practice dental hygiene in a manner that is separate or otherwise independent from the dental practice of a supervising dentist;	44932 44933 44934
(2) Establish or maintain an office or practice that is primarily devoted to the provision of dental hygiene services.	44935 44936
(G) The state dental board shall adopt rules under division (C) of section 4715.03 of the Revised Code identifying procedures a dental hygienist may not perform when practicing in the absence of the supervising dentist pursuant to division (C) or (D) of this section.	44937 44938 44939 44940 44941
Sec. 4715.52. (A) Except as provided in division (B) of this section, no person shall practice or hold that person out as a dental x-ray machine operator without a valid certificate issued under section 4715.53 of the Revised Code.	44942 44943 44944 44945
(B) Division (A) of this section does not apply to any of the following:	44946 44947

(1) Dentists or dental hygienists licensed under this 44948
chapter; 44949

(2) As specified in 42 C.F.R. 75, radiologic personnel 44950
employed by the federal government or serving in a branch of the 44951
armed forces of the United States; 44952

(3) Students engaging in any of the activities performed by 44953
dental x-ray machine operators as an integral part of a program of 44954
study leading to receipt of a license or certificate issued under 44955
this chapter, or a license issued under Chapter 4731., 4734., or 44956
~~Chapter 4773. of the Revised Code, or a certificate issued under~~ 44957
~~Chapter 4731. of the Revised Code.~~ 44958

Sec. 4717.03. (A) Members of the board of embalmers and 44959
funeral directors shall annually in July, or within thirty days 44960
after the senate's confirmation of the new members appointed in 44961
that year, meet and organize by selecting from among its members a 44962
president, vice-president, and secretary-treasurer. The board may 44963
hold other meetings as it determines necessary. A quorum of the 44964
board consists of four members, of whom at least three shall be 44965
members who are funeral directors. The concurrence of at least 44966
four members is necessary for the board to take any action. The 44967
president and secretary-treasurer shall sign all licenses issued 44968
under this chapter and affix the board's seal to each license. 44969

(B) The board may appoint an individual who is not a member 44970
of the board to serve as executive director of the board. The 44971
executive director serves at the pleasure of the board and shall 44972
do all of the following: 44973

(1) Serve as the board's chief administrative officer; 44974

(2) Act as custodian of the board's records; 44975

(3) Execute all of the board's orders; 44976

(4) Employ staff who are not members of the board and who 44977

serve at the pleasure of the executive director to provide any 44978
assistance that the board considers necessary. 44979

(C) In executing the board's orders as required by division 44980
(B)(3) of this section, the executive director may enter the 44981
premises, establishment, office, or place of business of any 44982
embalmer, funeral director, or crematory operator in this state. 44983
The executive director may serve and execute any process issued by 44984
any court under this chapter. 44985

(D) The executive director may employ necessary inspectors, 44986
who shall be licensed embalmers and funeral directors. An 44987
inspector employed by the executive director may enter the 44988
premises, establishment, office, or place of business of any 44989
embalmer, funeral director, or crematory operator, embalming 44990
facility, funeral home, or crematory facility in this state, for 44991
the purposes of inspecting the facility and premises; the license, 44992
permit, and ~~registration~~ certification of embalmers, funeral 44993
directors, and crematory operators operating in the facility; and 44994
the license of the funeral home, embalming facility, or crematory 44995
facility and perform any other duties delegated to the inspector 44996
by the board or assigned to the inspector by the executive 44997
director. The executive director may enter the facility or 44998
premises of a funeral home, embalming facility, or crematory for 44999
the purpose of an inspection if accompanied by an inspector or, if 45000
an inspector is not available, when a situation presents a danger 45001
of immediate and serious harm to the public. 45002

(E) The president of the board shall designate three of the 45003
board's members to serve on the crematory review board, which is 45004
hereby created, for such time as the president finds appropriate 45005
to carry out the provisions of this chapter. Those members of the 45006
crematory review board designated by the president to serve and 45007
three members designated by the cemetery dispute resolution 45008
commission shall designate, by a majority vote, one person who 45009

holds a crematory operator permit, who is experienced in the 45010
operation of a crematory facility, and who is not affiliated with 45011
a cemetery or a funeral home to serve on the crematory review 45012
board for such time as the crematory review board finds 45013
appropriate. Members serving on the crematory review board shall 45014
not receive any additional compensation for serving on the board, 45015
but may be reimbursed for their actual and necessary expenses 45016
incurred in the performance of official duties as members of the 45017
board. Members of the crematory review board shall designate one 45018
from among its members to serve as a chairperson for such time as 45019
the board finds appropriate. Costs associated with conducting an 45020
adjudicatory hearing in accordance with division (F) of this 45021
section shall be paid from funds available to the board of 45022
embalmers and funeral directors. 45023

(F) Upon receiving written notice from the board of embalmers 45024
and funeral directors of any of the following, the crematory 45025
review board shall conduct an adjudicatory hearing on the matter 45026
in accordance with Chapter 119. of the Revised Code, except as 45027
otherwise provided in this section or division (C) of section 45028
4717.14 of the Revised Code: 45029

(1) Notice provided under division (I) of this section of an 45030
alleged violation of any provision of this chapter or any rules 45031
adopted under this chapter governing or in connection with 45032
crematory operators, crematory facilities, or cremation; 45033

(2) Notice provided under division (B) of section 4717.14 of 45034
the Revised Code that the board of embalmers and funeral directors 45035
proposes to refuse to grant or renew, or to suspend or revoke, a 45036
license to operate a crematory facility; 45037

(3) Notice provided under division (C) of section 4717.14 of 45038
the Revised Code that the board of embalmers and funeral directors 45039
has issued an order summarily suspending a crematory operator 45040
permit or a license to operate a crematory facility; 45041

(4) Notice provided under division (B) of section 4717.15 of the Revised Code that the board of embalmers and funeral directors proposes to issue a notice of violation and order requiring payment of a forfeiture for any violation described in divisions (A)(9)(a) to (g) of section 4717.04 of the Revised Code alleged in connection with a crematory operator, crematory facility, or cremation.

Nothing in division (F) of this section precludes the crematory review board from appointing an independent examiner in accordance with section 119.09 of the Revised Code to conduct any adjudication hearing required under division (F) of this section.

The crematory review board shall submit a written report of findings and advisory recommendations, and a written transcript of its proceedings, to the board of embalmers and funeral directors. The board of embalmers and funeral directors shall serve a copy of the written report of the crematory review board's findings and advisory recommendations on the party to the adjudication or the party's attorney, by certified mail, within five days after receiving the report and advisory recommendations. A party may file objections to the written report with the board of embalmers and funeral directors within ten days after receiving the report. No written report is final or appealable until it is issued as a final order by the board of embalmers and funeral directors and entered on the record of the proceedings. The board of embalmers and funeral directors shall consider objections filed by the party prior to issuing a final order. After reviewing the findings and advisory recommendations of the crematory review board, the written transcript of the crematory review board's proceedings, and any objections filed by a party, the board of embalmers and funeral directors shall issue a final order in the matter. Any party may appeal the final order issued by the board of embalmers and funeral directors in a matter described in divisions (F)(1) to

(4) of this section in accordance with section 119.12 of the Revised Code, except that the appeal may be made to the court of common pleas in the county in which is located the crematory facility to which the final order pertains, or in the county in which the party resides.

(G) On its own initiative or on receiving a written complaint from any person whose identity is made known to the board of embalmers and funeral directors, the board shall investigate the acts or practices of any person holding or claiming to hold a license, permit, or ~~registration~~ certification under this chapter that, if proven to have occurred, would violate this chapter or any rules adopted under it. The board may compel witnesses by subpoena to appear and testify in relation to investigations conducted under this chapter and may require by subpoena duces tecum the production of any book, paper, or document pertaining to an investigation. If a person does not comply with a subpoena or subpoena duces tecum, the board may apply to the court of common pleas of any county in this state for an order compelling the person to comply with the subpoena or subpoena duces tecum, or for failure to do so, to be held in contempt of court.

(H) If, as a result of its investigation conducted under division (G) of this section, the board of embalmers and funeral directors has reasonable cause to believe that the person investigated is violating any provision of this chapter or any rules adopted under this chapter governing or in connection with embalming, funeral directing, cremation, funeral homes, embalming facilities, or cremation facilities, or the operation of funeral homes, embalming facilities, or crematory facilities, it may, after providing the opportunity for an adjudicatory hearing, issue an order directing the person to cease the acts or practices that constitute the violation. The board shall conduct the adjudicatory hearing in accordance with Chapter 119. of the Revised Code except

that, notwithstanding the provisions of that chapter, the 45106
following shall apply: 45107

(1) The board shall send the notice informing the person of 45108
the person's right to a hearing by certified mail. 45109

(2) The person is entitled to a hearing only if the person 45110
requests a hearing and if the board receives the request within 45111
thirty days after the mailing of the notice described in division 45112
(H)(1) of this section. 45113

(3) A stenographic record shall be taken, in the manner 45114
prescribed in section 119.09 of the Revised Code, at every 45115
adjudicatory hearing held under this section, regardless of 45116
whether the record may be the basis of an appeal to a court. 45117

(I) If, as a result of its investigation conducted under 45118
division (G) of this section, the board of embalmers and funeral 45119
directors has reasonable cause to believe that the person 45120
investigated is violating any provision of this chapter or any 45121
rules adopted under this chapter governing or in connection with 45122
crematory operators, crematory facilities, or cremation, the board 45123
shall send written notice of the alleged violation to the 45124
crematory review board. If, after the conclusion of the 45125
adjudicatory hearing in the matter conducted under division (F) of 45126
this section, the board of embalmers and funeral directors finds 45127
that a person is in violation of any provision of this chapter or 45128
any rules adopted under this chapter governing or in connection 45129
with crematory operators, crematory facilities, or cremation, the 45130
board may issue a final order under that division directing the 45131
person to cease the acts or practices that constitute the 45132
violation. 45133

(J) The board of embalmers and funeral directors may bring a 45134
civil action to enjoin any violation or threatened violation of 45135
sections 4717.01 to 4717.15 of the Revised Code or a rule adopted 45136

under any of those sections; division (A) or (B) of section 45137
4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or 45138
(F)(1) or (2), or divisions (H) to (K) of section 4717.26; 45139
division (D)(1) of section 4717.27; divisions (A) to (C) of 45140
section 4717.28, or division (D) or (E) of section 4717.31 of the 45141
Revised Code. The action shall be brought in the county where the 45142
violation occurred or the threatened violation is expected to 45143
occur. At the request of the board, the attorney general shall 45144
represent the board in any matter arising under this chapter. 45145

(K) The board of embalmers and funeral directors and the 45146
crematory review board may issue subpoenas for any person holding 45147
a license or permit under this chapter or persons holding 45148
themselves out as such, or for any other person whose testimony, 45149
in the opinion of either board, is necessary. The subpoena shall 45150
require the person to appear before the appropriate board or any 45151
designated member of either board, upon any hearing conducted 45152
under this chapter. The penalty for disobedience to the command of 45153
such a subpoena is the same as for refusal to answer such a 45154
process issued under authority of the court of common pleas. 45155

(L) Except as provided in section 4717.41 of the Revised 45156
Code, all moneys received by the board of embalmers and funeral 45157
directors from any source shall be deposited in the state treasury 45158
to the credit of the occupational licensing and regulatory fund 45159
created in section 4743.05 of the Revised Code. 45160

(M) The board of embalmers and funeral directors shall submit 45161
a written report to the governor on or before the first Monday of 45162
July of each year. This report shall contain a detailed statement 45163
of the nature and amount of the board's receipts and the amount 45164
and manner of its expenditures. 45165

Sec. 4717.05. (A) Any person who desires to be licensed as an 45166
embalmer shall apply to the board of embalmers and funeral 45167

directors on a form provided by the board. The applicant shall 45168
include with the application an initial license fee as set forth 45169
in section 4717.07 of the Revised Code and evidence, verified by 45170
oath and satisfactory to the board, that the applicant meets all 45171
of the following requirements: 45172

(1) The applicant is at least eighteen years of age and of 45173
good moral character. 45174

(2) If the applicant has pleaded guilty to, has been found by 45175
a judge or jury to be guilty of, or has had a judicial finding of 45176
eligibility for treatment in lieu of conviction entered against 45177
the applicant in this state for aggravated murder, murder, 45178
voluntary manslaughter, felonious assault, kidnapping, rape, 45179
sexual battery, gross sexual imposition, aggravated arson, 45180
aggravated robbery, or aggravated burglary, or has pleaded guilty 45181
to, has been found by a judge or jury to be guilty of, or has had 45182
a judicial finding of eligibility for treatment in lieu of 45183
conviction entered against the applicant in another jurisdiction 45184
for a substantially equivalent offense, at least five years has 45185
elapsed since the applicant was released from incarceration, a 45186
community control sanction, a post-release control sanction, 45187
parole, or treatment in connection with the offense. 45188

(3) The applicant holds at least a bachelor's degree from a 45189
college or university authorized to confer degrees by the 45190
department of higher education or the comparable legal agency of 45191
another state in which the college or university is located and 45192
submits an official transcript from that college or university 45193
with the application. 45194

(4) The applicant has satisfactorily completed at least 45195
twelve months of instruction in a prescribed course in mortuary 45196
science as approved by the board and has presented to the board a 45197
certificate showing successful completion of the course. The 45198
course of mortuary science college training may be completed 45199

either before or after the completion of the educational standard 45200
set forth in division (A)(3) of this section. 45201

(5) The applicant has ~~registered with~~ been certified by the 45202
board prior to beginning an embalmer apprenticeship. 45203

(6) The applicant has satisfactorily completed at least one 45204
year of apprenticeship under an embalmer licensed in this state 45205
and has participated in embalming at least twenty-five dead human 45206
bodies. 45207

(7) The applicant, upon meeting the educational standards 45208
provided for in divisions (A)(3) and (4) of this section and 45209
completing the apprenticeship required in division (A)(6) of this 45210
section, has completed the examination for an embalmer's license 45211
required by the board. 45212

(B) Upon receiving satisfactory evidence verified by oath 45213
that the applicant meets all the requirements of division (A) of 45214
this section, the board shall issue the applicant an embalmer's 45215
license. 45216

(C) Any person who desires to be licensed as a funeral 45217
director shall apply to the board on a form prescribed by the 45218
board. The application shall include an initial license fee as set 45219
forth in section 4717.07 of the Revised Code and evidence, 45220
verified by oath and satisfactory to the board, that the applicant 45221
meets all of the following requirements: 45222

(1) Except as otherwise provided in division (D) of this 45223
section, the applicant has satisfactorily met all the requirements 45224
for an embalmer's license as described in divisions (A)(1) to (4) 45225
of this section. 45226

(2) The applicant has ~~registered with~~ been certified by the 45227
board prior to beginning a funeral director apprenticeship. 45228

(3) The applicant, following mortuary science college 45229

training described in division (A)(4) of this section, has 45230
satisfactorily completed a one-year apprenticeship under a 45231
licensed funeral director in this state and has participated in 45232
directing at least twenty-five funerals. 45233

(4) The applicant has satisfactorily completed the 45234
examination for a funeral director's license as required by the 45235
board. 45236

(D) In lieu of mortuary science college training required for 45237
a funeral director's license under division (C)(1) of this 45238
section, the applicant may substitute a satisfactorily completed 45239
two-year apprenticeship under a licensed funeral director in this 45240
state assisting that person in directing at least fifty funerals. 45241

(E) Upon receiving satisfactory evidence that the applicant 45242
meets all the requirements of division (C) of this section, the 45243
board shall issue to the applicant a funeral director's license. 45244

(F) A funeral director or embalmer may request the funeral 45245
director's or embalmer's license be placed on inactive status by 45246
submitting to the board a form prescribed by the board and such 45247
other information as the board may request. A funeral director or 45248
embalmer may not place the funeral director's or embalmer's 45249
license on inactive status unless the funeral director or embalmer 45250
is in good standing with the board and is in compliance with 45251
applicable continuing education requirements. A funeral director 45252
or embalmer who is granted inactive status is prohibited from 45253
participating in any activity for which a funeral director's or 45254
embalmer's license is required in this state. A funeral director 45255
or embalmer who has been granted inactive status is exempt from 45256
the continuing education requirements under section 4717.09 of the 45257
Revised Code during the period of the inactive status. 45258

(G) A funeral director or embalmer who has been granted 45259
inactive status may not return to active status for at least two 45260

years following the date that the inactive status was granted. 45261

Following a period of at least two years of inactive status, the 45262
funeral director or embalmer may apply to return to active status 45263
upon completion of all of the following conditions: 45264

(1) The funeral director or embalmer files with the board a 45265
form prescribed by the board seeking active status and provides 45266
any other information as the board may request; 45267

(2) The funeral director or embalmer takes and passes the 45268
Ohio laws examination for each license being activated; 45269

(3) The funeral director or embalmer pays a reactivation fee 45270
to the board in the amount of one hundred forty dollars for each 45271
license being reactivated. 45272

(H) As used in this section: 45273

(1) "Community control sanction" has the same meaning as in 45274
section 2929.01 of the Revised Code. 45275

(2) "Post-release control sanction" has the same meaning as 45276
in section 2967.01 of the Revised Code. 45277

Sec. 4717.07. (A) The board of embalmers and funeral 45278
directors shall charge and collect the following fees: 45279

(1) For applying for an initial or biennial renewal of an 45280
embalmer's or funeral director's license, ~~one~~ two hundred ~~fifty~~ 45281
dollars; 45282

(2) ~~For applying for an embalmer or funeral director~~ 45283
~~registration, twenty five dollars;~~ 45284

~~(3)~~ For ~~filing~~ applying for an embalmer or funeral director 45285
certificate of apprenticeship, ~~ten~~ thirty-five dollars; 45286

~~(4)~~(3) For the application to take the examination for a 45287
license to practice as an embalmer or funeral director, or to 45288
retake a section of the examination, thirty-five dollars; 45289

(5) (4) For applying for an initial license to operate a	45290
funeral home, three <u>four</u> hundred fifty dollars and biennial	45291
renewal of a license to operate a funeral home, three <u>four</u> hundred	45292
fifty dollars;	45293
(6) (5) For the reinstatement of a lapsed embalmer's or	45294
funeral director's license, the renewal fee prescribed in division	45295
(A)(1) of this section plus fifty dollars for each month or	45296
portion of a month the license is lapsed, but not more than one	45297
thousand dollars;	45298
(7) (6) For the reinstatement of a lapsed license to operate a	45299
funeral home, the renewal fee prescribed in division (A) (5) (4) of	45300
this section plus fifty dollars for each month or portion of a	45301
month the license is lapsed until reinstatement, but not more than	45302
one thousand dollars;	45303
(8) (7) For applying for a license to operate an embalming	45304
facility, three <u>four</u> hundred fifty dollars and biennial renewal of	45305
a license to operate an embalming facility, three <u>four</u> hundred	45306
fifty dollars;	45307
(9) (8) For the reinstatement of a lapsed license to operate	45308
an embalming facility, the renewal fee prescribed in division	45309
(A) (8) (7) of this section plus fifty dollars for each month or	45310
portion of a month the license is lapsed until reinstatement, but	45311
not more than one thousand dollars;	45312
(10) (9) For applying for a license to operate a crematory	45313
facility, three <u>four</u> hundred fifty dollars and biennial renewal of	45314
a license to operate a crematory facility, three <u>four</u> hundred	45315
fifty dollars;	45316
(11) (10) For the reinstatement of a lapsed license to operate	45317
a crematory facility, the renewal fee prescribed in division	45318
(A) (10) (9) of this section plus fifty dollars for each month or	45319
portion of a month the license is lapsed until reinstatement, but	45320

not more than five hundred dollars; 45321

~~(12)~~(11) For applying for the initial or biennial renewal of 45322
a crematory operator permit, one hundred fifty dollars; 45323

~~(13)~~(12) For the reinstatement of a lapsed crematory operator 45324
permit, the renewal fee prescribed in division (A)~~(12)~~(11) of this 45325
section plus fifty dollars for each month or portion of a month 45326
the permit is lapsed, but not more than five hundred dollars; 45327

~~(14)~~(13) For the issuance of a duplicate of a license issued 45328
under this chapter, ten dollars; 45329

~~(15)~~(14) For each preneed funeral contract sold in the state 45330
other than those funded by the assignment of an existing insurance 45331
policy, ten dollars. 45332

(B) In addition to the fees set forth in division (A) of this 45333
section, an applicant shall pay the examination fee assessed by 45334
any examining agency the board uses for any section of an 45335
examination required under this chapter. 45336

(C) Subject to the approval of the controlling board, the 45337
board of embalmers and funeral directors may establish fees in 45338
excess of the amounts set forth in this section, provided that 45339
these fees do not exceed the amounts set forth in this section by 45340
more than fifty per cent. 45341

Sec. 4717.41. (A) There is hereby created the preneed 45342
recovery fund, which shall be in the custody of the treasurer of 45343
state but shall not be part of the state treasury. All fees 45344
collected under division (A)~~(15)~~(14) of section 4717.07 of the 45345
Revised Code shall be deposited into the fund. The fund shall be 45346
used to reimburse purchasers of preneed funeral contracts who have 45347
suffered financial loss as a result of the malfeasance, 45348
misfeasance, default, failure, or insolvency in connection with 45349
the sale of a preneed funeral contract by any licensee under this 45350

chapter, regardless of whether the sale of such contract occurred 45351
before or after the establishment of the fund. The fund, and all 45352
investment earnings thereon, shall only be used for the purposes 45353
set forth in this section and shall not be used for any other 45354
purposes. The fund shall be administered by the board of embalmers 45355
and funeral directors. 45356

(B) All fees collected under division (A)~~(15)~~(14) of section 45357
4717.07 of the Revised Code shall be deposited into the fund. 45358
Deposits to and disbursements from the fund account shall be 45359
subject to rules established by the board. 45360

(C) If at the end of any fiscal year for this state, the 45361
balance in the fund exceeds two million dollars, the fee required 45362
by division (A)~~(15)~~(14) of section 4717.07 of the Revised Code for 45363
the upcoming fiscal year shall be reduced by fifty per cent. If 45364
the balance in the fund at the end of a fiscal year exceeds three 45365
million dollars, the payment of the fee required by division 45366
(A)~~(15)~~(14) of section 4717.07 of the Revised Code shall be 45367
suspended for the upcoming fiscal year. 45368

(D) The board shall adopt rules governing management of the 45369
fund, the presentation and processing of applications for 45370
reimbursement, subrogation, or assignment of the rights of any 45371
reimbursed applicant. 45372

(E) The board may expend moneys in the fund for the following 45373
purposes: 45374

(1) To make reimbursements on approved applications; 45375

(2) To purchase insurance to cover losses as considered 45376
appropriate by the board and not inconsistent with the purposes of 45377
the fund; 45378

(3) To invest such portions of the fund as are not currently 45379
needed to reimburse losses and maintain adequate reserves, as are 45380
permitted to be made by fiduciaries under the laws of this state; 45381

(4) To pay the expenses of the board for administering the 45382
fund, including employment of local counsel to prosecute 45383
subrogation claims. 45384

(F) Reimbursements from the fund shall be made only to the 45385
extent to which those losses are not bonded or otherwise covered, 45386
protected, or reimbursed and only after the applicant has complied 45387
with all applicable rules of the board. 45388

(G) The board shall investigate all applications made and may 45389
reject or allow such claims in whole or in part to the extent that 45390
moneys are available in the fund. The board shall have complete 45391
discretion to determine the order and manner of payment of 45392
approved applications. All payments shall be a matter of privilege 45393
and not of right, and no person shall have any right in the fund 45394
as a third-party beneficiary or otherwise. No attorney may be 45395
compensated by the board for prosecuting an application for 45396
reimbursement. 45397

(H) If reimbursement is made to an applicant under this 45398
section, the board shall be subrogated in the reimbursement amount 45399
and may bring any action it considers advisable against any 45400
person. The board may enforce any claims it may have for 45401
restitution or otherwise and may employ and compensate 45402
consultants, agents, legal counsel, accountants, and other persons 45403
it considers appropriate. 45404

Sec. 4723.08. (A) The board of nursing may impose fees not to 45405
exceed the following limits: 45406

(1) For application for licensure by examination or 45407
endorsement to practice nursing as a registered nurse or as a 45408
licensed practical nurse, seventy-five dollars; 45409

(2) For application for licensure to practice nursing as an 45410
advanced practice registered nurse, one hundred fifty dollars; 45411

(3) For application for a dialysis technician intern certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;	45412 45413 45414
(4) For application for a dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;	45415 45416 45417
(5) For providing, pursuant to division (B) of section 4723.271 of the Revised Code, written verification of a nursing license, dialysis technician certificate, medication aide certificate, or community health worker certificate to another jurisdiction, fifteen dollars;	45418 45419 45420 45421 45422
(6) For providing, pursuant to division (A) of section 4723.271 of the Revised Code, a replacement copy of a wall certificate suitable for framing as described in that division, twenty-five dollars;	45423 45424 45425 45426
(7) For renewal of a license to practice as a registered nurse or licensed practical nurse, sixty-five dollars;	45427 45428
(8) For renewal of a license to practice as an advanced practice registered nurse, one hundred thirty-five dollars;	45429 45430
(9) For renewal of a dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;	45431 45432 45433
(10) For processing a late application for renewal of a nursing license, certificate of authority , or dialysis technician certificate, fifty dollars;	45434 45435 45436
(11) For application for authorization to approve continuing education programs and courses from an applicant accredited by a national accreditation system for nursing, five hundred dollars;	45437 45438 45439
(12) For application for authorization to approve continuing education programs and courses from an applicant not accredited by	45440 45441

a national accreditation system for nursing, one thousand dollars; 45442

(13) For each year for which authorization to approve 45443
continuing education programs and courses is renewed, one hundred 45444
fifty dollars; 45445

(14) For application for approval to operate a dialysis 45446
training program, the amount specified in rules adopted under 45447
section 4723.79 of the Revised Code; 45448

(15) For reinstatement of a lapsed license or certificate 45449
issued under this chapter, one hundred dollars except as provided 45450
in section 5903.10 of the Revised Code; 45451

(16) For processing a check returned to the board by a 45452
financial institution, twenty-five dollars; 45453

(17) The amounts specified in rules adopted under section 45454
4723.88 of the Revised Code pertaining to the issuance of 45455
certificates to community health workers, including fees for 45456
application for a certificate, renewal of a certificate, 45457
processing a late application for renewal of a certificate, 45458
reinstatement of a lapsed certificate, application for approval of 45459
a community health worker training program for community health 45460
workers, and renewal of the approval of a training program for 45461
community health workers. 45462

(B) Each quarter, for purposes of transferring funds under 45463
section 4743.05 of the Revised Code to the nurse education 45464
assistance fund created in section 3333.28 of the Revised Code, 45465
the board of nursing shall certify to the director of budget and 45466
management the number of licenses renewed under this chapter 45467
during the preceding quarter and the amount equal to that number 45468
times five dollars. 45469

(C) The board may charge a participant in a board-sponsored 45470
continuing education activity an amount not exceeding fifteen 45471
dollars for each activity. 45472

(D) The board may contract for services pertaining to the 45473
process of providing written verification of a license or 45474
certificate when the verification is performed for purposes other 45475
than providing verification to another jurisdiction. The contract 45476
may include provisions pertaining to the collection of the fee 45477
charged for providing the written verification. As part of these 45478
provisions, the board may permit the contractor to retain a 45479
portion of the fees as compensation, before any amounts are 45480
deposited into the state treasury. 45481

Sec. 4723.28. (A) The board of nursing, by a vote of a 45482
quorum, may impose one or more of the following sanctions if it 45483
finds that a person committed fraud in passing an examination 45484
required to obtain a license or dialysis technician certificate 45485
issued by the board or to have committed fraud, misrepresentation, 45486
or deception in applying for or securing any nursing license or 45487
dialysis technician certificate issued by the board: deny, revoke, 45488
suspend, or place restrictions on any nursing license or dialysis 45489
technician certificate issued by the board; reprimand or otherwise 45490
discipline a holder of a nursing license or dialysis technician 45491
certificate; or impose a fine of not more than five hundred 45492
dollars per violation. 45493

(B) The board of nursing, by a vote of a quorum, may impose 45494
one or more of the following sanctions: deny, revoke, suspend, or 45495
place restrictions on any nursing license or dialysis technician 45496
certificate issued by the board; reprimand or otherwise discipline 45497
a holder of a nursing license or dialysis technician certificate; 45498
or impose a fine of not more than five hundred dollars per 45499
violation. The sanctions may be imposed for any of the following: 45500

(1) Denial, revocation, suspension, or restriction of 45501
authority to engage in a licensed profession or practice a health 45502
care occupation, including nursing or practice as a dialysis 45503

technician, for any reason other than a failure to renew, in Ohio 45504
or another state or jurisdiction; 45505

(2) Engaging in the practice of nursing or engaging in 45506
practice as a dialysis technician, having failed to renew a 45507
nursing license or dialysis technician certificate issued under 45508
this chapter, or while a nursing license or dialysis technician 45509
certificate is under suspension; 45510

(3) Conviction of, a plea of guilty to, a judicial finding of 45511
guilt of, a judicial finding of guilt resulting from a plea of no 45512
contest to, or a judicial finding of eligibility for a pretrial 45513
diversion or similar program or for intervention in lieu of 45514
conviction for, a misdemeanor committed in the course of practice; 45515

(4) Conviction of, a plea of guilty to, a judicial finding of 45516
guilt of, a judicial finding of guilt resulting from a plea of no 45517
contest to, or a judicial finding of eligibility for a pretrial 45518
diversion or similar program or for intervention in lieu of 45519
conviction for, any felony or of any crime involving gross 45520
immorality or moral turpitude; 45521

(5) Selling, giving away, or administering drugs or 45522
therapeutic devices for other than legal and legitimate 45523
therapeutic purposes; or conviction of, a plea of guilty to, a 45524
judicial finding of guilt of, a judicial finding of guilt 45525
resulting from a plea of no contest to, or a judicial finding of 45526
eligibility for a pretrial diversion or similar program or for 45527
intervention in lieu of conviction for, violating any municipal, 45528
state, county, or federal drug law; 45529

(6) Conviction of, a plea of guilty to, a judicial finding of 45530
guilt of, a judicial finding of guilt resulting from a plea of no 45531
contest to, or a judicial finding of eligibility for a pretrial 45532
diversion or similar program or for intervention in lieu of 45533
conviction for, an act in another jurisdiction that would 45534

constitute a felony or a crime of moral turpitude in Ohio; 45535

(7) Conviction of, a plea of guilty to, a judicial finding of 45536
guilt of, a judicial finding of guilt resulting from a plea of no 45537
contest to, or a judicial finding of eligibility for a pretrial 45538
diversion or similar program or for intervention in lieu of 45539
conviction for, an act in the course of practice in another 45540
jurisdiction that would constitute a misdemeanor in Ohio; 45541

(8) Self-administering or otherwise taking into the body any 45542
dangerous drug, as defined in section 4729.01 of the Revised Code, 45543
in any way that is not in accordance with a legal, valid 45544
prescription issued for that individual, or self-administering or 45545
otherwise taking into the body any drug that is a schedule I 45546
controlled substance; 45547

(9) Habitual or excessive use of controlled substances, other 45548
habit-forming drugs, or alcohol or other chemical substances to an 45549
extent that impairs the individual's ability to provide safe 45550
nursing care or safe dialysis care; 45551

(10) Impairment of the ability to practice according to 45552
acceptable and prevailing standards of safe nursing care or safe 45553
dialysis care because of the use of drugs, alcohol, or other 45554
chemical substances; 45555

(11) Impairment of the ability to practice according to 45556
acceptable and prevailing standards of safe nursing care or safe 45557
dialysis care because of a physical or mental disability; 45558

(12) Assaulting or causing harm to a patient or depriving a 45559
patient of the means to summon assistance; 45560

(13) Misappropriation or attempted misappropriation of money 45561
or anything of value in the course of practice; 45562

(14) Adjudication by a probate court of being mentally ill or 45563
mentally incompetent. The board may reinstate the person's nursing 45564

license or dialysis technician certificate upon adjudication by a probate court of the person's restoration to competency or upon submission to the board of other proof of competency.

(15) The suspension or termination of employment by the United States department of defense or department of veterans affairs for any act that violates or would violate this chapter;

(16) Violation of this chapter or any rules adopted under it;

(17) Violation of any restrictions placed by the board on a nursing license or dialysis technician certificate;

(18) Failure to use universal and standard precautions established by rules adopted under section 4723.07 of the Revised Code;

(19) Failure to practice in accordance with acceptable and prevailing standards of safe nursing care or safe dialysis care;

(20) In the case of a registered nurse, engaging in activities that exceed the practice of nursing as a registered nurse;

(21) In the case of a licensed practical nurse, engaging in activities that exceed the practice of nursing as a licensed practical nurse;

(22) In the case of a dialysis technician, engaging in activities that exceed those permitted under section 4723.72 of the Revised Code;

(23) Aiding and abetting a person in that person's practice of nursing without a license or practice as a dialysis technician without a certificate issued under this chapter;

(24) In the case of an advanced practice registered nurse, except as provided in division (M) of this section, either of the following:

(a) Waiving the payment of all or any part of a deductible or

copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;

(b) Advertising that the nurse will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing services, would otherwise be required to pay.

(25) Failure to comply with the terms and conditions of participation in the substance use disorder monitoring program established under section 4723.35 of the Revised Code;

(26) Failure to comply with the terms and conditions required under the practice intervention and improvement program established under section 4723.282 of the Revised Code;

(27) In the case of an advanced practice registered nurse:

(a) Engaging in activities that exceed those permitted for the nurse's nursing specialty under section 4723.43 of the Revised Code;

(b) Failure to meet the quality assurance standards established under section 4723.07 of the Revised Code.

(28) In the case of an advanced practice registered nurse other than a certified registered nurse anesthetist, failure to maintain a standard care arrangement in accordance with section 4723.431 of the Revised Code or to practice in accordance with the standard care arrangement;

(29) In the case of an advanced practice registered nurse who is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, failure to

prescribe drugs and therapeutic devices in accordance with section 45625
4723.481 of the Revised Code; 45626

(30) Prescribing any drug or device to perform or induce an 45627
abortion, or otherwise performing or inducing an abortion; 45628

(31) Failure to establish and maintain professional 45629
boundaries with a patient, as specified in rules adopted under 45630
section 4723.07 of the Revised Code; 45631

(32) Regardless of whether the contact or verbal behavior is 45632
consensual, engaging with a patient other than the spouse of the 45633
registered nurse, licensed practical nurse, or dialysis technician 45634
in any of the following: 45635

(a) Sexual contact, as defined in section 2907.01 of the 45636
Revised Code; 45637

(b) Verbal behavior that is sexually demeaning to the patient 45638
or may be reasonably interpreted by the patient as sexually 45639
demeaning. 45640

(33) Assisting suicide, as defined in section 3795.01 of the 45641
Revised Code; 45642

(34) Failure to comply with the requirements in section 45643
3719.061 of the Revised Code before issuing for a minor a 45644
prescription for an opioid analgesic, as defined in section 45645
3719.01 of the Revised Code; 45646

(35) Failure to comply with section 4723.487 of the Revised 45647
Code, unless the state board of pharmacy no longer maintains a 45648
drug database pursuant to section 4729.75 of the Revised Code; 45649

(36) The revocation, suspension, restriction, reduction, or 45650
termination of clinical privileges by the United States department 45651
of defense or department of veterans affairs or the termination or 45652
suspension of a certificate of registration to prescribe drugs by 45653
the drug enforcement administration of the United States 45654

department of justice. 45655

(C) Disciplinary actions taken by the board under divisions 45656
(A) and (B) of this section shall be taken pursuant to an 45657
adjudication conducted under Chapter 119. of the Revised Code, 45658
except that in lieu of a hearing, the board may enter into a 45659
consent agreement with an individual to resolve an allegation of a 45660
violation of this chapter or any rule adopted under it. A consent 45661
agreement, when ratified by a vote of a quorum, shall constitute 45662
the findings and order of the board with respect to the matter 45663
addressed in the agreement. If the board refuses to ratify a 45664
consent agreement, the admissions and findings contained in the 45665
agreement shall be of no effect. 45666

(D) The hearings of the board shall be conducted in 45667
accordance with Chapter 119. of the Revised Code, the board may 45668
appoint a hearing examiner, as provided in section 119.09 of the 45669
Revised Code, to conduct any hearing the board is authorized to 45670
hold under Chapter 119. of the Revised Code. 45671

In any instance in which the board is required under Chapter 45672
119. of the Revised Code to give notice of an opportunity for a 45673
hearing and the applicant, licensee, or certificate holder does 45674
not make a timely request for a hearing in accordance with section 45675
119.07 of the Revised Code, the board is not required to hold a 45676
hearing, but may adopt, by a vote of a quorum, a final order that 45677
contains the board's findings. In the final order, the board may 45678
order any of the sanctions listed in division (A) or (B) of this 45679
section. 45680

(E) If a criminal action is brought against a registered 45681
nurse, licensed practical nurse, or dialysis technician for an act 45682
or crime described in divisions (B)(3) to (7) of this section and 45683
the action is dismissed by the trial court other than on the 45684
merits, the board shall conduct an adjudication to determine 45685
whether the registered nurse, licensed practical nurse, or 45686

dialysis technician committed the act on which the action was 45687
based. If the board determines on the basis of the adjudication 45688
that the registered nurse, licensed practical nurse, or dialysis 45689
technician committed the act, or if the registered nurse, licensed 45690
practical nurse, or dialysis technician fails to participate in 45691
the adjudication, the board may take action as though the 45692
registered nurse, licensed practical nurse, or dialysis technician 45693
had been convicted of the act. 45694

If the board takes action on the basis of a conviction, plea, 45695
or a judicial finding as described in divisions (B)(3) to (7) of 45696
this section that is overturned on appeal, the registered nurse, 45697
licensed practical nurse, or dialysis technician may, on 45698
exhaustion of the appeal process, petition the board for 45699
reconsideration of its action. On receipt of the petition and 45700
supporting court documents, the board shall temporarily rescind 45701
its action. If the board determines that the decision on appeal 45702
was a decision on the merits, it shall permanently rescind its 45703
action. If the board determines that the decision on appeal was 45704
not a decision on the merits, it shall conduct an adjudication to 45705
determine whether the registered nurse, licensed practical nurse, 45706
or dialysis technician committed the act on which the original 45707
conviction, plea, or judicial finding was based. If the board 45708
determines on the basis of the adjudication that the registered 45709
nurse, licensed practical nurse, or dialysis technician committed 45710
such act, or if the registered nurse, licensed practical nurse, or 45711
dialysis technician does not request an adjudication, the board 45712
shall reinstate its action; otherwise, the board shall permanently 45713
rescind its action. 45714

Notwithstanding the provision of division (C)(2) of section 45715
2953.32 of the Revised Code specifying that if records pertaining 45716
to a criminal case are sealed under that section the proceedings 45717
in the case shall be deemed not to have occurred, sealing of the 45718

following records on which the board has based an action under 45719
this section shall have no effect on the board's action or any 45720
sanction imposed by the board under this section: records of any 45721
conviction, guilty plea, judicial finding of guilt resulting from 45722
a plea of no contest, or a judicial finding of eligibility for a 45723
pretrial diversion program or intervention in lieu of conviction. 45724

The board shall not be required to seal, destroy, redact, or 45725
otherwise modify its records to reflect the court's sealing of 45726
conviction records. 45727

(F) The board may investigate an individual's criminal 45728
background in performing its duties under this section. As part of 45729
such investigation, the board may order the individual to submit, 45730
at the individual's expense, a request to the bureau of criminal 45731
identification and investigation for a criminal records check and 45732
check of federal bureau of investigation records in accordance 45733
with the procedure described in section 4723.091 of the Revised 45734
Code. 45735

(G) During the course of an investigation conducted under 45736
this section, the board may compel any registered nurse, licensed 45737
practical nurse, or dialysis technician or applicant under this 45738
chapter to submit to a mental or physical examination, or both, as 45739
required by the board and at the expense of the individual, if the 45740
board finds reason to believe that the individual under 45741
investigation may have a physical or mental impairment that may 45742
affect the individual's ability to provide safe nursing care. 45743
Failure of any individual to submit to a mental or physical 45744
examination when directed constitutes an admission of the 45745
allegations, unless the failure is due to circumstances beyond the 45746
individual's control, and a default and final order may be entered 45747
without the taking of testimony or presentation of evidence. 45748

If the board finds that an individual is impaired, the board 45749
shall require the individual to submit to care, counseling, or 45750

treatment approved or designated by the board, as a condition for 45751
initial, continued, reinstated, or renewed authority to practice. 45752
The individual shall be afforded an opportunity to demonstrate to 45753
the board that the individual can begin or resume the individual's 45754
occupation in compliance with acceptable and prevailing standards 45755
of care under the provisions of the individual's authority to 45756
practice. 45757

For purposes of this division, any registered nurse, licensed 45758
practical nurse, or dialysis technician or applicant under this 45759
chapter shall be deemed to have given consent to submit to a 45760
mental or physical examination when directed to do so in writing 45761
by the board, and to have waived all objections to the 45762
admissibility of testimony or examination reports that constitute 45763
a privileged communication. 45764

(H) The board shall investigate evidence that appears to show 45765
that any person has violated any provision of this chapter or any 45766
rule of the board. Any person may report to the board any 45767
information the person may have that appears to show a violation 45768
of any provision of this chapter or rule of the board. In the 45769
absence of bad faith, any person who reports such information or 45770
who testifies before the board in any adjudication conducted under 45771
Chapter 119. of the Revised Code shall not be liable for civil 45772
damages as a result of the report or testimony. 45773

(I) All of the following apply under this chapter with 45774
respect to the confidentiality of information: 45775

(1) Information received by the board pursuant to a complaint 45776
or an investigation is confidential and not subject to discovery 45777
in any civil action, except that the board may disclose 45778
information to law enforcement officers and government entities 45779
for purposes of an investigation of either a licensed health care 45780
professional, including a registered nurse, licensed practical 45781
nurse, or dialysis technician, or a person who may have engaged in 45782

the unauthorized practice of nursing or dialysis care. No law 45783
enforcement officer or government entity with knowledge of any 45784
information disclosed by the board pursuant to this division shall 45785
divulge the information to any other person or government entity 45786
except for the purpose of a government investigation, a 45787
prosecution, or an adjudication by a court or government entity. 45788

(2) If an investigation requires a review of patient records, 45789
the investigation and proceeding shall be conducted in such a 45790
manner as to protect patient confidentiality. 45791

(3) All adjudications and investigations of the board shall 45792
be considered civil actions for the purposes of section 2305.252 45793
of the Revised Code. 45794

(4) Any board activity that involves continued monitoring of 45795
an individual as part of or following any disciplinary action 45796
taken under this section shall be conducted in a manner that 45797
maintains the individual's confidentiality. Information received 45798
or maintained by the board with respect to the board's monitoring 45799
activities is not subject to discovery in any civil action and is 45800
confidential, except that the board may disclose information to 45801
law enforcement officers and government entities for purposes of 45802
an investigation of a licensee or certificate holder. 45803

(J) Any action taken by the board under this section 45804
resulting in a suspension from practice shall be accompanied by a 45805
written statement of the conditions under which the person may be 45806
reinstated to practice. 45807

(K) When the board refuses to grant a license or certificate 45808
to an applicant, revokes a license or certificate, or refuses to 45809
reinstate a license or certificate, the board may specify that its 45810
action is permanent. An individual subject to permanent action 45811
taken by the board is forever ineligible to hold a license or 45812
certificate of the type that was refused or revoked and the board 45813

shall not accept from the individual an application for 45814
reinstatement of the license or certificate or for a new license 45815
or certificate. 45816

(L) No unilateral surrender of a nursing license, ~~certificate~~ 45817
~~of authority~~, or dialysis technician certificate issued under this 45818
chapter shall be effective unless accepted by majority vote of the 45819
board. No application for a nursing license, ~~certificate of~~ 45820
~~authority~~, or dialysis technician certificate issued under this 45821
chapter may be withdrawn without a majority vote of the board. The 45822
board's jurisdiction to take disciplinary action under this 45823
section is not removed or limited when an individual has a license 45824
or certificate classified as inactive or fails to renew a license 45825
or certificate. 45826

(M) Sanctions shall not be imposed under division (B)(24) of 45827
this section against any licensee who waives deductibles and 45828
copayments as follows: 45829

(1) In compliance with the health benefit plan that expressly 45830
allows such a practice. Waiver of the deductibles or copayments 45831
shall be made only with the full knowledge and consent of the plan 45832
purchaser, payer, and third-party administrator. Documentation of 45833
the consent shall be made available to the board upon request. 45834

(2) For professional services rendered to any other person 45835
licensed pursuant to this chapter to the extent allowed by this 45836
chapter and the rules of the board. 45837

Sec. 4727.03. (A) As used in this section, "experience and 45838
fitness in the capacity involved" means that the applicant for a 45839
pawnbroker's license demonstrates sufficient financial 45840
responsibility, reputation, and experience in the pawnbroker 45841
business, or in a related business, to act as a pawnbroker in 45842
compliance with this chapter. "Experience and fitness in the 45843
capacity involved" shall be determined by: 45844

(1) Prior or current ownership or management of, or 45845
employment in, a pawnshop; 45846

(2) Demonstration to the satisfaction of the superintendent 45847
of financial institutions of a thorough working knowledge of all 45848
pawnbroker laws and rules as they relate to the actual operation 45849
of a pawnshop. 45850

A demonstration shall include a demonstration of an ability 45851
to properly complete forms, knowledge of how to properly calculate 45852
interest and storage charges, and knowledge of legal notice and 45853
forfeiture procedures. The final determination of whether an 45854
applicant's demonstration is adequate rests with the 45855
superintendent. 45856

(3) A submission by the applicant and any stockholders, 45857
owners, managers, directors, or officers of the pawnshop, and 45858
employees of the applicant to a police record check; and 45859

(4) Liquid assets in a minimum amount of one hundred 45860
twenty-five thousand dollars at the time of applying for initial 45861
licensure and demonstration of the ability to maintain the liquid 45862
assets at a minimum amount of seventy-five thousand dollars for 45863
the duration of holding a valid pawnbroker's license. If an 45864
applicant holds a pawnbroker's license at the time of application 45865
or is applying for more than one license, this requirement shall 45866
be met separately for each license. 45867

(B) The superintendent may grant a license to act as a 45868
pawnbroker to any person of good character and having experience 45869
and fitness in the capacity involved to engage in the business of 45870
pawnbroking upon the payment to the superintendent of a license 45871
fee determined by the superintendent pursuant to section 1321.20 45872
of the Revised Code. A license is not transferable or assignable. 45873

(C) The superintendent may consider an application withdrawn 45874
and may retain the investigation fee required under division (D) 45875

of this section if both of the following are true: 45876

(1) An application for a license does not contain all of the 45877
information required under division (B) of this section. 45878

(2) The information is not submitted to the superintendent 45879
within ninety days after the superintendent requests the 45880
information from the applicant in writing. 45881

(D) The superintendent shall require an applicant for a 45882
pawnbroker's license to pay to the superintendent a nonrefundable 45883
initial investigation fee of two hundred dollars, which is for the 45884
exclusive use of the state. 45885

(E)(1) Except as otherwise provided in division (E)(2) of 45886
this section, a pawnbroker's license issued by the superintendent 45887
expires on the thirtieth day of June next following the date of 45888
its issuance, or on a different date set by the superintendent 45889
pursuant to section 1181.23 of the Revised Code, and may be 45890
renewed annually ~~by the thirtieth day of June~~ in accordance with 45891
the standard renewal procedure set forth in Chapter 4745. of the 45892
Revised Code. Fifty per cent of the annual license fee shall be 45893
for the use of the state, and fifty per cent shall be paid by the 45894
state to the municipal corporation, or if outside the limits of 45895
any municipal corporation, to the county, in which the office of 45896
the licensee is located. All such fees payable to municipal 45897
corporations or counties shall be paid annually. 45898

(2) A pawnbroker's license issued or renewed by the 45899
superintendent on or after January 1, 2006, expires on the 45900
thirtieth day of June in the even-numbered year next following the 45901
date of its issuance or renewal, as applicable, and may be renewed 45902
biennially by the thirtieth day of June in accordance with the 45903
standard renewal procedure set forth in Chapter 4745. of the 45904
Revised Code. Fifty per cent of the biennial license fee shall be 45905
for the use of the state, and fifty per cent shall be paid by the 45906

state to the municipal corporation, or if outside the limits of 45907
any municipal corporation, to the county, in which the office of 45908
the licensee is located. All such fees payable to municipal 45909
corporations or counties shall be paid biennially. If deemed 45910
necessary for participation, the superintendent may reset the 45911
renewal date and require annual registration pursuant to section 45912
1181.23 of the Revised Code. 45913

(F) The fee for renewal of a license shall be equivalent to 45914
the fee for an initial license established by the superintendent 45915
pursuant to section 1321.20 of the Revised Code. Any licensee who 45916
wishes to renew the pawnbroker's license but who fails to do so on 45917
or before the date the license expires shall reapply for licensure 45918
in the same manner and pursuant to the same requirements as for 45919
initial licensure, unless the licensee pays to the superintendent 45920
on or before the thirty-first day of August of the year the 45921
license expires, a late renewal penalty of one hundred dollars in 45922
addition to the regular renewal fee. Any licensee who fails to 45923
renew the license on or before the date the license expires is 45924
prohibited from acting as a pawnbroker until the license is 45925
renewed or a new license is issued under this section. Any 45926
licensee who renews a license between the first day of July and 45927
the thirty-first day of August of the year the license expires is 45928
not relieved from complying with this division. The superintendent 45929
may refuse to issue to or renew the license of any licensee who 45930
violates this division. 45931

(G) No license shall be granted to any person not a resident 45932
of or the principal office of which is not located in the 45933
municipal corporation or county designated in such license unless 45934
that applicant, in writing and in due form approved by and filed 45935
with the superintendent, first appoints an agent, a resident of 45936
the state, and city or county where the office is to be located, 45937
upon whom all judicial and other process, or legal notice, 45938

directed to the applicant may be served. In case of the death, 45939
removal from the state, or any legal disability or any 45940
disqualification of any such agent, service of such process or 45941
notice may be made upon the superintendent. 45942

The superintendent may, upon notice to the licensee and 45943
reasonable opportunity to be heard, suspend or revoke any license 45944
or assess a penalty against the licensee if the licensee, or the 45945
licensee's officers, agents, or employees, has violated this 45946
chapter. Any penalty shall be appropriate to the violation but in 45947
no case shall the penalty be less than two hundred nor more than 45948
two thousand dollars. Whenever, for any cause, a license is 45949
suspended or revoked, the superintendent shall not issue another 45950
license to the licensee nor to the legal spouse of the licensee, 45951
nor to any business entity of which the licensee is an officer or 45952
member or partner, nor to any person employed by the licensee, 45953
until the expiration of at least two years from the date of 45954
revocation or suspension of the license. The superintendent shall 45955
deposit all penalties allocated pursuant to this section into the 45956
state treasury to the credit of the consumer finance fund. 45957

Any proceedings for the revocation or suspension of a license 45958
or to assess a penalty against a licensee are subject to Chapter 45959
119. of the Revised Code. 45960

(H) If a licensee surrenders or chooses not to renew the 45961
pawnbroker's license, the licensee shall notify the superintendent 45962
thirty days prior to the date on which the licensee intends to 45963
close the licensee's business as a pawnbroker. Prior to the date, 45964
the licensee shall do either of the following with respect to all 45965
active loans: 45966

(1) Dispose of an active loan by selling the loan to another 45967
person holding a valid pawnbroker's license issued under this 45968
section; 45969

(2) Reduce the rate of interest on pledged articles held as security for a loan to eight per cent per annum or less effective on the date that the pawnbroker's license is no longer valid.

Sec. 4728.03. (A) As used in this section, "experience and fitness in the capacity involved" means that the applicant for a precious metals dealer's license has had sufficient financial responsibility, reputation, and experience in the business of precious metals dealer, or a related business, to act as a precious metals dealer in compliance with this chapter.

(B)(1) The division of financial institutions in the department of commerce may grant a precious metals dealer's license to any person of good character, having experience and fitness in the capacity involved, who demonstrates a net worth of at least ten thousand dollars and the ability to maintain that net worth during the licensure period. The superintendent of financial institutions shall compute the applicant's net worth according to generally accepted accounting principles.

(2) In place of the demonstration of net worth required by division (B)(1) of this section, an applicant may obtain a surety bond issued by a surety company authorized to do business in this state if all of the following conditions are met:

(a) A copy of the surety bond is filed with the division;

(b) The bond is in favor of any person, and of the state for the benefit of any person, injured by any violation of this chapter;

(c) The bond is in the amount of not less than ten thousand dollars.

(3) Before granting a license under this division, the division shall determine that the applicant meets the requirements of division (B)(1) or (2) of this section.

(C) The division shall require an applicant for a precious metals dealer's license to pay to the division a nonrefundable, initial investigation fee of two hundred dollars which shall be for the exclusive use of the state. The license fee for a precious metals dealer's license and the renewal fee shall be determined by the superintendent, provided that the fee may not exceed three hundred dollars. A license issued by the division shall expire on the last day of June next following the date of its issuance or annually on a different date set by the superintendent pursuant to section 1181.23 of the Revised Code. Fifty per cent of license fees shall be for the use of the state, and fifty per cent shall be paid to the municipal corporation, or if outside the limits of any municipal corporation, to the county in which the office of the licensee is located. All portions of license fees payable to municipal corporations or counties shall be paid as they accrue, by the treasurer of state, on vouchers issued by the director of budget and management.

(D) Every such license shall be renewed annually by the last day of June, or annually on a different date set by the superintendent pursuant to section 1181.23 of the Revised Code, according to the standard renewal procedure of Chapter 4745. of the Revised Code. No license shall be granted to any person not a resident of or the principal office of which is not located in the municipal corporation or county designated in such license, unless, and until such applicant shall, in writing and in due form, to be first approved by and filed with the division, appoint an agent, a resident of the state, and city or county where the office is to be located, upon whom all judicial and other process, or legal notice, directed to the applicant may be served; and in case of the death, removal from the state, or any legal disability or any disqualification of any agent, service of process or notice may be made upon the superintendent.

(E) The division may, pursuant to Chapter 119. of the Revised Code, upon notice to the licensee and after giving the licensee reasonable opportunity to be heard, revoke or suspend any license, if the licensee or the licensee's officers, agents, or employees violate this chapter. Whenever, for any cause, the license is revoked or suspended, the division shall not issue another license to the licensee nor to the husband or wife of the licensee, nor to any copartnership or corporation of which the licensee is an officer, nor to any person employed by the licensee, until the expiration of at least one year from the date of revocation of the license.

(F) In conducting an investigation to determine whether an applicant satisfies the requirements for licensure under this section, the superintendent may request that the superintendent of the bureau of criminal identification and investigation investigate and determine whether the bureau has procured any information pursuant to section 109.57 of the Revised Code pertaining to the applicant.

If the superintendent of financial institutions determines that conducting an investigation to determine whether an applicant satisfies the requirements for licensure under this section will require procuring information outside the state, then, in addition to the fee established under division (C) of this section, the superintendent may require the applicant to pay any of the actual expenses incurred by the division to conduct such an investigation, provided that the superintendent shall assess the applicant a total no greater than one thousand dollars for such expenses. The superintendent may require the applicant to pay in advance of the investigation, sufficient funds to cover the estimated cost of the actual expenses. If the superintendent requires the applicant to pay investigation expenses, the superintendent shall provide to the applicant an itemized

statement of the actual expenses incurred by the division to 46064
conduct the investigation. 46065

(G)(1) Except as otherwise provided in division (G)(2) of 46066
this section a precious metals dealer licensed under this section 46067
shall maintain a net worth of at least ten thousand dollars, 46068
computed as required under division (B)(1) of this section, for as 46069
long as the licensee holds a valid precious metals dealer's 46070
license issued pursuant to this section. 46071

(2) A licensee who obtains a surety bond under division 46072
(B)(2) of this section is exempt from the requirement of division 46073
(G)(1) of this section, but shall maintain the bond for at least 46074
two years after the date on which the licensee ceases to conduct 46075
business in this state. 46076

Sec. 4729.261. Not later than July 1, 2020, the state board 46077
of pharmacy shall adopt rules in accordance with Chapter 119. of 46078
the Revised Code to define "specialty drug" and "specialty 46079
pharmacy" for the purpose of contracts entered into under section 46080
125.93 of the Revised Code. The board may consult with the 46081
department of medicaid in adopting the rules. 46082

Sec. 4729.48. When filling a prescription, if a pharmacist, 46083
pharmacy intern, or terminal distributor of dangerous drugs has 46084
information indicating that the cost-sharing amount required by 46085
the patient's health benefit plan exceeds the amount that may 46086
otherwise be charged for the same drug, both of the following 46087
apply: 46088

(A) The pharmacist, pharmacy intern, or terminal distributor 46089
shall provide this information to the patient. 46090

(B) The patient shall not be charged the higher amount. 46091

Sec. 4729.571. (A) The state board of pharmacy may suspend 46092

without a hearing the license of a terminal distributor of 46093
dangerous drugs if the board determines that there is clear and 46094
convincing evidence of a danger of immediate and serious harm to 46095
others due to either of the following: 46096

(1) The method used by the terminal distributor to possess or 46097
distribute dangerous drugs; 46098

(2) The method of prescribing dangerous drugs used by a 46099
licensed health professional authorized to prescribe drugs who 46100
holds a terminal distributor license or practices in the employ of 46101
or under contract with a terminal distributor. 46102

(B) The board shall follow the procedure for suspension 46103
without a prior hearing in section 119.07 of the Revised Code. The 46104
suspension shall remain in effect, unless removed by the board, 46105
until the board's final adjudication order becomes effective, 46106
except that if the board does not issue its final adjudication 46107
order within one hundred twenty days after the suspension, the 46108
suspension shall be void on the one hundred twenty-first day after 46109
the suspension. 46110

If the terminal distributor holds a license with a pain 46111
management clinic classification issued under section 4729.552 of 46112
the Revised Code or a license with an office-based opioid 46113
treatment classification issued under section 4729.553 of the 46114
Revised Code and the person holding the license also holds a 46115
~~eertificate~~ license issued under Chapter 4731. of the Revised Code 46116
to practice medicine and surgery or osteopathic medicine and 46117
surgery, prior to suspending the license without a hearing, the 46118
board shall consult with the secretary of the state medical board 46119
or, if the secretary is unavailable, another physician member of 46120
the board. 46121

Sec. 4729.80. (A) If the state board of pharmacy establishes 46122

and maintains a drug database pursuant to section 4729.75 of the Revised Code, the board is authorized or required to provide information from the database only as follows:

(1) On receipt of a request from a designated representative of a government entity responsible for the licensure, regulation, or discipline of health care professionals with authority to prescribe, administer, or dispense drugs, the board may provide to the representative information from the database relating to the professional who is the subject of an active investigation being conducted by the government entity or relating to a professional who is acting as an expert witness for the government entity in such an investigation.

(2) On receipt of a request from a federal officer, or a state or local officer of this or any other state, whose duties include enforcing laws relating to drugs, the board shall provide to the officer information from the database relating to the person who is the subject of an active investigation of a drug abuse offense, as defined in section 2925.01 of the Revised Code, being conducted by the officer's employing government entity.

(3) Pursuant to a subpoena issued by a grand jury, the board shall provide to the grand jury information from the database relating to the person who is the subject of an investigation being conducted by the grand jury.

(4) Pursuant to a subpoena, search warrant, or court order in connection with the investigation or prosecution of a possible or alleged criminal offense, the board shall provide information from the database as necessary to comply with the subpoena, search warrant, or court order.

(5) On receipt of a request from a prescriber or the prescriber's delegate approved by the board, the board shall provide to the prescriber a report of information from the

database relating to a patient who is either a current patient of 46154
the prescriber or a potential patient of the prescriber based on a 46155
referral of the patient to the prescriber, if all of the following 46156
conditions are met: 46157

(a) The prescriber certifies in a form specified by the board 46158
that it is for the purpose of providing medical treatment to the 46159
patient who is the subject of the request; 46160

(b) The prescriber has not been denied access to the database 46161
by the board. 46162

(6) On receipt of a request from a pharmacist or the 46163
pharmacist's delegate approved by the board, the board shall 46164
provide to the pharmacist information from the database relating 46165
to a current patient of the pharmacist, if the pharmacist 46166
certifies in a form specified by the board that it is for the 46167
purpose of the pharmacist's practice of pharmacy involving the 46168
patient who is the subject of the request and the pharmacist has 46169
not been denied access to the database by the board. 46170

(7) On receipt of a request from an individual seeking the 46171
individual's own database information in accordance with the 46172
procedure established in rules adopted under section 4729.84 of 46173
the Revised Code, the board may provide to the individual the 46174
individual's own prescription history. 46175

(8) On receipt of a request from a ~~medical director or a~~ 46176
~~pharmacy director~~ of a managed care organization that has entered 46177
into a contract with the department of medicaid under section 46178
5167.10 of the Revised Code and a data security agreement with the 46179
board required by section 5167.14 of the Revised Code, the board 46180
shall provide to the ~~medical director or the pharmacy director~~ 46181
organization information from the database relating to a medicaid 46182
recipient enrolled in the ~~managed care organization~~ organization's 46183
medicaid MCO plan, as defined in section 5167.01 of the Revised 46184

Code, including information in the database related to 46185
prescriptions for the recipient that were not covered or 46186
reimbursed under a program administered by the department of 46187
medicaid. 46188

(9) On receipt of a request from the medicaid director, the 46189
board shall provide to the director information from the database 46190
relating to a recipient of a program administered by the 46191
department of medicaid, including information in the database 46192
related to prescriptions for the recipient that were not covered 46193
or paid by a program administered by the department. 46194

(10) On receipt of a request from a medical director of a 46195
managed care organization that has entered into a contract with 46196
the administrator of workers' compensation under division (B)(4) 46197
of section 4121.44 of the Revised Code and a data security 46198
agreement with the board required by section 4121.447 of the 46199
Revised Code, the board shall provide to the medical director 46200
information from the database relating to a claimant under Chapter 46201
4121., 4123., 4127., or 4131. of the Revised Code assigned to the 46202
managed care organization, including information in the database 46203
related to prescriptions for the claimant that were not covered or 46204
reimbursed under Chapter 4121., 4123., 4127., or 4131. of the 46205
Revised Code, if the administrator of workers' compensation 46206
confirms, upon request from the board, that the claimant is 46207
assigned to the managed care organization. 46208

(11) On receipt of a request from the administrator of 46209
workers' compensation, the board shall provide to the 46210
administrator information from the database relating to a claimant 46211
under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, 46212
including information in the database related to prescriptions for 46213
the claimant that were not covered or reimbursed under Chapter 46214
4121., 4123., 4127., or 4131. of the Revised Code. 46215

(12) On receipt of a request from a prescriber or the 46216

prescriber's delegate approved by the board, the board shall 46217
provide to the prescriber information from the database relating 46218
to a patient's mother, if the prescriber certifies in a form 46219
specified by the board that it is for the purpose of providing 46220
medical treatment to a newborn or infant patient diagnosed as 46221
opioid dependent and the prescriber has not been denied access to 46222
the database by the board. 46223

(13) On receipt of a request from the director of health, the 46224
board shall provide to the director information from the database 46225
relating to the duties of the director or the department of health 46226
in implementing the Ohio violent death reporting system 46227
established under section 3701.93 of the Revised Code. 46228

(14) On receipt of a request from a requestor described in 46229
division (A)(1), (2), (5), or (6) of this section who is from or 46230
participating with another state's prescription monitoring 46231
program, the board may provide to the requestor information from 46232
the database, but only if there is a written agreement under which 46233
the information is to be used and disseminated according to the 46234
laws of this state. 46235

(15) On receipt of a request from a delegate of a retail 46236
dispensary licensed under Chapter 3796. of the Revised Code who is 46237
approved by the board to serve as the dispensary's delegate, the 46238
board shall provide to the delegate a report of information from 46239
the database pertaining only to a patient's use of medical 46240
marijuana, if both of the following conditions are met: 46241

(a) The delegate certifies in a form specified by the board 46242
that it is for the purpose of dispensing medical marijuana for use 46243
in accordance with Chapter 3796. of the Revised Code. 46244

(b) The retail dispensary or delegate has not been denied 46245
access to the database by the board. 46246

(16) On receipt of a request from a judge of a program 46247

certified by the Ohio supreme court as a specialized docket 46248
program for drugs, the board shall provide to the judge, or an 46249
employee of the program who is designated by the judge to receive 46250
the information, information from the database that relates 46251
specifically to a current or prospective program participant. 46252

(17) On receipt of a request from a coroner, deputy coroner, 46253
or coroner's delegate approved by the board, the board shall 46254
provide to the requestor information from the database relating to 46255
a deceased person about whom the coroner is conducting or has 46256
conducted an autopsy or investigation. 46257

(18) On receipt of a request from a prescriber, the board may 46258
provide to the prescriber a summary of the prescriber's 46259
prescribing record if such a record is created by the board. 46260
Information in the summary is subject to the confidentiality 46261
requirements of this chapter. 46262

(19)(a) On receipt of a request from a pharmacy's responsible 46263
person, the board may provide to the responsible person a summary 46264
of the pharmacy's dispensing record if such a record is created by 46265
the board. Information in the summary is subject to the 46266
confidentiality requirements of this chapter. 46267

(b) As used in division (A)(19)(a) of this section, 46268
"responsible person" has the same meaning as in rules adopted by 46269
the board under section 4729.26 of the Revised Code. 46270

(20) The board may provide information from the database 46271
without request to a prescriber or pharmacist who is authorized to 46272
use the database pursuant to this chapter. 46273

(21)(a) On receipt of a request from a prescriber or 46274
pharmacist, or the prescriber's or pharmacist's delegate, who is a 46275
designated representative of a peer review committee, the board 46276
shall provide to the committee information from the database 46277
relating to a prescriber who is subject to the committee's 46278

evaluation, supervision, or discipline if the information is to be 46279
used for one of those purposes. The board shall provide only 46280
information that it determines, in accordance with rules adopted 46281
under section 4729.84 of the Revised Code, is appropriate to be 46282
provided to the committee. 46283

(b) As used in division (A)(21)(a) of this section, "peer 46284
review committee" has the same meaning as in section 2305.25 of 46285
the Revised Code, except that it includes only a peer review 46286
committee of a hospital or a peer review committee of a nonprofit 46287
health care corporation that is a member of the hospital or of 46288
which the hospital is a member. 46289

(22) On receipt of a request from a requestor described in 46290
division (A)(5) or (6) of this section who is from or 46291
participating with a prescription monitoring program that is 46292
operated by a federal agency and approved by the board, the board 46293
may provide to the requestor information from the database, but 46294
only if there is a written agreement under which the information 46295
is to be used and disseminated according to the laws of this 46296
state. 46297

(23) Any personal health information submitted to the board 46298
pursuant to section 4729.772 of the Revised Code may be provided 46299
by the board only as authorized by the submitter of the 46300
information and in accordance with rules adopted under section 46301
4729.84 of the Revised Code. 46302

(B) The state board of pharmacy shall maintain a record of 46303
each individual or entity that requests information from the 46304
database pursuant to this section. In accordance with rules 46305
adopted under section 4729.84 of the Revised Code, the board may 46306
use the records to document and report statistics and law 46307
enforcement outcomes. 46308

The board may provide records of an individual's requests for 46309

database information only to the following: 46310

(1) A designated representative of a government entity that 46311
is responsible for the licensure, regulation, or discipline of 46312
health care professionals with authority to prescribe, administer, 46313
or dispense drugs who is involved in an active criminal or 46314
disciplinary investigation being conducted by the government 46315
entity of the individual who submitted the requests for database 46316
information; 46317

(2) A federal officer, or a state or local officer of this or 46318
any other state, whose duties include enforcing laws relating to 46319
drugs and who is involved in an active investigation being 46320
conducted by the officer's employing government entity of the 46321
individual who submitted the requests for database information; 46322

(3) A designated representative of the department of medicaid 46323
regarding a prescriber who is treating or has treated a recipient 46324
of a program administered by the department and who submitted the 46325
requests for database information. 46326

(C) Information contained in the database and any information 46327
obtained from it is confidential and is not a public record. 46328
Information contained in the records of requests for information 46329
from the database is confidential and is not a public record. 46330
Information contained in the database that does not identify a 46331
person, including any licensee or registrant of the board or other 46332
entity, may be released in summary, statistical, or aggregate 46333
form. 46334

(D) A pharmacist or prescriber shall not be held liable in 46335
damages to any person in any civil action for injury, death, or 46336
loss to person or property on the basis that the pharmacist or 46337
prescriber did or did not seek or obtain information from the 46338
database. 46339

Sec. 4729.801. If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, all of the following apply to each request for information from the database as described in division (A)(8) of section 4729.80 of the Revised Code:

(A) A managed care organization may submit a request to the board for information about all medicaid recipients enrolled in the organization's medicaid MCO plan, as defined in section 5167.01 of the Revised Code.

(B) The board shall provide the information described in division (A) of this section to the organization in a single electronic file or format.

Sec. 4729.86. If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, all of the following apply:

(A)(1) No person identified in divisions (A)(1) to (13), (15) to ~~(22)~~(23), or (B) of section 4729.80 of the Revised Code shall disseminate any written or electronic information the person receives from the drug database or otherwise provide another person access to the information that the person receives from the database, except as follows:

(a) When necessary in the investigation or prosecution of a possible or alleged criminal offense;

(b) When a person provides the information to the prescriber, pharmacist, or retail dispensary licensed under Chapter 3796. of the Revised Code for whom the person is approved by the board to serve as a delegate of the prescriber, pharmacist, or retail dispensary for purposes of requesting and receiving information from the drug database under division (A)(5), (6), or (15) of section 4729.80 of the Revised Code;

(c) When a prescriber, pharmacist, or retail dispensary 46370
licensed under Chapter 3796. of the Revised Code provides the 46371
information to a person who is approved by the board to serve as 46372
such a delegate of the prescriber, pharmacist, or retail 46373
dispensary; 46374

(d) When a prescriber or pharmacist includes the information 46375
in a medical record, as defined in section 3701.74 of the Revised 46376
Code. 46377

(2) No person shall provide false information to the state 46378
board of pharmacy with the intent to obtain or alter information 46379
contained in the drug database. 46380

(3) No person shall obtain drug database information by any 46381
means except as provided under section 4729.80 or 4729.81 of the 46382
Revised Code. 46383

(B) A person shall not use information obtained pursuant to 46384
division (A) of section 4729.80 of the Revised Code as evidence in 46385
any civil or administrative proceeding. 46386

(C)(1) Except as provided in division (C)(2) of this section, 46387
after providing notice and affording an opportunity for a hearing 46388
in accordance with Chapter 119. of the Revised Code, the board may 46389
restrict a person from obtaining further information from the drug 46390
database if any of the following is the case: 46391

(a) The person violates division (A)(1), (2), or (3) of this 46392
section; 46393

(b) The person is a requestor identified in division (A)(14) 46394
or (22) of section 4729.80 of the Revised Code and the board 46395
determines that the person's actions in another state would have 46396
constituted a violation of division (A)(1), (2), or (3) of this 46397
section; 46398

(c) The person fails to comply with division (B) of this 46399

section, regardless of the jurisdiction in which the failure to 46400
comply occurred; 46401

(d) The person creates, by clear and convincing evidence, a 46402
threat to the security of information contained in the database. 46403

(2) If the board determines that allegations regarding a 46404
person's actions warrant restricting the person from obtaining 46405
further information from the drug database without a prior 46406
hearing, the board may summarily impose the restriction. A 46407
telephone conference call may be used for reviewing the 46408
allegations and taking a vote on the summary restriction. The 46409
summary restriction shall remain in effect, unless removed by the 46410
board, until the board's final adjudication order becomes 46411
effective. 46412

(3) The board shall determine the extent to which the person 46413
is restricted from obtaining further information from the 46414
database. 46415

Sec. 4730.02. (A) No person shall hold that person out as 46416
being able to function as a physician assistant, or use any words 46417
or letters indicating or implying that the person is a physician 46418
assistant, without a current, valid license to practice as a 46419
physician assistant issued pursuant to this chapter. 46420

(B) No person shall practice as a physician assistant without 46421
the supervision, control, and direction of a physician. 46422

(C) No person shall practice as a physician assistant without 46423
having entered into a supervision agreement with a supervising 46424
physician under section 4730.19 of the Revised Code. 46425

(D) No person acting as the supervising physician of a 46426
physician assistant shall authorize the physician assistant to 46427
perform services if either of the following is the case: 46428

(1) The services are not within the physician's normal course 46429

of practice and expertise; 46430

(2) The services are inconsistent with the supervision 46431
agreement under which the physician assistant is being supervised, 46432
including, if applicable, the policies of the health care facility 46433
in which the physician and physician assistant are practicing. 46434

(E) No person practicing as a physician assistant shall 46435
prescribe any drug or device to perform or induce an abortion, or 46436
otherwise perform or induce an abortion. 46437

(F) No person shall advertise to provide services as a 46438
physician assistant, except for the purpose of seeking employment. 46439

(G) No person practicing as a physician assistant shall fail 46440
to wear at all times when on duty a placard, plate, or other 46441
device identifying that person as a "physician assistant." 46442

(H) Division (A) of this section does not apply to a person 46443
who meets ~~both~~ all of the following conditions: 46444

(1) The person holds in good standing a valid license or 46445
other form of authority to practice as a physician assistant 46446
issued by another state. 46447

(2) The person is practicing as a volunteer without 46448
remuneration during a charitable event that lasts not more than 46449
seven days. 46450

(3) The medical care provided by the person will be 46451
supervised by the medical director of the charitable event or by 46452
another physician. 46453

When a person meets the conditions of this division, the 46454
person shall be deemed to hold, during the course of the 46455
charitable event, a license to practice as a physician assistant 46456
from the state medical board and shall be subject to the 46457
provisions of this chapter authorizing the board to take 46458
disciplinary action against a license holder. Not less than seven 46459

calendar days before the first day of the charitable event, the 46460
person or the event's organizer shall notify the board of the 46461
person's intent to practice as a physician assistant at the event. 46462
During the course of the charitable event, the person's scope of 46463
practice is limited to the procedures that a physician assistant 46464
licensed under this chapter is authorized to perform unless the 46465
person's scope of practice in the other state is more restrictive 46466
than in this state. If the latter is the case, the person's scope 46467
of practice is limited to the procedures that a physician 46468
assistant in the other state may perform. 46469

Sec. 4730.12. (A) The state medical board shall review each 46470
application ~~received under section 4730.10 of the Revised Code~~ for 46471
a license to practice as a physician assistant received under 46472
section 4730.10 of the Revised Code. Not later than sixty days 46473
after receiving a complete application, the board shall determine 46474
whether the applicant meets the requirements to receive the 46475
license, as specified in section 4730.11 of the Revised Code. ~~An~~ 46476
~~affirmative vote of not fewer than six members of the board is~~ 46477
~~required to determine that an applicant meets the requirements to~~ 46478
~~receive a license to practice as a physician assistant.~~ 46479

(B) If the board determines that an applicant meets the 46480
requirements to receive the license, the secretary of the board 46481
shall register the applicant as a physician assistant and issue to 46482
the applicant a license to practice as a physician assistant. 46483

Sec. 4730.14. (A) A license to practice as a physician 46484
assistant shall be valid for a two-year period unless revoked or 46485
suspended, shall expire biennially on the date that is two years 46486
after the date of issuance, and may be renewed for additional 46487
two-year periods in accordance with this section. A person seeking 46488
to renew a license ~~to practice as a physician assistant shall, on~~ 46489
~~or before the thirty first day of January of each even numbered~~ 46490

~~year, apply to the state medical board for renewal of the license~~ 46491
~~prior to the license's expiration date.~~ The ~~state medical~~ board 46492
shall provide renewal notices to license holders at least one 46493
month prior to the expiration date. 46494

Applications shall be submitted to the board in a manner 46495
prescribed by the board. Each application shall be accompanied by 46496
a biennial renewal fee of two hundred dollars. The board shall 46497
deposit the fees in accordance with section 4731.24 of the Revised 46498
Code. 46499

The applicant shall report any criminal offense that 46500
constitutes grounds for refusing to issue a license to practice 46501
under section 4730.25 of the Revised Code to which the applicant 46502
has pleaded guilty, of which the applicant has been found guilty, 46503
or for which the applicant has been found eligible for 46504
intervention in lieu of conviction, since last signing an 46505
application for a license to practice as a physician assistant. 46506

(B) To be eligible for renewal of a license, an applicant is 46507
subject to all of the following: 46508

(1) The applicant must certify to the board that the 46509
applicant has maintained certification by the national commission 46510
on certification of physician assistants or a successor 46511
organization that is recognized by the board by meeting the 46512
standards to hold current certification from the commission or its 46513
successor, including ~~completion of continuing medical education~~ 46514
~~requirements and~~ passing periodic recertification examinations; 46515

(2) Except as provided in ~~division (F) of this section and~~ 46516
section 5903.12 of the Revised Code, the applicant must certify to 46517
the board that the applicant ~~has completed during the current~~ 46518
~~licensure period not less than one hundred hours of~~ is in 46519
compliance with the continuing medical education ~~acceptable to the~~ 46520
~~board~~ requirements necessary to hold current certification from 46521

the commission or its successor. 46522

(3) The applicant must comply with the renewal eligibility 46523
requirements established under section 4730.49 of the Revised Code 46524
that pertain to the applicant. 46525

~~(C) The board shall adopt rules in accordance with Chapter 46526
119. of the Revised Code specifying the types of continuing 46527
medical education that must be completed to fulfill the board's 46528
requirements under division (B)(2) of this section. Except when 46529
additional continuing medical education is required, as specified 46530
in section 4730.49 of the Revised Code, the board shall not adopt 46531
rules that require a physician assistant to complete in any 46532
licensure period more than one hundred hours of continuing medical 46533
education acceptable to the board. In fulfilling the board's 46534
requirements, a physician assistant may use continuing medical 46535
education courses or programs completed to maintain certification 46536
by the national commission on certification of physician 46537
assistants or a successor organization that is recognized by the 46538
board if the standards for acceptable courses and programs of the 46539
commission or its successor are at least equivalent to the 46540
standards established by the board.~~ 46541

~~(D)~~ If an applicant submits a complete renewal application 46542
and qualifies for renewal pursuant to division (B) of this 46543
section, the board shall issue to the applicant a renewed license 46544
to practice as a physician assistant. 46545

~~(E)~~(D) The board may require a random sample of physician 46546
assistants to submit materials documenting certification both of 46547
the following: 46548

(1) Certification by the national commission on certification 46549
of physician assistants or a successor organization that is 46550
recognized by the board ~~and completion of;~~ 46551

(2) Completion of the required number of hours of continuing 46552

medical education required to hold current certification from the 46553
commission or its successor. 46554

~~(F) The board shall provide for pro rata reductions by month~~ 46555
~~of the number of hours of continuing education that must be~~ 46556
~~completed for individuals who are in their first licensure period,~~ 46557
~~who have been disabled due to illness or accident, or who have~~ 46558
~~been absent from the country. The board shall adopt rules, in~~ 46559
~~accordance with Chapter 119. of the Revised Code, as necessary to~~ 46560
~~implement this division.~~ 46561

~~(G)(1)~~ Division (D) of this section does not limit the 46562
board's authority to conduct investigations pursuant to section 46563
4730.25 of the Revised Code. 46564

(E) A license to practice that is not renewed on or before 46565
its expiration date is automatically suspended on its expiration 46566
date. Continued practice after suspension of the license shall be 46567
considered as practicing in violation of division (A) of section 46568
4730.02 of the Revised Code. 46569

~~(2)~~(F) If a license has been suspended pursuant to division 46570
~~(G)(1)~~(E) of this section for two years or less, it may be 46571
reinstated. The board shall reinstate a license suspended for 46572
failure to renew upon an applicant's submission of a renewal 46573
application, the biennial renewal fee, and any applicable monetary 46574
penalty. 46575

If a license has been suspended pursuant to division 46576
~~(G)(1)~~(E) of this section for more than two years, it may be 46577
restored. In accordance with section 4730.28 of the Revised Code, 46578
the board may restore a license suspended for failure to renew 46579
upon an applicant's submission of a restoration application, the 46580
biennial renewal fee, and any applicable monetary penalty and 46581
compliance with sections 4776.01 to 4776.04 of the Revised Code. 46582
The board shall not restore to an applicant a license to practice 46583

as a physician assistant unless the board, in its discretion, 46584
decides that the results of the criminal records check do not make 46585
the applicant ineligible for a license issued pursuant to section 46586
4730.12 of the Revised Code. 46587

The penalty for reinstatement shall be fifty dollars and the 46588
penalty for restoration shall be one hundred dollars. The board 46589
shall deposit penalties in accordance with section 4731.24 of the 46590
Revised Code. 46591

~~(H) If an individual certifies that the individual has 46592
completed the number of hours and type of continuing medical 46593
education required for renewal or reinstatement of a license to 46594
practice as a physician assistant, and the board finds through a 46595
random sample conducted under division (E) of this section or 46596
through any other means that the individual did not complete the 46597
requisite continuing medical education, the board may impose a 46598
civil penalty of not more than five thousand dollars. 46599~~

~~A civil penalty imposed under this division may be in 46600
addition to or in lieu of any other action the board may take 46601
under section 4730.25 of the Revised Code. The board shall deposit 46602
civil penalties in accordance with section 4731.24 of the Revised 46603
Code. The board shall not conduct an adjudication under Chapter 46604
119. of the Revised Code if the board imposes only a civil penalty 46605~~

(G)(1) If, through a random sample conducted under division 46606
(D) of this section or any other means, the board finds that an 46607
individual who certified completion of the continuing medical 46608
education required to renew, reinstate, or restore a license to 46609
practice did not complete the requisite continuing medical 46610
education, the board may do either of the following: 46611

(a) Take disciplinary action against the individual under 46612
section 4730.25 of the Revised Code, impose a civil penalty, or 46613
both; 46614

(b) Permit the individual to agree in writing to complete the continuing medical education and pay a civil penalty. 46615
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(2) The board's finding in any disciplinary action taken under division (G)(1)(a) of this section shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six of its members. 46617
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(3) A civil penalty imposed under division (G)(1)(a) of this section or paid under division (G)(1)(b) of this section shall be in an amount specified by the board of not more than five thousand dollars. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code. 46621
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Sec. 4730.19. (A) Before initiating supervision of one or more physician assistants licensed under this chapter, a physician shall enter into a supervision agreement with each physician assistant who will be supervised. A supervision agreement may apply to one or more physician assistants, but, except as provided in division (B)(2)(e) of this section, may apply to not more than one physician. The supervision agreement shall specify that the physician agrees to supervise the physician assistant and the physician assistant agrees to practice under that physician's supervision. 46626
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The agreement shall clearly state that the supervising physician is legally responsible and assumes legal liability for the services provided by the physician assistant. The agreement shall be signed by the physician and the physician assistant. 46636
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(B) A supervision agreement shall include either or both of the following: 46640
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(1) If a physician assistant will practice within a health care facility, the agreement shall include terms that require the physician assistant to practice in accordance with the policies of 46642
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the health care facility. 46645

(2) If a physician assistant will practice outside a health 46646
care facility, the agreement shall include terms that specify all 46647
of the following: 46648

(a) The responsibilities to be fulfilled by the physician in 46649
supervising the physician assistant; 46650

(b) The responsibilities to be fulfilled by the physician 46651
assistant when performing services under the physician's 46652
supervision; 46653

(c) Any limitations on the responsibilities to be fulfilled 46654
by the physician assistant; 46655

(d) The circumstances under which the physician assistant is 46656
required to refer a patient to the supervising physician; 46657

(e) If the supervising physician chooses to designate 46658
physicians to act as alternate supervising physicians, the names, 46659
business addresses, and business telephone numbers of the 46660
physicians who have agreed to act in that capacity. 46661

(C) A supervision agreement may be amended to modify the 46662
responsibilities of one or more physician assistants or to include 46663
one or more additional physician assistants. 46664

(D) ~~A~~ The supervising physician who entered into a 46665
supervision agreement shall be kept retain a copy of the agreement 46666
in the records maintained by the supervising physician. Each 46667
physician assistant who entered into the supervision agreement 46668
shall retain a copy of the agreement in the records maintained by 46669
the physician assistant. 46670

(E)(1) ~~The~~ If the board may impose a civil penalty of not 46671
more than five thousand dollars if it finds, through a review 46672
conducted under this section or through any other means, any of 46673
the following, the board may take disciplinary action against the 46674

individual under section 4730.25 or 4731.22 of the Revised Code, 46675
impose a civil penalty, or both: 46676

(a) That a physician assistant has practiced in a manner that 46677
departs from, or fails to conform to, the terms of a supervision 46678
agreement entered into under this section; 46679

(b) That a physician has supervised a physician assistant in 46680
a manner that departs from, or fails to conform to, the terms of a 46681
supervision agreement entered into under this section; 46682

(c) That a physician or physician assistant failed to comply 46683
with division (A) or (B) of this section. 46684

(2) If the board finds, through a review conducted under this 46685
section or through any other means, that a physician or physician 46686
assistant failed to comply with division (D) of this section, the 46687
board may do either of the following: 46688

(a) Take disciplinary action against the individual under 46689
section 4730.25 or 4731.22 of the Revised Code, impose a civil 46690
penalty, or both; 46691

(b) Permit the individual to agree in writing to update the 46692
records to comply with division (D) of this section and pay a 46693
civil penalty. 46694

(3) The board's finding in any disciplinary action taken 46695
under division ~~(A)(1)(E)~~ of this section shall be made pursuant to 46696
an adjudication conducted under Chapter 119. of the Revised Code. 46697
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(4) A civil penalty imposed under ~~that~~ division ~~may be in~~ 46699
~~addition to or in lieu of any other action the board may take~~ 46700
~~under section 4730.25 or 4731.22 of the Revised Code (E)(1) or~~ 46701
~~(2)(a) of this section or paid under division (E)(2)(b) of this~~ 46702
~~section shall be in an amount specified by the board of not more~~ 46703
~~than five thousand dollars and shall be deposited in accordance~~ 46704

with section 4731.24 of the Revised Code. 46705

Sec. 4730.25. (A) The state medical board, by an affirmative 46706
vote of not fewer than six members, may revoke or may refuse to 46707
grant a license to practice as a physician assistant to a person 46708
found by the board to have committed fraud, misrepresentation, or 46709
deception in applying for or securing the license. 46710

(B) The board, by an affirmative vote of not fewer than six 46711
members, shall, to the extent permitted by law, limit, revoke, or 46712
suspend an individual's license to practice as a physician 46713
assistant or prescriber number, refuse to issue a license to an 46714
applicant, refuse to renew a ~~certificate~~ license, refuse to 46715
reinstate a license, or reprimand or place on probation the holder 46716
of a license for any of the following reasons: 46717

(1) Failure to practice in accordance with the supervising 46718
physician's supervision agreement with the physician assistant, 46719
including, if applicable, the policies of the health care facility 46720
in which the supervising physician and physician assistant are 46721
practicing; 46722

(2) Failure to comply with the requirements of this chapter, 46723
Chapter 4731. of the Revised Code, or any rules adopted by the 46724
board; 46725

(3) Violating or attempting to violate, directly or 46726
indirectly, or assisting in or abetting the violation of, or 46727
conspiring to violate, any provision of this chapter, Chapter 46728
4731. of the Revised Code, or the rules adopted by the board; 46729

(4) Inability to practice according to acceptable and 46730
prevailing standards of care by reason of mental illness or 46731
physical illness, including physical deterioration that adversely 46732
affects cognitive, motor, or perceptive skills; 46733

(5) Impairment of ability to practice according to acceptable 46734

and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice; 46735
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(6) Administering drugs for purposes other than those authorized under this chapter; 46738
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(7) Willfully betraying a professional confidence; 46740

(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for employment as a physician assistant; in connection with any solicitation or advertisement for patients; in relation to the practice of medicine as it pertains to physician assistants; or in securing or attempting to secure a license to practice as a physician assistant. 46741
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As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived. 46748
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(9) Representing, with the purpose of obtaining compensation or other advantage personally or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured; 46756
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(10) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice; 46760
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(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony; 46763
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(12) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 46766
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(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice; 46769
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(14) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 46772
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(15) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 46775
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(16) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 46778
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(17) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs; 46781
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(18) Any of the following actions taken by the state agency responsible for regulating the practice of physician assistants in another state, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand; 46786
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(19) A departure from, or failure to conform to, minimal standards of care of similar physician assistants under the same or similar circumstances, regardless of whether actual injury to a 46794
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patient is established;	46797
(20) Violation of the conditions placed by the board on a license to practice as a physician assistant;	46798 46799
(21) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;	46800 46801 46802
(22) Failure to cooperate in an investigation conducted by the board under section 4730.26 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;	46803 46804 46805 46806 46807 46808 46809 46810 46811
(23) Assisting suicide, as defined in section 3795.01 of the Revised Code;	46812 46813
(24) Prescribing any drug or device to perform or induce an abortion, or otherwise performing or inducing an abortion;	46814 46815
(25) Failure to comply with section 4730.53 of the Revised Code, unless the board no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	46816 46817 46818
(26) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code;	46819 46820 46821 46822
(27) Having certification by the national commission on certification of physician assistants or a successor organization expire, lapse, or be suspended or revoked;	46823 46824 46825
(28) The revocation, suspension, restriction, reduction, or	46826

termination of clinical privileges by the United States department 46827
of defense or department of veterans affairs or the termination or 46828
suspension of a certificate of registration to prescribe drugs by 46829
the drug enforcement administration of the United States 46830
department of justice. 46831

(C) Disciplinary actions taken by the board under divisions 46832
(A) and (B) of this section shall be taken pursuant to an 46833
adjudication under Chapter 119. of the Revised Code, except that 46834
in lieu of an adjudication, the board may enter into a consent 46835
agreement with a physician assistant or applicant to resolve an 46836
allegation of a violation of this chapter or any rule adopted 46837
under it. A consent agreement, when ratified by an affirmative 46838
vote of not fewer than six members of the board, shall constitute 46839
the findings and order of the board with respect to the matter 46840
addressed in the agreement. If the board refuses to ratify a 46841
consent agreement, the admissions and findings contained in the 46842
consent agreement shall be of no force or effect. 46843

(D) For purposes of divisions (B)(12), (15), and (16) of this 46844
section, the commission of the act may be established by a finding 46845
by the board, pursuant to an adjudication under Chapter 119. of 46846
the Revised Code, that the applicant or license holder committed 46847
the act in question. The board shall have no jurisdiction under 46848
these divisions in cases where the trial court renders a final 46849
judgment in the license holder's favor and that judgment is based 46850
upon an adjudication on the merits. The board shall have 46851
jurisdiction under these divisions in cases where the trial court 46852
issues an order of dismissal upon technical or procedural grounds. 46853

(E) The sealing of conviction records by any court shall have 46854
no effect upon a prior board order entered under the provisions of 46855
this section or upon the board's jurisdiction to take action under 46856
the provisions of this section if, based upon a plea of guilty, a 46857
judicial finding of guilt, or a judicial finding of eligibility 46858

for intervention in lieu of conviction, the board issued a notice 46859
of opportunity for a hearing prior to the court's order to seal 46860
the records. The board shall not be required to seal, destroy, 46861
redact, or otherwise modify its records to reflect the court's 46862
sealing of conviction records. 46863

(F) For purposes of this division, any individual who holds a 46864
license issued under this chapter, or applies for a license issued 46865
under this chapter, shall be deemed to have given consent to 46866
submit to a mental or physical examination when directed to do so 46867
in writing by the board and to have waived all objections to the 46868
admissibility of testimony or examination reports that constitute 46869
a privileged communication. 46870

(1) In enforcing division (B)(4) of this section, the board, 46871
upon a showing of a possible violation, may compel any individual 46872
who holds a license issued under this chapter or who has applied 46873
for a license pursuant to this chapter to submit to a mental 46874
examination, physical examination, including an HIV test, or both 46875
a mental and physical examination. The expense of the examination 46876
is the responsibility of the individual compelled to be examined. 46877
Failure to submit to a mental or physical examination or consent 46878
to an HIV test ordered by the board constitutes an admission of 46879
the allegations against the individual unless the failure is due 46880
to circumstances beyond the individual's control, and a default 46881
and final order may be entered without the taking of testimony or 46882
presentation of evidence. If the board finds a physician assistant 46883
unable to practice because of the reasons set forth in division 46884
(B)(4) of this section, the board shall require the physician 46885
assistant to submit to care, counseling, or treatment by 46886
physicians approved or designated by the board, as a condition for 46887
an initial, continued, reinstated, or renewed license. An 46888
individual affected under this division shall be afforded an 46889
opportunity to demonstrate to the board the ability to resume 46890

practicing in compliance with acceptable and prevailing standards 46891
of care. 46892

(2) For purposes of division (B)(5) of this section, if the 46893
board has reason to believe that any individual who holds a 46894
license issued under this chapter or any applicant for a license 46895
suffers such impairment, the board may compel the individual to 46896
submit to a mental or physical examination, or both. The expense 46897
of the examination is the responsibility of the individual 46898
compelled to be examined. Any mental or physical examination 46899
required under this division shall be undertaken by a treatment 46900
provider or physician qualified to conduct such examination and 46901
chosen by the board. 46902

Failure to submit to a mental or physical examination ordered 46903
by the board constitutes an admission of the allegations against 46904
the individual unless the failure is due to circumstances beyond 46905
the individual's control, and a default and final order may be 46906
entered without the taking of testimony or presentation of 46907
evidence. If the board determines that the individual's ability to 46908
practice is impaired, the board shall suspend the individual's 46909
license or deny the individual's application and shall require the 46910
individual, as a condition for initial, continued, reinstated, or 46911
renewed licensure, to submit to treatment. 46912

Before being eligible to apply for reinstatement of a license 46913
suspended under this division, the physician assistant shall 46914
demonstrate to the board the ability to resume practice or 46915
prescribing in compliance with acceptable and prevailing standards 46916
of care. The demonstration shall include the following: 46917

(a) Certification from a treatment provider approved under 46918
section 4731.25 of the Revised Code that the individual has 46919
successfully completed any required inpatient treatment; 46920

(b) Evidence of continuing full compliance with an aftercare 46921

contract or consent agreement; 46922

(c) Two written reports indicating that the individual's 46923
ability to practice has been assessed and that the individual has 46924
been found capable of practicing according to acceptable and 46925
prevailing standards of care. The reports shall be made by 46926
individuals or providers approved by the board for making such 46927
assessments and shall describe the basis for their determination. 46928

The board may reinstate a license suspended under this 46929
division after such demonstration and after the individual has 46930
entered into a written consent agreement. 46931

When the impaired physician assistant resumes practice or 46932
prescribing, the board shall require continued monitoring of the 46933
physician assistant. The monitoring shall include compliance with 46934
the written consent agreement entered into before reinstatement or 46935
with conditions imposed by board order after a hearing, and, upon 46936
termination of the consent agreement, submission to the board for 46937
at least two years of annual written progress reports made under 46938
penalty of falsification stating whether the physician assistant 46939
has maintained sobriety. 46940

(G) If the secretary and supervising member determine that 46941
there is clear and convincing evidence that a physician assistant 46942
has violated division (B) of this section and that the 46943
individual's continued practice or prescribing presents a danger 46944
of immediate and serious harm to the public, they may recommend 46945
that the board suspend the individual's license without a prior 46946
hearing. Written allegations shall be prepared for consideration 46947
by the board. 46948

The board, upon review of those allegations and by an 46949
affirmative vote of not fewer than six of its members, excluding 46950
the secretary and supervising member, may suspend a license 46951
without a prior hearing. A telephone conference call may be 46952

utilized for reviewing the allegations and taking the vote on the 46953
summary suspension. 46954

The board shall issue a written order of suspension by 46955
certified mail or in person in accordance with section 119.07 of 46956
the Revised Code. The order shall not be subject to suspension by 46957
the court during pendency of any appeal filed under section 119.12 46958
of the Revised Code. If the physician assistant requests an 46959
adjudicatory hearing by the board, the date set for the hearing 46960
shall be within fifteen days, but not earlier than seven days, 46961
after the physician assistant requests the hearing, unless 46962
otherwise agreed to by both the board and the license holder. 46963

A summary suspension imposed under this division shall remain 46964
in effect, unless reversed on appeal, until a final adjudicative 46965
order issued by the board pursuant to this section and Chapter 46966
119. of the Revised Code becomes effective. The board shall issue 46967
its final adjudicative order within sixty days after completion of 46968
its hearing. Failure to issue the order within sixty days shall 46969
result in dissolution of the summary suspension order, but shall 46970
not invalidate any subsequent, final adjudicative order. 46971

(H) If the board takes action under division (B)(11), (13), 46972
or (14) of this section, and the judicial finding of guilt, guilty 46973
plea, or judicial finding of eligibility for intervention in lieu 46974
of conviction is overturned on appeal, upon exhaustion of the 46975
criminal appeal, a petition for reconsideration of the order may 46976
be filed with the board along with appropriate court documents. 46977
Upon receipt of a petition and supporting court documents, the 46978
board shall reinstate the individual's license. The board may then 46979
hold an adjudication under Chapter 119. of the Revised Code to 46980
determine whether the individual committed the act in question. 46981
Notice of opportunity for hearing shall be given in accordance 46982
with Chapter 119. of the Revised Code. If the board finds, 46983
pursuant to an adjudication held under this division, that the 46984

individual committed the act, or if no hearing is requested, it 46985
may order any of the sanctions identified under division (B) of 46986
this section. 46987

(I) The license to practice issued to a physician assistant 46988
and the physician assistant's practice in this state are 46989
automatically suspended as of the date the physician assistant 46990
pleads guilty to, is found by a judge or jury to be guilty of, or 46991
is subject to a judicial finding of eligibility for intervention 46992
in lieu of conviction in this state or treatment or intervention 46993
in lieu of conviction in another state for any of the following 46994
criminal offenses in this state or a substantially equivalent 46995
criminal offense in another jurisdiction: aggravated murder, 46996
murder, voluntary manslaughter, felonious assault, kidnapping, 46997
rape, sexual battery, gross sexual imposition, aggravated arson, 46998
aggravated robbery, or aggravated burglary. Continued practice 46999
after the suspension shall be considered practicing without a 47000
license. 47001

The board shall notify the individual subject to the 47002
suspension by certified mail or in person in accordance with 47003
section 119.07 of the Revised Code. If an individual whose license 47004
is suspended under this division fails to make a timely request 47005
for an adjudication under Chapter 119. of the Revised Code, the 47006
board shall enter a final order permanently revoking the 47007
individual's license to practice. 47008

(J) In any instance in which the board is required by Chapter 47009
119. of the Revised Code to give notice of opportunity for hearing 47010
and the individual subject to the notice does not timely request a 47011
hearing in accordance with section 119.07 of the Revised Code, the 47012
board is not required to hold a hearing, but may adopt, by an 47013
affirmative vote of not fewer than six of its members, a final 47014
order that contains the board's findings. In that final order, the 47015
board may order any of the sanctions identified under division (A) 47016

or (B) of this section. 47017

(K) Any action taken by the board under division (B) of this 47018
section resulting in a suspension shall be accompanied by a 47019
written statement of the conditions under which the physician 47020
assistant's license may be reinstated. The board shall adopt rules 47021
in accordance with Chapter 119. of the Revised Code governing 47022
conditions to be imposed for reinstatement. Reinstatement of a 47023
license suspended pursuant to division (B) of this section 47024
requires an affirmative vote of not fewer than six members of the 47025
board. 47026

(L) When the board refuses to grant or issue to an applicant 47027
a license to practice as a physician assistant, revokes an 47028
individual's license, refuses to renew an individual's license, or 47029
refuses to reinstate an individual's license, the board may 47030
specify that its action is permanent. An individual subject to a 47031
permanent action taken by the board is forever thereafter 47032
ineligible to hold the license and the board shall not accept an 47033
application for reinstatement of the license or for issuance of a 47034
new license. 47035

(M) Notwithstanding any other provision of the Revised Code, 47036
all of the following apply: 47037

(1) The surrender of a license issued under this chapter is 47038
not effective unless or until accepted by the board. Reinstatement 47039
of a license surrendered to the board requires an affirmative vote 47040
of not fewer than six members of the board. 47041

(2) An application made under this chapter for a license may 47042
not be withdrawn without approval of the board. 47043

(3) Failure by an individual to renew a license in accordance 47044
with section 4730.14 of the Revised Code shall not remove or limit 47045
the board's jurisdiction to take disciplinary action under this 47046
section against the individual. 47047

~~Sec. 4730.28. (A) An individual whose license to practice as a physician assistant issued under this chapter has been suspended or is in an inactive state for any cause for more than two years may apply to the state medical board to have the license restored.~~

~~(B)(1) The board shall not restore a license under this section unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code. The board shall determine the applicant's present fitness to resume practice. The board shall consider the moral background and the activities of the applicant during the period of suspension or inactivity.~~

~~(2) When restoring a license, the board may impose terms and conditions, including the following:~~

~~(a) Requiring the applicant to obtain additional training and pass an examination upon completion of the training;~~

~~(b) Restricting or limiting the extent, scope, or type of practice as a physician assistant that the individual may resume~~
This section applies to both of the following:

(1) An applicant seeking restoration of a license issued under this chapter that has been in a suspended or inactive state for any cause for more than two years;

(2) An applicant seeking issuance of a license pursuant to this chapter who for more than two years has not been practicing as a physician assistant as either of the following:

(a) An active practitioner;

(b) A student in a program as described in division (B) or (C) of section 4730.11 of the Revised Code.

(B) Before issuing a license to an applicant subject to this section or restoring a license to good standing for an applicant subject to this section, the state medical board may impose terms and conditions including any one or more of the following:

(1) Requiring the applicant to pass an oral or written examination, or both, to determine the applicant's present fitness to resume practice; 47078
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(2) Requiring the applicant to obtain additional training and to pass an examination upon completion of such training; 47081
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(3) Requiring an assessment of the applicant's physical skills for purposes of determining whether the applicant's coordination, fine motor skills, and dexterity are sufficient for performing evaluations and procedures in a manner that meets the minimal standards of care; 47083
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(4) Requiring an assessment of the applicant's skills in recognizing and understanding diseases and conditions; 47088
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(5) Requiring the applicant to undergo a comprehensive physical examination, which may include an assessment of physical abilities, evaluation of sensory capabilities, or screening for the presence of neurological disorders; 47090
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(6) Restricting or limiting the extent, scope, or type of practice of the applicant. 47094
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The board shall consider the moral background and the activities of the applicant during the period of suspension or inactivity. The board shall not issue or restore a license under this section unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code. 47096
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Sec. 4730.43. (A) A physician assistant who holds a valid prescriber number issued by the state medical board and has been granted physician-delegated prescriptive authority may personally furnish to a patient samples of drugs and therapeutic devices that are included in the physician assistant's physician-delegated prescriptive authority, subject to all of the following: 47101
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(1) The amount of the sample furnished shall not exceed a 47107

seventy-two-hour supply, except when the minimum available 47108
quantity of the sample is packaged in an amount that is greater 47109
than a seventy-two-hour supply, in which case the physician 47110
assistant may furnish the sample in the package amount. 47111

(2) No charge may be imposed for the sample or for furnishing 47112
it. 47113

(3) Samples of controlled substances may not be personally 47114
furnished. 47115

(B) A physician assistant who holds a valid prescriber number 47116
issued by the state medical board and has been granted 47117
physician-delegated prescriptive authority may personally furnish 47118
to a patient a complete or partial supply of the drugs and 47119
therapeutic devices that are included in the physician assistant's 47120
physician-delegated prescriptive authority, subject to all of the 47121
following: 47122

(1) The physician assistant shall personally furnish only 47123
antibiotics, antifungals, scabicides, contraceptives, prenatal 47124
vitamins, antihypertensives, drugs and devices used in the 47125
treatment of diabetes, drugs and devices used in the treatment of 47126
asthma, and drugs used in the treatment of dyslipidemia. 47127

(2) The physician assistant shall not furnish the drugs and 47128
devices in locations other than a health department operated by 47129
the board of health of a city or general health district or the 47130
authority having the duties of a board of health under section 47131
3709.05 of the Revised Code, a federally funded comprehensive 47132
primary care clinic, or a nonprofit health care clinic or program. 47133

(3) The physician assistant shall comply with all standards 47134
and procedures for personally furnishing supplies of drugs and 47135
devices, as established in rules adopted under section 4730.39 of 47136
the Revised Code. 47137

Sec. 4730.49. (A) To be eligible for renewal of a license to practice as a physician assistant, an applicant who has been granted physician-delegated prescriptive authority is subject to both of the following:

(1) The applicant shall complete every two years at least twelve hours of continuing education in pharmacology obtained through a program or course approved by the state medical board or a person the board has authorized to approve continuing pharmacology education programs and courses. Except as provided ~~in division (B) of this section and~~ in section 5903.12 of the Revised Code, the continuing education shall be completed not later than the thirty-first day of January of each even-numbered year date on which the applicant's license expires.

(2)(a) Except as provided in division (A)(2)(b) of this section, in the case of an applicant who prescribes opioid analgesics or benzodiazepines, as defined in section 3719.01 of the Revised Code, the applicant shall certify to the board whether the applicant has been granted access to the drug database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code.

(b) The requirement described in division (A)(2)(a) of this section does not apply if any of the following is the case:

(i) The state board of pharmacy notifies the state medical board pursuant to section 4729.861 of the Revised Code that the applicant has been restricted from obtaining further information from the drug database.

(ii) The state board of pharmacy no longer maintains the drug database.

(iii) The applicant does not practice as a physician assistant in this state.

(c) If an applicant certifies to the state medical board that 47168
the applicant has been granted access to the drug database and the 47169
board finds through an audit or other means that the applicant has 47170
not been granted access, the board may take action under section 47171
4730.25 of the Revised Code. 47172

(B) The state medical board shall provide for pro rata 47173
reductions by month of the number of hours of continuing education 47174
in pharmacology that is required to be completed for physician 47175
assistants ~~who are in their first licensure period after~~ 47176
~~completing the period of supervision required under section~~ 47177
~~4730.44 of the Revised Code,~~ who have been disabled due to illness 47178
or accident, or ~~who~~ have been absent from the country. The board 47179
shall adopt rules, in accordance with Chapter 119. of the Revised 47180
Code, as necessary to implement this division. 47181

(C) The continuing education required by this section is in 47182
addition to the continuing education required under section 47183
4730.14 of the Revised Code. 47184

(D) If the board chooses to authorize persons to approve 47185
continuing pharmacology education programs and courses, it shall 47186
establish standards for granting that authority and grant the 47187
authority in accordance with the standards. 47188

Sec. 4731.04. As used in this chapter: 47189

(A) "Cosmetic therapy" means the permanent removal of hair 47190
from the human body through the use of electric modalities 47191
approved by the state medical board for use in cosmetic therapy 47192
and may include the systematic friction, stroking, slapping, and 47193
kneading or tapping of the face, neck, scalp, or shoulders. 47194

(B) "Fifth pathway training" means supervised clinical 47195
training obtained in the United States as a substitute for the 47196
internship or social service requirements of a foreign medical 47197

school. 47198

(C) "Graduate medical education" means education received 47199
through any of the following: 47200

(1) An internship ~~or~~, residency, or clinical fellowship 47201
program conducted in the United States and accredited by either 47202
the accreditation council for graduate medical education of the 47203
American medical association or the American osteopathic 47204
association; 47205

(2) A clinical fellowship program that is not accredited as 47206
described in division (C)(1) of this section, but is conducted in 47207
the United States at an institution with a residency program that 47208
is accredited ~~by either the accreditation council for graduate~~ 47209
~~medical education of the American medical association or the~~ 47210
~~American osteopathic association that~~ as described in that 47211
division and is in a clinical field the same as or related to the 47212
clinical field of the fellowship program; 47213

(3) An internship program conducted in Canada and accredited 47214
by the committee on accreditation of preregistration physician 47215
training programs of the federation of provincial medical 47216
licensing authorities of Canada; 47217

(4) A residency program conducted in Canada and accredited by 47218
either the royal college of physicians and surgeons of Canada or 47219
the college of family physicians of Canada. 47220

(D) "Massage therapy" means the treatment of disorders of the 47221
human body by the manipulation of soft tissue through the 47222
systematic external application of massage techniques including 47223
touch, stroking, friction, vibration, percussion, kneading, 47224
stretching, compression, and joint movements within the normal 47225
physiologic range of motion; and adjunctive thereto, the external 47226
application of water, heat, cold, topical preparations, and 47227
mechanical devices. 47228

Sec. 4731.05. (A) The state medical board shall adopt rules 47229
in accordance with Chapter 119. of the Revised Code to carry out 47230
the purposes of this chapter. All adjudicative proceedings of the 47231
state medical board shall be conducted in accordance with Chapter 47232
119. of the Revised Code. 47233

(B) The state medical board shall appoint an executive 47234
director who shall be in the unclassified service of the state. 47235
The board may appoint other employees of the board as are 47236
necessary and shall prescribe their titles and duties. 47237

(C) The state medical board shall develop requirements for 47238
and provide appropriate initial and continuing training for 47239
investigators employed by the board to carry out its duties under 47240
Chapter 4731. of the Revised Code. The training and continuing 47241
education may include enrollment in courses operated or approved 47242
by the Ohio peace officer training commission that the board 47243
considers appropriate under conditions set forth in section 109.79 47244
of the Revised Code. 47245

(D)(1) The state medical board shall adopt internal 47246
management rules pursuant to section 111.15 of the Revised Code. 47247
The rules shall set forth criteria for assessing the board's 47248
accomplishments, activities, and performance data, including 47249
metrics detailing the board's revenues and reimbursements; budget 47250
distribution; investigation and licensing activity, including 47251
issuance of licenses and processing time frames; and enforcement 47252
data, including processing time frames. The board shall include 47253
the assessment in the annual report required by section 149.01 of 47254
the Revised Code. 47255

(2) The state medical board shall cause the internal 47256
management rules and annual report described in division (D)(1) of 47257
this section to be publicly accessible on the state medical 47258
board's web site. 47259

Sec. 4731.07. (A) The state medical board shall keep a record 47260
of its proceedings. The minutes of a meeting of the board shall, 47261
on approval by the board, constitute an official record of its 47262
proceedings. 47263

(B) The board shall keep a register of applicants for 47264
licenses and certificates issued under this chapter and Chapters 47265
4760., 4762., and 4774. of the Revised Code and; licenses issued 47266
under this chapter and Chapters 4730., 4759., 4761., 4760., 4762., 47267
4774., and 4778.; and licenses and limited permits issued under 47268
Chapters 4759. and 4761. of the Revised Code. The register shall 47269
show the name of the applicant and whether the applicant was 47270
granted or refused a certificate or the license, certificate, or 47271
limited permit being sought. ~~With~~ 47272

With respect to applicants to practice medicine and surgery 47273
or osteopathic medicine and surgery, the register shall show the 47274
name of the institution that granted the applicant the degree of 47275
doctor of medicine or osteopathic medicine. With respect to 47276
applicants to practice respiratory care, the register shall show 47277
the addresses of the person's last known place of business and 47278
residence, the effective date and identification number of the 47279
license or limited permit, and, if applicable, the name and 47280
location of the institution that granted the person's degree or 47281
certificate of completion of respiratory care educational 47282
requirements, and the date the degree or certificate of completion 47283
was issued. ~~The~~ 47284

(C) The books and records of the board shall be prima-facie 47285
evidence of matters therein contained. 47286

Sec. 4731.14. (A) The state medical board shall review all 47287
applications submitted under section 4731.09 ~~or 4731.296~~ of the 47288
Revised Code and determine whether each applicant meets the 47289

requirements for a license to practice medicine and surgery or 47290
osteopathic medicine and surgery. ~~An affirmative vote of not fewer 47291
than six members of the board is necessary for the board to 47292
determine that an applicant meets the requirements for a license. 47293~~

(B) If the board determines that the evidence submitted with 47294
an application is satisfactory and the applicant meets the 47295
requirements for a license, the board shall issue to the applicant 47296
a license to practice medicine and surgery or osteopathic medicine 47297
and surgery, as applicable. If the applicant holds a medical 47298
degree other than the degree of doctor of medicine or doctor of 47299
osteopathic medicine, the license shall indicate that the 47300
applicant is authorized to practice medicine and surgery pursuant 47301
to the laws of this state. Each license issued by the board shall 47302
be signed by its president and secretary, and attested by its 47303
seal. 47304

(C) The holder of a license to practice medicine and surgery 47305
issued under this chapter may use the titles "Dr.," "doctor," 47306
"M.D.," or "physician." The holder of a license to practice 47307
osteopathic medicine and surgery issued under this chapter may use 47308
the titles "Dr.," "doctor," "D.O.," or "physician." 47309

(D) The holder of a license issued under this section shall 47310
either provide verification of licensure status from the board's 47311
internet web site on request or prominently display a wall 47312
certificate in the license holder's office or place where the 47313
majority of the holder's practice is conducted. 47314

Sec. 4731.15. (A) The state medical board also shall regulate 47315
the following limited branches of medicine: massage therapy and 47316
cosmetic therapy, and to the extent specified in section 4731.151 47317
of the Revised Code, naprapathy and mechanotherapy. The board 47318
shall adopt rules governing the limited branches of medicine under 47319
its jurisdiction. The rules shall be adopted in accordance with 47320

Chapter 119. of the Revised Code. 47321

(B) A ~~eertificate~~ license to practice a limited branch of 47322
medicine issued by the state medical board is valid for a two-year 47323
period, ~~except when an initial certificate is issued for a shorter~~ 47324
~~period or when division (C)(2) of this section is applicable~~ 47325
unless revoked or suspended and expires on the date that is two 47326
years after the date of issuance. The ~~eertificate~~ license may be 47327
renewed for additional two-year periods in accordance with 47328
division (C) of this section. 47329

~~(C)(1) Except as provided in division (C)(2) of this section,~~ 47330
~~both~~ Both of the following apply with respect to the renewal of 47331
~~eertificates~~ licenses to practice a limited branch of medicine: 47332

~~(a)(1)~~ Each person seeking to renew a ~~eertificate~~ license to 47333
practice a limited branch of medicine shall apply for biennial 47334
renewal with the state medical board in a manner prescribed by the 47335
board. An applicant for renewal shall pay a biennial renewal fee 47336
of one hundred dollars. 47337

~~(b)(2)~~ At least one month before a ~~eertificate~~ license 47338
expires, the board shall provide a renewal notice to the 47339
~~eertificate~~ license holder. 47340

~~(2) The board shall implement a staggered renewal system that~~ 47341
~~is substantially similar to the staggered renewal system the board~~ 47342
~~uses under division (A) of section 4731.281 of the Revised Code.~~ 47343

(D) All persons who hold a ~~eertificate~~ license to practice a 47344
limited branch of medicine issued by the state medical board shall 47345
provide the board notice of any change of address. The notice 47346
shall be submitted to the board not later than thirty days after 47347
the change of address. 47348

(E) A ~~eertificate~~ license to practice a limited branch of 47349
medicine shall be automatically suspended if the ~~eertificate~~ 47350
license holder fails to renew the ~~eertificate~~ license in 47351

accordance with division (C) of this section. Continued practice 47352
after the suspension of the ~~certificate~~ license to practice shall 47353
be considered as practicing in violation of sections 4731.34 and 47354
4731.41 of the Revised Code. 47355

If a ~~certificate to practice~~ license has been suspended 47356
pursuant to this division for two years or less, it may be 47357
reinstated. The board shall reinstate the ~~certificate~~ license upon 47358
an applicant's submission of a renewal application and payment of 47359
a reinstatement fee of one hundred twenty-five dollars. With 47360
regard to reinstatement of a ~~certificate~~ license to practice 47361
cosmetic therapy, the applicant also shall submit with the 47362
application a certification that the number of hours of continuing 47363
education necessary to have a suspended ~~certificate~~ license 47364
reinstated have been completed, as specified in rules the board 47365
shall adopt in accordance with Chapter 119. of the Revised Code. 47366

If a ~~certificate~~ license has been suspended pursuant to this 47367
division for more than two years, it may be restored. Subject to 47368
section 4731.222 of the Revised Code, the board may restore the 47369
~~certificate~~ license upon an applicant's submission of a 47370
restoration application and a restoration fee of one hundred fifty 47371
dollars and compliance with sections 4776.01 to 4776.04 of the 47372
Revised Code. The board shall not restore to an applicant a 47373
~~certificate~~ license to practice unless the board, in its 47374
discretion, decides that the results of the criminal records check 47375
do not make the applicant ineligible for a ~~certificate~~ license 47376
issued pursuant to section 4731.17 of the Revised Code. 47377

Sec. 4731.155. (A) The state medical board may adopt rules 47378
that establish continuing education requirements for renewal under 47379
section 4731.15 of the Revised Code of a ~~certificate~~ license to 47380
practice a limited branch of medicine. The rules shall be adopted 47381
in accordance with Chapter 119. of the Revised Code. 47382

(B)(1) If the board adopts rules establishing continuing education requirements for holders of licenses to practice a limited branch of medicine, the board may require a holder to certify to the board that the holder has satisfied the continuing education requirements. 47383
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(2) The board may require a random sample of license holders to submit materials documenting that the continuing education requirements adopted under this section have been satisfied. 47388
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Division (B)(2) of this section does not limit the board's authority to conduct investigations pursuant to section 4731.22 of the Revised Code. 47391
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(3) If, through a random sample conducted under division (B)(2) of this section or any other means, the board finds that an individual who certified completion of the number of hours and type of continuing education required to renew, reinstate, or restore a license to practice did not complete the requisite continuing education, the board may do either of the following: 47394
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(a) Take disciplinary action against the individual under section 4731.22 of the Revised Code, impose a civil penalty, or both; 47400
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(b) Permit the individual to agree in writing to complete the continuing education and pay a civil penalty. 47403
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(4) The board's finding in any disciplinary action taken under division (B)(3)(a) of this section shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six of its members. 47405
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(5) A civil penalty imposed under division (B)(3)(a) of this section or paid under division (B)(3)(b) of this section shall be in an amount specified by the board of not more than five thousand dollars. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code. 47409
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Sec. 4731.17. (A) The state medical board shall review all 47414
applications received under section 4731.19 of the Revised Code. 47415
The board shall determine whether an applicant meets the 47416
requirements for a certificate license to practice the applicable 47417
limited branch of medicine. ~~An affirmative vote of not fewer than~~ 47418
~~six members of the board is required to determine that an~~ 47419
~~applicant meets the requirements for a certificate.~~ 47420

(B) If the board determines that the applicant meets the 47421
requirements for a certificate license and that the documentation 47422
required for a certificate license is acceptable, the board shall 47423
issue to the applicant the appropriate certificate license to 47424
practice. Each certificate license shall be signed by the 47425
president and secretary of the board and attested by its seal. 47426

(C) A certificate license shall authorize the holder to 47427
practice the limited branch of medicine for which the certificate 47428
license was issued. No person who holds a certificate license to 47429
practice a limited branch of medicine issued by the board under 47430
this section shall do any of the following: 47431

(1) Practice a limited branch of medicine other than the 47432
limited branch of medicine for which the certificate license was 47433
issued; 47434

(2) Treat infectious, contagious, or venereal diseases; 47435

(3) Prescribe or administer drugs; 47436

(4) Perform surgery or practice medicine in any other form. 47437

Sec. 4731.171. In addition to any other eligibility 47438
requirement set forth in this chapter, each applicant for a 47439
certificate license to practice massage therapy or cosmetic 47440
therapy shall comply with sections 4776.01 to 4776.04 of the 47441
Revised Code. The state medical board shall not grant to an 47442
applicant a certificate license to practice massage therapy or 47443

cosmetic therapy unless the board, in its discretion, decides that 47444
the results of the criminal records check do not make the 47445
applicant ineligible for a ~~certificate~~ license issued pursuant to 47446
section 4731.17 of the Revised Code. 47447

Sec. 4731.19. (A) A person seeking a ~~certificate~~ license to 47448
practice a limited branch of medicine shall file with the state 47449
medical board an application in a manner prescribed by the board. 47450
The application shall include or be accompanied by all of the 47451
following: 47452

(1) Evidence that the applicant is at least eighteen years of 47453
age and of good moral character; 47454

(2) Evidence that the applicant has attained high school 47455
graduation or its equivalent; 47456

(3) Evidence that the applicant holds one of the following: 47457

(a) A diploma or certificate from a school, college, or 47458
institution in good standing as determined by the board, showing 47459
the completion of the required courses of instruction; 47460

(b) A diploma or certificate from a school, college, or 47461
institution in another state or jurisdiction showing completion of 47462
a course of instruction that meets course requirements determined 47463
by the board through rules adopted under section 4731.05 of the 47464
Revised Code; 47465

(c) ~~For not less than five years~~ During the five-year period 47466
immediately preceding the date of application, a current license, 47467
registration, or certificate in good standing in another state for 47468
massage therapy or cosmetic therapy. 47469

(4) Evidence that the applicant has successfully passed an 47470
examination, prescribed in rules described in section 4731.16 of 47471
the Revised Code, to determine competency to practice the 47472
applicable limited branch of medicine; 47473

(5) An attestation that the information submitted under this section is accurate and truthful and that the applicant consents to release of information; 47474
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(6) Any other information the board requires. 47477

(B) An applicant for a ~~certificate~~ license to practice a limited branch of medicine shall comply with the requirements of section 4731.171 of the Revised Code. 47478
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(C) At the time of making application for a ~~certificate~~ license to practice a limited branch of medicine, the applicant shall pay to the board a fee of one hundred fifty dollars, no part of which shall be returned. No application shall be considered filed until the board receives the appropriate fee. 47481
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(D) The board may investigate the application materials received under this section and contact any agency or organization for recommendations or other information about the applicant. 47486
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Sec. 4731.222. (A) This section applies to both of the following: 47489
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(1) An applicant seeking restoration of a license or certificate issued under this chapter that has been in a suspended or inactive state for any cause for more than two years; 47491
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(2) An applicant seeking issuance of a license or certificate pursuant to this chapter who for more than two years has not been engaged in the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine as any of the following: 47494
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(a) An active practitioner; 47499

(b) A participant in a program of graduate medical education, as defined in section 4731.04 of the Revised Code; 47500
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(c) A participant in a podiatric internship, residency, or 47502

clinical fellowship program; 47503

(d) A student in a college of podiatry determined by the 47504
state medical board to be in good standing; 47505

(e) A student in a school, college, or institution giving 47506
instruction in a limited branch of medicine determined by the 47507
board to be in good standing under section 4731.16 of the Revised 47508
Code. 47509

(B) Before ~~restoring a license or certificate to good~~ 47510
~~standing for or~~ issuing a license or certificate to an applicant 47511
subject to this section or restoring a license or certificate to 47512
good standing for an applicant subject to this section, the state 47513
medical board may impose terms and conditions including any one or 47514
more of the following: 47515

(1) Requiring the applicant to pass an oral or written 47516
examination, or both, to determine the applicant's present fitness 47517
to resume practice; 47518

(2) Requiring the applicant to obtain additional training and 47519
to pass an examination upon completion of such training; 47520

(3) Requiring an assessment of the applicant's physical 47521
skills for purposes of determining whether the applicant's 47522
coordination, fine motor skills, and dexterity are sufficient for 47523
performing medical evaluations and procedures in a manner that 47524
meets the minimal standards of care; 47525

(4) Requiring an assessment of the applicant's skills in 47526
recognizing and understanding diseases and conditions; 47527

(5) Requiring the applicant to undergo a comprehensive 47528
physical examination, which may include an assessment of physical 47529
abilities, evaluation of sensory capabilities, or screening for 47530
the presence of neurological disorders; 47531

(6) Restricting or limiting the extent, scope, or type of 47532

practice of the applicant. 47533

The board shall consider the moral background and the 47534
activities of the applicant during the period of suspension or 47535
inactivity, in accordance with section 4731.09, 4731.19, or 47536
4731.52 of the Revised Code. The board shall not issue or restore 47537
a license or certificate under this section unless the applicant 47538
complies with sections 4776.01 to 4776.04 of the Revised Code. 47539

Sec. 4731.228. (A) As used in this section: 47540

(1) "Federally qualified health center" has the same meaning 47541
as in section 3701.047 of the Revised Code. 47542

(2) "Federally qualified health center look-alike" has the 47543
same meaning as in section 3701.047 of the Revised Code. 47544

(3) "Health care entity" means any of the following that 47545
employs a physician to provide physician services: 47546

(a) A hospital registered with the department of health under 47547
section 3701.07 of the Revised Code; 47548

(b) A corporation formed under division (B) of section 47549
1701.03 of the Revised Code; 47550

(c) A corporation formed under Chapter 1702. of the Revised 47551
Code; 47552

(d) A limited liability company formed under Chapter 1705. of 47553
the Revised Code; 47554

(e) A health insuring corporation holding a certificate of 47555
authority under Chapter 1751. of the Revised Code; 47556

(f) A partnership; 47557

(g) A professional association formed under Chapter 1785. of 47558
the Revised Code. 47559

(4) "Physician" means an individual authorized under this 47560

chapter to practice medicine and surgery, osteopathic medicine and 47561
surgery, or podiatric medicine and surgery. 47562

(5) "Physician services" means direct patient care services 47563
provided by a physician ~~pursuant to a certificate issued to the~~ 47564
~~physician by the state medical board.~~ 47565

(6) "Termination" means the end of a physician's employment 47566
with a health care entity for any reason. 47567

(B) This section applies when a physician's employment with a 47568
health care entity to provide physician services is terminated for 47569
any reason, unless the physician continues to provide medical 47570
services for patients of the health care entity on an independent 47571
contractor basis. 47572

(C)(1) Except as provided in division (C)(2) of this section, 47573
a health care entity shall send notice of the termination of a 47574
physician's employment to each patient who received physician 47575
services from the physician in the two-year period immediately 47576
preceding the date of employment termination. Only patients of the 47577
health care entity who received services from the physician are to 47578
receive the notice. 47579

(2) If the health care entity provides to the physician a 47580
list of patients treated and patient contact information, the 47581
health care entity may require the physician to send the notice 47582
required by this section. 47583

(D) The notice provided under division (C) of this section 47584
shall be provided not later than the date of termination or thirty 47585
days after the health care entity has actual knowledge of 47586
termination or resignation of the physician, whichever is later. 47587
The notice shall be provided in accordance with rules adopted by 47588
the state medical board under section 4731.05 of the Revised Code. 47589
The notice shall include at least all of the following: 47590

(1) A notice to the patient that the physician will no longer 47591

be practicing medicine as an employee of the health care entity; 47592

(2) Except in situations in which the health care entity has 47593
a good faith concern that the physician's conduct or the medical 47594
care provided by the physician would jeopardize the health and 47595
safety of patients, the physician's name and, if known by the 47596
health care entity, information provided by the physician that the 47597
patient may use to contact the physician; 47598

(3) The date on which the physician ceased or will cease to 47599
practice as an employee of the health care entity; 47600

(4) Contact information for an alternative physician or 47601
physicians employed by the health care entity or contact 47602
information for a group practice that can provide care for the 47603
patient; 47604

(5) Contact information that enables the patient to obtain 47605
information on the patient's medical records. 47606

(E) The requirements of this section do not apply to any of 47607
the following: 47608

(1) A physician rendering services to a patient on an 47609
episodic basis or in an emergency department or urgent care 47610
center, when it should not be reasonably expected that related 47611
medical services will be rendered by the physician to the patient 47612
in the future; 47613

(2) A medical director or other physician providing services 47614
in a similar capacity to a medical director to patients through a 47615
hospice care program licensed pursuant to section 3712.04 of the 47616
Revised Code. 47617

(3) Medical residents, interns, and fellows who work in 47618
hospitals, health systems, federally qualified health centers, and 47619
federally qualified health center look-alikes as part of their 47620
medical education and training. 47621

(4) A physician providing services to a patient through a community mental health ~~agency~~ services provider certified by the director of mental health and addiction services under section ~~5119.611~~ 5119.36 of the Revised Code or ~~an alcohol and drug addiction program~~ a community addiction services provider certified by the ~~department of alcohol and drug addiction services~~ director under that section ~~3793.06~~ of the Revised Code.

(5) A physician providing services to a patient through a federally qualified health center or a federally qualified health center look-alike.

Sec. 4731.229. Any disciplinary action taken on an individual's ~~certificate~~ license to practice by the state medical board under section 4731.22 of the Revised Code operates automatically on the individual's certificate to recommend and remains in effect for as long as the action remains in effect on the ~~certificate~~ license to practice.

Sec. 4731.281. (A)(1) ~~Each person holding a~~ A license issued under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery ~~wishing to renew that license shall apply to the board for renewal~~ shall be valid for a two-year period unless revoked or suspended. A license shall expire on the date that is two years from the date of issuance and may be renewed for additional two-year periods. Applications for renewal shall be submitted to the state medical board in a manner prescribed by the board. ~~Each~~

Each application shall be accompanied by a biennial renewal fee of three hundred five dollars. ~~Applications shall be submitted according to the following schedule:~~

~~(a) Persons whose last name begins with the letters "A" through "B," on or before the first day of July of every~~

~~odd-numbered year;~~ 47652

~~(b) Persons whose last name begins with the letters "C" through "D," on or before the first day of April of every odd-numbered year;~~ 47653
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~~(c) Persons whose last name begins with the letters "E" through "G," on or before the first day of January of every odd-numbered year;~~ 47656
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~~(d) Persons whose last name begins with the letters "H" through "K," on or before the first day of October of every even-numbered year;~~ 47659
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~~(e) Persons whose last name begins with the letters "L" through "M," on or before the first day of July of every even-numbered year;~~ 47662
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~~(f) Persons whose last name begins with the letters "N" through "R," on or before the first day of April of every even-numbered year;~~ 47665
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~~(g) Persons whose last name begins with the letter "S," on or before the first day of January of every even-numbered year;~~ 47668
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~~(h) Persons whose last name begins with the letters "T" through "Z," on or before the first day of October of every odd-numbered year.~~ 47670
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The board shall deposit the fee in accordance with section 4731.24 of the Revised Code, except that the board shall deposit twenty dollars of the fee into the state treasury to the credit of the physician loan repayment fund created by section 3702.78 of the Revised Code. 47673
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(2) The board shall provide a renewal notice to every person holding a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, a renewal notice ~~or~~. The board may provide the notice to the person through 47678
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the secretary of any recognized medical, osteopathic, or podiatric 47682
society. The notice shall be provided to the person at least one 47683
month prior to the date on which the person's license expires. 47684

(3) Failure of any person to receive a notice of renewal from 47685
the board shall not excuse the person from the requirements 47686
contained in this section. 47687

(4) The board's notice shall inform the applicant of the 47688
renewal procedure. The board shall provide the application for 47689
renewal in a form determined by the board. 47690

(5) The applicant shall provide in the application the 47691
applicant's full name; the applicant's residence address, business 47692
address, and electronic mail address; the number of the 47693
applicant's license to practice; and any other information 47694
required by the board. 47695

(6)(a) Except as provided in division (A)(6)(b) of this 47696
section, in the case of an applicant who prescribes or personally 47697
furnishes opioid analgesics or benzodiazepines, as defined in 47698
section 3719.01 of the Revised Code, the applicant shall certify 47699
to the board whether the applicant has been granted access to the 47700
drug database established and maintained by the state board of 47701
pharmacy pursuant to section 4729.75 of the Revised Code. 47702

(b) The requirement described in division (A)(6)(a) of this 47703
section does not apply if any of the following is the case: 47704

(i) The state board of pharmacy notifies the state medical 47705
board pursuant to section 4729.861 of the Revised Code that the 47706
applicant has been restricted from obtaining further information 47707
from the drug database. 47708

(ii) The state board of pharmacy no longer maintains the drug 47709
database. 47710

(iii) The applicant does not practice medicine and surgery, 47711

osteopathic medicine and surgery, or podiatric medicine and 47712
surgery in this state. 47713

(c) If an applicant certifies to the state medical board that 47714
the applicant has been granted access to the drug database and the 47715
board finds through an audit or other means that the applicant has 47716
not been granted access, the board may take action under section 47717
4731.22 of the Revised Code. 47718

(7) The applicant shall indicate whether the applicant 47719
currently collaborates, as that term is defined in section 4723.01 47720
of the Revised Code, with any clinical nurse specialists, 47721
certified nurse-midwives, or certified nurse practitioners. 47722

(8) The applicant shall report any criminal offense to which 47723
the applicant has pleaded guilty, of which the applicant has been 47724
found guilty, or for which the applicant has been found eligible 47725
for intervention in lieu of conviction, since last submitting an 47726
application for a license to practice or renewal of a license. 47727

(9) The applicant shall execute and deliver the application 47728
to the board in a manner prescribed by the board. 47729

(B) The board shall renew a license under this chapter to 47730
practice medicine and surgery, osteopathic medicine and surgery, 47731
or podiatric medicine and surgery upon application and 47732
qualification therefor in accordance with this section. A renewal 47733
shall be valid for a two-year period. 47734

(C) Failure of any license holder to renew and comply with 47735
this section shall operate automatically to suspend the holder's 47736
license to practice and if applicable, the holder's certificate to 47737
recommend issued under section 4731.30 of the Revised Code. 47738
Continued practice after the suspension shall be considered as 47739
practicing in violation of section 4731.41, 4731.43, or 4731.60 of 47740
the Revised Code. 47741

If the license has been suspended pursuant to this division 47742

for two years or less, it may be reinstated. The board shall 47743
reinstate a license to practice suspended for failure to renew 47744
upon an applicant's submission of a renewal application and 47745
payment of a reinstatement fee of four hundred five dollars. 47746

If the license has been suspended pursuant to this division 47747
for more than two years, it may be restored. Subject to section 47748
4731.222 of the Revised Code, the board may restore a license to 47749
practice suspended for failure to renew upon an applicant's 47750
submission of a restoration application, payment of a restoration 47751
fee of five hundred five dollars, and compliance with sections 47752
4776.01 to 4776.04 of the Revised Code. The board shall not 47753
restore to an applicant a license ~~to practice~~ unless the board, in 47754
its discretion, decides that the results of the criminal records 47755
check do not make the applicant ineligible for a license issued 47756
pursuant to section 4731.14 or 4731.56 of the Revised Code. ~~Any~~ 47757

Any reinstatement or restoration of a license to practice 47758
under this section shall operate automatically to renew the 47759
holder's certificate to recommend. 47760

(D) The state medical board may obtain information not 47761
protected by statutory or common law privilege from courts and 47762
other sources concerning malpractice claims against any person 47763
holding a license to practice under this chapter or practicing as 47764
provided in section 4731.36 of the Revised Code. 47765

(E) Each ~~mailing sent~~ renewal notice provided by the board 47766
under division (A)(2) of this section to a person holding a 47767
license to practice medicine and surgery or osteopathic medicine 47768
and surgery shall inform the applicant of the reporting 47769
requirement established by division (H) of section 3701.79 of the 47770
Revised Code. At the discretion of the board, the information may 47771
be included on the application for renewal or on an accompanying 47772
page. 47773

(F) Each person holding a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery shall give notice to the board of a change in the license holder's residence address, business address, or electronic mail address not later than thirty days after the change occurs.

Sec. 4731.282. (A)(1) Except as provided in division (D) of this section, each person holding a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery issued by the state medical board shall complete biennially not less than ~~one hundred~~ fifty hours of continuing medical education that has been approved by the board.

(2) Each person holding a license to practice shall be given sufficient choice of continuing education programs to ensure that the person has had a reasonable opportunity to participate in continuing education programs that are relevant to the person's medical practice in terms of subject matter and level.

(B) In determining whether a course, program, or activity qualifies for credit as continuing medical education, the board shall approve all of the following:

(1) Continuing medical education completed by holders of licenses to practice medicine and surgery that is certified by the Ohio state medical association;

(2) Continuing medical education completed by holders of licenses to practice osteopathic medicine and surgery that is certified by the Ohio osteopathic association;

(3) Continuing medical education completed by holders of licenses to practice podiatric medicine and surgery that is certified by the Ohio podiatric medical association.

(C) The board shall approve one or more continuing medical

education courses of study included within the programs certified 47804
by the Ohio state medical association and the Ohio osteopathic 47805
association under divisions (B)(1) and (2) of this section that 47806
assist doctors of medicine and doctors of osteopathic medicine in 47807
both of the following: 47808

(1) Recognizing the signs of domestic violence and its 47809
relationship to child abuse; 47810

(2) Diagnosing and treating chronic pain, as defined in 47811
section 4731.052 of the Revised Code. 47812

(D) The board shall adopt rules providing for pro rata 47813
reductions by month of the number of hours of continuing education 47814
that must be completed for license holders who ~~are in their first~~ 47815
~~renewal period,~~ have been disabled by illness or accident, or have 47816
been absent from the country. The board shall adopt the rules in 47817
accordance with Chapter 119. of the Revised Code. 47818

(E) The board may require a random sample of holders of 47819
licenses to practice medicine and surgery, osteopathic medicine 47820
and surgery, or podiatric medicine and surgery to submit materials 47821
documenting completion of the required number of hours of 47822
continuing medical education. This division does not limit the 47823
board's authority to conduct investigations pursuant to section 47824
4731.22 of the Revised Code. 47825

(F)(1) If, through a random sample conducted under division 47826
(E) of this section or any other means, the board finds that an 47827
individual who certified completion of the number of hours and 47828
type of continuing medical education required to renew, reinstate, 47829
or restore a license to practice did not complete the requisite 47830
continuing medical education, the board may do either of the 47831
following: 47832

(a) Take disciplinary action against the individual under 47833
section 4731.22 of the Revised Code, or impose a civil penalty, or 47834

both; 47835

(b) Permit the individual to agree in writing to complete the 47836
continuing medical education and pay a civil penalty. 47837

(2) The board's finding in any disciplinary action taken 47838
under division (F)(1)(a) of this section shall be made pursuant to 47839
an adjudication under Chapter 119. of the Revised Code and by an 47840
affirmative vote of not fewer than six of its members. 47841

(3) A civil penalty ~~paid~~ imposed under division (F)(1)~~(b)~~(a) 47842
of this section or ~~imposed~~ paid under division (F)(1)~~(a)~~(b) of 47843
this section shall be in an amount specified by the board of not 47844
more than five thousand dollars. The board shall deposit civil 47845
penalties in accordance with section 4731.24 of the Revised Code. 47846

Sec. 4731.291. (A) An individual seeking to pursue an 47847
internship, residency, clinical fellowship program, or elective 47848
clinical rotation in this state, who does not hold a license to 47849
practice medicine and surgery or osteopathic medicine or surgery 47850
issued under this chapter, shall apply to the state medical board 47851
for a training certificate. The application shall be made on forms 47852
that the board shall furnish and shall be accompanied by an 47853
application fee of one hundred thirty dollars. 47854

An applicant for a training certificate shall furnish to the 47855
board all of the following: 47856

(1) Evidence satisfactory to the board that the applicant is 47857
at least eighteen years of age and is of good moral character. 47858

(2) Evidence satisfactory to the board that the applicant has 47859
been accepted or appointed to participate in this state in one of 47860
the following: 47861

(a) An internship ~~or~~, residency, or clinical fellowship 47862
program accredited by either the accreditation council for 47863
graduate medical education of the American medical association or 47864

the American osteopathic association; 47865

(b) A clinical fellowship program that is not accredited as 47866
described in division (A)(2)(a) of this section, but is conducted 47867
at an institution with a residency program that is accredited by 47868
~~either the accreditation council for graduate medical education of~~ 47869
~~the American medical association or the American osteopathic~~ 47870
~~association that~~ as described in that division and is in a 47871
clinical field the same as or related to the clinical field of the 47872
fellowship program; 47873

(c) An elective clinical rotation that lasts not more than 47874
one year and is offered to interns, residents, or clinical fellows 47875
participating in programs that are located outside this state and 47876
meet the requirements of division (A)(2)(a) or (b) of this 47877
section. 47878

(3) Information identifying the beginning and ending dates of 47879
the period for which the applicant has been accepted or appointed 47880
to participate in the internship, residency, or clinical 47881
fellowship program; 47882

(4) Any other information that the board requires. 47883

(B) If no grounds for denying a license or certificate under 47884
section 4731.22 of the Revised Code apply, and the applicant meets 47885
the requirements of division (A) of this section, the board shall 47886
issue a training certificate to the applicant. The board shall not 47887
require an examination as a condition of receiving a training 47888
certificate. 47889

A training certificate issued pursuant to this section shall 47890
be valid only for three years, but may ~~in the discretion of the~~ 47891
~~board and upon application duly made,~~ be renewed by the board for 47892
one additional three-year period. The To renew a training 47893
certificate, the holder shall apply to the board on or before the 47894
certificate's expiration date. 47895

The fee for renewal of a training certificate shall be one 47896
hundred dollars. A late application may be submitted not more than 47897
thirty days after the certificate's expiration date. In such a 47898
case, the holder shall include with the application a 47899
one-hundred-fifty-dollar reinstatement fee. 47900

~~The board shall maintain a register of all individuals who~~ 47901
~~hold training certificates.~~ 47902

(C) The holder of a valid training certificate shall be 47903
entitled to perform such acts as may be prescribed by or 47904
incidental to the holder's internship, residency, or clinical 47905
fellowship program, but the holder shall not be entitled otherwise 47906
to engage in the practice of medicine and surgery or osteopathic 47907
medicine and surgery in this state. The holder shall limit 47908
activities under the certificate to the programs of the hospitals 47909
or facilities for which the training certificate is issued. The 47910
holder shall train only under the supervision of the physicians 47911
responsible for supervision as part of the internship, residency, 47912
or clinical fellowship program. 47913

A training certificate may be revoked by the board upon 47914
proof, satisfactory to the board, that the holder thereof has 47915
engaged in practice in this state outside the scope of the 47916
internship, residency, or clinical fellowship program for which 47917
the training certificate has been issued, or upon proof, 47918
satisfactory to the board, that the holder thereof has engaged in 47919
unethical conduct or that there are grounds for action against the 47920
holder under section 4731.22 of the Revised Code. 47921

(D) The board may adopt rules as the board finds necessary to 47922
effect the purpose of this section. 47923

Sec. 4731.293. (A) The state medical board may issue, without 47924
examination, a clinical research faculty certificate to practice 47925
medicine and surgery, osteopathic medicine and surgery, or 47926

podiatric medicine and surgery to any person who applies for the certificate and provides to the board all of the following:

(1) Evidence satisfactory to the board of all of the following:

(a) That the applicant holds a current, unrestricted license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery issued by another state or country;

(b) That the applicant has been appointed to serve in this state on the academic staff of a medical school accredited by the liaison committee on medical education, an osteopathic medical school accredited by the American osteopathic association, or a college of podiatric medicine and surgery in good standing with the board;

(c) That the applicant is an international medical graduate who holds a medical degree from an educational institution listed in the international medical education directory.

(2) An affidavit and supporting documentation from the dean of the school or college, or the department director or chairperson of a teaching hospital affiliated with the school or college, that the applicant is qualified to perform teaching and research activities and will be permitted to work only under the authority of the department director or chairperson of a teaching hospital affiliated with the school or college where the applicant's teaching and research activities will occur;

(3) A description from the school, college, or teaching hospital of the scope of practice in which the applicant will be involved, including the types of teaching, research, and procedures in which the applicant will be engaged;

(4) A description from the school, college, or teaching hospital of the type and amount of patient contact that will occur

in connection with the applicant's teaching and research 47958
activities. 47959

(B) An applicant for an initial clinical research faculty 47960
certificate shall pay a fee of three hundred seventy-five dollars. 47961

(C) The holder of a clinical research faculty certificate may 47962
do one of the following, as applicable: 47963

(1) Practice medicine and surgery or osteopathic medicine and 47964
surgery only as is incidental to the certificate holder's teaching 47965
or research duties at the medical school or a teaching hospital 47966
affiliated with the school; 47967

(2) Practice podiatric medicine and surgery only as is 47968
incidental to the certificate holder's teaching or research duties 47969
at the college of podiatric medicine and surgery or a teaching 47970
hospital affiliated with the college. 47971

(D) The board may revoke a certificate on receiving proof 47972
satisfactory to the board that the certificate holder has engaged 47973
in practice in this state outside the scope of the certificate or 47974
that there are grounds for action against the certificate holder 47975
under section 4731.22 of the Revised Code. 47976

(E) A clinical research faculty certificate is valid for 47977
three years, except that the certificate ceases to be valid if the 47978
holder's academic staff appointment described in division 47979
(A)(1)(b) of this section is no longer valid or the certificate is 47980
revoked pursuant to division (D) of this section. 47981

(F)(1) The board shall provide a renewal notice to the 47982
certificate holder at least one month before the certificate 47983
expires. Failure of a certificate holder to receive a notice of 47984
renewal from the board shall not excuse the certificate holder 47985
from the requirements contained in this section. The notice shall 47986
inform the certificate holder of the renewal procedure. The notice 47987
also shall inform the certificate holder of the reporting 47988

requirement established by division (H) of section 3701.79 of the Revised Code. At the discretion of the board, the information may be included on the application for renewal or on an accompanying page.

(2) A clinical research faculty certificate may be renewed for an additional three-year period. There is no limit on the number of times a certificate may be renewed. A person seeking renewal of a certificate shall apply to the board. The board shall provide the application for renewal in a form determined by the board.

(3) An applicant is eligible for renewal if the applicant does all of the following:

(a) Pays a renewal fee of three hundred seventy-five dollars;

(b) Reports any criminal offense to which the applicant has pleaded guilty, of which the applicant has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last filing an application for a clinical research faculty certificate;

(c) Provides to the board an affidavit and supporting documentation from the dean of the school or college, or the department director or chairperson of a teaching hospital affiliated with the school or college, that the applicant is in compliance with the applicant's current clinical research faculty certificate;

(d) Provides evidence satisfactory to the board of all of the following:

(i) That the applicant continues to maintain a current, unrestricted license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery issued by another state or country;

(ii) That the applicant's initial appointment to serve in 48019
this state on the academic staff of a school or college is still 48020
valid or has been renewed; 48021

(iii) That the applicant has completed ~~one hundred fifty~~ 48022
seventy-five hours of continuing medical education that meet the 48023
requirements set forth in section 4731.282 of the Revised Code. 48024

(4) Regardless of whether the certificate has expired, a 48025
person who was granted a visiting medical faculty certificate 48026
under this section as it existed immediately prior to June 6, 48027
2012, may apply for a clinical research faculty certificate as a 48028
renewal. The board may issue the clinical research faculty 48029
certificate if the applicant meets the requirements of division 48030
(F)(3) of this section. The board may not issue a clinical 48031
research faculty certificate if the visiting medical faculty 48032
certificate was revoked. 48033

~~(G) The board shall maintain a register of all persons who 48034
hold clinical research faculty certificates. 48035~~

~~(H)~~ The board may adopt any rules it considers necessary to 48036
implement this section. The rules shall be adopted in accordance 48037
with Chapter 119. of the Revised Code. 48038

Sec. 4731.294. (A) The state medical board may issue, without 48039
examination, a special activity certificate to any person seeking 48040
to practice medicine and surgery or osteopathic medicine and 48041
surgery in conjunction with a special activity, program, or event 48042
taking place in this state. 48043

(B) An applicant for a special activity certificate shall 48044
~~hold a telemedicine certificate issued under section 4731.296 of 48045
the Revised Code or~~ submit evidence satisfactory to the board of 48046
all of the following: 48047

(1) The applicant holds a current, unrestricted license to 48048

practice medicine and surgery or osteopathic medicine and surgery 48049
issued by another state or country and that within the two-year 48050
period immediately preceding application, the applicant has done 48051
one of the following: 48052

(a) Actively practiced medicine and surgery or osteopathic 48053
medicine and surgery in the United States; 48054

(b) Participated in a graduate medical education program 48055
accredited by either the accreditation council for graduate 48056
medical education of the American medical association or the 48057
American osteopathic association; 48058

(c) Successfully passed the federation licensing examination 48059
established by the federation of state medical boards, a special 48060
examination established by the federation of state medical boards, 48061
or all parts of a standard medical licensing examination 48062
established for purposes of determining the competence of 48063
individuals to practice medicine and surgery or osteopathic 48064
medicine and surgery in the United States. 48065

(2) The applicant meets the same educational requirements 48066
that individuals must meet under sections 4731.09 and 4731.14 of 48067
the Revised Code. 48068

(3) The applicant's practice in conjunction with the special 48069
activity, program, or event will be in the public interest. 48070

(C) The applicant shall pay a fee of one hundred twenty-five 48071
dollars ~~unless the applicant holds a telemedicine certificate~~ 48072
~~issued under section 4731.296 of the Revised Code. If the~~ 48073
~~applicant holds a telemedicine certificate, the board shall not~~ 48074
~~charge a fee for issuing a certificate under this section. The~~ 48075
~~board shall maintain a register of all persons who hold a special~~ 48076
~~activity certificate.~~ 48077

(D) The holder of a special activity certificate may practice 48078
medicine and surgery or osteopathic medicine and surgery only in 48079

conjunction with the special activity, event, or program for which 48080
the certificate is issued. The board may revoke a certificate on 48081
receiving proof satisfactory to the board that the holder of the 48082
certificate has engaged in practice in this state outside the 48083
scope of the certificate or that there are grounds for action 48084
against the certificate holder under section 4731.22 of the 48085
Revised Code. 48086

(E) A special activity certificate is valid for the shorter 48087
of thirty days or the duration of the special activity, program, 48088
or event. The certificate may not be renewed. 48089

(F) The state medical board shall adopt rules in accordance 48090
with Chapter 119. of the Revised Code that specify how often an 48091
applicant may be granted a certificate under this section. 48092

Sec. 4731.299. (A) The state medical board may issue, without 48093
examination, to an applicant who meets all of the requirements of 48094
this section an expedited license to practice medicine and surgery 48095
or osteopathic medicine and surgery by endorsement. 48096

(B) An individual who seeks an expedited license by 48097
endorsement shall file with the board a written application on a 48098
form prescribed and supplied by the board. The application shall 48099
include all of the information the board considers necessary to 48100
process it. 48101
48102

(C) To be eligible to receive an expedited license by 48103
endorsement, an applicant shall do both of the following: 48104

(1) Provide evidence satisfactory to the board that the 48105
applicant meets all of the following requirements: 48106

(a) Has passed one of the following: 48107

(i) Steps one, two, and three of the United States medical 48108
licensing examination; 48109

(ii) Levels one, two, and three of the comprehensive osteopathic medical licensing examination of the United States;	48110 48111
(iii) Any other medical licensing examination recognized by the board.	48112 48113
(b) For at least five years <u>During the five-year period</u> immediately preceding the date of application, has held a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by the licensing authority of another state or a Canadian province;	48114 48115 48116 48117 48118
(c) For at least two years immediately preceding the date of application, has actively practiced medicine and surgery or osteopathic medicine and surgery in a clinical setting;	48119 48120 48121
(d) Is in compliance with the medical education and training requirements in sections 4731.09 and 4731.14 of the Revised Code.	48122 48123
(2) Certify to the board that all of the following are the case:	48124 48125
(a) Not more than two malpractice claims, <u>which resulted in a finding of liability or in payment</u> , have been filed against the applicant within a <u>during the ten-year period of ten years immediately preceding the date of application</u> and no malpractice claim against the applicant <u>during that ten-year period</u> has resulted in total payment of more than five hundred thousand dollars.	48126 48127 48128 48129 48130 48131 48132
(b) The applicant does not have a criminal record according to the criminal records check required by section 4731.08 of the Revised Code.	48133 48134 48135
(c) The applicant does not have a medical condition that could affect the applicant's ability to practice according to acceptable and prevailing standards of care.	48136 48137 48138
(d) No adverse action has been taken against the applicant by	48139

a health care institution. 48140

(e) To the applicant's knowledge, no federal agency, medical 48141
society, medical association, or branch of the United States 48142
military has investigated or taken action against the applicant. 48143

(f) No professional licensing or regulatory authority has 48144
filed a complaint against, investigated, or taken action against 48145
the applicant and the applicant has not withdrawn a professional 48146
license application. 48147

(g) The applicant has not been suspended or expelled from any 48148
institution of higher education or school, including a medical 48149
school. 48150

(D) An applicant for an expedited license by endorsement 48151
shall comply with section 4731.08 of the Revised Code. 48152

(E) At the time of application, the applicant shall pay to 48153
the board a fee of one thousand dollars, no part of which shall be 48154
returned. No application shall be considered filed until the board 48155
receives the fee. 48156

(F) The secretary and supervising member of the board shall 48157
review all applications received under this section. 48158

If the secretary and supervising member determine that an 48159
applicant meets the requirements for an expedited license by 48160
endorsement, the board shall issue the license to the applicant. 48161

If the secretary and supervising member determine that an 48162
applicant does not meet the requirements for an expedited license 48163
by endorsement, the application shall be treated as an application 48164
under section 4731.09 of the Revised Code. 48165

(G) Each license issued by the board under this section shall 48166
be signed by the president and secretary of the board and attested 48167
by the board's seal. 48168

(H) Within sixty days after September 29, 2013, the board 48169

shall approve acceptable means of demonstrating compliance with 48170
sections 4731.09 and 4731.14 of the Revised Code as required by 48171
division (C)(1)(d) of this section. 48172

Sec. 4731.56. (A) The state medical board shall review all 48173
applications received under section 4731.52 of the Revised Code. 48174
The board shall determine whether an applicant meets the 48175
requirements for a license to practice podiatric medicine and 48176
surgery. ~~An affirmative vote of not fewer than six members of the~~ 48177
~~board is required to determine that an applicant meets the~~ 48178
~~requirements for a license.~~ 48179

(B) If the board determines that the applicant meets the 48180
requirements for a license and that the documentation provided is 48181
satisfactory to the board, the board shall issue to the applicant 48182
a license to practice podiatric medicine and surgery. Each license 48183
shall be signed by the president and secretary of the board and 48184
attested by its seal. 48185

(C) A person who holds a license to practice podiatric 48186
medicine and surgery issued under this section may use the title 48187
"Dr.," "doctor," "D.P.M.," "physician," or "surgeon." 48188

(D) The holder of a license issued under this section shall 48189
either provide verification of licensure status from the board's 48190
internet web site on request or prominently display a wall 48191
certificate in the license holder's office or the place where a 48192
major portion of the license holder's practice is conducted. 48193

Sec. 4731.572. (A) The state medical board may issue, without 48194
examination, a visiting podiatric faculty certificate to any 48195
person who holds a current, unrestricted license to practice 48196
podiatric medicine and surgery issued by another state or country 48197
and has been appointed to serve in this state on the academic 48198
staff of an approved college of podiatric medicine and surgery in 48199

good standing, as determined by the board. 48200

(B) An applicant for a visiting podiatric faculty certificate 48201
shall submit evidence satisfactory to the board that the applicant 48202
meets the requirements of division (A) of this section. The 48203
applicant shall pay a fee of one hundred twenty-five dollars. The 48204
~~board shall maintain a register of all persons who hold a visiting~~ 48205
~~podiatric faculty certificate.~~ 48206

(C) The holder of a visiting podiatric faculty certificate 48207
may practice podiatric medicine and surgery only as is incidental 48208
to the certificate holder's teaching duties at the college or the 48209
teaching hospitals affiliated with the college. The board may 48210
revoke a certificate on receiving proof satisfactory to the board 48211
that the holder of the certificate has engaged in practice in this 48212
state outside the scope of the certificate or that there are 48213
grounds for action against the certificate holder under section 48214
4731.22 of the Revised Code. 48215

(D) A visiting podiatric faculty certificate is valid for the 48216
shorter of one year or the duration of the holder's appointment to 48217
the academic staff of the college. The certificate may not be 48218
renewed. 48219

Sec. 4731.573. (A) An individual seeking to pursue an 48220
internship, residency, or clinical fellowship program in podiatric 48221
medicine and surgery in this state, who does not hold a license to 48222
practice podiatric medicine and surgery issued under this chapter, 48223
shall apply to the state medical board for a training certificate. 48224
The application shall be made on forms that the board shall 48225
furnish and shall be accompanied by an application fee of one 48226
hundred thirty dollars. 48227

An applicant for a training certificate shall furnish to the 48228
board all of the following: 48229

(1) Evidence satisfactory to the board that the applicant is 48230
at least eighteen years of age and is of good moral character; 48231

(2) Evidence satisfactory to the board that the applicant has 48232
been accepted or appointed to participate in this state in one of 48233
the following: 48234

(a) An internship ~~or~~, residency, or clinical fellowship 48235
program accredited by either the council on podiatric medical 48236
education or the American podiatric medical association; 48237

(b) A clinical fellowship program that is not accredited as 48238
described in division (A)(2)(a) of this section, but is conducted 48239
at an institution with a residency program that is accredited by 48240
~~either the council on podiatric medical education or the American~~ 48241
~~podiatric medical association that~~ as described in that division 48242
and is in a clinical field the same as or related to the clinical 48243
field of the fellowship program. 48244

(3) Information identifying the beginning and ending dates of 48245
the period for which the applicant has been accepted or appointed 48246
to participate in the internship, residency, or clinical 48247
fellowship program; 48248

(4) Any other information that the board requires. 48249

(B) If no grounds for denying a license or certificate under 48250
section 4731.22 of the Revised Code apply and the applicant meets 48251
the requirements of division (A) of this section, the board shall 48252
issue a training certificate to the applicant. The board shall not 48253
require an examination as a condition of receiving a training 48254
certificate. 48255

A training certificate issued pursuant to this section shall 48256
be valid only for three years, but may ~~in the discretion of the~~ 48257
~~board and upon application duly made,~~ be renewed by the board 48258
for one additional three-year period. The To renew a training 48259
certificate, the holder shall apply to the board on or before the 48260

certificate's expiration date. 48261

The fee for renewal of a training certificate shall be one 48262
hundred dollars. A late application may be submitted not more than 48263
thirty days after the certificate's expiration date. In such a 48264
case, the holder shall include with the application a 48265
one-hundred-fifty-dollar reinstatement fee. 48266

~~The board shall maintain a register of all individuals who~~ 48267
~~hold training certificates.~~ 48268

(C) The holder of a valid training certificate shall be 48269
entitled to perform such acts as may be prescribed by or 48270
incidental to the holder's internship, residency, or clinical 48271
fellowship program, but the holder shall not be entitled otherwise 48272
to engage in the practice of podiatric medicine and surgery in 48273
this state. The holder shall limit activities under the 48274
certificate to the programs of the hospitals or facilities for 48275
which the training certificate is issued. The holder shall train 48276
only under the supervision of the podiatrists responsible for 48277
supervision as part of the internship, residency, or clinical 48278
fellowship program. A training certificate may be revoked by the 48279
board upon proof, satisfactory to the board, that the holder 48280
thereof has engaged in practice in this state outside the scope of 48281
the internship, residency, or clinical fellowship program for 48282
which the training certificate has been issued, or upon proof, 48283
satisfactory to the board, that the holder thereof has engaged in 48284
unethical conduct or that there are grounds for action against the 48285
holder under section 4731.22 of the Revised Code. 48286

(D) The board may adopt rules as the board finds necessary to 48287
effect the purpose of this section. 48288

Sec. 4734.281. Except in cases where a chiropractor holds a 48289
~~certificate~~ license issued under section 4762.04 of the Revised 48290
Code or is an individual described in division (B) of section 48291

4762.02 of the Revised Code, a chiropractor licensed under this 48292
chapter shall not engage in the practice of acupuncture unless the 48293
chiropractor holds a valid certificate to practice acupuncture 48294
issued by the state chiropractic board under this chapter. 48295

Sec. 4735.023. (A) An oil and gas land professional who is 48296
not otherwise permitted to engage in the activities described in 48297
division (A) of section 4735.01 of the Revised Code may perform 48298
such activities, if the oil and gas land professional does all of 48299
the following: 48300

(1)(a) Registers on an annual basis as an oil and gas land 48301
professional with the superintendent of real estate by such date 48302
specified and on a form approved by the superintendent, which form 48303
includes both of the following: 48304

(i) The name and address of the oil and gas land 48305
professional; 48306

(ii) Evidence of the oil and gas land professional's 48307
membership in good standing in a national, state, or local 48308
professional organization that has been in existence for at least 48309
three years and has, as part of its mission, developed a set of 48310
standards of performance and ethics for oil and gas land 48311
professionals. 48312

(b) Pays an annual fee, established by the superintendent in 48313
an amount not to exceed one hundred dollars, which shall accompany 48314
the registration. 48315

(2) At or prior to first contacting any landowner or other 48316
person with an interest in real estate for the purpose of engaging 48317
in the activities of an oil and gas land professional, and on a 48318
form approved by the superintendent, discloses to the landowner or 48319
other person all of the following: 48320

(a) The oil and gas land professional's name and address as 48321

registered with the superintendent; 48322

(b) That the oil and gas land professional is registered as 48323
such with the superintendent and is a member in good standing in a 48324
national, state, or local professional organization that has been 48325
in existence for at least three years and has, as part of its 48326
mission, developed a set of standards of performance and ethics 48327
for oil and gas land professionals; 48328

(c) That the oil and gas land professional is not a licensed 48329
real estate broker or real estate salesperson under Chapter 4735. 48330
of the Revised Code; 48331

(d) That the landowner or other person with an interest in 48332
real estate may seek legal counsel in connection with any 48333
transaction with the oil and gas land professional; 48334

(e) That the oil and gas land professional is not 48335
representing the landowner or other person with an interest in 48336
real estate. 48337

(3) At or prior to entering into any agreements for the 48338
purpose of exploring for, transporting, producing, or developing 48339
oil and gas mineral interests including, but not limited to, oil 48340
and gas leases and pipeline easements with any landowner or other 48341
person with an interest in real estate, and on a form approved by 48342
the superintendent, discloses to the landowner or other person 48343
with an interest in real estate all of the following: 48344

(a) The oil and gas land professional's name and address as 48345
registered with the superintendent; 48346

(b) That the oil and gas land professional is registered as 48347
such with the superintendent and a member in good standing in a 48348
national, state, or local professional organization that has been 48349
in existence for at least three years and has, as part of its 48350
mission, developed a set of standards of performance and ethics 48351
for oil and gas land professionals; 48352

(c) That the oil and gas land professional is not a licensed 48353
real estate broker or real estate salesperson under Chapter 4735. 48354
of the Revised Code; 48355

(d) That the landowner or other person may seek legal counsel 48356
in connection with any transaction with the oil and gas land 48357
professional; 48358

(e) That the oil and gas land professional is not 48359
representing the landowner or other person with an interest in 48360
real estate. 48361

(B) Any oil and gas land professional who must be registered 48362
as such with the superintendent pursuant to this section who 48363
ceases to be a member in good standing of an organization 48364
described in division (A)(1)(a)(ii) of this section shall report 48365
the change in membership status to the superintendent within 48366
thirty days of that change. Failure to report such change in 48367
membership status shall result in the automatic suspension of 48368
registration status and subject the registrant to the penalties 48369
for unlicensed activity as found in section ~~4735.02~~ 4735.052 of 48370
the Revised Code. 48371

(C) Any oil and gas land professional who fails to register 48372
with the superintendent pursuant to this section is subject to the 48373
penalties for unlicensed activity as found in section ~~4735.02~~ 48374
4735.052 of the Revised Code. 48375

Sec. 4735.052. (A) Upon receipt of a written complaint or 48376
upon the superintendent's own motion, the superintendent may 48377
investigate any person that has allegedly violated section 48378
4735.02, ~~4735.023~~, or 4735.25 of the Revised Code, except that the 48379
superintendent shall not initiate an investigation, pursuant to 48380
this section, of any person who held a suspended or inactive 48381
license under this chapter on the date of the alleged violation. 48382

(B) If, after investigation, the superintendent determines 48383
there exists reasonable evidence of a violation of section 48384
4735.02, 4735.023, or 4735.25 of the Revised Code, within fourteen 48385
business days after that determination, the superintendent shall 48386
send the party who is the subject of the investigation, a written 48387
notice, by regular mail, that includes all of the following 48388
information: 48389

(1) A description of the activity in which the party 48390
allegedly is engaging or has engaged that is a violation of 48391
section 4735.02, 4735.023, or 4735.25 of the Revised Code; 48392

(2) The applicable law allegedly violated; 48393

(3) A statement informing the party that a hearing concerning 48394
the alleged violation will be held, upon the party's request, 48395
before a hearing examiner pursuant to Chapter 119. of the Revised 48396
Code. 48397

(C)(1) If a hearing is requested, the hearing examiner shall 48398
hear the testimony of all parties present at the hearing and 48399
consider any written testimony submitted pursuant to this section, 48400
and determine if there has been a violation of section 4735.02, 48401
4735.023, or 4735.25 of the Revised Code. 48402

(2) After the conclusion of formal hearings, the hearing 48403
examiner shall file a report of findings of fact and conclusions 48404
of law with the superintendent, the commission, the complainant, 48405
and the parties. Within twenty days of receipt of such copy of the 48406
written report of findings of fact and conclusions of law, the 48407
parties and the division may file with the commission written 48408
objections to the report, which shall be considered by the 48409
commission before approving, modifying, or disapproving the 48410
report. 48411

(3) The commission shall review the hearing examiner's report 48412
at the next regularly scheduled commission meeting held at least 48413

twenty business days after receipt of the hearing examiner's 48414
report. The commission shall hear the testimony of the complainant 48415
or the parties upon request. 48416

(4) The commission shall decide whether to impose 48417
disciplinary sanctions upon a party for a violation of section 48418
4735.02 or 4735.023 of the Revised Code. If the commission finds 48419
that a violation has occurred, the commission may assess a civil 48420
penalty, in an amount it determines, not to exceed one thousand 48421
dollars per violation. Each day a violation occurs or continues is 48422
a separate violation. The commission shall determine the terms of 48423
payment. The commission shall maintain a record of the proceedings 48424
of the hearing and issue a written opinion to all parties, citing 48425
its findings and grounds for any action taken. 48426

(D) Civil penalties collected under this section shall be 48427
deposited in the real estate operating fund, which is created in 48428
the state treasury under section 4735.211 of the Revised Code. 48429

(E) If a party fails to pay a civil penalty assessed pursuant 48430
to this section within the time prescribed by the commission, the 48431
superintendent shall forward to the attorney general the name of 48432
the party and the amount of the civil penalty, for the purpose of 48433
collecting that civil penalty. In addition to the civil penalty 48434
assessed pursuant to this section, the party also shall pay any 48435
fee assessed by the attorney general for collection of the civil 48436
penalty. 48437

(F) The superintendent may reserve the right to bring a civil 48438
action against a party that fails to pay a civil penalty for 48439
breach of contract in a court of competent jurisdiction. 48440

Sec. 4735.06. (A) Application for a license as a real estate 48441
broker shall be made to the superintendent of real estate on forms 48442
furnished by the superintendent and filed with the superintendent 48443
and shall be signed by the applicant or its members or officers. 48444

Each application shall state the name of the person applying and 48445
the location of the place of business for which the license is 48446
desired, and give such other information as the superintendent 48447
requires in the form of application prescribed by the 48448
superintendent. 48449

(B)(1) If the applicant is a partnership, limited liability 48450
company, limited liability partnership, or association, the names 48451
of all the members also shall be stated, and, if the applicant is 48452
a corporation, the names of its president and of each of its 48453
officers also shall be stated. 48454

The superintendent has the right to reject the application of 48455
any partnership, association, limited liability company, limited 48456
liability partnership, or corporation if the name proposed to be 48457
used by such partnership, association, limited liability company, 48458
limited liability partnership, or corporation is likely to mislead 48459
the public or if the name is not such as to distinguish it from 48460
the name of any existing partnership, association, limited 48461
liability company, limited liability partnership, or corporation 48462
licensed under this chapter, unless there is filed with the 48463
application the written consent of such existing partnership, 48464
association, limited liability company, limited liability 48465
partnership, or corporation, executed by a duly authorized 48466
representative of it, permitting the use of the name of such 48467
existing partnership, association, limited liability company, 48468
limited liability partnership, or corporation. 48469

(2) The superintendent shall approve the use of a trade name 48470
by a brokerage, if the name meets both of the following criteria: 48471

(a) The proposed name is not the same as or is clearly 48472
distinguishable from a name registered with the division of real 48473
estate and professional licensing by another existing brokerage. 48474
If the superintendent determines that the proposed name is not 48475

clearly distinguishable from any other existing brokerage, the 48476
superintendent may approve the use of the trade name if there is 48477
filed with the superintendent the written consent of the existing 48478
brokerage with the same or similar name. 48479

(b) The name is not misleading or likely to mislead the 48480
public. 48481

(3) The superintendent may approve the use of more than one 48482
trade name for a brokerage. 48483

(4) When a brokerage has received the approval of the 48484
superintendent to conduct business under one or more trade names, 48485
those trade names shall be the only identifying names used by the 48486
brokerage in all advertising. 48487

(C) A fee of one hundred thirty-five dollars shall accompany 48488
the application for a real estate broker's license. The initial 48489
licensing period commences at the time the license is issued and 48490
ends on the applicant's first birthday thereafter. However, if the 48491
applicant was an inactive or active salesperson immediately 48492
preceding application for a broker's license, then the initial 48493
licensing period shall commence at the time the broker's license 48494
is issued and ends on the date the licensee's continuing education 48495
is due as set when the applicant was a salesperson. The 48496
application fee shall be nonrefundable. A fee of one hundred 48497
thirty-five dollars shall be charged by the superintendent for 48498
each successive application made by an applicant. In the case of 48499
issuance of a three-year license, upon passing the examination, or 48500
upon waiver of the examination requirement, if the superintendent 48501
determines it is necessary, the applicant shall submit an 48502
additional fee determined by the superintendent based upon the 48503
number of years remaining in a real estate salesperson's licensing 48504
period. 48505

(D) One dollar of each application fee for a real estate 48506

broker's license shall be credited to the real estate education 48507
and research fund, which is hereby created in the state treasury. 48508
The Ohio real estate commission may use the fund in discharging 48509
the duties prescribed in divisions (E), (F), (G), and (H) of 48510
section 4735.03 of the Revised Code and shall use it in the 48511
advancement of education and research in real estate at any 48512
institution of higher education in the state, or in contracting 48513
with any such institution or a trade organization for a particular 48514
research or educational project in the field of real estate, or in 48515
advancing loans, not exceeding two thousand dollars, to applicants 48516
for salesperson licenses, to defray the costs of satisfying the 48517
educational requirements of division (F) of section 4735.09 of the 48518
Revised Code. Such loans shall be made according to rules 48519
established by the commission under the procedures of Chapter 119. 48520
of the Revised Code, and they shall be repaid to the fund within 48521
three years of the time they are made. No more than twenty-five 48522
thousand dollars shall be lent from the fund in any one fiscal 48523
year. 48524

The governor may appoint a representative from the executive 48525
branch to be a member ex officio of the commission for the purpose 48526
of advising on research requests or educational projects. The 48527
commission shall report to the general assembly on the third 48528
Tuesday after the third Monday in January of each year setting 48529
forth the total amount contained in the fund and the amount of 48530
each research grant that it has authorized and the amount of each 48531
research grant requested. A copy of all research reports shall be 48532
submitted to the state library of Ohio and the library of the 48533
legislative service commission. 48534

(E) If the superintendent, with the consent of the 48535
commission, enters into an agreement with a national testing 48536
service to administer the real estate broker's examination, 48537
pursuant to division (A) of section 4735.07 of the Revised Code, 48538

the superintendent may require an applicant to pay the testing 48539
service's examination fee directly to the testing service. If the 48540
superintendent requires the payment of the examination fee 48541
directly to the testing service, each applicant shall submit to 48542
the superintendent a processing fee in an amount determined by the 48543
Ohio real estate commission pursuant to division (A)(2) of section 48544
4735.10 of the Revised Code. 48545

Sec. 4735.09. (A) Application for a license as a real estate 48546
salesperson shall be made to the superintendent of real estate on 48547
forms furnished by the superintendent and signed by the applicant. 48548
The application shall be in the form prescribed by the 48549
superintendent and shall contain such information as is required 48550
by this chapter and the rules of the Ohio real estate commission. 48551
The application shall be accompanied by the recommendation of the 48552
real estate broker with whom the applicant is associated or with 48553
whom the applicant intends to be associated, certifying that the 48554
applicant is honest, truthful, and of good reputation, has not 48555
been convicted of a felony or a crime involving moral turpitude, 48556
and has not been finally adjudged by a court to have violated any 48557
municipal, state, or federal civil rights laws relevant to the 48558
protection of purchasers or sellers of real estate, which 48559
conviction or adjudication the applicant has not disclosed to the 48560
superintendent, and recommending that the applicant be admitted to 48561
the real estate salesperson examination. 48562

(B) A fee of ~~sixty~~ sixty-eighty-one dollars shall accompany the 48563
application, which fee includes the fee for the initial year of 48564
the licensing period, if a license is issued. The initial year of 48565
the licensing period commences at the time the license is issued 48566
and ends on the applicant's first birthday thereafter. The 48567
application fee shall be nonrefundable. A fee of ~~sixty~~ sixty-eighty-one 48568
dollars shall be charged by the superintendent for each successive 48569
application made by the applicant. One dollar of each application 48570

fee shall be credited to the real estate education and research fund. 48571
48572

(C) There shall be no limit placed on the number of times an applicant may retake the examination. 48573
48574

(D) The superintendent, with the consent of the commission, may enter into an agreement with a recognized national testing service to administer the real estate salesperson's examination under the superintendent's supervision and control, consistent with the requirements of this chapter as to the contents of the examination. 48575
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If the superintendent, with the consent of the commission, enters into an agreement with a national testing service to administer the real estate salesperson's examination, the superintendent may require an applicant to pay the testing service's examination fee directly to the testing service. If the superintendent requires the payment of the examination fee directly to the testing service, each applicant shall submit to the superintendent a processing fee in an amount determined by the Ohio real estate commission pursuant to division (A)(1) of section 4735.10 of the Revised Code. 48581
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(E) The superintendent shall issue a real estate salesperson's license when satisfied that the applicant has received a passing score on each portion of the salesperson's examination as determined by rule by the real estate commission, except that the superintendent may waive one or more of the requirements of this section in the case of an applicant who is a licensed real estate salesperson in another state pursuant to a reciprocity agreement with the licensing authority of the state from which the applicant holds a valid real estate salesperson's license. 48591
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(F) No applicant for a salesperson's license shall take the 48601

salesperson's examination who has not established to the 48602
satisfaction of the superintendent that the applicant: 48603

(1) Is honest, truthful, and of good reputation; 48604

(2)(a) Has not been convicted of a felony or crime of moral 48605
turpitude or, if the applicant has been so convicted, the 48606
superintendent has disregarded the conviction because the 48607
applicant has proven to the superintendent, by a preponderance of 48608
the evidence, that the applicant's activities and employment 48609
record since the conviction show that the applicant is honest, 48610
truthful, and of good reputation, and there is no basis in fact 48611
for believing that the applicant again will violate the laws 48612
involved; 48613

(b) Has not been finally adjudged by a court to have violated 48614
any municipal, state, or federal civil rights laws relevant to the 48615
protection of purchasers or sellers of real estate or, if the 48616
applicant has been so adjudged, at least two years have passed 48617
since the court decision and the superintendent has disregarded 48618
the adjudication because the applicant has proven, by a 48619
preponderance of the evidence, that the applicant is honest, 48620
truthful, and of good reputation, and there is no basis in fact 48621
for believing that the applicant again will violate the laws 48622
involved. 48623

(3) Has not, during any period in which the applicant was 48624
licensed under this chapter, violated any provision of, or any 48625
rule adopted pursuant to this chapter, or, if the applicant has 48626
violated such provision or rule, has established to the 48627
satisfaction of the superintendent that the applicant will not 48628
again violate such provision or rule; 48629

(4) Is at least eighteen years of age; 48630

(5) If born after the year 1950, has a high school diploma or 48631
a certificate of high school equivalence issued by the department 48632

of education; 48633

(6) Has successfully completed at an institution of higher 48634
education all of the following credit-eligible courses by either 48635
classroom instruction or distance education: 48636

(a) Forty hours of instruction in real estate practice; 48637

(b) Forty hours of instruction that includes the subjects of 48638
Ohio real estate law, municipal, state, and federal civil rights 48639
law, new case law on housing discrimination, desegregation issues, 48640
and methods of eliminating the effects of prior discrimination. If 48641
feasible, the instruction in Ohio real estate law shall be taught 48642
by a member of the faculty of an accredited law school. If 48643
feasible, the instruction in municipal, state, and federal civil 48644
rights law, new case law on housing discrimination, desegregation 48645
issues, and methods of eliminating the effects of prior 48646
discrimination shall be taught by a staff member of the Ohio civil 48647
rights commission who is knowledgeable with respect to those 48648
subjects. The requirements of this division do not apply to an 48649
applicant who is admitted to practice before the supreme court. 48650

(c) Twenty hours of instruction in real estate appraisal; 48651

(d) Twenty hours of instruction in real estate finance. 48652

(G)(1) Successful completion of the instruction required by 48653
division (F)(6) of this section shall be determined by the law in 48654
effect on the date the instruction was completed. 48655

(2) Division (F)(6)(c) of this section does not apply to any 48656
new applicant who holds a valid Ohio real estate appraiser license 48657
or certificate issued prior to the date of application for a real 48658
estate salesperson's license. 48659

(H) Only for noncredit course offerings, an institution of 48660
higher education shall obtain approval from the appropriate state 48661
authorizing entity prior to offering a real estate course that is 48662

designed and marketed as satisfying the salesperson license 48663
education requirements of division (F)(6) of this section. The 48664
state authorizing entity may consult with the superintendent in 48665
reviewing the course for compliance with this section. 48666

(I) Any person who has not been licensed as a real estate 48667
salesperson or broker within a four-year period immediately 48668
preceding the person's current application for the salesperson's 48669
examination shall have successfully completed the prelicensure 48670
instruction required by division (F)(6) of this section within a 48671
ten-year period immediately preceding the person's current 48672
application for the salesperson's examination. 48673

(J) Not earlier than the date of issue of a real estate 48674
salesperson's license to a licensee, but not later than twelve 48675
months after the date of issue of a real estate salesperson 48676
license to a licensee, the licensee shall submit proof 48677
satisfactory to the superintendent, on forms made available by the 48678
superintendent, of the completion of twenty hours of instruction 48679
that shall be completed in schools, seminars, and educational 48680
institutions approved by the commission. The instruction shall 48681
include, but is not limited to, current practices relating to 48682
commercial real estate, property management, short sales, and land 48683
contracts; contract law; federal and state programs; economic 48684
conditions; and fiduciary responsibility. Approval of the 48685
curriculum and providers shall be granted according to rules 48686
adopted pursuant to section 4735.10 of the Revised Code and may be 48687
taken through classroom instruction or distance education. 48688

If proof of completion of the required instruction is not 48689
submitted within twelve months of the date a license is issued 48690
under this section, the licensee's license is suspended 48691
automatically without the taking of any action by the 48692
superintendent. The superintendent immediately shall notify the 48693
broker with whom such salesperson is associated of the suspension 48694

of the salesperson's license. A salesperson whose license has been 48695
suspended under this division shall have twelve months after the 48696
date of the suspension of the salesperson's license to submit 48697
proof of successful completion of the instruction required under 48698
this division. No such license shall be reactivated by the 48699
superintendent until it is established, to the satisfaction of the 48700
superintendent, that the requirements of this division have been 48701
met and that the licensee is in compliance with this chapter. A 48702
licensee's license is revoked automatically without the taking of 48703
any action by the superintendent when the licensee fails to submit 48704
the required proof of completion of the education requirements 48705
under division (I) of this section within twelve months of the 48706
date the license is suspended. 48707

(K) Examinations shall be administered with reasonable 48708
accommodations in accordance with the requirements of the 48709
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 48710
U.S.C. 12189. The contents of an examination shall be consistent 48711
with the classroom instructional requirements of division (F)(6) 48712
of this section. An applicant who has completed the classroom 48713
instructional requirements of division (F)(6) of this section at 48714
the time of application shall be examined no later than twelve 48715
months after the applicant is notified of the applicant's 48716
admission to the examination. 48717

Sec. 4735.12. (A) The real estate recovery fund is hereby 48718
created in the state treasury, to be administered by the 48719
superintendent of real estate. Amounts collected by the 48720
superintendent as prescribed in this section and interest earned 48721
on the assets of the fund shall be credited by the treasurer of 48722
state to the fund. The amount of money in the fund shall be 48723
ascertained by the superintendent as of the first day of July of 48724
each year. 48725

The commission, in accordance with rules adopted under 48726
division (A)(2)(g) of section 4735.10 of the Revised Code, shall 48727
impose a special assessment not to exceed ten dollars per year for 48728
each year of a licensing period on each licensee filing a notice 48729
of renewal under section 4735.14 of the Revised Code if the amount 48730
available in the fund is less than ~~five~~ two hundred fifty thousand 48731
dollars on the first day of July preceding that filing. ~~The~~ 48732
~~commission may impose a special assessment not to exceed five~~ 48733
~~dollars per year for each year of a licensing period if the amount~~ 48734
~~available in the fund is greater than one million dollars, but~~ 48735
~~less than two million dollars on the first day of July preceding~~ 48736
~~that filing.~~ The commission shall not impose a special assessment 48737
if the amount available in the fund exceeds two ~~million~~ hundred 48738
fifty thousand dollars on the first day of July preceding that 48739
filing. 48740

(B)(1) Any person who obtains a final judgment in any court 48741
of competent jurisdiction against any broker or salesperson 48742
licensed under this chapter, on the grounds of conduct that is in 48743
violation of this chapter or the rules adopted under it, and that 48744
is associated with an act or transaction that only a licensed real 48745
estate broker or licensed real estate salesperson is authorized to 48746
perform as specified in division (A) or (C) of section 4735.01 of 48747
the Revised Code, may file a verified application, as described in 48748
division (B)(3) of this section, in the court of common pleas of 48749
Franklin county for an order directing payment out of the real 48750
estate recovery fund of the portion of the judgment that remains 48751
unpaid and that represents the actual and direct loss sustained by 48752
the applicant. 48753

(2) Punitive damages, attorney's fees, and interest on a 48754
judgment are not recoverable from the fund. In the discretion of 48755
the superintendent of real estate, court costs may be recovered 48756
from the fund, and, if the superintendent authorizes the recovery 48757

of court costs, the order of the court of common pleas then may 48758
direct their payment from the fund. 48759

(3) The application shall specify the nature of the act or 48760
transaction upon which the underlying judgment was based, the 48761
activities of the applicant in pursuit of remedies available under 48762
law for the collection of judgments, and the actual and direct 48763
losses, attorney's fees, and the court costs sustained or incurred 48764
by the applicant. The applicant shall attach to the application a 48765
copy of each pleading and order in the underlying court action. 48766

(4) The court shall order the superintendent to make such 48767
payments out of the fund when the person seeking the order has 48768
shown all of the following: 48769

(a) The person has obtained a judgment, as provided in this 48770
division; 48771

(b) All appeals from the judgment have been exhausted and the 48772
person has given notice to the superintendent, as required by 48773
division (C) of this section; 48774

(c) The person is not a spouse of the judgment debtor, or the 48775
personal representative of such spouse; 48776

(d) The person has diligently pursued the person's remedies 48777
against all the judgment debtors and all other persons liable to 48778
the person in the transaction for which the person seeks recovery 48779
from the fund; 48780

(e) The person is making the person's application not more 48781
than one year after termination of all proceedings, including 48782
appeals, in connection with the judgment. 48783

(5) Divisions (B)(1) to (4) of this section do not apply to 48784
any of the following: 48785

(a) Actions arising from property management accounts 48786
maintained in the name of the property owner; 48787

(b) A bonding company when it is not a principal in a real estate transaction; 48788
48789

(c) A person in an action for the payment of a commission or fee for the performance of an act or transaction specified or comprehended in division (A) or (C) of section 4735.01 of the Revised Code; 48790
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(d) Losses incurred by investors in real estate if the applicant and the licensee are principals in the investment. 48794
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(C) A person who applies to a court of common pleas for an order directing payment out of the fund shall file notice of the application with the superintendent. The superintendent may defend any such action on behalf of the fund and shall have recourse to all appropriate means of defense and review, including examination of witnesses, verification of actual and direct losses, and challenges to the underlying judgment required in division (B)(4)(a) of this section to determine whether the underlying judgment is based on activity only a licensed broker or licensed salesperson is permitted to perform. The superintendent may move the court at any time to dismiss the application when it appears there are no triable issues and the application is without merit. The motion may be supported by affidavit of any person having knowledge of the facts and may be made on the basis that the application, including the judgment referred to in it, does not form the basis for a meritorious recovery claim; provided, that the superintendent shall give written notice to the applicant at least ten days before such motion. The superintendent may, subject to court approval, compromise a claim based upon the application of an aggrieved party. The superintendent shall not be bound by any prior compromise or stipulation of the judgment debtor. 48796
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(D) Notwithstanding any other provision of this section, the liability of the fund shall not exceed forty thousand dollars for any one licensee. If a licensee's license is reactivated as 48817
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provided in division (E) of this section, the liability of the 48820
fund for the licensee under this section shall again be forty 48821
thousand dollars, but only for transactions that occur subsequent 48822
to the time of reactivation. 48823

If the forty-thousand-dollar liability of the fund is 48824
insufficient to pay in full the valid claims of all aggrieved 48825
persons by whom claims have been filed against any one licensee, 48826
the forty thousand dollars shall be distributed among them in the 48827
ratio that their respective claims bear to the aggregate of valid 48828
claims or in such other manner as the court finds equitable. 48829
Distribution of moneys shall be among the persons entitled to 48830
share in it, without regard to the order of priority in which 48831
their respective judgments may have been obtained or their claims 48832
have been filed. Upon petition of the superintendent, the court 48833
may require all claimants and prospective claimants against one 48834
licensee to be joined in one action, to the end that the 48835
respective rights of all such claimants to the fund may be 48836
equitably adjudicated and settled. 48837

(E) If the superintendent pays from the fund any amount in 48838
settlement of a claim or toward satisfaction of a judgment against 48839
a licensed broker or salesperson, the license of the broker or 48840
salesperson shall be automatically suspended upon the date of 48841
payment from the fund. The superintendent shall not reactivate the 48842
suspended license of that broker or salesperson until the broker 48843
or salesperson has repaid in full, plus interest per annum at the 48844
rate specified in division (A) of section 1343.03 of the Revised 48845
Code, the amount paid from the fund on the broker's or 48846
salesperson's account. A discharge in bankruptcy does not relieve 48847
a person from the suspension and requirements for reactivation 48848
provided in this section unless the underlying judgment has been 48849
included in the discharge and has not been reaffirmed by the 48850
debtor. 48851

(F) If, at any time, the money deposited in the fund is 48852
insufficient to satisfy any duly authorized claim or portion of a 48853
claim, the superintendent shall, when sufficient money has been 48854
deposited in the fund, satisfy such unpaid claims or portions, in 48855
the order that such claims or portions were originally filed, plus 48856
accumulated interest per annum at the rate specified in division 48857
(A) of section 1343.03 of the Revised Code. 48858

(G) When, upon the order of the court, the superintendent has 48859
paid from the fund any sum to the judgment creditor, the 48860
superintendent shall be subrogated to all of the rights of the 48861
judgment creditor to the extent of the amount so paid, and the 48862
judgment creditor shall assign all the judgment creditor's right, 48863
title, and interest in the judgment to the superintendent to the 48864
extent of the amount so paid. Any amount and interest so recovered 48865
by the superintendent on the judgment shall be deposited in the 48866
fund. 48867

(H) Nothing contained in this section shall limit the 48868
authority of the superintendent to take disciplinary action 48869
against any licensee under other provisions of this chapter; nor 48870
shall the repayment in full of all obligations to the fund by any 48871
licensee nullify or modify the effect of any other disciplinary 48872
proceeding brought pursuant to this chapter. 48873

(I) The superintendent shall collect from the fund a service 48874
fee in an amount equivalent to the interest rate specified in 48875
division (A) of section 1343.03 of the Revised Code multiplied by 48876
the annual interest earned on the assets of the fund, to defray 48877
the expenses incurred in the administration of the fund. 48878

Sec. 4735.13. (A) Every real estate broker licensed under 48879
this chapter shall have and maintain a definite place of business 48880
in this state. A post office box address is not a definite place 48881
of business for purposes of this section. The license of a real 48882

estate broker shall be prominently displayed in the office or 48883
place of business of the broker, and no license shall authorize 48884
the licensee to do business except from the location specified in 48885
it. If the broker maintains more than one place of business within 48886
the state, the broker shall apply for and procure a duplicate 48887
license for each branch office maintained by the broker. Each 48888
branch office shall be in the charge of a licensed broker or 48889
salesperson. The branch office license shall be prominently 48890
displayed at the branch office location. 48891

(B) The license of each real estate salesperson shall be 48892
mailed to and remain in the possession of the licensed broker with 48893
whom the salesperson is or is to be associated until the licensee 48894
places the license on inactive or resigned status or until the 48895
salesperson leaves the brokerage or is terminated. The broker 48896
shall keep each salesperson's license in a way that it can, and 48897
shall on request, be made immediately available for public 48898
inspection at the office or place of business of the broker. 48899
Except as provided in divisions (G) and (H) of this section, 48900
immediately upon the salesperson's leaving the association or 48901
termination of the association of a real estate salesperson with 48902
the broker, the broker shall return the salesperson's license to 48903
the superintendent of real estate. 48904

The failure of a broker to return the license of a real 48905
estate salesperson or broker who leaves or who is terminated, via 48906
certified mail return receipt requested, within three business 48907
days of the receipt of a written request from the superintendent 48908
for the return of the license, is prima-facie evidence of 48909
misconduct under division (A)(6) of section 4735.18 of the Revised 48910
Code. 48911

(C) A licensee shall notify the superintendent in writing 48912
within fifteen days of any of the following occurrences: 48913

(1) The licensee is convicted of a felony. 48914

(2) The licensee is convicted of a crime involving moral turpitude.	48915 48916
(3) The licensee is found to have violated any federal, state, or municipal civil rights law pertaining to discrimination in housing.	48917 48918 48919
(4) The licensee is found to have engaged in a discriminatory practice pertaining to housing accommodations described in division (H) of section 4112.02 of the Revised Code.	48920 48921 48922
(5) The licensee is the subject of an order by the department of commerce, the department of insurance, or the department of agriculture revoking or permanently surrendering any professional license, certificate, or registration.	48923 48924 48925 48926
(6) The licensee is the subject of an order by any government agency concerning real estate, financial matters, or the performance of fiduciary duties with respect to any license, certificate, or registration.	48927 48928 48929 48930
If a licensee fails to notify the superintendent within the required time, the superintendent immediately may suspend the license of the licensee.	48931 48932 48933
Any court that convicts a licensee of a violation of any municipal civil rights law pertaining to housing discrimination also shall notify the Ohio civil rights commission within fifteen days of the conviction.	48934 48935 48936 48937
(D) In case of any change of business location, a broker shall give notice to the superintendent, on a form prescribed by the superintendent, within thirty days after the change of location, whereupon the superintendent shall issue new licenses for the unexpired period without charge. If a broker changes a business location without giving the required notice and without receiving new licenses that action is prima-facie evidence of misconduct under division (A)(6) of section 4735.18 of the Revised	48938 48939 48940 48941 48942 48943 48944 48945

Code. 48946

(E) If a real estate broker desires to associate with another 48947
real estate broker in the capacity of a real estate salesperson, 48948
the broker shall apply to the superintendent to deposit the 48949
broker's real estate broker's license with the superintendent and 48950
for the issuance of a real estate salesperson's license. The 48951
application shall be made on a form prescribed by the 48952
superintendent and shall be accompanied by the recommendation of 48953
the real estate broker with whom the applicant intends to become 48954
associated and a fee of ~~twenty-five~~ thirty-four dollars for the 48955
real estate salesperson's license. One dollar of the fee shall be 48956
credited to the real estate education and research fund. If the 48957
superintendent is satisfied that the applicant is honest, 48958
truthful, and of good reputation, has not been convicted of a 48959
felony or a crime involving moral turpitude, and has not been 48960
finally adjudged by a court to have violated any municipal, state, 48961
or federal civil rights laws relevant to the protection of 48962
purchasers or sellers of real estate, and that the association of 48963
the real estate broker and the applicant will be in the public 48964
interest, the superintendent shall grant the application and issue 48965
a real estate salesperson's license to the applicant. Any license 48966
so deposited with the superintendent shall be subject to this 48967
chapter. A broker who intends to deposit the broker's license with 48968
the superintendent, as provided in this section, shall give 48969
written notice of this fact in a format prescribed by the 48970
superintendent to all salespersons associated with the broker when 48971
applying to place the broker's license on deposit. 48972

(F) If a real estate broker desires to become a member or 48973
officer of a partnership, association, limited liability company, 48974
limited liability partnership, or corporation that is or intends 48975
to become a licensed real estate broker, the broker shall notify 48976
the superintendent of the broker's intentions. The notice of 48977

intention shall be on a form prescribed by the superintendent and 48978
shall be accompanied by a fee of ~~twenty-five~~ thirty-four dollars. 48979
One dollar of the fee shall be credited to the real estate 48980
education and research fund. 48981

A licensed real estate broker who is a member or officer of a 48982
partnership, association, limited liability company, limited 48983
liability partnership, or corporation shall only act as a real 48984
estate broker for such partnership, association, limited liability 48985
company, limited liability partnership, or corporation. 48986

(G)(1) If a real estate broker or salesperson enters the 48987
armed forces, the broker or salesperson may place the broker's or 48988
salesperson's license on deposit with the Ohio real estate 48989
commission. The licensee shall not be required to renew the 48990
license until the renewal date that follows the date of discharge 48991
from the armed forces. Any license deposited with the commission 48992
shall be subject to this chapter. 48993

Any licensee whose license is on deposit under this division 48994
and who fails to meet the continuing education requirements of 48995
section 4735.141 of the Revised Code because the licensee is in 48996
the armed forces shall satisfy the commission that the licensee 48997
has complied with the continuing education requirements within 48998
twelve months of the licensee's first birthday after discharge or 48999
within the amount of time equal to the total number of months the 49000
licensee spent on active duty, whichever is greater. The licensee 49001
shall submit proper documentation of active duty service and the 49002
length of that active duty service to the superintendent. The 49003
extension shall not exceed the total number of months that the 49004
licensee served in active duty. The superintendent shall notify 49005
the licensee of the licensee's obligations under section 4735.141 49006
of the Revised Code at the time the licensee applies for 49007
reactivation of the licensee's license. 49008

(2) If a licensee is a spouse of a member of the armed forces 49009

and the spouse's service resulted in the licensee's absence from 49010
this state, both of the following apply: 49011

(a) The licensee shall not be required to renew the license 49012
until the renewal date that follows the date of the spouse's 49013
discharge from the armed forces. 49014

(b) If the licensee fails to meet the continuing education 49015
requirements of section 4735.141 of the Revised Code, the licensee 49016
shall satisfy the commission that the licensee has complied with 49017
the continuing education requirements within twelve months after 49018
the licensee's first birthday after the spouse's discharge or 49019
within the amount of time equal to the total number of months the 49020
licensee's spouse spent on active duty, whichever is greater. The 49021
licensee shall submit proper documentation of the spouse's active 49022
duty service and the length of that active duty service. This 49023
extension shall not exceed the total number of months that the 49024
licensee's spouse served in active duty. 49025

(3) In the case of a licensee as described in division (G)(2) 49026
of this section, who holds the license through a reciprocity 49027
agreement with another state, the spouse's service shall have 49028
resulted in the licensee's absence from the licensee's state of 49029
residence for the provisions of that division to apply. 49030

(4) As used in this division, "armed forces" means the armed 49031
forces of the United States or reserve component of the armed 49032
forces of the United States including the Ohio national guard or 49033
the national guard of any other state. 49034

(H) If a licensed real estate salesperson submits an 49035
application to the superintendent to leave the association of one 49036
broker to associate with a different broker, the broker possessing 49037
the licensee's license need not return the salesperson's license 49038
to the superintendent. The superintendent may process the 49039
application regardless of whether the licensee's license is 49040

returned to the superintendent. 49041

Sec. 4735.15. (A) The nonrefundable fees for reactivation or 49042
transfer of a license shall be as follows: 49043

(1) Reactivation or transfer of a broker's license into or 49044
out of a partnership, association, limited liability company, 49045
limited liability partnership, or corporation or from one 49046
partnership, association, limited liability company, limited 49047
liability partnership, or corporation to another partnership, 49048
association, limited liability company, limited liability 49049
partnership, or corporation, ~~twenty-five~~ thirty-four dollars. An 49050
application for such transfer shall be made to the superintendent 49051
of real estate on forms provided by the superintendent. 49052

(2) Reactivation or transfer of a license by a real estate 49053
salesperson, ~~twenty-five~~ thirty-four dollars. 49054

(B) Except as may otherwise be specified pursuant to division 49055
(F) of this section or any rules adopted by the Ohio real estate 49056
commission pursuant to division (A)(2)(b) of section 4735.10 of 49057
the Revised Code, the nonrefundable fees ~~for a branch office~~ 49058
~~license, license renewal, late filing, and foreign real estate~~ 49059
~~dealer and salesperson license~~ are as follows ~~per year~~ for each 49060
~~year of a~~ licensing period: 49061

(1) Branch office license, ~~fifteen~~ twenty dollars; 49062

(2) Renewal of a three-year real estate broker's license, 49063
~~sixty two hundred forty-three~~ dollars. If the licensee is a 49064
partnership, association, limited liability company, limited 49065
liability partnership, or corporation, the full broker's renewal 49066
fee shall be required for each member of such partnership, 49067
association, limited liability company, limited liability 49068
partnership, or corporation that is a real estate broker. If the 49069
real estate broker has not less than eleven nor more than twenty 49070

real estate salespersons associated with the broker, an additional 49071
fee of sixty-four dollars shall be assessed to the brokerage. For 49072
every additional ten real estate salespersons or fraction of that 49073
number, the brokerage assessment fee shall be increased in the 49074
amount of thirty-seven dollars. 49075

(3) Renewal of a three-year real estate salesperson's 49076
license, ~~forty-five~~ one hundred eighty-two dollars; 49077

(4) Renewal of a real estate broker's or salesperson's 49078
license filed within twelve months after the licensee's renewal 49079
date, an additional late filing penalty of fifty per cent of the 49080
required three-year fee; 49081

(5) Foreign real estate dealer's license and each renewal of 49082
the license, thirty dollars per salesperson employed by the 49083
dealer, but not less than ~~one~~ two hundred ~~fifty~~ three dollars; 49084

(6) Foreign real estate salesperson's license and each 49085
renewal of the license, ~~fifty~~ sixty-eight dollars. 49086

(C) All fees collected under this section shall be paid to 49087
the treasurer of state. One dollar of each such fee shall be 49088
credited to the real estate education and research fund, except 49089
that for fees that are assessed only once every three years, three 49090
dollars of each triennial fee shall be credited to the real estate 49091
education and research fund. 49092

(D) In all cases, the fee and any penalty shall accompany the 49093
application for the license, license transfer, or license 49094
reactivation or shall accompany the filing of the renewal. 49095

(E) The commission may establish by rule reasonable fees for 49096
services not otherwise established by this chapter. 49097

(F) The commission may adopt rules that provide for a 49098
reduction in the fees established in divisions (B)(2) and (3) of 49099
this section. 49100

Sec. 4735.18. (A) Subject to section 4735.32 of the Revised Code, the superintendent of real estate, upon the superintendent's own motion, may investigate the conduct of any licensee. Subject to division (E) of this section and section 4735.32 of the Revised Code, the Ohio real estate commission shall impose disciplinary sanctions upon any licensee who, whether or not acting in the licensee's capacity as a real estate broker or salesperson, or in handling the licensee's own property, is found to have been convicted of a felony or a crime of moral turpitude, and may impose disciplinary sanctions upon any licensee who, in the licensee's capacity as a real estate broker or salesperson, or in handling the licensee's own property, is found guilty of:

(1) Knowingly making any misrepresentation;

(2) Making any false promises with intent to influence, persuade, or induce;

(3) A continued course of misrepresentation or the making of false promises through agents, salespersons, advertising, or otherwise;

(4) Acting for more than one party in a transaction except as permitted by and in compliance with section 4735.71 of the Revised Code;

(5) Failure within a reasonable time to account for or to remit any money coming into the licensee's possession which belongs to others;

(6) Dishonest or illegal dealing, gross negligence, incompetency, or misconduct;

(7)(a) By final adjudication by a court, a violation of any municipal or federal civil rights law relevant to the protection of purchasers or sellers of real estate or, by final adjudication by a court, any unlawful discriminatory practice pertaining to the

purchase or sale of real estate prohibited by Chapter 4112. of the Revised Code, provided that such violation arose out of a situation wherein parties were engaged in bona fide efforts to purchase, sell, or lease real estate, in the licensee's practice as a licensed real estate broker or salesperson;

(b) A second or subsequent violation of any unlawful discriminatory practice pertaining to the purchase or sale of real estate prohibited by Chapter 4112. of the Revised Code or any second or subsequent violation of municipal or federal civil rights laws relevant to purchasing or selling real estate whether or not there has been a final adjudication by a court, provided that such violation arose out of a situation wherein parties were engaged in bona fide efforts to purchase, sell, or lease real estate. For any second offense under this division, the commission shall suspend for a minimum of two months or revoke the license of the broker or salesperson. For any subsequent offense, the commission shall revoke the license of the broker or salesperson.

(8) Procuring a license under this chapter, for the licensee or any salesperson by fraud, misrepresentation, or deceit;

(9) Having violated or failed to comply with any provision of sections 4735.51 to 4735.74 of the Revised Code or having willfully disregarded or violated any other provisions of this chapter;

(10) As a real estate broker, having demanded, without reasonable cause, other than from a broker licensed under this chapter, a commission to which the licensee is not entitled, or, as a real estate salesperson, having demanded, without reasonable cause, a commission to which the licensee is not entitled;

(11) Except as permitted under section 4735.20 of the Revised Code, having paid commissions or fees to, or divided commissions or fees with, anyone not licensed as a real estate broker or

salesperson under this chapter or anyone not operating as an	49162
out-of-state commercial real estate broker or salesperson under	49163
section 4735.022 of the Revised Code;	49164
(12) Having falsely represented membership in any real estate	49165
professional association of which the licensee is not a member;	49166
(13) Having accepted, given, or charged any undisclosed	49167
commission, rebate, or direct profit on expenditures made for a	49168
principal;	49169
(14) Having offered anything of value other than the	49170
consideration recited in the sales contract as an inducement to a	49171
person to enter into a contract for the purchase or sale of real	49172
estate or having offered real estate or the improvements on real	49173
estate as a prize in a lottery or scheme of chance;	49174
(15) Having acted in the dual capacity of real estate broker	49175
and undisclosed principal, or real estate salesperson and	49176
undisclosed principal, in any transaction;	49177
(16) Having guaranteed, authorized, or permitted any person	49178
to guarantee future profits which may result from the resale of	49179
real property;	49180
(17) Having advertised or placed a sign on any property	49181
offering it for sale or for rent without the consent of the owner	49182
or the owner's authorized agent;	49183
(18) Having induced any party to a contract of sale or lease	49184
to break such contract for the purpose of substituting in lieu of	49185
it a new contract with another principal;	49186
(19) Having negotiated the sale, exchange, or lease of any	49187
real property directly with a seller, purchaser, lessor, or tenant	49188
knowing that such seller, purchaser, lessor, or tenant is	49189
represented by another broker under a written exclusive agency	49190
agreement, exclusive right to sell or lease listing agreement, or	49191

exclusive purchaser agency agreement with respect to such property	49192
except as provided for in section 4735.75 of the Revised Code;	49193
(20) Having offered real property for sale or for lease	49194
without the knowledge and consent of the owner or the owner's	49195
authorized agent, or on any terms other than those authorized by	49196
the owner or the owner's authorized agent;	49197
(21) Having published advertising, whether printed, radio,	49198
display, or of any other nature, which was misleading or	49199
inaccurate in any material particular, or in any way having	49200
misrepresented any properties, terms, values, policies, or	49201
services of the business conducted;	49202
(22) Having knowingly withheld from or inserted in any	49203
statement of account or invoice any statement that made it	49204
inaccurate in any material particular;	49205
(23) Having published or circulated unjustified or	49206
unwarranted threats of legal proceedings which tended to or had	49207
the effect of harassing competitors or intimidating their	49208
customers;	49209
(24) Having failed to keep complete and accurate records of	49210
all transactions for a period of three years from the date of the	49211
transaction, such records to include copies of listing forms,	49212
earnest money receipts, offers to purchase and acceptances of	49213
them, records of receipts and disbursements of all funds received	49214
by the licensee as broker and incident to the licensee's	49215
transactions as such, and records required pursuant to divisions	49216
(C)(4) and (5) of section 4735.20 of the Revised Code, and any	49217
other instruments or papers related to the performance of any of	49218
the acts set forth in the definition of a real estate broker;	49219
(25) Failure of a real estate broker or salesperson to	49220
furnish all parties involved in a real estate transaction true	49221
copies of all listings and other agreements to which they are a	49222

party, at the time each party signs them; 49223

(26) Failure to maintain at all times a special or trust bank 49224
account in a depository located in this state. The account shall 49225
be noninterest-bearing, separate and distinct from any personal or 49226
other account of the broker, and, except as provided in division 49227
(A)(27) of this section, shall be used for the deposit and 49228
maintenance of all escrow funds, security deposits, and other 49229
moneys received by the broker in a fiduciary capacity. The name, 49230
account number, if any, and location of the depository wherein 49231
such special or trust account is maintained shall be submitted in 49232
writing to the superintendent. Checks drawn on such special or 49233
trust bank accounts are deemed to meet the conditions imposed by 49234
section 1349.21 of the Revised Code. Funds deposited in the trust 49235
or special account in connection with a purchase agreement shall 49236
be maintained in accordance with section 4735.24 of the Revised 49237
Code. 49238

(27) Failure to maintain at all times a special or trust bank 49239
account in a depository in this state, to be used exclusively for 49240
the deposit and maintenance of all rents, security deposits, 49241
escrow funds, and other moneys received by the broker in a 49242
fiduciary capacity in the course of managing real property. This 49243
account shall be separate and distinct from any other account 49244
maintained by the broker. The name, account number, and location 49245
of the depository shall be submitted in writing to the 49246
superintendent. This account may earn interest, which shall be 49247
paid to the property owners on a pro rata basis. 49248

Division (A)(27) of this section does not apply to brokers 49249
who are not engaged in the management of real property on behalf 49250
of real property owners. 49251

(28) Having failed to put definite expiration dates in all 49252
written agency agreements to which the broker is a party; 49253

(29) Having an unsatisfied final judgment or lien in any court of record against the licensee arising out of the licensee's conduct as a licensed broker or salesperson;

(30) Failing to render promptly upon demand a full and complete statement of the expenditures by the broker or salesperson of funds advanced by or on behalf of a party to a real estate transaction to the broker or salesperson for the purpose of performing duties as a licensee under this chapter in conjunction with the real estate transaction;

(31) Failure within a reasonable time, after the receipt of the commission by the broker, to render an accounting to and pay a real estate salesperson the salesperson's earned share of it;

(32) Performing any service for another constituting the practice of law, as determined by any court of law;

(33) Having been adjudicated incompetent for the purpose of holding the license by a court, as provided in section 5122.301 of the Revised Code. A license revoked or suspended under this division shall be reactivated upon proof to the commission of the removal of the disability.

(34) Having authorized or permitted a person to act as an agent in the capacity of a real estate broker, or a real estate salesperson, who was not then licensed as a real estate broker or real estate salesperson under this chapter or who was not then operating as an out-of-state commercial real estate broker or salesperson under section 4735.022 of the Revised Code;

(35) Having knowingly inserted or participated in inserting any materially inaccurate term in a document, including naming a false consideration;

(36) Having failed to inform the licensee's client of the existence of an offer or counteroffer or having failed to present an offer or counteroffer in a timely manner, unless otherwise

instructed by the client, provided the instruction of the client 49285
does not conflict with any state or federal law; 49286

(37) Having failed to comply with section 4735.24 of the 49287
Revised Code; 49288

(38) Having acted as a broker without authority, impeded the 49289
ability of a principal broker to perform any of the duties 49290
described in section 4735.081 of the Revised Code, or impeded the 49291
ability a management level licensee to perform the licensee's 49292
duties. 49293

(B) Whenever the commission, pursuant to section 4735.051 of 49294
the Revised Code, imposes disciplinary sanctions for any violation 49295
of this section, the commission also may impose such sanctions 49296
upon the broker with whom the salesperson is affiliated if the 49297
commission finds that the broker had knowledge of the 49298
salesperson's actions that violated this section. 49299

(C) The commission shall, pursuant to section 4735.051 of the 49300
Revised Code, impose disciplinary sanctions upon any foreign real 49301
estate dealer or salesperson who, in that capacity or in handling 49302
the dealer's or salesperson's own property, is found guilty of any 49303
of the acts or omissions specified or comprehended in division (A) 49304
of this section insofar as the acts or omissions pertain to 49305
foreign real estate. If the commission imposes such sanctions upon 49306
a foreign real estate salesperson for a violation of this section, 49307
the commission also may suspend or revoke the license of the 49308
foreign real estate dealer with whom the salesperson is affiliated 49309
if the commission finds that the dealer had knowledge of the 49310
salesperson's actions that violated this section. 49311

(D) The commission may suspend, in whole or in part, the 49312
imposition of the penalty of suspension of a license under this 49313
section. 49314

(E) A person licensed under this chapter who represents a 49315

party to a transaction or a proposed transaction involving the 49316
sale, purchase, exchange, lease, or management of real property 49317
that is or will be used in the cultivation, processing, 49318
dispensing, or testing of medical marijuana under Chapter 3796. of 49319
the Revised Code, or who receives, holds, or disburses funds from 49320
a real estate brokerage trust account in connection with such a 49321
transaction, shall not be subject to disciplinary sanctions under 49322
this chapter as a consequence of that action. 49323

Sec. 4735.182. If a check or other draft instrument used to 49324
pay any fee required under this chapter is returned to the 49325
superintendent unpaid by the financial institution upon which it 49326
is drawn for any reason, the superintendent shall notify the 49327
entity or person that the check or other draft instrument was 49328
returned for insufficient funds. 49329

(A) If the check or draft instrument was submitted by a 49330
licensee, the superintendent shall also notify the licensee that 49331
the licensee's license will be suspended unless the licensee, 49332
within fifteen days after the mailing of the notice, submits the 49333
fee and a one-hundred-dollar fee to the superintendent. If the 49334
licensee does not submit both fees within that time period, or if 49335
any check or other draft instrument used to pay either of those 49336
fees is returned to the superintendent unpaid by the financial 49337
institution upon which it is drawn for any reason, the license 49338
shall be suspended immediately without a hearing and the licensee 49339
shall cease activity as a licensee under this chapter. 49340

(B) If the check or draft instrument was remitted by a person 49341
or entity applying to qualify foreign real estate or renew a 49342
property registration, the superintendent shall also notify the 49343
applicant that registration will be suspended, unless the 49344
applicant, within fifteen days after the mailing of the notice, 49345
submits the fee and a one-hundred-dollar fee to the 49346

superintendent. If the applicant does not submit both fees within 49347
that time period, or if any check or other draft instrument used 49348
to pay either of the fees is returned to the superintendent unpaid 49349
by the financial institution upon which it is drawn for any 49350
reason, the property registration shall be suspended immediately 49351
without a hearing and the applicant shall cease activity. 49352

(C) If the check or draft instrument was remitted by an 49353
applicant for licensure, that application shall automatically be 49354
rejected or approval withdrawn, unless the applicant, within 49355
fifteen days after the mailing of the notice, submits the fee and 49356
a one-hundred-dollar fee to the superintendent. If the applicant 49357
does not submit both fees within that time period, or if any check 49358
or other draft instrument used to pay either of those fees is 49359
returned to the superintendent unpaid by the financial institution 49360
upon which it is drawn for any reason, the application shall be 49361
denied or approval withdrawn. 49362

(D) If the check or draft instrument was remitted by an 49363
education course provider or course provider applicant, that 49364
application shall automatically be rejected or approval withdrawn, 49365
unless the applicant, within fifteen days after the mailing of the 49366
notice, submits the fee and a ~~one-hundred-dollar~~ 49367
one-hundred-thirty-five-dollar fee to the superintendent. If the 49368
applicant does not submit both fees within that time period, or if 49369
any check or other draft instrument used to pay either of those 49370
fees is returned to the superintendent unpaid by the financial 49371
institution upon which it is drawn for any reason, the application 49372
shall be denied or approval withdrawn. 49373

Sec. 4735.27. (A) An application to act as a foreign real 49374
estate dealer shall be in writing and filed with the 49375
superintendent of real estate. It shall be in the form the 49376
superintendent prescribes and shall contain the following 49377

information:	49378
(1) The name and address of the applicant;	49379
(2) A description of the applicant, including, if the applicant is a partnership, unincorporated association, or any similar form of business organization, the names and the residence and business addresses of all partners, officers, directors, trustees, or managers of the organization, and the limitation of the liability of any partner or member; and if the applicant is a corporation, a list of its officers and directors, and the residence and business addresses of each, and, if it is a foreign corporation, a copy of its articles of incorporation in addition;	49380 49381 49382 49383 49384 49385 49386 49387 49388
(3) The location and addresses of the principal office and all other offices of the applicant;	49389 49390
(4) A general description of the business of the applicant prior to the application, including a list of states in which the applicant is a licensed foreign real estate dealer;	49391 49392 49393
(5) The names and addresses of all salesmen <u>salespersons</u> of the applicant at the date of the application;	49394 49395
(6) The nature of the business of the applicant, and its places of business, for the ten-year period preceding the date of application.	49396 49397 49398
(B) Every nonresident applicant shall name a person within this state upon whom process against the applicant may be served and shall give the complete residence and business address of the person designated. Every applicant shall file an irrevocable written consent, executed and acknowledged by an individual duly authorized to give such consent, that actions growing out of a fraud committed by the applicant in connection with the sale in this state of foreign real estate may be commenced against it, in the proper court of any county in this state in which a cause of action for such fraud may arise or in which the plaintiff in such	49399 49400 49401 49402 49403 49404 49405 49406 49407 49408

action may reside, by serving on the secretary of state any proper 49409
process or pleading authorized by the laws of this state, in the 49410
event that the applicant if a resident of this state, or the 49411
person designated by the nonresident applicant, cannot be found at 49412
the address given. The consent shall stipulate that the service of 49413
process on the secretary of state shall be taken in all courts to 49414
be as valid and binding as if service had been made upon the 49415
foreign real estate dealer. If the applicant is a corporation or 49416
an unincorporated association, the consent shall be accompanied by 49417
a certified copy of the resolution of the board of directors, 49418
trustees, or managers of the corporation or association, 49419
authorizing such individual to execute the consent. 49420

(C) The superintendent may investigate any applicant for a 49421
dealer's license, and may require any additional information ~~he~~ 49422
the superintendent considers necessary to determine the business 49423
repute and qualifications of the applicant to act as a foreign 49424
real estate dealer. If the application for a dealer's license 49425
involves investigation outside this state, the superintendent may 49426
require the applicant to advance sufficient funds to pay any of 49427
the actual expenses of the investigation, and an itemized 49428
statement of such expense shall be furnished to the applicant. 49429

(D) Every applicant shall take a written examination, 49430
prescribed and conducted by the superintendent, which covers ~~his~~ 49431
the applicant's knowledge of the principles of real estate 49432
practice, real estate law, financing and appraisal, real estate 49433
transactions and instruments relating to them, canons of business 49434
ethics relating to real estate transactions, and the duties of 49435
foreign real estate dealers and ~~salesmen~~ salespersons. The fee for 49436
the examination, when administered by the superintendent, is 49437
~~seventy-five~~ one hundred one dollars. If the applicant does not 49438
appear for the examination, the fee shall be forfeited and a new 49439
application and fee shall be filed, unless good cause for the 49440

failure to appear is shown to the superintendent. The requirement 49441
of an examination may be waived in whole or in part by the 49442
superintendent if an applicant is licensed as a real estate broker 49443
by any state. 49444

Any applicant who fails the examination twice shall wait six 49445
months before applying to retake the examination. 49446

(E) No person shall take the foreign real estate dealer's 49447
examination who has not established to the satisfaction of the 49448
superintendent that ~~he~~ the person: 49449

(1) Has not been convicted of a felony or a crime of moral 49450
turpitude or, if ~~he~~ the applicant has been so convicted, the 49451
superintendent has disregarded the conviction because the 49452
applicant has proven to the superintendent, by a preponderance of 49453
the evidence, that ~~his~~ the applicant's activities and employment 49454
record since the conviction show that ~~he~~ the applicant is honest, 49455
truthful, and of good reputation, and there is no basis in fact 49456
for believing that ~~he~~ the applicant again will violate the laws 49457
involved; 49458

(2) Has not been finally adjudged by a court to have violated 49459
any municipal, state, or federal civil rights laws relevant to the 49460
protection of purchasers or sellers of real estate or, if ~~he~~ the 49461
applicant has been so adjudged, at least two years have passed 49462
since the court decision and the superintendent has disregarded 49463
the adjudication because the applicant has proven, by a 49464
preponderance of the evidence, that ~~his~~ the applicant's activities 49465
and employment record since the adjudication show that ~~he~~ the 49466
applicant is honest, truthful, and of good reputation, and there 49467
is no basis in fact for believing that ~~he~~ the applicant again will 49468
violate the laws involved; 49469

(3) Has not, during any period for which ~~he~~ the applicant was 49470
licensed under this chapter or any former section of the Revised 49471

Code applicable to licensed foreign real estate dealers or 49472
~~salesmen~~ salespersons, violated any provision of, or any rule 49473
adopted pursuant to, this chapter or that section, or, if ~~he~~ the 49474
applicant has violated any such provision or rule, has established 49475
to the satisfaction of the superintendent that ~~he~~ the applicant 49476
will not again violate the provision or rule. 49477

(F) If the superintendent finds that an applicant for a 49478
license as a foreign real estate dealer, or each named member, 49479
manager, or officer of a partnership, association, or corporate 49480
applicant is at least eighteen years of age, is of good business 49481
repute, has passed the examination required under this section or 49482
has had the requirement of an examination waived, and appears 49483
otherwise qualified, the superintendent shall issue a license to 49484
the applicant to engage in business in this state as a foreign 49485
real estate dealer. Dealers licensed pursuant to this section 49486
shall employ as ~~salesmen~~ salespersons of foreign real estate only 49487
persons licensed pursuant to section 4735.28 of the Revised Code. 49488
If at any time such ~~salesmen~~ salespersons resign or are discharged 49489
or new ~~salesmen~~ salespersons are added, the dealer forthwith shall 49490
notify the superintendent and shall file with the division of real 49491
estate the names and addresses of new ~~salesmen~~ salespersons. 49492

(G) If the applicant merely is renewing ~~his~~ the applicant's 49493
license for the previous year, the application need contain only 49494
the information required by divisions (A)(2), (3), and (6) of this 49495
section. 49496

Sec. 4735.28. (A) An application to act as a foreign real 49497
estate ~~salesman~~ salesperson shall be in writing and filed with the 49498
superintendent of real estate. It shall be in the form the 49499
superintendent prescribes and shall contain the following 49500
information: 49501

(1) The name and complete residence and business addresses of 49502

the applicant; 49503

(2) The name of the foreign real estate dealer who is 49504
employing the applicant or who intends to employ ~~him~~ the 49505
applicant; 49506

(3) The age and education of the applicant, and ~~his~~ the 49507
applicant's experience in the sale of foreign real estate; whether 49508
~~he~~ the applicant has ever been licensed by the superintendent, and 49509
if so, when; whether ~~he~~ the applicant has ever been refused a 49510
license by the superintendent; and whether ~~he~~ the applicant has 49511
ever been licensed or refused a license or any similar permit by 49512
any division or superintendent of real estate, by whatsoever name 49513
known or designated, anywhere; 49514

(4) The nature of the employment, and the names and addresses 49515
of the employers, of the applicant for the period of ten years 49516
immediately preceding the date of the application. 49517

(B) Every applicant shall take a written examination, 49518
prescribed and conducted by the superintendent, which covers ~~his~~ 49519
the applicant's knowledge of the principles of real estate 49520
practice, real estate law, financing and appraisal, real estate 49521
transactions and instruments relating to them, canons of business 49522
ethics relating to real estate transactions, and the duties of 49523
foreign real estate ~~salesmen~~ salespersons. The fee for the 49524
examination, when administered by the superintendent, is ~~fifty~~ 49525
sixty-eight dollars. If the applicant does not appear for the 49526
examination, the fee shall be forfeited and a new application and 49527
fee shall be filed, unless good cause for the failure to appear is 49528
shown to the superintendent. The requirement of an examination may 49529
be waived in whole or in part by the superintendent if an 49530
applicant is licensed as a real estate broker or ~~salesman~~ 49531
salesperson by any state. 49532

Any applicant who fails the examination twice shall wait six 49533

months before applying to retake the examination. 49534

(C) No person shall take the foreign real estate ~~salesman's~~ 49535
salesperson's examination who has not established to the 49536
satisfaction of the superintendent that ~~he~~ the person: 49537

(1) Has not been convicted of a felony or a crime of moral 49538
turpitude or, if ~~he~~ the applicant has been so convicted, the 49539
superintendent has disregarded the conviction because the 49540
applicant has proven to the superintendent, by a preponderance of 49541
the evidence, that ~~his~~ the applicant's activities and employment 49542
record since the conviction show that ~~he~~ the applicant is honest, 49543
truthful, and of good reputation, and there is no basis in fact 49544
for believing that ~~he~~ the applicant again will violate the laws 49545
involved; 49546

(2) Has not been finally adjudged by a court to have violated 49547
any municipal, state, or federal civil rights laws relevant to the 49548
protection of purchasers or sellers of real estate or, if ~~he~~ the 49549
applicant has been so adjudged, at least two years have passed 49550
since the court decision and the superintendent has disregarded 49551
the adjudication because the applicant has proven, by a 49552
preponderance of the evidence, that ~~his~~ the applicant's activities 49553
and employment record since the adjudication show that ~~he~~ the 49554
applicant is honest, truthful, and of good reputation, and there 49555
is no basis in fact for believing that ~~he~~ the applicant will again 49556
violate the laws; 49557

(3) Has not, during any period for which ~~he~~ the applicant was 49558
licensed under this chapter or any former section of the Revised 49559
Code ~~aplicable~~ applicable to licensed foreign real estate dealers 49560
or ~~salesmen~~ salespersons, violated any provision of, or any rule 49561
adopted pursuant to, this chapter or that section, or, if ~~he~~ the 49562
applicant has violated any such provision or rule, has established 49563
to the satisfaction of the superintendent that ~~he~~ the applicant 49564
will not again violate the provision or rule. 49565

(D) Every ~~salesman~~ salesperson of foreign real estate shall 49566
be licensed by the superintendent of real estate and shall be 49567
employed only by the licensed foreign real estate dealer specified 49568
on ~~his~~ the salesperson's license. 49569

(E) If the superintendent finds that the applicant is of good 49570
business repute, appears to be qualified to act as a foreign real 49571
estate ~~salesman~~ salesperson, and has fully complied with the 49572
provisions of this chapter, and that the dealer in the application 49573
is a licensed foreign real estate dealer, the superintendent, upon 49574
payment of the fees prescribed by section 4735.15 of the Revised 49575
Code, shall issue a license to the applicant authorizing ~~him~~ the 49576
applicant to act as ~~salesman~~ a salesperson for the dealer named in 49577
the application. 49578

Sec. 4737.045. (A) To register as a scrap metal dealer or a 49579
bulk merchandise container dealer with the director of public 49580
safety as required by division (B) of section 4737.04 of the 49581
Revised Code, a person shall do all of the following: 49582

(1) Provide the name and street address of the dealer's place 49583
of business; 49584

(2) Provide the name of the primary owner of the business, 49585
and of the manager of the business, if the manager is not the 49586
primary owner; 49587

(3) Provide the electronic mail address of the business; 49588

(4) Provide confirmation that the dealer has the capabilities 49589
to electronically connect with the department of public safety for 49590
the purpose of sending and receiving information; 49591

(5) Provide any other information required by the director in 49592
rules the director adopts pursuant to sections 4737.01 to 4737.045 49593
of the Revised Code; 49594

(6) Pay an initial registration fee of two hundred dollars. 49595

(B) A person engaging in the business of a scrap metal dealer 49596
or a bulk merchandise container dealer in this state on or before 49597
September 28, 2012, shall register with the director not later 49598
than January 1, 2013. With respect to a person who commences 49599
engaging in the business of a scrap metal dealer or a bulk 49600
merchandise container dealer after September 28, 2012, the person 49601
shall register with the director pursuant to this section prior to 49602
commencing business as a scrap metal dealer or a bulk merchandise 49603
container dealer. 49604

(C) A registration issued to a scrap metal dealer or a bulk 49605
merchandise container dealer pursuant to this section is valid for 49606
a period of one year. A dealer shall renew the registration in 49607
accordance with the rules adopted by the director and pay a 49608
renewal fee of one hundred fifty dollars to cover the costs of 49609
operating and maintaining the registry created pursuant to 49610
division (E) of this section. 49611

(D) A scrap metal dealer or a bulk merchandise container 49612
dealer registered under this section shall prominently display a 49613
copy of the annual registration certificate received from the 49614
director pursuant to division (E)(2) of this section. 49615

(E) The director shall do all of the following: 49616

(1) Develop and implement, by January 1, 2014, and maintain 49617
as a registry a secure database for use by law enforcement 49618
agencies that is capable of all of the following: 49619

(a) Receiving and securely storing all of the information 49620
required by division (A) of this section and the daily transaction 49621
data that scrap metal dealers and bulk merchandise dealers are 49622
required to send pursuant to division (E)(1) of section 4737.04 of 49623
the Revised Code; 49624

(b) Providing secure search capabilities to law enforcement 49625
agencies for enforcement purposes; 49626

(c) Creating a link and retransmission capability for receipt of routine scrap theft alerts published by the institute of scrap recycling industries for transmission to dealers and law enforcement agencies in the state;

(d) Making the electronic lists prepared pursuant to division (F)(2) of section 4737.04 of the Revised Code available through an electronic searchable format for individual law enforcement agencies and for dealers in the state;

(e) Providing, without charge, interlink programming enabling the transfer of information to dealers.

(2) Issue, reissue, or deny registration to dealers;

(3) Adopt rules to enforce sections 4737.01 to 4737.045 of the Revised Code, rules establishing procedures to renew a registration issued under this section, rules for the format and maintenance for the records required under division (A) of section 4737.012 of the Revised Code or division (C) of section 4737.04 of the Revised Code, and rules regarding the delivery of the report required by division (E)(1) of section 4737.04 of the Revised Code to the registry, which shall be used exclusively by law enforcement agencies.

(F) A scrap metal dealer or bulk merchandise container dealer may search, modify, or update only the dealer's own business data contained within the registry established in division (E) of this section.

(G) All fees received by the director pursuant to this section and division (F) of section 4737.99 of the Revised Code shall be used to develop and maintain the registry required under this section and for the department of public safety's operating expenses. The fees shall be deposited into the infrastructure protection fund which is hereby created in the state treasury.

Sec. 4743.02. The examination papers of each applicant 49657
examined by boards, commissions, or agencies created under or by 49658
virtue of Chapters 4701. to 4741., 4751., and 4757. of the Revised 49659
Code shall be open for inspection by the applicant or his attorney 49660
for at least ninety days subsequent to the announcement of the 49661
applicant's grade; provided, papers not graded by members of 49662
examining boards or their employees and which by terms of a 49663
contract with any testing company the papers are not available for 49664
inspection, need not be made available for inspection; but it 49665
shall be the applicant's right to have any such paper regraded 49666
manually, upon written request of either himself or his attorney 49667
made to the board within ninety days after announcement of the 49668
grade. 49669

Sec. 4745.04. (A) As used in this section: 49670

(1) "Indigent and uninsured person" and "volunteer" have the 49671
same meanings as in section 2305.234 of the Revised Code. 49672

(2) "Licensing agency that licenses health care 49673
professionals" means all of the following: 49674

(a) The state dental board established under Chapter 4715. of 49675
the Revised Code; 49676

(b) The board of nursing established under Chapter 4723. of 49677
the Revised Code; 49678

(c) The state vision professionals board established under 49679
Chapter 4725. of the Revised Code; 49680

(d) The state board of pharmacy established under Chapter 49681
4729. of the Revised Code; 49682

(e) The state medical board established under Chapter 4731. 49683
of the Revised Code; 49684

(f) The state board of psychology established under Chapter 49685

4732. of the Revised Code;	49686
(g) The state chiropractic board established under Chapter 4734. of the Revised Code;	49687 49688
(h) The Ohio occupational therapy, physical therapy, and athletic trainers board established under Chapter 4755. of the Revised Code;	49689 49690 49691
(i) The counselor, social worker, and marriage and family therapist board established under Chapter 4757. of the Revised Code;	49692 49693 49694
(j) The chemical dependency professionals board established under Chapter 4758. of the Revised Code;	49695 49696
(k) The state board of emergency medical services established under Chapter 4765. of the Revised Code;	49697 49698
(l) The state speech and hearing professionals board established under Chapter 4744. of the Revised Code;	49699 49700
(m) Any other licensing agency that considers its licensees to be health care professionals.	49701 49702
(B) Notwithstanding any provision of the Revised Code to the contrary, a licensing agency that licenses health care professionals shall apply toward the satisfaction of a portion of a licensee's continuing education requirement the provision of health care services if all of the following apply:	49703 49704 49705 49706 49707
(1) The licensing agency that licenses health care professionals requires a licensee to complete continuing education as a condition of having a license renewed by the agency.	49708 49709 49710
(2) The licensee provides the health care services to an indigent and uninsured person.	49711 49712
(3) The licensee provides the health care services as a volunteer.	49713 49714

(4) The licensee satisfies the requirements of section 49715
2305.234 of the Revised Code to qualify for the immunity from 49716
liability granted under that section. 49717

(5) The health care services provided are within the scope of 49718
authority of the licensee renewing the license. 49719

(C) A (1) Except as provided in division (C)(2) of this 49720
section, a licensing agency that licenses health care 49721
professionals shall permit a licensee to satisfy up to one-third 49722
of the licensee's continuing education requirement by providing 49723
health care services as a volunteer. A licensing agency that 49724
licenses health care professionals shall permit a licensee to earn 49725
continuing education credits at the rate of one credit hour for 49726
each sixty minutes spent providing health care services as a 49727
volunteer. 49728

(2) In the case of a person holding a license to practice 49729
medicine and surgery, osteopathic medicine and surgery, or 49730
podiatric medicine and surgery, the state medical board shall 49731
permit the person to satisfy not more than three hours of the 49732
person's continuing education requirement by providing health care 49733
services as a volunteer. 49734

(D) A licensing agency that licenses health care 49735
professionals shall adopt rules as necessary to implement this 49736
section. The rules shall be adopted in accordance with Chapter 49737
119. of the Revised Code. 49738

(E) Continuing education credit received under this section 49739
for providing health care services is not compensation or any 49740
other form of remuneration for purposes of section 2305.234 of the 49741
Revised Code and does not make the provider of those services 49742
ineligible for the immunity from liability granted under that 49743
section. 49744

Sec. 4751.01. As used in ~~sections 4751.01 to 4751.13 of the~~ 49745
~~Revised Code~~ this chapter: 49746

(A) "Health-care licensing agency" means any department, 49747
division, board, section of a board, or other government unit that 49748
is authorized by a statute of this or another state to issue a 49749
license, certificate, permit, card, or other authority to do 49750
either of the following in the context of health care: 49751

(1) Engage in a specific profession, occupation, or 49752
occupational activity; 49753

(2) Have charge of and operate certain specified equipment, 49754
machinery, or premises. 49755

(B) "Licensed health services executive" means an individual 49756
who holds a valid health services executive license. 49757

(C) "Licensed nursing home administrator" means an individual 49758
who holds a valid nursing home administrator license. 49759

(D) "Licensed temporary nursing home administrator" means an 49760
individual who holds a valid temporary nursing home administrator 49761
license. 49762

(E) "Long-term services and supports ~~settings~~ setting" means 49763
any institutional or community-based setting in which medical, 49764
health, ~~psycho-social~~ psychosocial, habilitative, rehabilitative, 49765
or personal care services are provided to individuals on a 49766
post-acute care basis. 49767

~~(B) "Nursing home administrator" means any individual~~ 49768
~~responsible for planning, organizing, directing, and managing the~~ 49769
~~operation of a nursing home, or who in fact performs such~~ 49770
~~function, whether or not such functions and duties are shared by~~ 49771
~~one or more other persons.~~ 49772

~~(C)~~(F) "Nursing home" means a nursing home as defined by or 49773
under the authority of section 3721.01 of the Revised Code, or a 49774

nursing home operated by a governmental agency. 49775

~~(D) "Temporary license" means a license for a period not to exceed one hundred eighty days issued pursuant to division (B) of section 4751.06 of the Revised Code.~~ 49776
49777
49778

~~(E)~~(G) "Nursing home administration" means planning, organizing, directing, and managing the operation of a nursing home. 49779
49780
49781

(H) "Nursing home administrator" means any individual who engages in the practice of nursing home administration, whether or not the individual shares the functions and duties of nursing home administration with one or more other individuals. 49782
49783
49784
49785

(I) "Valid health services executive license" means a health services executive license to which all of the following apply: 49786
49787

(1) It was issued by the board of executives of long-term services and supports under section 4751.21, 4751.23, 4751.25, or 4751.33 of the Revised Code; 49788
49789
49790

(2) It was not sold, fraudulently furnished, or fraudulently obtained in violation of division (F) of section 4751.10 of the Revised Code; 49791
49792
49793

(3) It is current and in good standing. 49794

(J) "Valid nursing home administrator license" means a nursing home administrator license to which all of the following apply: 49795
49796
49797

(1) It was issued by the board under section 4751.20, 4751.201, 4751.23, 4751.24, or 4751.33 of the Revised Code; 49798
49799

(2) It was not sold, fraudulently furnished, or fraudulently obtained in violation of division (F) of section 4751.10 of the Revised Code; 49800
49801
49802

(3) It is current and in good standing. 49803

(K) "Valid temporary nursing home administrator license" 49804
means a temporary nursing home administrator license to which all 49805
of the following apply: 49806

(1) It was issued by the board under section 4751.202, 49807
4751.23, or 4751.33 of the Revised Code; 49808

(2) It was not sold, fraudulently furnished, or fraudulently 49809
obtained in violation of division (F) of section 4751.10 of the 49810
Revised Code; 49811

(3) It is current and in good standing. 49812

Sec. ~~4751.03~~ 4751.02. (A) There is hereby established in the 49813
department of aging a board of executives of long-term services 49814
and supports, which board shall be composed of the following 49815
eleven members: 49816

(1) Four members who are nursing home administrators, owners 49817
of nursing homes, or officers of corporations owning nursing 49818
homes, and who shall have an understanding of person-centered 49819
care, and experience with a range of long-term services and 49820
supports settings; 49821

(2)(a) Three members who work in long-term services and 49822
supports settings that are not nursing homes, and who shall have 49823
an understanding of person-centered care, and experience with a 49824
range of long-term services and supports settings; 49825

(b) At least one of the members described in division 49826
(A)(2)(a) of this section shall be a home health administrator, 49827
hospice administrator, an owner of a home health agency or hospice 49828
care program, or an officer of a home health agency or hospice 49829
care program. 49830

(3) One member who is a member of the academic community; 49831

(4) One member who is a consumer of services offered in a 49832
long-term services and supports setting; 49833

(5) One nonvoting member who is a representative of the 49834
department of health, designated by the director of health, who is 49835
involved in the nursing home survey and certification process, who 49836
shall serve in an advisory capacity only; 49837

(6) One nonvoting member who is a representative of the 49838
office of the state long-term care ombudsman, designated by the 49839
state long-term care ombudsman, who shall serve in an advisory 49840
capacity only. 49841

All members of the board shall be citizens of the United 49842
States and residents of this state. No member of the board who is 49843
appointed under divisions (A)(3) to (6) of this section may have 49844
or acquire any direct financial interest in a nursing home or 49845
long-term services and supports settings. 49846

(B) The term of office for each appointed member of the board 49847
shall be for three years, commencing on the twenty-eighth day of 49848
May and ending on the twenty-seventh day of May. Each member shall 49849
serve from the date of appointment until the end of the term for 49850
which appointed. No member shall serve more than two consecutive 49851
full terms. 49852

(C) Appointments to the board shall be made by the governor. 49853
Any member appointed to fill a vacancy occurring prior to the 49854
expiration of the term for which the member's predecessor was 49855
appointed shall hold office for the remainder of such term. Any 49856
appointed member shall continue in office subsequent to the 49857
expiration date of the member's term until the member's successor 49858
takes office, or until a period of sixty days has elapsed, 49859
whichever occurs first. 49860

(D) The governor may remove any member of the board for 49861
misconduct, incapacity, incompetence, or neglect of duty after the 49862
member so charged has been served with a written statement of 49863
charges and has been given an opportunity to be heard. 49864

(E) Each member of the board, except the member designated by the director of health and the member designated by the ombudsman, shall be paid in accordance with section 124.15 of the Revised Code and each member shall be reimbursed for the member's actual and necessary expenses incurred in the discharge of such duties.

(F) The board shall elect annually from its membership a chairperson and a vice-chairperson.

(G) The board shall hold and conduct meetings quarterly and at such other times as its business requires. A majority of the voting members of the board shall constitute a quorum. The affirmative vote of a majority of the voting members of the board is necessary for the board to act.

(H) The board shall appoint a secretary who has no financial interest in a long-term services and supports setting, and may employ and prescribe the powers and duties of such employees and consultants as are necessary to carry out this chapter and the rules adopted under it.

Sec. ~~4751.042~~ 4751.021. (A) The board of executives of long-term services and supports shall enter into a written agreement with the department of aging for the department to serve as the board's fiscal agent. The fiscal agent shall be responsible for all the board's fiscal matters and financial transactions, as specified in the agreement. The written agreement shall specify the fees that the board shall pay to the fiscal agent for services performed under the agreement, and such fees shall be in proportion to the services performed for the board.

(1) The agreement shall require the fiscal agent to provide the following services:

(a) Preparation and processing of payroll and other personnel documents that the board approves;

(b) Maintenance of ledgers of accounts and reports of account balances, and monitoring of budgets and allotment plans in consultation with the board;	49895 49896 49897
(c) Performance of other routine support services, specified in the agreement, that the fiscal agent considers appropriate to achieve efficiency.	49898 49899 49900
(2) The agreement may require the fiscal agent to provide the following services:	49901 49902
(a) Any shared services between the board and the fiscal agent;	49903 49904
(b) Any other services agreed to by the board and the department, including administrative or technical services.	49905 49906
(B) The board, in conjunction and consultation with the fiscal agent, has the following authority and responsibility relative to fiscal matters:	49907 49908 49909
(1) Sole authority to expend funds from the board's accounts for programs and any other necessary expenses the board may incur;	49910 49911
(2) Responsibility to cooperate with and inform the fiscal agent fully of all financial transactions.	49912 49913
(C) The board shall follow all state procurement, fiscal, human resources, information technology, statutory, and administrative rule requirements.	49914 49915 49916
(D) In its role as fiscal agent for the board, the department shall serve as a contractor of the board, and does not assume responsibility for the debts or fiscal obligations of the board.	49917 49918 49919
Sec. 4751.14 <u>4751.03</u>. There is hereby created in the state treasury the board of executives of long-term services and supports fund. The fund shall consist of the amounts the board <u>of executives of long-term services and supports</u> collects under this	49920 49921 49922 49923

chapter as ~~license and registration fees, other fees, civil~~ 49924
~~penalties, and fines. Money~~ The board shall use the money in the 49925
~~fund shall be used by the board of executives of long-term~~ 49926
~~services and supports~~ to administer and enforce this chapter and 49927
the rules adopted under ~~it~~ section 4751.04 of the Revised Code. 49928
Investment earnings of the fund shall be credited to the fund. 49929

Sec. 4751.04. The board of executives of long-term services 49930
and supports shall adopt rules in accordance with Chapter 119. of 49931
the Revised Code as necessary to implement and enforce this 49932
chapter. 49933

Sec. 4751.10. No person shall knowingly do any of the 49934
following: 49935

(A) Operate a nursing home unless it is under the supervision 49936
of an administrator whose principal occupation is nursing home 49937
administration or hospital administration and who is a licensed 49938
nursing home administrator or licensed temporary nursing home 49939
administrator; 49940

(B) Practice or offer to practice nursing home administration 49941
unless the person is a licensed nursing home administrator or 49942
licensed temporary nursing home administrator; 49943

(C) Use any of the following unless the person is a licensed 49944
nursing home administrator: 49945

(1) The title "licensed nursing home administrator," "nursing 49946
home administrator," "licensed assistant nursing home 49947
administrator," or "assistant nursing home administrator"; 49948

(2) The acronym "LNHA," "L.N.H.A.," "NHA," "N.H.A.," "LANHA," 49949
"L.A.N.H.A.," "ANHA," or "A.N.H.A." after the person's name; 49950

(3) Any other words, letters, signs, cards, or devices that 49951
tend to indicate or imply that the person is a licensed nursing 49952

<u>home administrator.</u>	49953
<u>(D) Use any of the following unless the person is a licensed</u>	49954
<u>temporary nursing home administrator:</u>	49955
<u>(1) The title "licensed temporary nursing home</u>	49956
<u>administrator," "temporary nursing home administrator," "licensed</u>	49957
<u>temporary assistant nursing home administrator," or "temporary</u>	49958
<u>assistant nursing home administrator";</u>	49959
<u>(2) The acronym "LTNHA," "L.T.N.H.A.," "TNHA," "T.N.H.A.,"</u>	49960
<u>"LTANHA," "L.T.A.N.H.A.," "TANHA," or "T.A.N.H.A." after the</u>	49961
<u>person's name;</u>	49962
<u>(3) Any other words, letters, signs, cards, or devices that</u>	49963
<u>tend to indicate or imply that the person is a licensed temporary</u>	49964
<u>nursing home administrator.</u>	49965
<u>(E) Use any of the following unless the person is a licensed</u>	49966
<u>health services executive:</u>	49967
<u>(1) The title "licensed health services executive" or "health</u>	49968
<u>services executive";</u>	49969
<u>(2) The acronym "LHSE," "L.H.S.E.," "HSE," or "H.S.E." after</u>	49970
<u>the person's name;</u>	49971
<u>(3) Any other words, letters, signs, cards, or devices that</u>	49972
<u>tend to indicate or imply that the person is a licensed health</u>	49973
<u>services executive.</u>	49974
<u>(F) Sell, fraudulently furnish, fraudulently obtain, or aid</u>	49975
<u>or abet another person in selling, fraudulently furnishing, or</u>	49976
<u>fraudulently obtaining any of the following:</u>	49977
<u>(1) A nursing home administrator license;</u>	49978
<u>(2) A temporary nursing home administrator license;</u>	49979
<u>(3) A health services executive license.</u>	49980
<u>(G) Otherwise violate any of the provisions of this chapter</u>	49981

or the rules adopted under section 4751.04 of the Revised Code. 49982

Sec. 4751.101. Nothing in this chapter or the rules adopted 49983
under it shall be construed as requiring either of the following: 49984

(A) An individual to be a licensed health services executive 49985
in order to do either of the following: 49986

(1) Practice nursing home administration; 49987

(2) Serve in a leadership position at a long-term services 49988
and supports setting or direct the practices of others in such a 49989
setting. 49990

(B) An applicant for a nursing home administrator license or 49991
temporary nursing home administrator license who is employed by an 49992
institution for the care and treatment of the sick to demonstrate 49993
proficiency in any medical techniques or to meet any medical 49994
educational qualifications or medical standards not in accord with 49995
the remedial care and treatment provided by the institution if all 49996
of the following apply to the institution: 49997

(1) It is operated exclusively for patients who use spiritual 49998
means for healing and for whom the acceptance of medical care is 49999
inconsistent with their religious beliefs. 50000

(2) It is accredited by a national accrediting organization. 50001

(3) It is exempt from federal income taxation under section 50002
501 of the "Internal Revenue Code of 1986," 26 U.S.C. 501. 50003

(4) It provides twenty-four hour nursing care pursuant to the 50004
exemption in division (E) of section 4723.32 of the Revised Code 50005
from the licensing requirements of Chapter 4723. of the Revised 50006
Code. 50007

Sec. 4751.102. Every operator of a nursing home shall report 50008
to the board of executives of long-term services and supports the 50009
name and license number of each licensed nursing home 50010

administrator and licensed temporary nursing home administrator 50011
who practices nursing home administration at the nursing home not 50012
later than ten days after the following dates: 50013

(A) The date the licensed nursing home administrator or 50014
licensed temporary nursing home administrator begins to practice 50015
nursing home administration at the nursing home; 50016

(B) The date the licensed nursing home administrator or 50017
licensed temporary nursing home administrator ceases to practice 50018
nursing home administration at the nursing home. 50019

Sec. ~~4751.05~~ 4751.15. ~~(A)~~ The board of executives of 50020
long-term services and supports, ~~or shall administer, or contract~~ 50021
~~with~~ a government or private entity ~~under contract with the board~~ 50022
to administer, examinations ~~for licensure as~~ that an individual 50023
must pass to obtain a nursing home administrator, ~~shall admit to~~ 50024
~~an examination any candidate who:~~ 50025

~~(1) Pays the application fee of fifty dollars;~~ 50026

~~(2) Submits evidence of good moral character and suitability;~~ 50027

~~(3) Is at least eighteen years of age;~~ 50028

~~(4) Has completed educational requirements and work~~ 50029
~~experience satisfactory to the board;~~ 50030

~~(5) Submits an application on forms prescribed by the board;~~ 50031

~~(6) Pays~~ license under section 4751.20 or 4751.201 of the 50032
Revised Code. If the board contracts with a government or private 50033
entity to administer the examinations, the contract may authorize 50034
the entity to collect and keep, as all or part of the entity's 50035
compensation under the contract, any fee an individual pays to 50036
take the examination. The entity is not required to deposit the 50037
fee into the state treasury. 50038

To be admitted to an examination administered under this 50039

~~section, an individual must pay the examination fee charged by the board or government or private entity.~~ 50040
50041

~~(B) Nothing in Chapter 4751. of the Revised Code or the rules adopted thereunder shall be construed to require an applicant for licensure or a temporary license, who is employed by an institution for the care and treatment of the sick to demonstrate proficiency in any medical techniques or to meet any medical educational qualifications or medical standards not in accord with the remedial care and treatment provided by the institution if the institution is all of the following:~~ 50042
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~~(1) Operated exclusively for patients who use spiritual means for healing and for whom the acceptance of medical care is inconsistent with their religious beliefs;~~ 50050
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~~(2) Accredited by a national accrediting organization;~~ 50053

~~(3) Exempt from federal income taxation under section 501 of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C.A. 1, as amended;~~ 50054
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~~(4) Providing twenty four hour nursing care pursuant to the exemption in division (E) of section 4723.32 of the Revised Code from the licensing requirements of Chapter 4723. of the Revised Code.~~ 50057
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~~(C) entity. If a person an individual fails three times to attain a passing grade on pass the examination, said person the individual, before the person may again be being admitted to the examination a subsequent time, shall meet such additional also must satisfy any education ~~or~~ requirements, experience requirements, or both, as that may be prescribed by the board in rules adopted under section 4751.04 of the Revised Code in addition to any education requirements or experience requirements that must be satisfied to obtain a nursing home administrator license under section 4751.20 or 4751.201 of the Revised Code.~~ 50061
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~~Sec. 4751.041 4751.151.~~ Except when the board of executives 50071
of long-term services and supports considers it necessary, the 50072
board shall not disclose test materials, examinations, or 50073
evaluation tools used in an examination ~~for licensure as a nursing~~ 50074
~~home administrator that the board administers administered~~ under 50075
section ~~4751.04~~ 4751.15 of the Revised Code ~~or contracts under~~ 50076
~~that section with a private or government entity to administer.~~ 50077

~~Sec. 4751.06 4751.20.~~ (A) ~~An applicant for licensure as~~ 50078
Subject to section 4751.32 of the Revised Code, the board of 50079
executives of long-term services and supports shall issue a 50080
nursing home administrator ~~who has successfully completed the~~ 50081
~~requirements of section 4751.05 of the Revised Code, license to an~~ 50082
individual under this section if all of the following requirements 50083
are satisfied: 50084

(1) The individual has submitted to the board a completed 50085
application for the license in accordance with rules adopted under 50086
section 4751.04 of the Revised Code. 50087

(2) If the individual is required by rules adopted under 50088
section 4751.04 of the Revised Code to serve as a nursing home 50089
administrator in training, the individual has paid to the board 50090
the administrator in training fee of fifty dollars. 50091

(3) The individual is at least twenty-one years of age. 50092

(4) The individual has successfully completed educational 50093
requirements and work experience specified in rules adopted under 50094
section 4751.04 of the Revised Code, including, if so required by 50095
the rules, experience obtained as a nursing home administrator in 50096
training. 50097

(5) The individual is of good moral character. 50098

(6) The individual has complied with section 4776.02 of the 50099
Revised Code regarding a criminal records check. 50100

(7) The board, in its discretion, has determined that the results of the criminal records check do not make the individual ineligible for the license. 50101
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(8) The individual has passed the licensing examination administered by the board of executives of long term services and supports or a government or private entity under contract with the board, and paid section 4751.15 of the Revised Code. 50104
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(9) The individual has paid to the board an original a license fee of two hundred fifty dollars shall be issued a license on a form provided by the board. Such 50108
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(10) The individual has satisfied any additional requirements as may be prescribed in rules adopted under section 4751.04 of the Revised Code. 50111
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(B) A nursing home administrator license shall certify that the applicant individual to whom it was issued has met the licensure applicable requirements of Chapter 4751. this chapter and any applicable rules adopted under section 4751.04 of the Revised Code and is entitled authorized to practice as a licensed nursing home administrator administration while the license is valid. 50114
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~~(B) A temporary license for a period not to exceed one hundred eighty days may be issued to an individual temporarily filling the position of a nursing home administrator vacated by reason of death, illness, or other unexpected cause, pursuant to regulations adopted by the board.~~ 50121
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~~(C) The fee for a temporary license is one hundred dollars. Said fee must accompany the application for the temporary license.~~ 50126
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~~(D) Any license or temporary license issued by the board pursuant to this section shall be under the hand of the chairperson and the secretary of the board.~~ 50128
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~~(E) A duplicate of the original certificate of registration or license may be secured to replace one that has been lost or destroyed by submitting to the board a notarized statement explaining the conditions of the loss, mutilation, or destruction of the certificate or license and by paying a fee of twenty five dollars.~~

~~(F) A duplicate certificate of registration and license may be issued in the event of a legal change of name by submitting to the board a certified copy of the court order or marriage license establishing the change of name, by returning at the same time the original license and certificate of registration, and by paying a fee of twenty five dollars.~~

Sec. 4751.08 4751.201. ~~The (A) Subject to section 4751.32 of the Revised Code, the board of executives of long-term services and supports, in its discretion, and otherwise subject to Chapter 4751. of the Revised Code and the rules adopted by the board thereunder prescribing the qualifications for a nursing home administrator license, may license issue a nursing home administrator without examination if the nursing home administrator has a valid license issued by the proper authorities of any other state, upon payment of to an individual under this section if all of the following requirements are satisfied:~~

~~(1) The individual is legally authorized to practice nursing home administration in another state.~~

~~(2) The individual has submitted to the board a completed application for the license in accordance with rules adopted under section 4751.04 of the Revised Code.~~

~~(3) The individual is at least twenty-one years of age.~~

~~(4) The individual holds at least a bachelor's degree from an accredited educational institution.~~

<u>(5) The individual is of good moral character.</u>	50161
<u>(6) The individual has complied with section 4776.02 of the Revised Code regarding a criminal records check.</u>	50162 50163
<u>(7) The board, in its discretion, has determined that the results of the criminal records check do not make the individual ineligible for the license.</u>	50164 50165 50166
<u>(8) The individual has passed the licensing examination administered under section 4751.15 of the Revised Code.</u>	50167 50168
<u>(9) The individual has paid to the board a license fee of one two hundred fifty dollars, and upon submission of evidence satisfactory to the board both:</u>	50169 50170 50171
<u>(A) That such other state maintained a system and standard of qualifications and examinations for a nursing home administrator license which were substantially equivalent to those required in this state at the time such other license was issued by such other state;</u>	50172 50173 50174 50175 50176
<u>(B) That such other state gives similar recognition to nursing home administrators licensed in this state.</u>	50177 50178
<u>(10) The individual has satisfied any additional requirements as may be prescribed in rules adopted under section 4751.04 of the Revised Code.</u>	50179 50180 50181
<u>(B) A nursing home administrator license shall certify that the individual to whom it was issued has met the applicable requirements of this chapter and any applicable rules adopted under section 4751.04 of the Revised Code and is authorized to practice nursing home administration while the license is valid.</u>	50182 50183 50184 50185 50186
<u>Sec. 4751.202. (A) Subject to section 4751.32 of the Revised Code, the board of executives of long-term services and supports may issue a temporary nursing home administrator license to an individual if all of the following requirements are satisfied:</u>	50187 50188 50189 50190

(1) The operator of a nursing home has requested that the board issue a temporary nursing home administrator license to the individual to authorize the individual to temporarily practice nursing home administration at the nursing home because of a vacancy in the position of nursing home administrator at the nursing home resulting from a death, illness, or other unexpected cause. 50191
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(2) The individual is at least twenty-one years of age. 50198

(3) The individual is of good moral character. 50199

(4) The individual has complied with section 4776.02 of the Revised Code regarding a criminal records check. 50200
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(5) The board, in its discretion, has determined that the results of the criminal records check do not make the individual ineligible for the license. 50202
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(6) The individual has paid to the board a fee for the temporary license of one hundred dollars. 50205
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(7) The individual has satisfied any additional requirements as may be prescribed in rules adopted under section 4751.04 of the Revised Code. 50207
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(B) A temporary nursing home administrator license shall certify that the individual to whom it was issued has met the applicable requirements of this chapter and any applicable rules adopted under section 4751.04 of the Revised Code and is authorized to practice nursing home administration while the temporary license is valid. 50210
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(C) Except as provided in section 4751.32 of the Revised Code, a temporary nursing home administrator license is valid for a period of time the board shall specify on the temporary license. That period shall not exceed one hundred eighty days. If that period is less than one hundred eighty days, the individual 50216
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holding the temporary license may apply to the board for renewal 50221
of the temporary license in accordance with rules the board shall 50222
adopt under section 4751.04 of the Revised Code. Except as 50223
provided in section 4751.32 of the Revised Code, a renewed 50224
temporary nursing home administrator license is valid for a period 50225
of time the board shall specify on the renewed temporary license. 50226
That period shall not exceed the difference between one hundred 50227
eighty days and the number of days for which the original 50228
temporary license was valid. A renewed temporary nursing home 50229
administrator license shall not be renewed. A licensed temporary 50230
nursing home administrator who intends to continue to practice 50231
nursing home administration after the temporary license, 50232
including, if applicable, the renewed temporary license, expires 50233
must obtain a nursing home administrator license under section 50234
4751.20 of the Revised Code. 50235

Sec. 4751.21. (A) Subject to section 4751.32 of the Revised 50236
Code, the board of executives of long-term services and supports 50237
shall issue a health services executive license to an individual 50238
if all of the following requirements are satisfied: 50239

(1) The individual has submitted to the board a completed 50240
application for the license in accordance with rules adopted under 50241
section 4751.04 of the Revised Code. 50242

(2) The individual is a licensed nursing home administrator. 50243

(3) The individual has obtained the health services executive 50244
qualification through the national association of long-term care 50245
administrator boards. 50246

(4) The individual has complied with section 4776.02 of the 50247
Revised Code regarding a criminal records check. 50248

(5) The board, in its discretion, has determined that the 50249
results of the criminal records check do not make the individual 50250

ineligible for the license. 50251

(6) The individual has paid to the board a license fee of one hundred dollars. 50252
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(B) A health services executive license shall certify that the individual to whom it was issued has met the applicable requirements of this chapter and any applicable rules adopted under section 4751.04 of the Revised Code and is a licensed health services executive while the license is valid. 50254
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Sec. 4751.22. All licenses and temporary licenses that the board of executives of long-term services and supports issues under this chapter shall include the signatures of the board's chairperson and secretary. 50259
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Sec. 4751.23. (A) Subject to section 4751.32 of the Revised Code, the board of executives of long-term services and supports may issue to a licensed nursing home administrator, licensed temporary nursing home administrator, or licensed health services executive a duplicate of the individual's nursing home administrator license, temporary nursing home administrator license, or health services executive license if the license or temporary license has been lost, mutilated, or destroyed and the individual does both of the following: 50263
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(1) Submits to the board a notarized statement explaining the conditions of the loss, mutilation, or destruction; 50272
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(2) Pays to the board a fee of twenty-five dollars. 50274

(B) Subject to section 4751.32 of the Revised Code, the board may issue to a licensed nursing home administrator, licensed temporary nursing home administrator, or licensed health services executive whose name has been legally changed a duplicate of the individual's nursing home administrator license, temporary nursing home administrator license, or health services executive license 50275
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that has the individual's new name if the individual does all of 50281
the following: 50282

(1) Submits to the board a certified copy of the court order 50283
or marriage license establishing the change of name; 50284

(2) Returns to the board the license or temporary license 50285
that has the individual's previous name; 50286

(3) Pays to the board a fee of twenty-five dollars. 50287

~~**Sec. 4751.07 4751.24.** (A) Every individual who holds a valid~~ 50288
~~license as a nursing home administrator issued under division (A)~~ 50289
~~of section 4751.06 of the Revised Code, shall immediately upon~~ 50290
~~issuance thereof be registered with the board of executives of~~ 50291
~~long-term services and supports and be issued a certificate of~~ 50292
~~registration. Such individual shall annually apply to the board~~ 50293
~~for a new certificate of registration on forms provided for such~~ 50294
~~purpose prior to the expiration of the certificate of registration~~ 50295
~~and shall at the same time submit Subject to section 4751.32 of~~ 50296
~~the Revised Code, a nursing home administrator license is valid~~ 50297
~~for one year and may be renewed and reinstated in accordance with~~ 50298
~~this section.~~ 50299

(B) If a licensed nursing home administrator intends to 50300
continue to practice nursing home administration without 50301
interruption after the administrator's license expires, the 50302
administrator shall apply to the board of executives of long-term 50303
services and supports for a renewed nursing home administrator 50304
license. Subject to section 4751.32 of the Revised Code, the board 50305
shall renew the license if the administrator does all of the 50306
following before the license expires: 50307

(1) Submits to the board a completed application for license 50308
renewal in accordance with rules adopted under section 4751.04 of 50309
the Revised Code; 50310

(2) Pays to the board the license renewal fee of three 50311
hundred dollars; 50312

(3) Submits to the board satisfactory evidence ~~to the board~~ 50313
of having attended such continuing education programs or courses 50314
of study as may be prescribed in rules adopted ~~by the board~~ under 50315
section 4751.04 of the Revised Code; 50316

(4) Satisfies any other requirements as may be prescribed in 50317
rules adopted under section 4751.04 of the Revised Code. 50318

~~(B) Upon making an application for a new certificate of~~ 50319
~~registration such individual shall pay the annual registration fee~~ 50320
~~of three hundred dollars.~~ 50321

~~(C) Upon receipt of such application for registration and the~~ 50322
~~registration fee required by divisions (A) and (B) of this~~ 50323
~~section, the board shall issue a certificate of registration to~~ 50324
~~such nursing home administrator. If a nursing home administrator~~ 50325
~~license issued under section 4751.20 or 4751.201 of the Revised~~ 50326
~~Code is not renewed before it expires, the individual who held the~~ 50327
~~license may apply to the board for the license's reinstatement.~~ 50328
~~Subject to section 4751.32 of the Revised Code, the board shall~~ 50329
~~reinstate the license if the individual does all of the following~~ 50330
~~not later than one year after the date the license expired:~~ 50331

(1) Submits to the board the completed application for 50332
license reinstatement in accordance with rules adopted under 50333
section 4751.04 of the Revised Code; 50334

(2) Pays to the board the license reinstatement fee equal to 50335
the sum of the following: 50336

(a) Three hundred dollars; 50337

(b) Fifty dollars for each calendar quarter that occurs 50338
during the period beginning on the date the license expires and 50339
ending on the last day of the calendar quarter during which the 50340

individual applies for license reinstatement, up to a maximum of 50341
two hundred dollars. 50342

(3) Submits to the board satisfactory evidence of having 50343
attended such continuing education programs or courses of study as 50344
may be prescribed in rules adopted by the board under section 50345
4751.04 of the Revised Code; 50346

(4) Satisfies any other requirements as may be prescribed in 50347
rules adopted under section 4751.04 of the Revised Code. 50348

~~(D) The license of a nursing home administrator who fails to~~ 50349
~~comply with this section shall automatically lapse.~~ 50350

~~(E) A licensed nursing home administrator who has been~~ 50351
~~licensed and registered in this state who determines to~~ 50352
~~temporarily abandon the practice of nursing home administration~~ 50353
~~shall notify the board in writing immediately; provided, that such~~ 50354
~~individual. The former administrator may thereafter register to~~ 50355
~~resume the practice of nursing home administration within the~~ 50356
~~state upon complying with the requirements of this section~~ 50357
~~regarding annual registration license renewal or license~~ 50358
~~reinstatement, whichever is applicable.~~ 50359

~~(F) Only an individual who has qualified as a licensed and~~ 50360
~~registered nursing home administrator under Chapter 4751. of the~~ 50361
~~Revised Code and the rules adopted thereunder, and who holds a~~ 50362
~~valid current registration certificate pursuant to this section,~~ 50363
~~may use the title "nursing home administrator," or the~~ 50364
~~abbreviation "N.H.A." after the individual's name. No other person~~ 50365
~~shall use such title or such abbreviation or any other words,~~ 50366
~~letters, sign, card, or device tending to indicate or to imply~~ 50367
~~that the person is a licensed and registered nursing home~~ 50368
~~administrator.~~ 50369

~~(G) Every person holding a valid license entitling the person~~ 50370
~~to practice nursing home administration in this state shall~~ 50371

~~display said license in the nursing home which is the person's principal place of employment, and while engaged in the practice of nursing home administration shall have at hand the current registration certificate.~~

~~(H) Every person holding a valid temporary license shall have such license at hand while engaged in the practice of nursing home administration.~~

Sec. 4751.25. (A) Subject to section 4751.32 of the Revised Code, a health services executive license is valid for one year and may be renewed and reinstated in accordance with this section.

(B) A licensed health services executive may apply to the board of executives of long-term services and supports for a renewed license. Subject to section 4751.32 of the Revised Code, the board shall renew the license if the licensed health services executive does all of the following before the license expires:

(1) Submits to the board the completed application for license renewal in accordance with rules adopted under section 4751.04 of the Revised Code;

(2) Pays to the board the license renewal fee of fifty dollars;

(3) Submits to the board satisfactory evidence of having attended such continuing education programs or courses of study as may be prescribed in rules adopted under section 4751.04 of the Revised Code.

(C)(1) If a health services executive license is not renewed before it expires, the individual who held the license may apply to the board for the license's reinstatement. Subject to section 4751.32 of the Revised Code, the board shall reinstate the license if the individual does all of the following not later than one year after the date the license expired:

<u>(a) Submits to the board the completed application for</u>	50402
<u>license reinstatement in accordance with rules adopted under</u>	50403
<u>section 4751.04 of the Revised Code;</u>	50404
<u>(b) Pays to the board the license reinstatement fee specified</u>	50405
<u>in division (C)(2) of this section;</u>	50406
<u>(c) Submits to the board satisfactory evidence of having</u>	50407
<u>attended such continuing education programs or courses of study as</u>	50408
<u>may be prescribed in rules adopted under section 4751.04 of the</u>	50409
<u>Revised Code.</u>	50410
<u>(2) The fee to reinstate a health services executive license</u>	50411
<u>under division (C)(1) of this section is the following:</u>	50412
<u>(a) If the individual applying for reinstatement has, at the</u>	50413
<u>same time, applied for reinstatement of a nursing home</u>	50414
<u>administrator license under division (C) of section 4751.24 of the</u>	50415
<u>Revised Code and paid the reinstatement fee required by division</u>	50416
<u>(C)(2) of that section, one hundred dollars;</u>	50417
<u>(b) If division (C)(2)(a) of this section does not apply to</u>	50418
<u>the individual, the sum of the following:</u>	50419
<u>(i) One hundred dollars;</u>	50420
<u>(ii) Twenty-five dollars for each calendar quarter that</u>	50421
<u>occurs during the period beginning on the date the license expired</u>	50422
<u>and ending on the last day of the calendar quarter during which</u>	50423
<u>the individual applies for license reinstatement, up to a maximum</u>	50424
<u>of one hundred dollars.</u>	50425
Sec. 4751.044 <u>4751.26</u>. The board of executives of long-term	50426
services and supports shall approve continuing education courses	50427
for <u>licensed</u> nursing home administrators <u>and licensed health</u>	50428
<u>services executives</u> . The board may establish a fee for approval of	50429
such courses that is adequate to cover any expense the board	50430
incurs in the approval process.	50431

Sec. 4751.30. (A) Any person may submit to the board of executives of long-term services and supports a complaint that the person reasonably believes that another person has violated, or failed to comply with a requirement of, this chapter or a rule adopted under section 4751.04 of the Revised Code. All of the following apply to complaints submitted to the board under this section: 50432
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(1) They are not subject to discovery in any civil action. 50439

(2) They are not public records for purposes of section 149.43 of the Revised Code. 50440
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(3) They are not subject to inspection or copying under section 1347.08 of the Revised Code. 50442
50443

(B) Except as provided in division (D) of section 4751.31 of the Revised Code, the board shall protect the confidentiality of each person who submits a complaint to the board under this section. 50444
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Sec. 4751.31. (A) The board of executives of long-term services and supports shall receive, investigate, and take appropriate action with respect to any complaint submitted to the board under section 4751.30 of the Revised Code and any other credible information the board possesses that indicates a person may have violated, or failed to comply with a requirement of, this chapter or a rule adopted under section 4751.04 of the Revised Code. 50448
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(B) In conducting an investigation under this section, the board may do any of the following: 50456
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(1) Question witnesses; 50458

(2) Conduct interviews; 50459

(3) Inspect and copy any books, accounts, papers, records, or 50460

<u>other documents;</u>	50461
<u>(4) Issue subpoenas;</u>	50462
<u>(5) Compel the attendance of witnesses and the production of documents and testimony.</u>	50463 50464
<u>(C) No member of the board who supervises an investigation conducted under this section shall participate in any adjudication arising from the investigation.</u>	50465 50466 50467
<u>(D) The board may disclose any information it receives as part of an investigation conducted under this section, including the identity of a person who submits a complaint under section 4751.30 of the Revised Code, to a law enforcement agency, licensing board, or other government agency that investigates, prosecutes, or adjudicates alleged violations of statutes or rules. An agency or board that receives such information shall protect the confidentiality of a person who submits a complaint under section 4751.30 of the Revised Code in the same manner as the board of executives of long-term services and supports, notwithstanding any other information that the agency or other board possesses.</u>	50468 50469 50470 50471 50472 50473 50474 50475 50476 50477 50478 50479
Sec. 4751.10 4751.32. <u>(A) The license or registration, or both, or the temporary license of any person practicing or offering to practice nursing home administration, shall be revoked or suspended by the board of executives of long-term services and supports may take any of the actions authorized by division (B) of this section against an individual who has applied for or holds a nursing home administrator license, temporary nursing home administrator license, or health services executive license if such licensee or temporary licensee any of the following apply to the individual:</u>	50480 50481 50482 50483 50484 50485 50486 50487 50488 50489
<u>(A) Is (1) The individual has failed to satisfy any</u>	50490

requirement established by this chapter or the rules adopted under 50491
section 4751.04 of the Revised Code that must be satisfied to 50492
obtain the license or temporary license. 50493

(2) The individual has violated, or failed to comply with a 50494
requirement of, this chapter or a rule adopted under section 50495
4751.04 of the Revised Code regarding the practice of nursing home 50496
administration, including the requirements of sections 4751.40 and 50497
4751.41 of the Revised Code. 50498

(3) The individual is unfit or incompetent to practice 50499
nursing home administration, serve in a leadership position at a 50500
long-term services and supports setting, or direct the practices 50501
of others in such a setting by reason of negligence, habits, or 50502
other causes; 50503

~~(B) Has willfully or repeatedly violated any of the~~ 50504
~~provisions of Chapter 4751. of the Revised Code or the regulations~~ 50505
~~adopted thereunder; or willfully or repeatedly, including the~~ 50506
~~individual's habitual or excessive use or abuse of drugs, alcohol,~~ 50507
~~or other substances.~~ 50508

(4) The individual has acted in a manner inconsistent with 50509
the health and safety of either of the patients following: 50510

(a) The residents of the nursing home ~~in~~ at which the 50511
licensee or temporary licensee is the administrator individual 50512
practices nursing home administration; 50513

~~(C) Is guilty of fraud or deceit in the practice of nursing~~ 50514
~~home administration or in the licensee's or temporary licensee's~~ 50515
~~admission to such practice;~~ 50516

~~(D) Has~~ (b) The consumers of services and supports provided 50517
by a long-term services and supports setting at which the 50518
individual serves in a leadership position or directs the 50519
practices of others. 50520

- (5) The individual has been convicted of, or pleaded guilty to, either of the following in a court of competent jurisdiction, either within or without this state,—of a: 50521
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- (a) A felony; 50523
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- (b) An offense of moral turpitude that constitutes a misdemeanor in this state. 50525
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- (6) The individual made a false, fraudulent, deceptive, or misleading statement in seeking to obtain, or obtaining, a nursing home administrator license, temporary nursing home administrator license, or health services executive license. 50527
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- (7) The individual made a fraudulent misrepresentation in attempting to obtain, or obtaining, money or anything of value in the practice of nursing home administration or while serving in a leadership position at a long-term services and supports setting or directing the practices of others in such a setting. 50531
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- (8) The individual has substantially deviated from the board's code of ethics. 50536
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- (9) Another health care licensing agency has taken any of the following actions against the individual for any reason other than nonpayment of a fee: 50538
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- (a) Denied, refused to renew or reinstate, limited, revoked, or suspended, or accepted the surrender of, a license or other authorization to practice; 50541
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- (b) Imposed probation; 50544
- (c) Issued a censure or other reprimand. 50545
- (10) The individual has failed to do any of the following: 50546
- (a) Cooperate with an investigation conducted by the board under section 4751.31 of the Revised Code; 50547
50548
- (b) Respond to or comply with a subpoena issued by the board 50549

in an investigation of the individual; 50550

(c) Comply with any disciplinary action the board has taken against the individual pursuant to this section. 50551
50552

(B) The following are the actions that the board may take for the purpose of division (A) of this section: 50553
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(1) Deny the individual any of the following: 50555

(a) A nursing home administrator license under section 4751.20, 4751.201, 4751.23, or 4751.24 of the Revised Code; 50556
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(b) A temporary nursing home administrator license under section 4751.202 or 4751.23 of the Revised Code; 50558
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(c) A health services executive license under section 4751.21, 4751.23, or 4751.25 of the Revised Code. 50560
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(2) Suspend the individual's nursing home administrator license, temporary nursing home administrator license, or health services executive license; 50562
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(3) Revoke the individual's nursing home administrator license, temporary nursing home administrator license, or health services executive license, either permanently or for a period of time the board specifies; 50565
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(4) Place a limitation on the individual's nursing home administrator license, temporary nursing home administrator license, or health services executive license; 50569
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(5) Place the individual on probation; 50572

(6) Issue a written reprimand of the individual; 50573

(7) Impose on the individual a civil penalty, fine, or other sanction specified in rules adopted under section 4751.04 of the Revised Code. 50574
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50576

(C) The board shall take actions authorized by division (B) of this section in accordance with Chapter 119. of the Revised 50577
50578

Code, except that the board may enter into a consent agreement 50579
with an individual to resolve an alleged violation of this chapter 50580
or a rule adopted under section 4751.04 of the Revised Code in 50581
lieu of making an adjudication regarding the alleged violation. A 50582
consent agreement constitutes the board's findings and order with 50583
respect to the matter addressed in the consent agreement if the 50584
board ratifies the consent agreement. Any admissions or findings 50585
included in a proposed consent agreement have no force or effect 50586
if the board refuses to ratify the consent agreement. 50587

Sec. ~~4751.11~~ 4751.33. (A) The board of executives of 50588
long-term services and supports may, in its discretion, reissue a 50589
nursing home administrator license or registration, or both, 50590
temporary nursing home administrator license, or health services 50591
executive license to any ~~person~~ individual whose license or 50592
registration, or both, temporary license has been ~~revoked.~~ 50593

~~(B)~~ revoked. Application for the reissuance of ~~a license or~~ 50594
~~registration, or both,~~ shall not be made prior to one year after 50595
revocation and shall be made in such manner as the board may 50596
direct. 50597

~~(C)~~(B) If ~~a person~~ an individual who has been convicted of, 50598
or pleaded guilty to, a felony is subsequently pardoned by the 50599
governor of the state where such conviction or plea was had or by 50600
the president of the United States, or receives a final release 50601
granted by the adult parole authority of this state or its 50602
equivalent agency of another state, the board may, in its 50603
discretion, on application of ~~such person~~ the individual and on 50604
the submission of evidence satisfactory to the board, ~~restore to~~ 50605
~~such person~~ the individual's nursing home ~~administrator's~~ 50606
administrator license or registration, temporary nursing home 50607
administrator license, or both health services executive license. 50608

~~Sec. 4751.12~~ 4751.35. On receipt of a notice pursuant to 50609
section 3123.43 of the Revised Code, the board of executives of 50610
long-term services and supports shall comply with sections 3123.41 50611
to 3123.50 of the Revised Code and any applicable rules adopted 50612
under section 3123.63 of the Revised Code with respect to a 50613
license or temporary license issued pursuant to this chapter. 50614

~~Sec. 4751.13~~ 4751.36. The board of executives of long-term 50615
services and supports shall comply with section 4776.20 of the 50616
Revised Code. 50617

Sec. 4751.37. The board of executives of long-term services 50618
and supports shall take such actions as may be necessary to enable 50619
the state to meet the requirements set forth in section 1908 of 50620
the "Social Security Act," 42 U.S.C. 1396g. 50621

Sec. 4751.38. The board of executives of long-term services 50622
and supports shall create opportunities for the education, 50623
training, and credentialing of nursing home administrators, 50624
persons in leadership positions who practice in long-term services 50625
and supports settings or who direct the practices of others in 50626
those settings, and persons interested in serving in those roles. 50627
In carrying out this duty, the board shall do both the following: 50628

(A) Identify core competencies and areas of knowledge that 50629
are appropriate for nursing home administrators, credentialed 50630
individuals, and others working within the long-term services and 50631
supports settings system, with an emphasis on all of the 50632
following: 50633

(1) Leadership; 50634

(2) Person-centered care; 50635

(3) Principles of management within both the business and 50636

regulatory environments; 50637

(4) An understanding of all post-acute settings, including 50638
transitions from acute settings and between post-acute settings. 50639

(B) Assist in the development of a strong, competitive market 50640
in this state for making training, continuing education, and 50641
degree programs available to individuals seeking to practice 50642
nursing home administration, serve in a leadership position at a 50643
long-term services and support setting, or direct the practice of 50644
others in such a setting. 50645

Sec. ~~4751.043~~ 4751.381. (A) Training and education programs 50646
developed by the board of executives of long-term services and 50647
supports pursuant to ~~division (A)(10) of section 4751.04~~ 4751.38 50648
of the Revised Code may be conducted in person or through 50649
electronic media. The board may establish and charge a fee for the 50650
education and training programs. 50651

(B) The board may enter into a contract with a government or 50652
private entity to perform the board's duties under ~~division~~ 50653
~~(A)(10) of section 4751.04~~ 4751.38 of the Revised Code to develop 50654
and conduct education and training programs. If the board enters 50655
into such a contract, the contract may authorize the entity to pay 50656
any or all costs associated with the education or training 50657
programs and to collect and keep, as all or part of the entity's 50658
compensation under the contract, any fee an applicant for 50659
education or training pays to enroll in the education or training 50660
program. 50661

Sec. 4751.40. Each licensed nursing home administrator, 50662
licensed temporary nursing home administrator, and licensed health 50663
services executive shall report to the board of executives of 50664
long-term services and supports any change in any of the following 50665
not later than ten days after the change: 50666

The imposition of fines pursuant to this section does not 50696
preclude the imposition of any civil penalties or fines authorized 50697
~~under~~ by section ~~4751.04~~ 4751.32 or any other section of the 50698
Revised Code. 50699

Sec. 4757.10. (A) The counselor, social worker, and marriage 50700
and family therapist board may adopt any rules necessary to carry 50701
out this chapter. 50702

(B) The board shall adopt rules that do all of the following: 50703

~~(A)~~(1) Concern intervention for and treatment of any impaired 50704
person holding a license or certificate of registration issued 50705
under this chapter; 50706

~~(B)~~(2) Establish standards for training and experience of 50707
supervisors described in division (C) of section 4757.30 of the 50708
Revised Code; 50709

~~(C)~~(3) Define the requirement that an applicant be of good 50710
moral character in order to be licensed or registered under this 50711
chapter; 50712

~~(D)~~(4) Establish requirements for criminal records checks of 50713
applicants under section 4776.03 of the Revised Code; 50714

~~(E)~~(5) Establish a graduated system of fines based on the 50715
scope and severity of violations and the history of compliance, 50716
not to exceed five hundred dollars per incident, that any 50717
professional standards committee of the board may charge for a 50718
disciplinary violation described in section 4757.36 of the Revised 50719
Code; 50720

~~(F)~~(6) Establish the amount and content of corrective action 50721
courses required by the board under section ~~4755.36~~ 4757.36 of the 50722
Revised Code; 50723

~~(G)~~(7) Provide for voluntary registration of all of the 50724
following: 50725

(1)(a) Master's level counselor trainees enrolled in practice and internships;	50726 50727
(2)(b) Master's level social worker trainees enrolled in fieldwork, practice, and internships;	50728 50729
(3)(c) Master's level marriage and family therapist trainees enrolled in practice and internships.	50730 50731
<u>(8) Establish a schedule of deadlines for renewal.</u>	50732
<u>(C)</u> Rules adopted under division (C) <u>(B)(7)</u> of this section shall not require a trainee to register with the board, and if a trainee has not registered, shall prohibit any adverse effect with respect to a trainee's application for licensure by the board.	50733 50734 50735 50736
<u>(D)</u> All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. When it adopts rules under this section or any other section of this chapter, the board may consider standards established by any national association or other organization representing the interests of those involved in professional counseling, social work, or marriage and family therapy.	50737 50738 50739 50740 50741 50742 50743
Sec. 4757.13. (A) Each individual who engages in the practice of professional counseling, social work, or marriage and family therapy shall prominently display, in a conspicuous place in the office or place where a major portion of the individual's practice is conducted, and in such a manner as to be easily seen and read, the license granted to the individual by the state counselor, social worker, and marriage and family therapist board.	50744 50745 50746 50747 50748 50749 50750
(B) <u>A person holding a license holder issued under this chapter who is engaged in a private individual practice, partnership, or group practice shall prominently display the license holder's fee schedule in the office or place where a major portion of the license holder's practice is conducted. The bottom</u>	50751 50752 50753 50754 50755

of the first page of the fee schedule shall include the following 50756
statement, which shall be followed by the name, address, and 50757
telephone number of the board: 50758

"This information is required by the Counselor, Social 50759
Worker, and Marriage and Family Therapist Board, which regulates 50760
the practices of professional counseling, social work, and 50761
marriage and family therapy in this state." 50762

Sec. 4757.18. The counselor, social worker, and marriage and 50763
family therapist board may enter into a reciprocal agreement with 50764
any state that regulates individuals practicing in the same 50765
capacities as those regulated under this chapter if the board 50766
finds that the state has requirements substantially equivalent to 50767
the requirements this state has for receipt of a license or 50768
certificate of registration under this chapter. In a reciprocal 50769
agreement, the board agrees to issue the appropriate license or 50770
certificate of registration to any resident of the other state 50771
whose practice is currently authorized by that state if that 50772
state's regulatory body agrees to authorize the appropriate 50773
practice of any resident of this state who holds a valid license 50774
or certificate of registration issued under this chapter. 50775

The Subject to section 4757.25 of the Revised Code, the 50776
professional standards committees of the board may, by 50777
endorsement, issue the appropriate license or certificate of 50778
registration to a resident of a state with which the board does 50779
not have a reciprocal agreement, if the person submits proof 50780
satisfactory to the committee of currently being licensed, 50781
certified, registered, or otherwise authorized to practice by that 50782
state. 50783

Sec. 4757.22. (A) The counselors professional standards 50784
committee of the counselor, social worker, and marriage and family 50785

therapist board shall issue a license to practice as a licensed 50786
professional clinical counselor to each applicant who submits a 50787
properly completed application, pays the fee established under 50788
section 4757.31 of the Revised Code, and meets the requirements 50789
specified in division (B) of this section. 50790

(B)(1) To be eligible for a licensed professional clinical 50791
counselor license, an individual must meet the following 50792
requirements: 50793

(a) The individual must be of good moral character. 50794

(b) The individual must hold a graduate degree in counseling 50795
as described in division (B)(2) of this section. 50796

(c) The individual must complete a minimum of ninety quarter 50797
hours or sixty semester hours of graduate credit in counselor 50798
training acceptable to the committee, including instruction in the 50799
following areas: 50800

(i) Clinical psychopathology, personality, and abnormal 50801
behavior; 50802

(ii) Evaluation of mental and emotional disorders; 50803

(iii) Diagnosis of mental and emotional disorders; 50804

(iv) Methods of prevention, intervention, and treatment of 50805
mental and emotional disorders. 50806

(d) The individual must complete, in either a private or 50807
clinical counseling setting, supervised experience in counseling 50808
that is of a type approved by the committee, is supervised by a 50809
licensed professional clinical counselor or other qualified 50810
professional approved by the committee, and is in the following 50811
amounts: 50812

(i) In the case of an individual holding only a master's 50813
degree, not less than two years of experience, which must be 50814

completed after the award of the master's degree; 50815

(ii) In the case of an individual holding a doctorate, not 50816
less than one year of experience, which must be completed after 50817
the award of the doctorate. 50818

(e) The individual must pass a field evaluation that meets 50819
the following requirements: 50820

(i) Has been completed by the applicant's instructors, 50821
employers, supervisors, or other persons determined by the 50822
committee to be competent to evaluate an individual's professional 50823
competence; 50824

(ii) Includes documented evidence of the quality, scope, and 50825
nature of the applicant's experience and competence in diagnosing 50826
and treating mental and emotional disorders. 50827

(f) The individual must pass an examination administered by 50828
the board for the purpose of determining ability to practice as a 50829
licensed professional clinical counselor. 50830

(2) To meet the requirement of division (B)(1)(b) of this 50831
section, a graduate degree in counseling obtained from a ~~mental~~ 50832
~~health~~ counseling program in this state after January 1, 2018, 50833
must be from one of the following: 50834

(a) A ~~clinical mental health counseling program, a clinical~~ 50835
~~rehabilitation counseling program, or an addiction~~ counseling 50836
program accredited by the council for accreditation of counseling 50837
and related educational programs; 50838

(b) A counseling education program approved by the board in 50839
accordance with rules adopted by the board under division (G) of 50840
this section. 50841

(3) All of the following meet the educational requirements of 50842
division (B)(1)(c) of this section: 50843

(a) A clinical mental health counseling program accredited by 50844

the council for accreditation of counseling and related 50845
educational programs; 50846

(b) Until January 1, 2018, a mental health counseling program 50847
accredited by the council for accreditation of counseling and 50848
related educational programs; 50849

(c) A graduate degree in counseling issued by another state 50850
from a clinical mental health counseling program, a clinical 50851
rehabilitation counseling program, or an addiction counseling 50852
program that is accredited by the council for accreditation of 50853
counseling and related educational programs; 50854

(d) A counseling education program approved by the board in 50855
accordance with rules adopted under division (G) of this section. 50856

(C) To be accepted by the committee for purposes of division 50857
(B) of this section, counselor training must include at least the 50858
following: 50859

(1) Instruction in human growth and development; counseling 50860
theory; counseling techniques; group dynamics, processing, and 50861
counseling; appraisal of individuals; research and evaluation; 50862
professional, legal, and ethical responsibilities; social and 50863
cultural foundations; and lifestyle and career development; 50864

(2) Participation in a supervised practicum and clinical 50865
internship in counseling. 50866

(D) The committee may issue a temporary license to an 50867
applicant who meets all of the requirements to be licensed under 50868
this section, pending the receipt of transcripts or action by the 50869
committee to issue a license to practice as a licensed 50870
professional clinical counselor. 50871

(E) An individual may not sit for the licensing examination 50872
unless the individual meets the educational requirements to be 50873
licensed under this section. An individual who is denied admission 50874

to the licensing examination may appeal the denial in accordance 50875
with Chapter 119. of the Revised Code. 50876

(F) The board shall adopt any rules necessary for the 50877
committee to implement this section. The rules shall do both of 50878
the following: 50879

(1) Establish criteria for the committee to use in 50880
determining whether an applicant's training should be accepted and 50881
supervised experience approved; 50882

(2) Establish course content requirements for qualifying 50883
counseling degrees issued by institutions in other states from 50884
clinical mental health counseling programs, clinical 50885
rehabilitation counseling programs, and addiction counseling 50886
programs that are not accredited by the council for accreditation 50887
of counseling and related educational programs. 50888

Rules adopted under this division shall be adopted in 50889
accordance with Chapter 119. of the Revised Code. 50890

(G)(1) The board may adopt rules to temporarily approve a 50891
counseling education program created after January 1, 2018, that 50892
has not been accredited by the council for accreditation of 50893
counseling and related educational programs. If the board adopts 50894
rules under this division, the board shall do all of the following 50895
in the rules: 50896

(a) Create an application process under which a program 50897
administrator may apply to the board for approval of the program; 50898

(b) Identify the educational requirements that an individual 50899
must satisfy to receive a graduate degree in counseling from the 50900
approved program; 50901

(c) Establish a time period during which an individual may 50902
use an unaccredited degree granted under the program to satisfy 50903
the requirements of divisions (B)(1)(b) and (c) of this section; 50904

(d) Specify that, if the program is denied accreditation, a student enrolled in the program before the accreditation is denied may apply for licensure before completing the program and, on receiving a degree from the program, is considered to satisfy divisions (B)(1)(b) and (c) of this section.

(2) A degree from a counseling education program approved by the board pursuant to the rules adopted under division (G)(1) of this section satisfies the requirements of divisions (B)(1)(b) and (c) of this section for the time period approved by the board.

Sec. 4757.23. (A) The counselors professional standards committee of the counselor, social worker, and marriage and family therapist board shall issue a license as a licensed professional counselor to each applicant who submits a properly completed application, pays the fee established under section 4757.31 of the Revised Code, and meets the requirements established under division (B) of this section.

(B)(1) To be eligible for a license as a licensed professional counselor, an individual must meet the following requirements:

(a) The individual must be of good moral character.

(b) The individual must hold a graduate degree in counseling as described in division (B)(2) of this section.

(c) The individual must complete a minimum of ninety quarter hours or sixty semester hours of graduate credit in counselor training acceptable to the committee, which the individual may complete while working toward receiving a graduate degree in counseling, or subsequent to receiving the degree, and which shall include training in the following areas:

(i) Clinical psychopathology, personality, and abnormal behavior;

(ii) Evaluation of mental and emotional disorders;	50935
(iii) Diagnosis of mental and emotional disorders;	50936
(iv) Methods of prevention, intervention, and treatment of mental and emotional disorders.	50937 50938
(d) The individual must pass an examination administered by the board for the purpose of determining ability to practice as a licensed professional counselor.	50939 50940 50941
(2) To meet the requirement of division (B)(1)(b) of this section, a graduate degree in counseling obtained from a mental health counseling program in this state after January 1, 2018, must be from one of the following:	50942 50943 50944 50945
(a) A clinical mental health counseling program, clinical rehabilitation counseling program, or addiction counseling program accredited by the council for accreditation of counseling and related educational programs;	50946 50947 50948 50949
(b) A counseling education program approved by the board in accordance with rules adopted by the board under division (G) of this section.	50950 50951 50952
(3) All of the following meet the educational requirements of division (B)(1)(c) of this section:	50953 50954
(a) A clinical mental health counseling program accredited by the council for accreditation of counseling and related educational programs;	50955 50956 50957
(b) Until January 1, 2018, a mental health counseling program accredited by the council for accreditation of counseling and related educational programs;	50958 50959 50960
(c) A graduate degree in counseling issued by an institution in another state from a clinical mental health counseling program, a clinical rehabilitation counseling program, or an addiction counseling program that is accredited by the council for	50961 50962 50963 50964

accreditation of counseling and related educational programs; 50965

(d) A counseling education program approved by the board in 50966
accordance with rules adopted under division (G) of this section. 50967

(C) To be accepted by the committee for purposes of division 50968
(B) of this section, counselor training must include at least the 50969
following: 50970

(1) Instruction in human growth and development; counseling 50971
theory; counseling techniques; group dynamics, processing, and 50972
counseling; appraisal of individuals; research and evaluation; 50973
professional, legal, and ethical responsibilities; social and 50974
cultural foundations; and lifestyle and career development; 50975

(2) Participation in a supervised practicum and clinical 50976
internship in counseling. 50977

(D) The committee may issue a temporary license to practice 50978
as a licensed professional counselor to an applicant who meets all 50979
of the requirements to be licensed under this section as follows: 50980

(1) Pending the receipt of transcripts or action by the 50981
committee to issue a license as a licensed professional counselor; 50982

(2) For a period not to exceed ninety days, to an applicant 50983
who provides the board with a statement from the applicant's 50984
academic institution indicating that the applicant has met the 50985
academic requirements for the applicant's degree and the projected 50986
date the applicant will receive the applicant's transcript showing 50987
a conferred degree. 50988

On application to the committee, a temporary license issued 50989
under division (D)(2) of this section may be renewed for good 50990
cause shown. 50991

(E) An individual may not sit for the licensing examination 50992
unless the individual meets the educational requirements to be 50993
licensed under this section. An individual who is denied admission 50994

to the licensing examination may appeal the denial in accordance 50995
with Chapter 119. of the Revised Code. 50996

(F) The board shall adopt any rules necessary for the 50997
committee to implement this section. The rules shall do both of 50998
the following: 50999

(1) Establish criteria for the committee to use in 51000
determining whether an applicant's training should be accepted and 51001
supervised experience approved; 51002

(2) Establish course content requirements for qualifying 51003
counseling degrees issued by institutions in other states from 51004
clinical mental health counseling programs, clinical 51005
rehabilitation counseling programs, and addiction counseling 51006
programs that are not accredited by the council for accreditation 51007
of counseling and related educational programs. 51008

Rules adopted under this division shall be adopted in 51009
accordance with Chapter 119. of the Revised Code. 51010

(G)(1) The board may adopt rules to temporarily approve a 51011
counseling education program created after January 1, 2018, that 51012
has not been accredited by the council for accreditation of 51013
counseling and related educational programs. If the board adopts 51014
rules under this division, the board shall do all of the following 51015
in the rules: 51016

(a) Create an application process under which a program 51017
administrator may apply to the board for approval of the program; 51018

(b) Identify the educational requirements that an individual 51019
must satisfy to receive a graduate degree in counseling from the 51020
approved program; 51021

(c) Establish a time period during which an individual may 51022
use an unaccredited degree granted under the program to satisfy 51023
the requirements of divisions (B)(1)(b) and (c) of this section; 51024

(d) Specify that, if the program is denied accreditation, a student enrolled in the program before the accreditation is denied may apply for licensure before completing the program and, on receiving a degree from the program, is considered to satisfy divisions (B)(1)(b) and (c) of this section.

(2) A degree from a counseling education program approved by the board pursuant to the rules adopted under division (G)(1) of this section satisfies the requirements of divisions (B)(1)(b) and (c) of this section for the time period approved by the board.

Sec. 4757.25. (A) Notwithstanding any provision in sections 4757.22 and 4757.23 of the Revised Code to the contrary, the counselors professional standards committee of the counselor, social worker, and marriage and family therapist board may, by endorsement, issue a license to practice as a licensed professional clinical counselor or a licensed professional counselor to a person who is authorized to practice in another state even though the person does not hold a graduate degree in counseling if the person meets all of the following requirements:

(1) The person has a graduate degree in a field of study that demonstrates an education in the diagnosis and treatment of mental and emotional disorders.

(2) The person has continuously engaged in the practice of professional counseling in the other state for a period of five years or more immediately preceding the date the application is submitted.

(3) The person's scope of practice in the other state is comparable to the scope of practice associated with the license the person is requesting.

(4) The person's license, certificate, registration, or other authorization to practice in the other state is in good standing

at the time the person submits the application. 51055

(5) The person has not been disciplined by the regulatory authority of the other state that issued the license, certificate, registration, or other authorization for a period of five years or more preceding the date the application is submitted. 51056
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(6) The person has achieved a passing score on the examination required by the board for licensure as a licensed professional clinical counselor or a licensed professional counselor, as applicable. 51060
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(B) To meet the requirement of division (A)(1) of this section, the coursework the person completed to obtain the graduate degree must be comparable to the coursework required to obtain a degree in clinical mental health counseling from a program accredited by the council for accreditation of counseling and related educational programs. 51064
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(C) Before issuing a license to practice as a licensed professional clinical counselor by endorsement under this section, the committee shall require an applicant to complete not less than seven hundred fifty hours of supervised experience that is of a type approved by the committee. 51070
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Sec. 4757.32. A license or certificate of registration issued under this chapter ~~expires two years after it is issued and is~~ valid without further recommendation or examination until revoked or suspended or until the license or certificate of registration expires for failure to renew as provided for in this section. 51075
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Licenses and certificates of registration shall be renewed biennially in accordance with the schedule established in rules adopted by the counselor, social worker, and marriage and family therapist board under section 4757.10 of the Revised Code. A license or certificate of registration may be renewed in accordance with the standard renewal procedure established under 51080
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Chapter 4745. of the Revised Code. 51086

Subject to section 4757.36 of the Revised Code, the staff of 51087
the appropriate professional standards committee of the ~~counselor,~~ 51088
~~social worker, and marriage and family therapist~~ board shall, on 51089
behalf of each committee, issue a renewed license or certificate 51090
of registration to each applicant who has paid the renewal fee 51091
established by the board under section 4757.31 of the Revised Code 51092
and satisfied the continuing education requirements established by 51093
the board under section 4757.33 of the Revised Code. 51094

A license or certificate of registration that is not renewed 51095
lapses on its expiration date. A license or certificate of 51096
registration that has lapsed may be restored if the individual, 51097
not later than two years after the license or certificate expired, 51098
applies for restoration of the license or certificate. The staff 51099
of the appropriate professional standards committee shall issue a 51100
restored license or certificate of registration to the applicant 51101
if the applicant pays the renewal fee established under section 51102
4757.31 of the Revised Code and satisfies the continuing education 51103
requirements established under section 4757.33 of the Revised Code 51104
for restoring the license or certificate of registration. The 51105
board and its professional standards committees shall not require 51106
a person to take an examination as a condition of having a lapsed 51107
license or certificate of registration restored. 51108

Sec. 4759.02. (A) Except as otherwise provided in this 51109
section or in section 4759.10 of the Revised Code, no person shall 51110
practice, offer to practice, or hold self forth to practice 51111
dietetics unless the person has been licensed under section 51112
4759.06 of the Revised Code. 51113

(B) Except for a person licensed under section 4759.06 of the 51114
Revised Code, or as otherwise provided in this section or in 51115

section 4759.10 of the Revised Code: 51116

(1) No person shall use the title "dietitian"; 51117

(2) No person except for a person licensed under Title XLVII 51118
of the Revised Code, when acting within the scope of their 51119
practice, shall use any other title, designation, words, letters, 51120
abbreviation, or insignia or combination of any title, 51121
designation, words, letters, abbreviation, or insignia tending to 51122
indicate that the person is practicing dietetics. 51123

(C) Notwithstanding division (B) of this section, a person 51124
who is a dietitian registered by the commission on dietetic 51125
registration and who does not violate division (A) of this section 51126
may use the designation "registered dietitian" and the 51127
abbreviation "R.D." 51128

(D) Division (A) of this section does not apply to: 51129

(1) A student enrolled in an academic program that is in 51130
compliance with division (A)(4) of section 4759.06 of the Revised 51131
Code who is engaging in the practice of dietetics under the 51132
supervision of a dietitian licensed under section 4759.06 of the 51133
Revised Code or a dietitian registered by the commission on 51134
dietetic registration, as part of the academic program; 51135

(2) A person participating in the pre-professional experience 51136
required by division (A)(5) of section 4759.06 of the Revised 51137
Code; 51138

(3) A person holding a limited permit under division ~~(E)~~(G) 51139
of section 4759.06 of the Revised Code. 51140

(E) The attorney general, the prosecuting attorney of any 51141
county in which the offense was committed or the offender resides, 51142
the state medical board, or any other person having knowledge of a 51143
person who either directly or by complicity is in violation of 51144
this section, may, in accordance with provisions of the Revised 51145

Code governing injunctions, maintain an action in the name of the 51146
state to enjoin any person from engaging either directly or by 51147
complicity in the unlawful activity by applying for an injunction 51148
in the Franklin county court of common pleas or any other court of 51149
competent jurisdiction. 51150

Prior to application for such injunction, the secretary of 51151
the state medical board shall notify the person allegedly engaged 51152
either directly or by complicity in the unlawful activity by 51153
registered mail that the secretary has received information 51154
indicating that the person is so engaged. The person shall answer 51155
the secretary within thirty days showing that the person is either 51156
properly licensed for the stated activity or that the person is 51157
not in violation of this chapter. If the answer is not forthcoming 51158
within thirty days after notice by the secretary, the secretary 51159
shall request that the attorney general, the prosecuting attorney 51160
of the county in which the offense was committed or the offender 51161
resides, or the state medical board proceed as authorized in this 51162
section. 51163

Upon the filing of a verified petition in court, the court 51164
shall conduct a hearing on the petition and shall give the same 51165
preference to this proceeding as is given all proceedings under 51166
Chapter 119. of the Revised Code, irrespective of the position of 51167
the proceeding on the calendar of the court. Injunction 51168
proceedings shall be in addition to, and not in lieu of, all 51169
penalties and other remedies provided under this chapter. 51170

Sec. 4759.05. (A) The state medical board shall adopt, amend, 51171
or rescind rules pursuant to Chapter 119. of the Revised Code to 51172
carry out the provisions of this chapter, including rules 51173
governing the following: 51174

(1) Selection and approval of a dietitian licensure 51175
examination offered by the commission on dietetic registration or 51176

any other examination;	51177
(2) The examination of applicants for licensure as a dietitian, as required under division (A) of section 4759.06 of the Revised Code;	51178 51179 51180
(3) Requirements for pre-professional dietetic experience of applicants for licensure as a dietitian that are at least equivalent to the requirements adopted by the commission on dietetic registration;	51181 51182 51183 51184
(4) Requirements for a person holding a limited permit under division (E) (G) of section 4759.06 of the Revised Code, including the duration of validity of a limited permit and procedures for renewal;	51185 51186 51187 51188
(5) Continuing education requirements for renewal of a license, including rules providing for pro rata reductions by month of the number of hours of continuing education that must be completed for license holders who are in their first renewal period, have been disabled by illness or accident, or have been absent from the country. Rules adopted under this division shall be consistent with the continuing education requirements adopted by the commission on dietetic registration.	51189 51190 51191 51192 51193 51194 51195 51196
(6) Any additional education requirements the board considers necessary, for applicants who have not practiced dietetics within five years of the initial date of application for licensure;	51197 51198 51199
(7) Standards of professional responsibility and practice for persons licensed under this chapter that are consistent with those standards of professional responsibility and practice adopted by the academy of nutrition and dietetics;	51200 51201 51202 51203
(8) Formulation of an application form for licensure or license renewal;	51204 51205
(9) Procedures for license renewal;	51206

(10) Requirements for criminal records checks of applicants 51207
under section 4776.03 of the Revised Code. 51208

(B)(1) The board shall investigate evidence that appears to 51209
show that a person has violated any provision of this chapter or 51210
any rule adopted under it. Any person may report to the board in a 51211
signed writing any information that the person may have that 51212
appears to show a violation of any provision of this chapter or 51213
any rule adopted under it. In the absence of bad faith, any person 51214
who reports information of that nature or who testifies before the 51215
board in any adjudication conducted under Chapter 119. of the 51216
Revised Code shall not be liable in damages in a civil action as a 51217
result of the report or testimony. Each complaint or allegation of 51218
a violation received by the board shall be assigned a case number 51219
and shall be recorded by the board. 51220

(2) Investigations of alleged violations of this chapter or 51221
any rule adopted under it shall be supervised by the supervising 51222
member elected by the board in accordance with section 4731.02 of 51223
the Revised Code and by the secretary as provided in section 51224
4759.012 of the Revised Code. The president may designate another 51225
member of the board to supervise the investigation in place of the 51226
supervising member. No member of the board who supervises the 51227
investigation of a case shall participate in further adjudication 51228
of the case. 51229

(3) In investigating a possible violation of this chapter or 51230
any rule adopted under this chapter, the board may issue 51231
subpoenas, question witnesses, conduct interviews, administer 51232
oaths, order the taking of depositions, inspect and copy any 51233
books, accounts, papers, records, or documents, and compel the 51234
attendance of witnesses and the production of books, accounts, 51235
papers, records, documents, and testimony, except that a subpoena 51236
for patient record information shall not be issued without 51237
consultation with the attorney general's office and approval of 51238

the secretary and supervising member of the board. 51239

Before issuance of a subpoena for patient record information, 51240
the secretary and supervising member shall determine whether there 51241
is probable cause to believe that the complaint filed alleges a 51242
violation of this chapter or any rule adopted under it and that 51243
the records sought are relevant to the alleged violation and 51244
material to the investigation. The subpoena may apply only to 51245
records that cover a reasonable period of time surrounding the 51246
alleged violation. 51247

On failure to comply with any subpoena issued by the board 51248
and after reasonable notice to the person being subpoenaed, the 51249
board may move for an order compelling the production of persons 51250
or records pursuant to the Rules of Civil Procedure. 51251

A subpoena issued by the board may be served by a sheriff, 51252
the sheriff's deputy, or a board employee or agent designated by 51253
the board. Service of a subpoena issued by the board may be made 51254
by delivering a copy of the subpoena to the person named therein, 51255
reading it to the person, or leaving it at the person's usual 51256
place of residence, usual place of business, or address on file 51257
with the board. When serving a subpoena to an applicant for or the 51258
holder of a license or limited permit issued under this chapter, 51259
service of the subpoena may be made by certified mail, return 51260
receipt requested, and the subpoena shall be deemed served on the 51261
date delivery is made or the date the person refuses to accept 51262
delivery. If the person being served refuses to accept the 51263
subpoena or is not located, service may be made to an attorney who 51264
notifies the board that the attorney is representing the person. 51265

A sheriff's deputy who serves a subpoena shall receive the 51266
same fees as a sheriff. Each witness who appears before the board 51267
in obedience to a subpoena shall receive the fees and mileage 51268
provided for under section 119.094 of the Revised Code. 51269

(4) All hearings, investigations, and inspections of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code.

(5) A report required to be submitted to the board under this chapter, a complaint, or information received by the board pursuant to an investigation is confidential and not subject to discovery in any civil action.

The board shall conduct all investigations or inspections and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The board shall not make public the names or any other identifying information about patients or complainants unless proper consent is given.

The board may share any information it receives pursuant to an investigation or inspection, including patient records and patient record information, with law enforcement agencies, other licensing boards, and other governmental agencies that are prosecuting, adjudicating, or investigating alleged violations of statutes or administrative rules. An agency or board that receives the information shall comply with the same requirements regarding confidentiality as those with which the state medical board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency or board that applies when it is dealing with other information in its possession. In a judicial proceeding, the information may be admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the state medical board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court

include sealing its records or deleting specific information from
its records.

(6) On a quarterly basis, the board shall prepare a report
that documents the disposition of all cases during the preceding
three months. The report shall contain the following information
for each case with which the board has completed its activities:

(a) The case number assigned to the complaint or alleged
violation;

(b) The type of license, if any, held by the individual
against whom the complaint is directed;

(c) A description of the allegations contained in the
complaint;

(d) The disposition of the case.

The report shall state how many cases are still pending and
shall be prepared in a manner that protects the identity of each
person involved in each case. The report shall be a public record
under section 149.43 of the Revised Code.

(C) The board shall keep records as are necessary to carry
out the provisions of this chapter.

(D) The board shall maintain and publish on its internet web
site the board's rules and requirements for licensure adopted
under division (A) of this section.

Sec. 4759.06. (A) The state medical board shall issue a
license to practice dietetics to an applicant who meets all of the
following requirements:

(1) Has satisfactorily completed an application for licensure
in accordance with rules adopted under division (A) of section
4759.05 of the Revised Code;

(2) Has paid the fee required under division (A) of section

4759.08 of the Revised Code; 51331

(3) Is of good moral character; 51332

(4) Has received a baccalaureate or higher degree from an 51333
institution of higher education that is approved by the board or a 51334
regional accreditation agency that is recognized by the council on 51335
postsecondary accreditation, and has completed a program 51336
consistent with the academic standards for dietitians established 51337
by the academy of nutrition and dietetics; 51338

(5) Has successfully completed a pre-professional dietetic 51339
experience approved by the academy of nutrition and dietetics, or 51340
experience approved by the board under division (A)(3) of section 51341
4759.05 of the Revised Code; 51342

(6) Has passed the examination approved by the board under 51343
division (A)(1) of section 4759.05 of the Revised Code. 51344

(B) The board shall waive the requirements of divisions 51345
(A)(4), (5), and (6) of this section and any rules adopted under 51346
division (A)(6) of section 4759.05 of the Revised Code if the 51347
applicant presents satisfactory evidence to the board of current 51348
registration as a registered dietitian with the commission on 51349
dietetic registration. 51350

(C)(1) The board shall issue a license to practice dietetics 51351
to an applicant who meets the requirements of division (A) of this 51352
section. A license ~~issued before July 1, 2018, shall expire on~~ 51353
~~June 30, 2018. A license issued on or after July 1, 2018, shall be~~ 51354
valid for a two-year period unless revoked or suspended by the 51355
board and shall expire on the thirtieth day of June of the next 51356
even-numbered year date that is two years after the date of 51357
issuance. A license may be renewed for additional two-year 51358
periods. 51359

(2) The board shall renew an applicant's license if the 51360
applicant ~~meets the continuing education requirements adopted~~ 51361

~~under division (A)(5) of section 4759.05 of the Revised Code and~~ 51362
has paid the license renewal fee specified in section 4759.08 of 51363
the Revised Code and certifies to the board that the applicant has 51364
met the continuing education requirements adopted under division 51365
(A)(5) of section 4759.05 of the Revised Code. The renewal shall 51366
be pursuant to the standard renewal procedure of sections 4745.01 51367
to 4745.03 of the Revised Code. 51368

At least one month before a license expires, the board shall 51369
provide a renewal notice. Failure of any person to receive a 51370
notice of renewal from the board shall not excuse the person from 51371
the requirements contained in this section. Each person holding a 51372
license shall give notice to the board of a change in the license 51373
holder's residence address, business address, or electronic mail 51374
address not later than thirty days after the change occurs. 51375

(D) Any person licensed to practice dietetics by the former 51376
Ohio board of dietetics before January 21, 2018, may continue to 51377
practice dietetics in this state under that license if the person 51378
continues to meet the requirements to renew a license under this 51379
chapter and renews the license through the state medical board. 51380

The state medical board may take any of the following 51381
actions, as provided in section 4759.07 of the Revised Code, 51382
against the holder of a license to practice dietetics issued 51383
before January 21, 2018, by the former Ohio board of dietetics: 51384

- (1) Limit, revoke, or suspend the holder's license; 51385
- (2) Refuse to renew or reinstate the holder's license; 51386
- (3) Reprimand the holder or place the holder on probation. 51387

(E) The board may require a random sample of dietitians to 51388
submit materials documenting that the continuing education 51389
requirements adopted under division (A)(5) of section 4759.05 of 51390
the Revised Code have been met. 51391

This division does not limit the board's authority to conduct investigations pursuant to section 4759.07 of the Revised Code. 51392
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(F)(1) If, through a random sample conducted under division (E) of this section or any other means, the board finds that an individual who certified completion of the number of hours and type of continuing education required to renew, reinstate, or restore a license to practice did not complete the requisite continuing education, the board may do either of the following: 51394
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(a) Take disciplinary action against the individual under section 4759.07 of the Revised Code, impose a civil penalty, or both; 51400
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(b) Permit the individual to agree in writing to complete the continuing education and pay a civil penalty. 51403
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(4) The board's finding in any disciplinary action taken under division (F)(1)(a) of this section shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six of its members. 51405
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(5) A civil penalty imposed under division (F)(1)(a) of this section or paid under division (F)(1)(b) of this section shall be in an amount specified by the board of not more than five thousand dollars. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code. 51409
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(G)(1) The board may grant a limited permit to a person who has completed the education and pre-professional requirements of divisions (A)(4) and (5) of this section and who presents evidence to the board of having applied to take the examination approved by the board under division (A)(1) of section 4759.05 of the Revised Code. An application for a limited permit shall be made on forms that the board shall furnish and shall be accompanied by the limited permit fee specified in section 4759.08 of the Revised Code. 51414
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(2) If no grounds apply under section 4759.07 of the Revised Code for denying a license to the applicant and the applicant meets the requirements of division ~~(E)~~(G)(1) of this section, the board shall issue a limited permit to the applicant.

A limited permit expires in accordance with rules adopted under section 4759.05 of the Revised Code. A limited permit may be renewed in accordance with those rules.

~~(3) The board shall maintain a register of all persons holding limited permits under this chapter.~~

~~(4)~~ A person holding a limited permit who has failed the examination shall practice only under the direct supervision of a licensed dietitian.

~~(5)~~(4) The board may revoke a limited permit on proof satisfactory to the board that the permit holder has engaged in practice in this state outside the scope of the permit, that the holder has engaged in unethical conduct, or that grounds for action against the holder exist under section 4759.07 of the Revised Code.

Sec. 4759.062. (A) A license to practice dietetics that is not renewed on or before its expiration date is automatically suspended on its expiration date. Continued practice after suspension shall be considered as practicing in violation of section 4759.02 of the Revised Code.

(B) If a license has been suspended pursuant to division (A) of this section for two years or less, it may be reinstated. The state medical board shall reinstate the license upon the applicant's submission of a complete renewal application and payment of a reinstatement fee of two hundred five dollars.

(C)~~(1)~~ If a license has been suspended pursuant to division (A) of this section for more than two years, it may be restored.

~~The Subject to section 4759.063 of the Revised Code, the board may restore the license upon an applicant's submission of a complete restoration application and a restoration fee of two hundred thirty dollars and compliance with sections 4776.01 to 4776.04 of the Revised Code. The board shall not restore a license unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4759.06 of the Revised Code.~~

~~(2) The board may impose terms and conditions for the restoration, including any one or more of the following:~~

~~(a) Requiring the applicant to pass an oral or written examination, or both, to determine the applicant's present fitness to resume practice;~~

~~(b) Requiring the applicant to obtain additional training and to pass an examination upon completion of such training;~~

~~(c) Restricting or limiting the extent, scope, or type of practice of the applicant.~~

Sec. 4759.063. (A) This section applies to both of the following:

(1) An applicant seeking restoration of a license issued under this chapter that has been in a suspended or inactive state for any cause for more than two years;

(2) An applicant seeking issuance of a license pursuant to this chapter who for more than two years has not been engaged in the practice of dietetics as any of the following:

(a) An active practitioner;

(b) A participant in a pre-professional dietetic experience as described in section 4759.06 of the Revised Code;

(c) A student in a program described in section 4759.06 of

the Revised Code. 51482

(B) Before issuing a license to an applicant subject to this section or restoring a license to good standing for an applicant subject to this section, the state medical board may impose terms and conditions including any one or more of the following: 51483
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(1) Requiring the applicant to pass an oral or written examination, or both, to determine the applicant's present fitness to resume practice; 51487
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(2) Requiring the applicant to obtain additional training and to pass an examination upon completion of such training; 51490
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(3) Requiring an assessment of the applicant's physical skills for purposes of determining whether the applicant's coordination, fine motor skills, and dexterity are sufficient for performing evaluations and procedures in a manner that meets the minimal standards of care; 51492
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(4) Requiring an assessment of the applicant's skills in recognizing and understanding diseases and conditions; 51497
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(5) Requiring the applicant to undergo a comprehensive physical examination, which may include an assessment of physical abilities, evaluation of sensory capabilities, or screening for the presence of neurological disorders; 51499
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(6) Restricting or limiting the extent, scope, or type of practice of the applicant. 51503
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The board shall consider the moral background and the activities of the applicant during the period of suspension or inactivity. The board shall not issue or restore a license under this section unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code. 51505
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Sec. 4760.02. (A) Except as provided in division (B) of this section, no person shall practice as an anesthesiologist assistant 51510
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unless the person holds a current, valid ~~certificate~~ license 51512
issued under this chapter to practice as an anesthesiologist 51513
assistant. 51514

(B) Division (A) of this section does not apply to either of 51515
the following: 51516

(1) A person participating in a training program leading 51517
toward certification by the national commission for certification 51518
of anesthesiologist assistants, as long as the person is 51519
supervised by an anesthesiologist, an individual participating in 51520
a hospital residency program in preparation to practice as an 51521
anesthesiologist, or an anesthesiologist assistant who holds a 51522
current, valid ~~certificate to practice~~ license issued under this 51523
chapter; 51524

(2) Any person who otherwise holds professional authority 51525
granted pursuant to the Revised Code to perform any of the 51526
activities that an anesthesiologist assistant is authorized to 51527
perform. 51528

Sec. 4760.03. (A) An individual seeking a ~~certificate~~ license 51529
to practice as an anesthesiologist assistant shall file with the 51530
state medical board a written application on a form prescribed and 51531
supplied by the board. The application shall include all of the 51532
following information: 51533

(1) Evidence satisfactory to the board that the applicant is 51534
at least twenty-one years of age and of good moral character; 51535

(2) Evidence satisfactory to the board that the applicant has 51536
successfully completed the training necessary to prepare 51537
individuals to practice as anesthesiologist assistants, as 51538
specified in section 4760.031 of the Revised Code; 51539

(3) Evidence satisfactory to the board that the applicant 51540
holds current certification from the national commission for 51541

certification of anesthesiologist assistants and that the 51542
requirements for receiving the certification included passage of 51543
an examination to determine the individual's competence to 51544
practice as an anesthesiologist assistant; 51545

(4) Any other information the board considers necessary to 51546
process the application and evaluate the applicant's 51547
qualifications. 51548

(B) At the time of making application for a ~~certificate to~~ 51549
~~practice~~ license, the applicant shall pay the board a fee of one 51550
hundred dollars, no part of which shall be returned. 51551

(C) The board shall review all applications received under 51552
this section. Not later than sixty days after receiving a complete 51553
application, the board shall determine whether an applicant meets 51554
the requirements to receive a ~~certificate to practice~~ license. ~~The~~ 51555
~~affirmative vote of not fewer than six members of the board is~~ 51556
~~required to determine that an applicant meets the requirements for~~ 51557
~~a certificate.~~ The board shall not issue a ~~certificate~~ license to 51558
an applicant unless the applicant is certified by the national 51559
commission for certification of anesthesiologist assistants or a 51560
successor organization that is recognized by the board. 51561

Sec. 4760.031. As a condition of being eligible to receive a 51562
~~certificate~~ license to practice as an anesthesiologist assistant, 51563
an individual must successfully complete the following training 51564
requirements: 51565

(A) A baccalaureate or higher degree program at an 51566
institution of higher education accredited by an organization 51567
recognized by the ~~board of regents~~ department of higher education. 51568
The program must have included courses in the following areas of 51569
study: 51570

(1) General biology; 51571

(2) General chemistry;	51572
(3) Organic chemistry;	51573
(4) Physics;	51574
(5) Calculus.	51575
(B) A training program conducted for the purpose of preparing individuals to practice as anesthesiologist assistants. If the program was completed prior to May 31, 2000, the program must have been completed at case western reserve university or emory university in Atlanta, Georgia. If the program is completed on or after May 31, 2000, the program must be a graduate-level program accredited by the commission on accreditation of allied health education programs or any of the commission's successor organizations. In either case, the training program must have included at least all of the following components:	51576 51577 51578 51579 51580 51581 51582 51583 51584 51585
(1) Basic sciences of anesthesia: physiology, pathophysiology, anatomy, and biochemistry. The courses must be presented as a continuum of didactic courses designed to teach students the foundations of human biological existence on which clinical correlations to anesthesia practice are based.	51586 51587 51588 51589 51590
(2) Pharmacology for the anesthetic sciences. The course must include instruction in the anesthetic principles of pharmacology, pharmacodynamics, pharmacokinetics, uptake and distribution, intravenous anesthetics and narcotics, and volatile anesthetics.	51591 51592 51593 51594
(3) Physics in anesthesia.	51595
(4) Fundamentals of anesthetic sciences, presented as a continuum of courses covering a series of topics in basic medical sciences with special emphasis on the effects of anesthetics on normal physiology and pathophysiology.	51596 51597 51598 51599
(5) Patient instrumentation and monitoring, presented as a continuum of courses focusing on the design of, proper preparation	51600 51601

of, and proper methods of resolving problems that arise with 51602
anesthesia equipment. The courses must provide a balance between 51603
the engineering concepts used in anesthesia instruments and the 51604
clinical application of anesthesia instruments. 51605

(6) Clinically based conferences in which techniques of 51606
anesthetic management, quality assurance issues, and current 51607
professional literature are reviewed from the perspective of 51608
practice improvement. 51609

(7) Clinical experience consisting of at least two thousand 51610
hours of direct patient contact, presented as a continuum of 51611
courses throughout the entirety of the program, beginning with a 51612
gradual introduction of the techniques for the anesthetic 51613
management of patients and culminating in the assimilation of the 51614
graduate of the program into the work force. Areas of instruction 51615
must include the following: 51616

(a) Preoperative patient assessment; 51617

(b) Indwelling vascular catheter placement, including 51618
intravenous and arterial catheters; 51619

(c) Airway management, including mask airway and orotracheal 51620
intubation; 51621

(d) Intraoperative charting; 51622

(e) Administration and maintenance of anesthetic agents, 51623
narcotics, hypnotics, and muscle relaxants; 51624

(f) Administration and maintenance of volatile anesthetics; 51625

(g) Administration of blood products and fluid therapy; 51626

(h) Patient monitoring; 51627

(i) Postoperative management of patients; 51628

(j) Regional anesthesia techniques; 51629

(k) Administration of vasoactive substances for treatment of 51630

unacceptable patient hemodynamic status; 51631

(1) Specific clinical training in all the subspecialties of 51632
anesthesia, including pediatrics, neurosurgery, cardiovascular 51633
surgery, trauma, obstetrics, orthopedics, and vascular surgery. 51634

(8) Basic life support that qualifies the individual to 51635
administer cardiopulmonary resuscitation to patients in need. The 51636
course must include the instruction necessary to be certified in 51637
basic life support by the American red cross or the American heart 51638
association. 51639

(9) Advanced cardiac life support that qualifies the 51640
individual to participate in the pharmacologic intervention and 51641
management resuscitation efforts for a patient in full cardiac 51642
arrest. The course must include the instruction necessary to be 51643
certified in advanced cardiac life support by the American red 51644
cross or the American heart association. 51645

Sec. 4760.032. In addition to any other eligibility 51646
requirement set forth in this chapter, each applicant for a 51647
~~certificate~~ license to practice as an anesthesiologist assistant 51648
shall comply with sections 4776.01 to 4776.04 of the Revised Code. 51649
The state medical board shall not grant to an applicant a 51650
~~certificate~~ license to practice as an anesthesiologist assistant 51651
unless the board, in its discretion, decides that the results of 51652
the criminal records check do not make the applicant ineligible 51653
for a ~~certificate~~ license issued pursuant to section 4760.04 of 51654
the Revised Code. 51655

Sec. 4760.04. If the state medical board determines under 51656
section 4760.03 of the Revised Code that an applicant meets the 51657
requirements for a ~~certificate~~ license to practice as an 51658
anesthesiologist assistant, the secretary of the board shall 51659
register the applicant as an anesthesiologist assistant and issue 51660

to the applicant a ~~certificate~~ license to practice as an 51661
anesthesiologist assistant. The ~~certificate~~ license shall be valid 51662
for a two-year period unless revoked or suspended, shall expire 51663
~~biennially~~ on the date that is two years after the date of 51664
issuance, and may be renewed for additional two-year periods in 51665
accordance with section 4760.06 of the Revised Code. 51666

Sec. 4760.05. On application by the holder of a ~~certificate~~ 51667
license to practice as an anesthesiologist assistant, the state 51668
medical board shall issue a duplicate ~~certificate~~ license to 51669
replace one that is missing or damaged, to reflect a name change, 51670
or for any other reasonable cause. The fee for a duplicate 51671
~~certificate~~ license is thirty-five dollars. 51672

Sec. 4760.06. (A) A person seeking to renew a ~~certificate~~ 51673
license to practice as an anesthesiologist assistant shall, on or 51674
before the ~~thirty first day of January of each even numbered year~~ 51675
license's expiration date, apply to the state medical board for 51676
renewal of the ~~certificate~~ license. The ~~state medical~~ board shall 51677
provide renewal notices to license holders at least one month 51678
prior to the expiration date. 51679

Applications shall be submitted to the board in a manner 51680
prescribed by the board. Each application shall be accompanied by 51681
a biennial renewal fee of one hundred dollars. 51682

The applicant shall report any criminal offense that 51683
constitutes grounds for refusing to issue a ~~certificate~~ license to 51684
practice under section 4760.13 of the Revised Code to which the 51685
applicant has pleaded guilty, of which the applicant has been 51686
found guilty, or for which the applicant has been found eligible 51687
for intervention in lieu of conviction, since last signing an 51688
application for a ~~certificate~~ license to practice as an 51689
anesthesiologist assistant. 51690

(B) To be eligible for renewal, an anesthesiologist assistant must certify to the board that the assistant has maintained certification by the national commission for the certification of anesthesiologist assistants.

(C) If an applicant submits a complete renewal application and qualifies for renewal pursuant to division (B) of this section, the board shall renew the ~~certificate~~ license to practice as an anesthesiologist assistant.

(D) A ~~certificate~~ license to practice that is not renewed on or before its expiration date is automatically suspended on its expiration date. ~~If~~

If a ~~certificate~~ license has been suspended pursuant to this division for two years or less, the board shall reinstate the ~~certificate~~ license upon an applicant's submission of a renewal application, the biennial renewal fee, and the applicable monetary penalty. The penalty for reinstatement is twenty-five dollars. ~~If~~

If a ~~certificate~~ license has been suspended pursuant to this division for more than two years, it may be restored. Subject to section 4760.061 of the Revised Code, the board may restore the license upon an applicant's submission of a restoration application, the biennial renewal fee, and the applicable monetary penalty and compliance with sections 4776.01 to 4776.04 of the Revised Code. The board shall not restore a ~~certificate to practice~~ license unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a certificate issued pursuant to section 4760.04 of the Revised Code. The penalty for restoration is fifty dollars.

Sec. 4760.061. (A) This section applies to both of the following:

<u>(1) An applicant seeking restoration of a license issued</u>	51721
<u>under this chapter that has been in a suspended or inactive state</u>	51722
<u>for any cause for more than two years;</u>	51723
<u>(2) An applicant seeking issuance of a license pursuant to</u>	51724
<u>this chapter who for more than two years has not been practicing</u>	51725
<u>as an anesthesiologist assistant as either of the following:</u>	51726
<u>(a) An active practitioner;</u>	51727
<u>(b) A participant in a training program as described in</u>	51728
<u>section 4760.031 of the Revised Code.</u>	51729
<u>(B) Before issuing a license or certificate to an applicant</u>	51730
<u>subject to this section or restoring a license to good standing</u>	51731
<u>for an applicant subject to this section, the state medical board</u>	51732
<u>may impose terms and conditions including any one or more of the</u>	51733
<u>following:</u>	51734
<u>(1) Requiring the applicant to pass an oral or written</u>	51735
<u>examination, or both, to determine the applicant's present fitness</u>	51736
<u>to resume practice;</u>	51737
<u>(2) Requiring the applicant to obtain additional training and</u>	51738
<u>to pass an examination upon completion of such training;</u>	51739
<u>(3) Requiring an assessment of the applicant's physical</u>	51740
<u>skills for purposes of determining whether the applicant's</u>	51741
<u>coordination, fine motor skills, and dexterity are sufficient for</u>	51742
<u>performing evaluations and procedures in a manner that meets the</u>	51743
<u>minimal standards of care;</u>	51744
<u>(4) Requiring an assessment of the applicant's skills in</u>	51745
<u>recognizing and understanding diseases and conditions;</u>	51746
<u>(5) Requiring the applicant to undergo a comprehensive</u>	51747
<u>physical examination, which may include an assessment of physical</u>	51748
<u>abilities, evaluation of sensory capabilities, or screening for</u>	51749
<u>the presence of neurological disorders;</u>	51750

(6) Restricting or limiting the extent, scope, or type of 51751
practice of the applicant. 51752

The board shall consider the moral background and the 51753
activities of the applicant during the period of suspension or 51754
inactivity. The board shall not issue or restore a license under 51755
this section unless the applicant complies with sections 4776.01 51756
to 4776.04 of the Revised Code. 51757

Sec. 4760.13. (A) The state medical board, by an affirmative 51758
vote of not fewer than six members, may revoke or may refuse to 51759
grant a ~~certificate~~ license to practice as an anesthesiologist 51760
assistant to a person found by the board to have committed fraud, 51761
misrepresentation, or deception in applying for or securing the 51762
~~certificate~~ license. 51763

(B) The board, by an affirmative vote of not fewer than six 51764
members, shall, to the extent permitted by law, limit, revoke, or 51765
suspend an individual's ~~certificate~~ license to practice as an 51766
anesthesiologist assistant, refuse to issue a ~~certificate~~ license 51767
to an applicant, refuse to renew a ~~certificate~~ license, refuse to 51768
reinstate a ~~certificate~~ license, or reprimand or place on 51769
probation the holder of a ~~certificate~~ license for any of the 51770
following reasons: 51771

(1) Permitting the holder's name or ~~certificate~~ license to be 51772
used by another person; 51773

(2) Failure to comply with the requirements of this chapter, 51774
Chapter 4731. of the Revised Code, or any rules adopted by the 51775
board; 51776

(3) Violating or attempting to violate, directly or 51777
indirectly, or assisting in or abetting the violation of, or 51778
conspiring to violate, any provision of this chapter, Chapter 51779
4731. of the Revised Code, or the rules adopted by the board; 51780

(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established; 51781
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(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills; 51785
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(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice; 51789
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(7) Willfully betraying a professional confidence; 51793

(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a certificate license to practice as an anesthesiologist assistant. 51794
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As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived. 51797
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(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice; 51805
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(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony; 51808
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(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 51811
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(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice; 51814
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(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 51817
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(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 51820
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(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 51823
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(16) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs; 51826
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(17) Any of the following actions taken by the state agency responsible for regulating the practice of anesthesiologist assistants in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand; 51831
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(18) Violation of the conditions placed by the board on a ~~certificate~~ license to practice; 51839
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(19) Failure to use universal blood and body fluid 51841
precautions established by rules adopted under section 4731.051 of 51842
the Revised Code; 51843

(20) Failure to cooperate in an investigation conducted by 51844
the board under section 4760.14 of the Revised Code, including 51845
failure to comply with a subpoena or order issued by the board or 51846
failure to answer truthfully a question presented by the board at 51847
a deposition or in written interrogatories, except that failure to 51848
cooperate with an investigation shall not constitute grounds for 51849
discipline under this section if a court of competent jurisdiction 51850
has issued an order that either quashes a subpoena or permits the 51851
individual to withhold the testimony or evidence in issue; 51852

(21) Failure to comply with any code of ethics established by 51853
the national commission for the certification of anesthesiologist 51854
assistants; 51855

(22) Failure to notify the state medical board of the 51856
revocation or failure to maintain certification from the national 51857
commission for certification of anesthesiologist assistants. 51858

(C) Disciplinary actions taken by the board under divisions 51859
(A) and (B) of this section shall be taken pursuant to an 51860
adjudication under Chapter 119. of the Revised Code, except that 51861
in lieu of an adjudication, the board may enter into a consent 51862
agreement with an anesthesiologist assistant or applicant to 51863
resolve an allegation of a violation of this chapter or any rule 51864
adopted under it. A consent agreement, when ratified by an 51865
affirmative vote of not fewer than six members of the board, shall 51866
constitute the findings and order of the board with respect to the 51867
matter addressed in the agreement. If the board refuses to ratify 51868
a consent agreement, the admissions and findings contained in the 51869
consent agreement shall be of no force or effect. 51870

(D) For purposes of divisions (B)(11), (14), and (15) of this 51871

section, the commission of the act may be established by a finding 51872
by the board, pursuant to an adjudication under Chapter 119. of 51873
the Revised Code, that the applicant or ~~certificate~~ license holder 51874
committed the act in question. The board shall have no 51875
jurisdiction under these divisions in cases where the trial court 51876
renders a final judgment in the ~~certificate~~ license holder's favor 51877
and that judgment is based upon an adjudication on the merits. The 51878
board shall have jurisdiction under these divisions in cases where 51879
the trial court issues an order of dismissal on technical or 51880
procedural grounds. 51881

(E) The sealing of conviction records by any court shall have 51882
no effect on a prior board order entered under the provisions of 51883
this section or on the board's jurisdiction to take action under 51884
the provisions of this section if, based upon a plea of guilty, a 51885
judicial finding of guilt, or a judicial finding of eligibility 51886
for intervention in lieu of conviction, the board issued a notice 51887
of opportunity for a hearing prior to the court's order to seal 51888
the records. The board shall not be required to seal, destroy, 51889
redact, or otherwise modify its records to reflect the court's 51890
sealing of conviction records. 51891

(F) For purposes of this division, any individual who holds a 51892
~~certificate~~ license to practice issued under this chapter, or 51893
applies for a ~~certificate~~ license to practice, shall be deemed to 51894
have given consent to submit to a mental or physical examination 51895
when directed to do so in writing by the board and to have waived 51896
all objections to the admissibility of testimony or examination 51897
reports that constitute a privileged communication. 51898

(1) In enforcing division (B)(5) of this section, the board, 51899
on a showing of a possible violation, may compel any individual 51900
who holds a ~~certificate~~ license to practice issued under this 51901
chapter or who has applied for a ~~certificate~~ license to practice 51902
pursuant to this chapter to submit to a mental or physical 51903

examination, or both. A physical examination may include an HIV 51904
test. The expense of the examination is the responsibility of the 51905
individual compelled to be examined. Failure to submit to a mental 51906
or physical examination or consent to an HIV test ordered by the 51907
board constitutes an admission of the allegations against the 51908
individual unless the failure is due to circumstances beyond the 51909
individual's control, and a default and final order may be entered 51910
without the taking of testimony or presentation of evidence. If 51911
the board finds an anesthesiologist assistant unable to practice 51912
because of the reasons set forth in division (B)(5) of this 51913
section, the board shall require the anesthesiologist assistant to 51914
submit to care, counseling, or treatment by physicians approved or 51915
designated by the board, as a condition for an initial, continued, 51916
reinstated, or renewed ~~certificate~~ license to practice. An 51917
individual affected by this division shall be afforded an 51918
opportunity to demonstrate to the board the ability to resume 51919
practicing in compliance with acceptable and prevailing standards 51920
of care. 51921

(2) For purposes of division (B)(6) of this section, if the 51922
board has reason to believe that any individual who holds a 51923
~~certificate~~ license to practice issued under this chapter or any 51924
applicant for a ~~certificate~~ license to practice suffers such 51925
impairment, the board may compel the individual to submit to a 51926
mental or physical examination, or both. The expense of the 51927
examination is the responsibility of the individual compelled to 51928
be examined. Any mental or physical examination required under 51929
this division shall be undertaken by a treatment provider or 51930
physician qualified to conduct such examination and chosen by the 51931
board. 51932

Failure to submit to a mental or physical examination ordered 51933
by the board constitutes an admission of the allegations against 51934
the individual unless the failure is due to circumstances beyond 51935

the individual's control, and a default and final order may be 51936
entered without the taking of testimony or presentation of 51937
evidence. If the board determines that the individual's ability to 51938
practice is impaired, the board shall suspend the individual's 51939
~~certificate~~ license or deny the individual's application and shall 51940
require the individual, as a condition for an initial, continued, 51941
reinstated, or renewed ~~certificate~~ license to practice, to submit 51942
to treatment. 51943

Before being eligible to apply for reinstatement of a 51944
~~certificate~~ license suspended under this division, the 51945
anesthesiologist assistant shall demonstrate to the board the 51946
ability to resume practice in compliance with acceptable and 51947
prevailing standards of care. The demonstration shall include the 51948
following: 51949

(a) Certification from a treatment provider approved under 51950
section 4731.25 of the Revised Code that the individual has 51951
successfully completed any required inpatient treatment; 51952

(b) Evidence of continuing full compliance with an aftercare 51953
contract or consent agreement; 51954

(c) Two written reports indicating that the individual's 51955
ability to practice has been assessed and that the individual has 51956
been found capable of practicing according to acceptable and 51957
prevailing standards of care. The reports shall be made by 51958
individuals or providers approved by the board for making such 51959
assessments and shall describe the basis for their determination. 51960

The board may reinstate a ~~certificate~~ license suspended under 51961
this division after such demonstration and after the individual 51962
has entered into a written consent agreement. 51963

When the impaired anesthesiologist assistant resumes 51964
practice, the board shall require continued monitoring of the 51965
anesthesiologist assistant. The monitoring shall include 51966

monitoring of compliance with the written consent agreement 51967
entered into before reinstatement or with conditions imposed by 51968
board order after a hearing, and, on termination of the consent 51969
agreement, submission to the board for at least two years of 51970
annual written progress reports made under penalty of 51971
falsification stating whether the anesthesiologist assistant has 51972
maintained sobriety. 51973

(G) If the secretary and supervising member determine that 51974
there is clear and convincing evidence that an anesthesiologist 51975
assistant has violated division (B) of this section and that the 51976
individual's continued practice presents a danger of immediate and 51977
serious harm to the public, they may recommend that the board 51978
suspend the individual's ~~certificate~~ license without a prior 51979
hearing. Written allegations shall be prepared for consideration 51980
by the board. 51981

The board, on review of the allegations and by an affirmative 51982
vote of not fewer than six of its members, excluding the secretary 51983
and supervising member, may suspend a ~~certificate~~ license without 51984
a prior hearing. A telephone conference call may be utilized for 51985
reviewing the allegations and taking the vote on the summary 51986
suspension. 51987

The board shall issue a written order of suspension by 51988
certified mail or in person in accordance with section 119.07 of 51989
the Revised Code. The order shall not be subject to suspension by 51990
the court during pendency of any appeal filed under section 119.12 51991
of the Revised Code. If the anesthesiologist assistant requests an 51992
adjudicatory hearing by the board, the date set for the hearing 51993
shall be within fifteen days, but not earlier than seven days, 51994
after the anesthesiologist assistant requests the hearing, unless 51995
otherwise agreed to by both the board and the ~~certificate~~ license 51996
holder. 51997

A summary suspension imposed under this division shall remain 51998

in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within sixty days after completion of its hearing. Failure to issue the order within sixty days shall result in dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

(H) If the board takes action under division (B)(11), (13), or (14) of this section, and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, on exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. On receipt of a petition and supporting court documents, the board shall reinstate the ~~certificate~~ license to practice. The board may then hold an adjudication under Chapter 119. of the Revised Code to determine whether the individual committed the act in question. Notice of opportunity for hearing shall be given in accordance with Chapter 119. of the Revised Code. If the board finds, pursuant to an adjudication held under this division, that the individual committed the act, or if no hearing is requested, it may order any of the sanctions specified in division (B) of this section.

(I) The ~~certificate~~ license to practice of an anesthesiologist assistant and the assistant's practice in this state are automatically suspended as of the date the anesthesiologist assistant pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment of intervention in lieu of conviction in another jurisdiction for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another

jurisdiction: aggravated murder, murder, voluntary manslaughter, 52031
felonious assault, kidnapping, rape, sexual battery, gross sexual 52032
imposition, aggravated arson, aggravated robbery, or aggravated 52033
burglary. Continued practice after the suspension shall be 52034
considered practicing without a ~~certificate~~ license. 52035

The board shall notify the individual subject to the 52036
suspension by certified mail or in person in accordance with 52037
section 119.07 of the Revised Code. If an individual whose 52038
~~certificate~~ license is suspended under this division fails to make 52039
a timely request for an adjudication under Chapter 119. of the 52040
Revised Code, the board shall enter a final order permanently 52041
revoking the individual's ~~certificate~~ license to practice. 52042

(J) In any instance in which the board is required by Chapter 52043
119. of the Revised Code to give notice of opportunity for hearing 52044
and the individual subject to the notice does not timely request a 52045
hearing in accordance with section 119.07 of the Revised Code, the 52046
board is not required to hold a hearing, but may adopt, by an 52047
affirmative vote of not fewer than six of its members, a final 52048
order that contains the board's findings. In the final order, the 52049
board may order any of the sanctions identified under division (A) 52050
or (B) of this section. 52051

(K) Any action taken by the board under division (B) of this 52052
section resulting in a suspension shall be accompanied by a 52053
written statement of the conditions under which the 52054
anesthesiologist assistant's ~~certificate~~ license may be 52055
reinstated. The board shall adopt rules in accordance with Chapter 52056
119. of the Revised Code governing conditions to be imposed for 52057
reinstatement. Reinstatement of a ~~certificate~~ license suspended 52058
pursuant to division (B) of this section requires an affirmative 52059
vote of not fewer than six members of the board. 52060

(L) When the board refuses to grant or issue a ~~certificate~~ 52061
license to practice as an anesthesiologist assistant to an 52062

applicant, revokes an individual's ~~certificate~~ license, refuses to 52063
renew an individual's ~~certificate~~ license, or refuses to reinstate 52064
an individual's ~~certificate~~ license, the board may specify that 52065
its action is permanent. An individual subject to a permanent 52066
action taken by the board is forever thereafter ineligible to hold 52067
a ~~certificate~~ license to practice as an anesthesiologist assistant 52068
and the board shall not accept an application for reinstatement of 52069
the ~~certificate~~ license or for issuance of a new ~~certificate~~ 52070
license. 52071

(M) Notwithstanding any other provision of the Revised Code, 52072
all of the following apply: 52073

(1) The surrender of a ~~certificate~~ license to practice issued 52074
under this chapter is not effective unless or until accepted by 52075
the board. Reinstatement of a ~~certificate~~ license surrendered to 52076
the board requires an affirmative vote of not fewer than six 52077
members of the board. 52078

(2) An application made under this chapter for a ~~certificate~~ 52079
license to practice may not be withdrawn without approval of the 52080
board. 52081

(3) Failure by an individual to renew a ~~certificate~~ license 52082
to practice in accordance with section 4760.06 of the Revised Code 52083
shall not remove or limit the board's jurisdiction to take 52084
disciplinary action under this section against the individual. 52085

Sec. 4760.131. On receipt of a notice pursuant to section 52086
3123.43 of the Revised Code, the state medical board shall comply 52087
with sections 3123.41 to 3123.50 of the Revised Code and any 52088
applicable rules adopted under section 3123.63 of the Revised Code 52089
with respect to a ~~certificate~~ license to practice as an 52090
anesthesiologist assistant issued pursuant to this chapter. 52091

Sec. 4760.132. If the state medical board has reason to 52092

believe that any person who has been granted a ~~certificate~~ license 52093
to practice as an anesthesiologist assistant under this chapter is 52094
mentally ill or mentally incompetent, it may file in the probate 52095
court of the county in which the person has a legal residence an 52096
affidavit in the form prescribed in section 5122.11 of the Revised 52097
Code and signed by the board secretary or a member of the board 52098
secretary's staff, whereupon the same proceedings shall be had as 52099
provided in Chapter 5122. of the Revised Code. The attorney 52100
general may represent the board in any proceeding commenced under 52101
this section. 52102

If any person who has been granted a ~~certificate~~ license to 52103
practice is adjudged by a probate court to be mentally ill or 52104
mentally incompetent, the person's ~~certificate~~ license shall be 52105
automatically suspended until the person has filed with the state 52106
medical board a certified copy of an adjudication by a probate 52107
court of the person's subsequent restoration to competency or has 52108
submitted to the board proof, satisfactory to the board, that the 52109
person has been discharged as having a restoration to competency 52110
in the manner and form provided in section 5122.38 of the Revised 52111
Code. The judge of the probate court shall forthwith notify the 52112
state medical board of an adjudication of mental illness or mental 52113
incompetence, and shall note any suspension of a ~~certificate~~ 52114
license in the margin of the court's record of such ~~certificate~~ 52115
license. 52116

Sec. 4760.14. (A) The state medical board shall investigate 52117
evidence that appears to show that any person has violated this 52118
chapter or the rules adopted under it. Any person may report to 52119
the board in a signed writing any information the person has that 52120
appears to show a violation of any provision of this chapter or 52121
the rules adopted under it. In the absence of bad faith, a person 52122
who reports such information or testifies before the board in an 52123
adjudication conducted under Chapter 119. of the Revised Code 52124

shall not be liable for civil damages as a result of reporting the 52125
information or providing testimony. Each complaint or allegation 52126
of a violation received by the board shall be assigned a case 52127
number and be recorded by the board. 52128

(B) Investigations of alleged violations of this chapter or 52129
rules adopted under it shall be supervised by the supervising 52130
member elected by the board in accordance with section 4731.02 of 52131
the Revised Code and by the secretary as provided in section 52132
4760.15 of the Revised Code. The board's president may designate 52133
another member of the board to supervise the investigation in 52134
place of the supervising member. A member of the board who 52135
supervises the investigation of a case shall not participate in 52136
further adjudication of the case. 52137

(C) In investigating a possible violation of this chapter or 52138
the rules adopted under it, the board may administer oaths, order 52139
the taking of depositions, issue subpoenas, and compel the 52140
attendance of witnesses and production of books, accounts, papers, 52141
records, documents, and testimony, except that a subpoena for 52142
patient record information shall not be issued without 52143
consultation with the attorney general's office and approval of 52144
the secretary and supervising member of the board. Before issuance 52145
of a subpoena for patient record information, the secretary and 52146
supervising member shall determine whether there is probable cause 52147
to believe that the complaint filed alleges a violation of this 52148
chapter or the rules adopted under it and that the records sought 52149
are relevant to the alleged violation and material to the 52150
investigation. The subpoena may apply only to records that cover a 52151
reasonable period of time surrounding the alleged violation. 52152

On failure to comply with any subpoena issued by the board 52153
and after reasonable notice to the person being subpoenaed, the 52154
board may move for an order compelling the production of persons 52155

or records pursuant to the Rules of Civil Procedure. 52156

A subpoena issued by the board may be served by a sheriff, 52157
the sheriff's deputy, or a board employee designated by the board. 52158
Service of a subpoena issued by the board may be made by 52159
delivering a copy of the subpoena to the person named therein, 52160
reading it to the person, or leaving it at the person's usual 52161
place of residence. When the person being served is an 52162
anesthesiologist assistant, service of the subpoena may be made by 52163
certified mail, restricted delivery, return receipt requested, and 52164
the subpoena shall be deemed served on the date delivery is made 52165
or the date the person refuses to accept delivery. 52166

A sheriff's deputy who serves a subpoena shall receive the 52167
same fees as a sheriff. Each witness who appears before the board 52168
in obedience to a subpoena shall receive the fees and mileage 52169
provided for under section 119.094 of the Revised Code. 52170

(D) All hearings and investigations of the board shall be 52171
considered civil actions for the purposes of section 2305.252 of 52172
the Revised Code. 52173

(E) Information received by the board pursuant to an 52174
investigation is confidential and not subject to discovery in any 52175
civil action. 52176

The board shall conduct all investigations and proceedings in 52177
a manner that protects the confidentiality of patients and persons 52178
who file complaints with the board. The board shall not make 52179
public the names or any other identifying information about 52180
patients or complainants unless proper consent is given. 52181

The board may share any information it receives pursuant to 52182
an investigation, including patient records and patient record 52183
information, with law enforcement agencies, other licensing 52184
boards, and other governmental agencies that are prosecuting, 52185
adjudicating, or investigating alleged violations of statutes or 52186

administrative rules. An agency or board that receives the 52187
information shall comply with the same requirements regarding 52188
confidentiality as those with which the state medical board must 52189
comply, notwithstanding any conflicting provision of the Revised 52190
Code or procedure of the agency or board that applies when it is 52191
dealing with other information in its possession. In a judicial 52192
proceeding, the information may be admitted into evidence only in 52193
accordance with the Rules of Evidence, but the court shall require 52194
that appropriate measures are taken to ensure that confidentiality 52195
is maintained with respect to any part of the information that 52196
contains names or other identifying information about patients or 52197
complainants whose confidentiality was protected by the state 52198
medical board when the information was in the board's possession. 52199
Measures to ensure confidentiality that may be taken by the court 52200
include sealing its records or deleting specific information from 52201
its records. 52202

(F) The state medical board shall develop requirements for 52203
and provide appropriate initial training and continuing education 52204
for investigators employed by the board to carry out its duties 52205
under this chapter. The training and continuing education may 52206
include enrollment in courses operated or approved by the Ohio 52207
peace officer training commission that the board considers 52208
appropriate under conditions set forth in section 109.79 of the 52209
Revised Code. 52210

(G) On a quarterly basis, the board shall prepare a report 52211
that documents the disposition of all cases during the preceding 52212
three months. The report shall contain the following information 52213
for each case with which the board has completed its activities: 52214

(1) The case number assigned to the complaint or alleged 52215
violation; 52216

(2) The type of ~~certificate~~ license to practice, if any, held 52217
by the individual against whom the complaint is directed; 52218

(3) A description of the allegations contained in the 52219
complaint; 52220

(4) The disposition of the case. 52221

The report shall state how many cases are still pending, and 52222
shall be prepared in a manner that protects the identity of each 52223
person involved in each case. The report is a public record for 52224
purposes of section 149.43 of the Revised Code. 52225

Sec. 4760.15. (A) As used in this section, "prosecutor" has 52226
the same meaning as in section 2935.01 of the Revised Code. 52227

(B) Whenever any person holding a valid ~~certificate~~ license 52228
issued pursuant to this chapter pleads guilty to, is subject to a 52229
judicial finding of guilt of, or is subject to a judicial finding 52230
of eligibility for intervention in lieu of conviction for a 52231
violation of Chapter 2907., 2925., or 3719. of the Revised Code or 52232
of any substantively comparable ordinance of a municipal 52233
corporation in connection with the person's practice, the 52234
prosecutor in the case, on forms prescribed and provided by the 52235
state medical board, shall promptly notify the board of the 52236
conviction. Within thirty days of receipt of that information, the 52237
board shall initiate action in accordance with Chapter 119. of the 52238
Revised Code to determine whether to suspend or revoke the 52239
~~certificate~~ license under section 4760.13 of the Revised Code. 52240

(C) The prosecutor in any case against any person holding a 52241
valid ~~certificate~~ license to practice issued pursuant to this 52242
chapter, on forms prescribed and provided by the state medical 52243
board, shall notify the board of any of the following: 52244

(1) A plea of guilty to, a finding of guilt by a jury or 52245
court of, or judicial finding of eligibility for intervention in 52246
lieu of conviction for a felony, or a case in which the trial 52247
court issues an order of dismissal upon technical or procedural 52248

grounds of a felony charge; 52249

(2) A plea of guilty to, a finding of guilt by a jury or 52250
court of, or judicial finding of eligibility for intervention in 52251
lieu of conviction for a misdemeanor committed in the course of 52252
practice, or a case in which the trial court issues an order of 52253
dismissal upon technical or procedural grounds of a charge of a 52254
misdemeanor, if the alleged act was committed in the course of 52255
practice; 52256

(3) A plea of guilty to, a finding of guilt by a jury or 52257
court of, or judicial finding of eligibility for intervention in 52258
lieu of conviction for a misdemeanor involving moral turpitude, or 52259
a case in which the trial court issues an order of dismissal upon 52260
technical or procedural grounds of a charge of a misdemeanor 52261
involving moral turpitude. 52262

The report shall include the name and address of the 52263
~~certificate~~ license holder, the nature of the offense for which 52264
the action was taken, and the certified court documents recording 52265
the action. 52266

Sec. 4760.16. (A) Within sixty days after the imposition of 52267
any formal disciplinary action taken by any health care facility, 52268
including a hospital, health care facility operated by ~~an~~ a health 52269
insuring corporation, ambulatory surgical facility, or similar 52270
facility, against any individual holding a valid ~~certificate~~ 52271
license to practice as an anesthesiologist assistant, the chief 52272
administrator or executive officer of the facility shall report to 52273
the state medical board the name of the individual, the action 52274
taken by the facility, and a summary of the underlying facts 52275
leading to the action taken. On request, the board shall be 52276
provided certified copies of the patient records that were the 52277
basis for the facility's action. Prior to release to the board, 52278
the summary shall be approved by the peer review committee that 52279

reviewed the case or by the governing board of the facility. 52280

The filing of a report with the board or decision not to file 52281
a report, investigation by the board, or any disciplinary action 52282
taken by the board, does not preclude a health care facility from 52283
taking disciplinary action against an anesthesiologist assistant. 52284

In the absence of fraud or bad faith, no individual or entity 52285
that provides patient records to the board shall be liable in 52286
damages to any person as a result of providing the records. 52287

(B)(1) Except as provided in division (B)(2) of this section, 52288
an anesthesiologist assistant, professional association or society 52289
of anesthesiologist assistants, physician, or professional 52290
association or society of physicians that believes a violation of 52291
any provision of this chapter, Chapter 4731. of the Revised Code, 52292
or rule of the board has occurred shall report to the board the 52293
information on which the belief is based. 52294

(2) An anesthesiologist assistant, professional association 52295
or society of anesthesiologist assistants, physician, or 52296
professional association or society of physicians that believes 52297
that a violation of division (B)(6) of section 4760.13 of the 52298
Revised Code has occurred shall report the information upon which 52299
the belief is based to the monitoring organization conducting the 52300
program established by the board under section 4731.251 of the 52301
Revised Code. If any such report is made to the board, it shall be 52302
referred to the monitoring organization unless the board is aware 52303
that the individual who is the subject of the report does not meet 52304
the program eligibility requirements of section 4731.252 of the 52305
Revised Code. 52306

(C) Any professional association or society composed 52307
primarily of anesthesiologist assistants that suspends or revokes 52308
an individual's membership for violations of professional ethics, 52309
or for reasons of professional incompetence or professional 52310

malpractice, within sixty days after a final decision, shall 52311
report to the board, on forms prescribed and provided by the 52312
board, the name of the individual, the action taken by the 52313
professional organization, and a summary of the underlying facts 52314
leading to the action taken. 52315

The filing of a report with the board or decision not to file 52316
a report, investigation by the board, or any disciplinary action 52317
taken by the board, does not preclude a professional organization 52318
from taking disciplinary action against an anesthesiologist 52319
assistant. 52320

(D) Any insurer providing professional liability insurance to 52321
any person holding a valid ~~certificate~~ license to practice as an 52322
anesthesiologist assistant or any other entity that seeks to 52323
indemnify the professional liability of an anesthesiologist 52324
assistant shall notify the board within thirty days after the 52325
final disposition of any written claim for damages where such 52326
disposition results in a payment exceeding twenty-five thousand 52327
dollars. The notice shall contain the following information: 52328

(1) The name and address of the person submitting the 52329
notification; 52330

(2) The name and address of the insured who is the subject of 52331
the claim; 52332

(3) The name of the person filing the written claim; 52333

(4) The date of final disposition; 52334

(5) If applicable, the identity of the court in which the 52335
final disposition of the claim took place. 52336

(E) The board may investigate possible violations of this 52337
chapter or the rules adopted under it that are brought to its 52338
attention as a result of the reporting requirements of this 52339
section, except that the board shall conduct an investigation if a 52340

possible violation involves repeated malpractice. As used in this 52341
division, "repeated malpractice" means three or more claims for 52342
malpractice within the previous five-year period, each resulting 52343
in a judgment or settlement in excess of twenty-five thousand 52344
dollars in favor of the claimant, and each involving negligent 52345
conduct by the anesthesiologist assistant. 52346

(F) All summaries, reports, and records received and 52347
maintained by the board pursuant to this section shall be held in 52348
confidence and shall not be subject to discovery or introduction 52349
in evidence in any federal or state civil action involving an 52350
anesthesiologist assistant, supervising physician, or health care 52351
facility arising out of matters that are the subject of the 52352
reporting required by this section. The board may use the 52353
information obtained only as the basis for an investigation, as 52354
evidence in a disciplinary hearing against an anesthesiologist 52355
assistant or supervising physician, or in any subsequent trial or 52356
appeal of a board action or order. 52357

The board may disclose the summaries and reports it receives 52358
under this section only to health care facility committees within 52359
or outside this state that are involved in credentialing or 52360
recredentialing an anesthesiologist assistant or supervising 52361
physician or reviewing their privilege to practice within a 52362
particular facility. The board shall indicate whether or not the 52363
information has been verified. Information transmitted by the 52364
board shall be subject to the same confidentiality provisions as 52365
when maintained by the board. 52366

(G) Except for reports filed by an individual pursuant to 52367
division (B) of this section, the board shall send a copy of any 52368
reports or summaries it receives pursuant to this section to the 52369
anesthesiologist assistant. The anesthesiologist assistant shall 52370
have the right to file a statement with the board concerning the 52371
correctness or relevance of the information. The statement shall 52372

at all times accompany that part of the record in contention. 52373

(H) An individual or entity that reports to the board, 52374
reports to the monitoring organization described in section 52375
4731.251 of the Revised Code, or refers an impaired 52376
anesthesiologist assistant to a treatment provider approved by the 52377
board under section 4731.25 of the Revised Code shall not be 52378
subject to suit for civil damages as a result of the report, 52379
referral, or provision of the information. 52380

(I) In the absence of fraud or bad faith, a professional 52381
association or society of anesthesiologist assistants that 52382
sponsors a committee or program to provide peer assistance to an 52383
anesthesiologist assistant with substance abuse problems, a 52384
representative or agent of such a committee or program, a 52385
representative or agent of the monitoring organization described 52386
in section 4731.251 of the Revised Code, and a member of the state 52387
medical board shall not be held liable in damages to any person by 52388
reason of actions taken to refer an anesthesiologist assistant to 52389
a treatment provider approved under section 4731.25 of the Revised 52390
Code for examination or treatment. 52391

Sec. 4760.18. The attorney general, the prosecuting attorney 52392
of any county in which the offense was committed or the offender 52393
resides, the state medical board, or any other person having 52394
knowledge of a person engaged either directly or by complicity in 52395
practicing as an anesthesiologist assistant without having first 52396
obtained a ~~certificate~~ license to practice ~~pursuant to~~ issued 52397
under this chapter, may, in accordance with provisions of the 52398
Revised Code governing injunctions, maintain an action in the name 52399
of the state to enjoin any person from engaging either directly or 52400
by complicity in unlawfully practicing as an anesthesiologist 52401
assistant by applying for an injunction in any court of competent 52402
jurisdiction. 52403

Prior to application for an injunction, the secretary of the state medical board shall notify the person allegedly engaged either directly or by complicity in the unlawful practice by registered mail that the secretary has received information indicating that this person is so engaged. The person shall answer the secretary within thirty days showing that the person is either properly licensed for the stated activity or that the person is not in violation of this chapter. If the answer is not forthcoming within thirty days after notice by the secretary, the secretary shall request that the attorney general, the prosecuting attorney of the county in which the offense was committed or the offender resides, or the state medical board proceed as authorized in this section.

Upon the filing of a verified petition in court, the court shall conduct a hearing on the petition and shall give the same preference to this proceeding as is given all proceedings under Chapter 119. of the Revised Code, irrespective of the position of the proceeding on the calendar of the court.

Injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided in this chapter.

Sec. 4761.05. (A) The state medical board shall issue a license to any applicant who complies with the requirements of section 4761.04 of the Revised Code, files the prescribed application form, and pays the fee or fees required under section 4761.07 of the Revised Code. The license entitles the holder to practice respiratory care.

(B)(1) The board shall issue a limited permit to any applicant who meets the requirements of division (A)(1) of section 4761.04 of the Revised Code, files an application on a form furnished by the board, pays the fee required under section

4761.07 of the Revised Code, and meets either of the following requirements: 52435
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(a) Is enrolled in and is in good standing in a respiratory care educational program approved by the board that meets the requirements of division (A)(2) of section 4761.04 of the Revised Code leading to a degree or certificate of completion or is a graduate of the program; 52437
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(b) Is employed as a provider of respiratory care in this state and was employed as a provider of respiratory care in this state prior to March 14, 1989. 52442
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(2) If no grounds apply under section 4761.09 of the Revised Code for denying a limited permit to the applicant and the applicant meets the requirements of division (B) of this section, the board shall issue a limited permit to the applicant. 52445
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~~The board shall maintain a register of all persons holding limited permits under this chapter.~~ The limited permit authorizes the holder to provide respiratory care under the supervision of a respiratory care professional. A person issued a limited permit under division (B)(1)(a) of this section may practice respiratory care under the limited permit for not more than three years after the date the limited permit is issued, except that the limited permit shall cease to be valid one year following the date of receipt of a certificate of completion from a board-approved respiratory care education program or immediately if the holder discontinues participation in the educational program. 52449
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The holder shall notify the board as soon as practicable when the holder completes a board-approved respiratory care education program or discontinues participation in the educational program. 52460
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This division does not require a student enrolled in an educational program leading to a degree or certificate of completion in respiratory care approved by the board to obtain a 52463
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limited permit to perform any duties that are part of the required course of study. 52466
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(3) A person issued a limited permit under division (B)(1)(b) of this section may practice under a limited permit for not more than three years, except that this restriction does not apply to a permit holder who, on March 14, 1989, has been employed as a provider of respiratory care for an average of not less than twenty-five hours per week for a period of not less than five years by a hospital. 52468
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(4) During the three-year period in which a person may practice under a limited permit, the person shall apply for renewal on an annual basis in accordance with section 4761.06 of the Revised Code. 52475
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(5) The board may revoke a limited permit upon proof satisfactory to the board that the permit holder has engaged in practice in this state outside the scope of the permit, that the holder has engaged in unethical conduct, or that there are grounds for action against the holder under section 4761.09 of the Revised Code. 52479
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(C) The holder of a license or limited permit issued under this section shall either provide verification of licensure or permit status from the board's internet web site on request or prominently display a wall certificate in the license holder's office or place where the majority of the holder's practice is conducted. 52485
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Sec. 4761.06. (A) Each license to practice respiratory care shall ~~be renewed biennially~~ expire on or before the last day of June of every even-numbered year the date that is two years after the date of issuance and may be renewed for additional two-year periods. Each limited permit to practice respiratory care shall be renewed annually. Each person ~~holding~~ seeking to renew a license 52491
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or limited permit to practice respiratory care shall apply to the 52497
state medical board ~~on the form and according to the schedule in a~~ 52498
~~manner~~ prescribed by the board ~~for renewal of the license or~~ 52499
~~limited permit~~. Licenses and limited permits shall be renewed in 52500
accordance with the standard renewal procedure of Chapter 4745. of 52501
the Revised Code. The ~~state medical~~ board shall renew a license if 52502
the holder pays the license renewal fee prescribed under section 52503
4761.07 of the Revised Code and certifies that the holder has 52504
completed the continuing education or reexamination requirements 52505
of division (B) of this section. 52506

At least one month before a license expires, the board shall 52507
provide to the license holder a renewal notice. Failure of any 52508
~~person~~ license holder to receive a notice of renewal from the 52509
board shall not excuse the ~~person~~ holder from the requirements 52510
contained in this section. Each ~~person holding a~~ license holder 52511
shall give notice to the board of a change in the ~~license~~ holder's 52512
residence address, business address, or electronic mail address 52513
not later than thirty days after the change occurs. 52514

The board shall renew a limited permit if the holder pays the 52515
limited permit renewal fee prescribed under section 4761.07 of the 52516
Revised Code and does either of the following: 52517

(1) If the limited permit was issued on the basis of division 52518
(B)(1)(a) of section 4761.05 of the Revised Code, certifies that 52519
the holder is enrolled and in good standing in an educational 52520
program that meets the requirements of division (A)(2) of section 52521
4761.04 of the Revised Code or has graduated from such a program; 52522

(2) If the limited permit was issued on the basis of division 52523
(B)(1)(b) of section 4761.05 of the Revised Code, certifies that 52524
the applicant is employed as a provider of respiratory care under 52525
the supervision of a respiratory care professional. 52526

(B) ~~On and after March 14, 1991, and every year thereafter,~~ 52527

~~on~~ or before the annual renewal date, the holder of a limited 52528
permit issued under division (B)(1)(b) of section 4761.05 of the 52529
Revised Code shall certify to the board that the holder has 52530
satisfactorily completed the number of hours of continuing 52531
education required by the board, which shall not be less than 52532
three nor more than ten hours of continuing education acceptable 52533
to the board. 52534

On or before the ~~biennial renewal~~ date a license expires, a 52535
license holder shall certify to the board that the license holder 52536
has satisfactorily completed the number of hours of continuing 52537
education required by the board, which shall be not less than six 52538
nor more than twenty hours of continuing education acceptable to 52539
the board, or has passed a reexamination in accordance with the 52540
board's renewal requirements. 52541

(C)(1) A license to practice respiratory care that is not 52542
renewed on or before its expiration date is automatically 52543
suspended on its expiration date. Continued practice after 52544
suspension shall be considered as practicing in violation of 52545
section 4761.10 of the Revised Code. 52546

(2) If a license has been suspended pursuant to division 52547
(C)(1) of this section for two years or less, it may be 52548
reinstated. The ~~state medical~~ board shall reinstate the license 52549
upon the applicant's submission of a complete renewal application 52550
and payment of a reinstatement fee of one hundred dollars. 52551

~~(3)(a)~~ If a license has been suspended pursuant to division 52552
(C)(1) of this section for more than two years, it may be 52553
restored. The Subject to section 4761.061 of the Revised Code, the 52554
board may restore the license upon an applicant's submission of a 52555
complete restoration application and a restoration fee of one 52556
hundred twenty-five dollars and compliance with sections 4776.01 52557
to 4776.04 of the Revised Code. The board shall not restore a 52558
license unless the board, in its discretion, decides that the 52559

results of the criminal records check do not make the applicant 52560
ineligible for a license issued pursuant to division (A) of this 52561
section. 52562

~~(b) The board may impose terms and conditions for the 52563
restoration, including any one or more of the following: 52564~~

~~(i) Requiring the applicant to pass an oral or written 52565
examination, or both, to determine the applicant's present fitness 52566
to resume practice; 52567~~

~~(ii) Requiring the applicant to obtain additional training 52568
and to pass an examination upon completion of such training; 52569~~

~~(iii) Restricting or limiting the extent, scope, or type of 52570
practice of the applicant. 52571~~

(D)(1) The board may require a random sample of limited 52572
permit holders to submit materials documenting that the holder has 52573
completed the number of hours of continuing education as described 52574
in division (B) of this section. 52575

(2) The board may require a random sample of license holders 52576
to submit materials documenting that the holder has completed the 52577
number of hours of continuing education as described in division 52578
(B) of this section or has passed a reexamination. 52579

(3) Division (D)(1) or (2) of this section does not limit the 52580
board's authority to conduct investigations pursuant to section 52581
4731.22 of the Revised Code. 52582

(E)(1) If, through a random sample conducted under division 52583
(D) of this section or any other means, the board finds that an 52584
individual who certified passing the reexamination or completion 52585
of the number of hours and type of continuing education required 52586
to renew, reinstate, or restore a limited permit or license did 52587
not pass the reexamination or complete the requisite continuing 52588
education, the board may do either of the following: 52589

(a) Take disciplinary action against the individual under section 4761.09 of the Revised Code, impose a civil penalty, or both; 52590
52591
52592

(b) Permit the individual to agree in writing to pass the reexamination or complete the continuing education and pay a civil penalty. 52593
52594
52595

(2) The board's finding in any disciplinary action taken under division (E)(1)(a) of this section shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six of its members. 52596
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(3) A civil penalty imposed under division (E)(1)(a) of this section or paid under division (E)(1)(b) of this section shall be in an amount specified by the board of not more than five thousand dollars. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code. 52600
52601
52602
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52604

Sec. 4761.061. (A) This section applies to both of the following: 52605
52606

(1) An applicant seeking restoration of a license issued under this chapter that has been in a suspended or inactive state for any cause for more than two years; 52607
52608
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(2) An applicant seeking issuance of a license or certificate pursuant to this chapter who for more than two years has not been engaged in the practice of respiratory care as either of the following: 52610
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(a) An active practitioner; 52614

(b) A student in an educational program as described in section 4761.04 of the Revised Code. 52615
52616

(B) Before issuing a license or certificate to an applicant subject to this section or restoring a license to good standing for an applicant subject to this section, the state medical board 52617
52618
52619

may impose terms and conditions including any one or more of the 52620
following: 52621

(1) Requiring the applicant to pass an oral or written 52622
examination, or both, to determine the applicant's present fitness 52623
to resume practice; 52624

(2) Requiring the applicant to obtain additional training and 52625
to pass an examination upon completion of such training; 52626

(3) Requiring an assessment of the applicant's physical 52627
skills for purposes of determining whether the applicant's 52628
coordination, fine motor skills, and dexterity are sufficient for 52629
performing evaluations and procedures in a manner that meets the 52630
minimal standards of care; 52631

(4) Requiring an assessment of the applicant's skills in 52632
recognizing and understanding diseases and conditions; 52633

(5) Requiring the applicant to undergo a comprehensive 52634
physical examination, which may include an assessment of physical 52635
abilities, evaluation of sensory capabilities, or screening for 52636
the presence of neurological disorders; 52637

(6) Restricting or limiting the extent, scope, or type of 52638
practice of the applicant. 52639

The board shall consider the moral background and the 52640
activities of the applicant during the period of suspension or 52641
inactivity. The board shall not issue or restore a license under 52642
this section unless the applicant complies with sections 4776.01 52643
to 4776.04 of the Revised Code. 52644

Sec. 4762.02. (A) Except as provided in division (B), (C), or 52645
(D) of this section, no person shall do either of the following: 52646
52647

(1) Engage in the practice of oriental medicine unless the 52648
person holds a valid ~~certificate~~ license to practice as an 52649

oriental medicine practitioner issued by the state medical board 52650
under this chapter; 52651

(2) Engage in the practice of acupuncture unless the person 52652
holds a valid ~~certificate~~ license to practice as an acupuncturist 52653
issued by the state medical board under this chapter. 52654

(B) Division (A) of this section does not apply to a 52655
physician. 52656

(C) Division (A)(1) of this section does not apply to the 52657
following: 52658

(1) A person who engages in activities included in the 52659
practice of oriental medicine as part of a training program in 52660
oriental medicine, but only if both of the following conditions 52661
are met: 52662

(a) The training program is operated by an educational 52663
institution that holds an effective certificate of authorization 52664
issued by the ~~Ohio board of regents~~ chancellor of higher education 52665
under section 1713.02 of the Revised Code or a school that holds 52666
an effective certificate of registration issued by the state board 52667
of career colleges and schools under section 3332.05 of the 52668
Revised Code. 52669

(b) The person engages in the activities under the general 52670
supervision of an individual who holds a ~~certificate~~ license to 52671
practice as an oriental medicine practitioner issued under this 52672
chapter and is not practicing within the supervisory period 52673
required by section 4762.10 of the Revised Code. 52674

(2) To the extent that acupuncture is a component of oriental 52675
medicine, an individual who holds a ~~certificate~~ license to 52676
practice as an acupuncturist issued under this chapter or a 52677
chiropractor who holds a certificate to practice acupuncture 52678
issued by the state chiropractic board under section 4734.283 of 52679
the Revised Code. 52680

(D) Division (A)(2) of this section does not apply to the 52681
following: 52682

(1) A person who performs acupuncture as part of a training 52683
program in acupuncture, but only if both of the following 52684
conditions are met: 52685

(a) The training program is operated by an educational 52686
institution that holds an effective certificate of authorization 52687
issued by the ~~Ohio board of regents~~ chancellor of higher education 52688
under section 1713.02 of the Revised Code or a school that holds 52689
an effective certificate of registration issued by the state board 52690
of career colleges and schools under section 3332.05 of the 52691
Revised Code. 52692

(b) The person performs the acupuncture under the general 52693
supervision of an acupuncturist who holds a ~~certificate~~ license to 52694
practice as an acupuncturist issued under this chapter and is not 52695
practicing within the supervisory period required by section 52696
4762.10 of the Revised Code. 52697

(2) An individual who holds a ~~certificate~~ license to practice 52698
as an oriental medicine practitioner issued under this chapter. 52699

(3) A chiropractor who holds a certificate to practice 52700
acupuncture issued by the state chiropractic board under section 52701
4734.283 of the Revised Code. 52702

Sec. 4762.03. (A) An individual seeking a ~~certificate~~ license 52703
to practice as an oriental medicine practitioner or ~~certificate~~ 52704
license to practice as an acupuncturist shall file with the state 52705
medical board a written application on a form prescribed and 52706
supplied by the board. 52707

(B) To be eligible for the ~~certificate to practice~~ license, 52708
an applicant shall meet all of the following conditions, as 52709
applicable: 52710

(1) The applicant shall submit evidence satisfactory to the board that the applicant is at least eighteen years of age and of good moral character.

(2) In the case of an applicant seeking a ~~certificate~~ license to practice as an oriental medicine practitioner, the applicant shall submit evidence satisfactory to the board of both of the following:

(a) That the applicant holds a current and active designation from the national certification commission for acupuncture and oriental medicine as either a diplomate in oriental medicine or diplomate of acupuncture and Chinese herbology;

(b) That the applicant has successfully completed, in the two-year period immediately preceding application for the ~~certificate~~ license to practice, one course approved by the commission on federal food and drug administration dispensary and compounding guidelines and procedures.

(3) In the case of an applicant seeking a ~~certificate~~ license to practice as an acupuncturist, the applicant shall submit evidence satisfactory to the board that the applicant holds a current and active designation from the national certification commission for acupuncture and oriental medicine as a diplomate in acupuncture.

(4) The applicant shall demonstrate to the board proficiency in spoken English by satisfying one of the following requirements:

(a) Passing the examination described in section 4731.142 of the Revised Code;

(b) Submitting evidence satisfactory to the board that the applicant was required to demonstrate proficiency in spoken English as a condition of obtaining designation from the national certification commission for acupuncture and oriental medicine as a diplomate in oriental medicine, diplomate of acupuncture and

Chinese herbology, or diplomate in acupuncture; 52742

(c) Submitting evidence satisfactory to the board that the 52743
applicant, in seeking a designation from the national 52744
certification commission for acupuncture and oriental medicine as 52745
a diplomate of oriental medicine, diplomate of acupuncture and 52746
Chinese herbology, or diplomate of acupuncture, has successfully 52747
completed in English the examination required for such a 52748
designation by the national certification commission for 52749
acupuncture and oriental medicine; 52750

(d) In the case of an applicant seeking a ~~certificate~~ license 52751
to practice as an oriental medicine practitioner, submitting 52752
evidence satisfactory to the board that the applicant has 52753
previously held a ~~certificate~~ license to practice as an 52754
acupuncturist issued under section 4762.04 of the Revised Code. 52755

(5) The applicant shall submit to the board any other 52756
information the board requires. 52757

(6) The applicant shall pay to the board a fee of one hundred 52758
dollars, no part of which may be returned to the applicant. 52759

(C) The board shall review all applications received under 52760
this section. The board shall determine whether an applicant meets 52761
the requirements to receive a ~~certificate to practice~~ license not 52762
later than sixty days after receiving a complete application. ~~The~~ 52763
~~affirmative vote of not fewer than six members of the board is~~ 52764
~~required to determine that an applicant meets the requirements for~~ 52765
~~a certificate.~~ 52766

Sec. 4762.031. In addition to any other eligibility 52767
requirement set forth in this chapter, each applicant for a 52768
~~certificate~~ license to practice as an oriental medicine 52769
practitioner or ~~certificate~~ license to practice as an 52770
acupuncturist shall comply with sections 4776.01 to 4776.04 of the 52771

Revised Code. The state medical board shall not grant to an 52772
applicant a ~~certificate~~ license to practice unless the board, in 52773
its discretion, decides that the results of the criminal records 52774
check do not make the applicant ineligible for a ~~certificate~~ 52775
license issued pursuant to section 4762.04 of the Revised Code. 52776

Sec. 4762.04. If the state medical board determines under 52777
section 4762.03 of the Revised Code that an applicant meets the 52778
requirements for a ~~certificate~~ license to practice as an oriental 52779
medicine practitioner or ~~certificate~~ license to practice as an 52780
acupuncturist, the secretary of the board shall register the 52781
applicant as an oriental medicine practitioner or acupuncturist, 52782
as appropriate, and issue to the applicant the appropriate 52783
~~certificate~~ license to practice. The ~~certificate~~ license shall be 52784
valid for a two-year period unless revoked or suspended, shall 52785
expire ~~biennially~~ on the date that is two years after the date of 52786
issuance, and may be renewed for additional two-year periods in 52787
accordance with section 4762.06 of the Revised Code. 52788

Sec. 4762.05. Upon application by the holder of a ~~certificate~~ 52789
license to practice as an oriental medicine practitioner or 52790
~~certificate~~ license to practice as an acupuncturist, the state 52791
medical board shall issue a duplicate ~~certificate~~ license to 52792
replace one that is missing or damaged, to reflect a name change, 52793
or for any other reasonable cause. The fee for a duplicate 52794
~~certificate~~ license is thirty-five dollars. 52795

Sec. 4762.06. (A) A person seeking to renew a ~~certificate~~ 52796
license to practice as an oriental medicine practitioner or 52797
~~certificate~~ license to practice as an acupuncturist shall, on or 52798
before the ~~thirty first day of January of each even numbered year~~ 52799
license's expiration date, apply to the state medical board for 52800
renewal ~~of the certificate.~~ The ~~state medical~~ board shall provide 52801

renewal notices to license holders at least one month prior to the 52802
expiration date. 52803

Applications shall be submitted to the board in a manner 52804
prescribed by the board. Each application shall be accompanied by 52805
a biennial renewal fee of one hundred dollars. 52806

The applicant shall report any criminal offense that 52807
constitutes grounds for refusing to issue a ~~certificate~~ license 52808
under section 4762.13 of the Revised Code to which the applicant 52809
has pleaded guilty, of which the applicant has been found guilty, 52810
or for which the applicant has been found eligible for 52811
intervention in lieu of conviction, since last signing an 52812
application for a ~~certificate~~ license to practice as an oriental 52813
medicine practitioner or ~~certificate~~ license to practice as an 52814
acupuncturist. 52815

(B)(1) To be eligible for renewal of a ~~certificate~~ license to 52816
practice as an oriental medicine practitioner, an applicant shall 52817
certify to the board both of the following, as applicable: 52818

(a) That the applicant has maintained a current and active 52819
designation from the national certification commission for 52820
acupuncture and oriental medicine as either a diplomate in 52821
oriental medicine or diplomate of acupuncture and Chinese 52822
herbology; 52823

(b) That the applicant has successfully completed one 52824
six-hour course in herb and drug interaction approved by the 52825
national certification commission for acupuncture and oriental 52826
medicine in the four years immediately preceding the expiration 52827
date of the applicant's current and active designation from the 52828
commission as a diplomate in oriental medicine or diplomate of 52829
acupuncture and Chinese herbology. 52830

(2) To be eligible for renewal of a ~~certificate~~ license to 52831
practice as an acupuncturist, an applicant shall certify to the 52832

board that the acupuncturist has maintained a current and active 52833
designation from the national certification commission for 52834
acupuncture and oriental medicine as a diplomate in acupuncture. 52835

(C) If an applicant submits a complete renewal application 52836
and qualifies for renewal pursuant to division (B) of this 52837
section, the board shall issue to the applicant a renewed 52838
~~certificate~~ license to practice. 52839

(D) A ~~certificate~~ license to practice that is not renewed on 52840
or before its expiration date is automatically suspended on its 52841
expiration date. ~~If~~ 52842

If a ~~certificate~~ license has been suspended pursuant to this 52843
division for two years or less, the board shall reinstate the 52844
~~certificate~~ license upon an applicant's submission of a renewal 52845
application, the biennial renewal fee, and the applicable monetary 52846
penalty. The penalty for reinstatement is twenty-five dollars. ~~If~~ 52847

If a ~~certificate~~ license has been suspended pursuant to this 52848
division for more than two years, it may be restored. Subject to 52849
section 4762.061 of the Revised Code, the board may restore the 52850
license upon an applicant's submission of a restoration 52851
application, the biennial renewal fee, and the applicable monetary 52852
penalty and compliance with sections 4776.01 to 4776.04 of the 52853
Revised Code. The board shall not restore a ~~certificate to~~ 52854
~~practice~~ license unless the board, in its discretion, decides that 52855
the results of the criminal records check do not make the 52856
applicant ineligible for a certificate issued pursuant to section 52857
4762.04 of the Revised Code. The penalty for restoration is fifty 52858
dollars. 52859

Sec. 4762.061. (A) This section applies to both of the 52860
following: 52861

(1) An applicant seeking restoration of a license issued 52862

under this chapter that has been in a suspended or inactive state 52863
for any cause for more than two years; 52864

(2) An applicant seeking issuance of a license pursuant to 52865
this chapter who for more than two years has not been engaged in 52866
the practice of oriental medicine or acupuncture as either of the 52867
following: 52868

(a) An active practitioner; 52869

(b) A participant in a training program as described in 52870
section 4762.02 of the Revised Code. 52871

(B) Before issuing a license to an applicant subject to this 52872
section or restoring a license to good standing for an applicant 52873
subject to this section, the state medical board may impose terms 52874
and conditions including any one or more of the following: 52875

(1) Requiring the applicant to pass an oral or written 52876
examination, or both, to determine the applicant's present fitness 52877
to resume practice; 52878

(2) Requiring the applicant to obtain additional training and 52879
to pass an examination upon completion of such training; 52880

(3) Requiring an assessment of the applicant's physical 52881
skills for purposes of determining whether the applicant's 52882
coordination, fine motor skills, and dexterity are sufficient for 52883
performing evaluations and procedures in a manner that meets the 52884
minimal standards of care; 52885

(4) Requiring an assessment of the applicant's skills in 52886
recognizing and understanding diseases and conditions; 52887

(5) Requiring the applicant to undergo a comprehensive 52888
physical examination, which may include an assessment of physical 52889
abilities, evaluation of sensory capabilities, or screening for 52890
the presence of neurological disorders; 52891

(6) Restricting or limiting the extent, scope, or type of 52892

practice of the applicant. 52893

The board shall consider the moral background and the 52894
activities of the applicant during the period of suspension or 52895
inactivity. The board shall not issue or restore a license under 52896
this section unless the applicant complies with sections 4776.01 52897
to 4776.04 of the Revised Code. 52898

Sec. 4762.08. (A) A person who holds a ~~certificate~~ license to 52899
practice as an oriental medicine practitioner issued under this 52900
chapter may use the following titles, initials, or abbreviations, 52901
or the equivalent of such titles, initials, or abbreviations, to 52902
identify the person as an oriental medicine practitioner: 52903
"Oriental Medicine Practitioner," "Licensed Oriental Medicine 52904
Practitioner," "L.O.M.," "Diplomate in Oriental Medicine 52905
(NCCAOM)," "Dipl. O.M. (NCCAOM)," "National Board Certified in 52906
Oriental Medicine (NCCAOM)," "Acupuncturist," "Licensed 52907
Acupuncturist," "L.Ac. and L.C.H.," "Diplomate of Acupuncture and 52908
Chinese Herbology (NCCAOM)," "Dipl. Ac. and Dipl. C.H. (NCCAOM)," 52909
or "National Board Certified in Acupuncture and Chinese Herbology 52910
(NCCAOM)." The person shall not use other titles, initials, or 52911
abbreviations in conjunction with the person's practice of 52912
oriental medicine, including the title "doctor." 52913

(B) A person who holds a ~~certificate~~ license to practice as 52914
an acupuncturist issued under this chapter may use the following 52915
titles, initials, or abbreviations, or the equivalent of such 52916
titles, initials, or abbreviations, to identify the person as an 52917
acupuncturist: "Acupuncturist," "Licensed Acupuncturist," "L.Ac.," 52918
"Diplomate in Acupuncture (NCCAOM)," "Dipl. Ac. (NCCAOM)," or 52919
"National Board Certified in Acupuncture (NCCAOM)." The person 52920
shall not use other titles, initials, or abbreviations in 52921
conjunction with the person's practice of acupuncture, including 52922
the title "doctor." 52923

Sec. 4762.09. An individual who holds a ~~certificate~~ license 52924
to practice as an oriental medicine practitioner or ~~certificate~~ 52925
license to practice as an acupuncturist issued under this chapter 52926
shall conspicuously display at the individual's primary place of 52927
business both of the following: 52928

(A) The individual's ~~certificate~~ license, as evidence that 52929
the individual is authorized to practice in this state; 52930

(B) A notice specifying that the practice of oriental 52931
medicine or acupuncture, as applicable, under the ~~certificate~~ 52932
license is regulated by the state medical board and the address 52933
and telephone number of the board's office. 52934

Sec. 4762.10. The following, as applicable, apply to an 52935
individual who holds a ~~certificate~~ license to practice as an 52936
oriental medicine practitioner or ~~certificate~~ license to practice 52937
as an acupuncturist: 52938

(A) On receipt of an initial ~~certificate~~ license to practice, 52939
the practice of the oriental medicine practitioner or 52940
acupuncturist is subject to a supervisory period. The supervisory 52941
period shall begin on the date the initial ~~certificate~~ license is 52942
granted and end one year thereafter, except that if the oriental 52943
medicine practitioner or acupuncturist is subject during that year 52944
to disciplinary action taken by the state medical board pursuant 52945
to section 4762.13 of the Revised Code, the supervision shall 52946
continue until the practitioner or acupuncturist has not been 52947
subject to any disciplinary action for one year. 52948

(B) During the supervisory period, both of the following 52949
apply to an oriental medicine practitioner's or acupuncturist's 52950
practice in addition to the applicable requirements of divisions 52951
(D) and (E) of this section: 52952

(1) An oriental medicine practitioner shall perform oriental 52953

medicine or acupuncture for a patient only if the patient has 52954
received a written referral or prescription for oriental medicine 52955
or acupuncture from a physician or for acupuncture from a 52956
chiropractor. An acupuncturist shall perform acupuncture for a 52957
patient only if the patient has received a written referral or 52958
prescription for acupuncture from a physician or chiropractor. As 52959
specified in the referral or prescription, the oriental medicine 52960
practitioner or acupuncturist shall provide reports to the 52961
physician or chiropractor on the patient's condition or progress 52962
in treatment and comply with the conditions or restrictions on the 52963
practitioner's or acupuncturist's course of treatment. 52964

(2) The oriental medicine practitioner or acupuncturist shall 52965
perform oriental medicine or acupuncture under the general 52966
supervision of the patient's referring or prescribing physician or 52967
chiropractor, except that an oriental medicine practitioner using 52968
herbal therapy in the treatment of a patient shall not provide 52969
herbal therapy under the general supervision of a chiropractor. 52970
General supervision does not require that the oriental medicine 52971
practitioner or acupuncturist and supervising physician or 52972
chiropractor practice in the same office. 52973

(C) After the supervisory period has ended, both of the 52974
following apply to an oriental medicine practitioner's or 52975
acupuncturist's practice in addition to the applicable 52976
requirements of divisions (D) and (E) of this section: 52977

(1) Before treating a patient for a particular condition, an 52978
oriental medicine practitioner or acupuncturist shall confirm 52979
whether the patient has undergone within the past six months a 52980
diagnostic examination that was related to the condition for which 52981
the patient is seeking oriental medicine or acupuncture and was 52982
performed by a physician or chiropractor acting within the 52983
physician's or chiropractor's scope of practice. Confirmation that 52984
the diagnostic examination was performed may be made by obtaining 52985

from the patient a signed form stating that the patient has 52986
undergone the examination. 52987

(2) If the patient does not provide the signed form specified 52988
in division (C)(1) of this section or an oriental medicine 52989
practitioner or acupuncturist otherwise determines that the 52990
patient has not undergone the diagnostic examination specified in 52991
that division, the practitioner or acupuncturist shall provide to 52992
the patient a written recommendation to undergo a diagnostic 52993
examination by a physician or chiropractor. 52994

(D) In an individual's practice of oriental medicine or 52995
acupuncture pursuant to a ~~certificate~~ license to practice issued 52996
under this chapter, all of the following apply: 52997

(1) Prior to treating a patient, the individual shall advise 52998
the patient that oriental medicine or acupuncture, as applicable, 52999
is not a substitute for conventional medical diagnosis and 53000
treatment. 53001

(2) On initially meeting a patient in person, the individual 53002
shall provide in writing the individual's name, business address, 53003
and business telephone number, and information on oriental 53004
medicine or acupuncture, as applicable, including the techniques 53005
that are used. 53006

(3) While treating a patient, the individual shall not make a 53007
diagnosis. If a patient's condition is not improving or a patient 53008
requires emergency medical treatment, the individual shall consult 53009
promptly with a physician. 53010

(4) The individual shall maintain records for each patient 53011
treated. The records shall be confidential and shall be retained 53012
for not less than three years following termination of treatment. 53013
The individual shall include in a patient's records the written 53014
referral or prescription pursuant to which ~~the~~ the patient is 53015
treated during a supervisory period and any written referral or 53016

prescription for oriental medicine or acupuncture received for a 53017
patient being treated after the supervisory period. 53018

(E) In an individual's practice of oriental medicine by using 53019
herbal therapy in the treatment of a patient, all of the following 53020
apply: 53021

(1) The oriental medicine practitioner shall provide to the 53022
patient counseling and treatment instructions. The treatment 53023
instructions shall do all of the following: 53024

(a) Explain the need for herbal therapy; 53025

(b) Instruct the patient how to take the herbal therapy; 53026

(c) Explain possible contraindications to the herbal therapy 53027
and provide sources of care in case of an adverse reaction; 53028

(d) Instruct the patient to inform the patient's other health 53029
care providers, including the patient's pharmacist, of the herbal 53030
therapy that has been provided to the patient. 53031

(2) The oriental medicine practitioner shall document all of 53032
the following in the patient's record: 53033

(a) The type, amount, and strength of herbal therapy 53034
recommended for the patient's use; 53035

(b) The counseling and treatment instructions provided to the 53036
patient under division (E)(1) of this section; 53037

(c) Any adverse reaction reported by the patient in 53038
conjunction with the use of herbal therapy. 53039

(3) The oriental medicine practitioner shall report to the 53040
state medical board any adverse reactions reported by the patient 53041
under division (E)(2)(c) of this section. 53042

Sec. 4762.13. (A) The state medical board, by an affirmative 53043
vote of not fewer than six members, may revoke or may refuse to 53044
grant a ~~certificate~~ license to practice as an oriental medicine 53045

practitioner or ~~certificate~~ license to practice as an 53046
acupuncturist to a person found by the board to have committed 53047
fraud, misrepresentation, or deception in applying for or securing 53048
the ~~certificate~~ license. 53049

(B) The board, by an affirmative vote of not fewer than six 53050
members, shall, to the extent permitted by law, limit, revoke, or 53051
suspend an individual's ~~certificate~~ license to practice, refuse to 53052
issue a ~~certificate~~ license to an applicant, refuse to renew a 53053
~~certificate~~ license, refuse to reinstate a ~~certificate~~ license, or 53054
reprimand or place on probation the holder of a ~~certificate~~ 53055
license for any of the following reasons: 53056

(1) Permitting the holder's name or ~~certificate~~ license to be 53057
used by another person; 53058

(2) Failure to comply with the requirements of this chapter, 53059
Chapter 4731. of the Revised Code, or any rules adopted by the 53060
board; 53061

(3) Violating or attempting to violate, directly or 53062
indirectly, or assisting in or abetting the violation of, or 53063
conspiring to violate, any provision of this chapter, Chapter 53064
4731. of the Revised Code, or the rules adopted by the board; 53065

(4) A departure from, or failure to conform to, minimal 53066
standards of care of similar practitioners under the same or 53067
similar circumstances whether or not actual injury to the patient 53068
is established; 53069

(5) Inability to practice according to acceptable and 53070
prevailing standards of care by reason of mental illness or 53071
physical illness, including physical deterioration that adversely 53072
affects cognitive, motor, or perceptive skills; 53073

(6) Impairment of ability to practice according to acceptable 53074
and prevailing standards of care because of habitual or excessive 53075
use or abuse of drugs, alcohol, or other substances that impair 53076

ability to practice;	53077
(7) Willfully betraying a professional confidence;	53078
(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for patients or in securing or attempting to secure a certificate <u>license</u> to practice as an oriental medicine practitioner or certificate <u>license</u> to practice as an acupuncturist.	53079 53080 53081 53082 53083
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.	53084 53085 53086 53087 53088 53089 53090 53091
(9) Representing, with the purpose of obtaining compensation or other advantage personally or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;	53092 53093 53094 53095
(10) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;	53096 53097 53098
(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;	53099 53100 53101
(12) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	53102 53103 53104
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of	53105 53106

conviction for, a misdemeanor committed in the course of practice;	53107
(14) A plea of guilty to, a judicial finding of guilt of, or	53108
a judicial finding of eligibility for intervention in lieu of	53109
conviction for, a misdemeanor involving moral turpitude;	53110
(15) Commission of an act in the course of practice that	53111
constitutes a misdemeanor in this state, regardless of the	53112
jurisdiction in which the act was committed;	53113
(16) Commission of an act involving moral turpitude that	53114
constitutes a misdemeanor in this state, regardless of the	53115
jurisdiction in which the act was committed;	53116
(17) A plea of guilty to, a judicial finding of guilt of, or	53117
a judicial finding of eligibility for intervention in lieu of	53118
conviction for violating any state or federal law regulating the	53119
possession, distribution, or use of any drug, including	53120
trafficking in drugs;	53121
(18) Any of the following actions taken by the state agency	53122
responsible for regulating the practice of oriental medicine or	53123
acupuncture in another jurisdiction, for any reason other than the	53124
nonpayment of fees: the limitation, revocation, or suspension of	53125
an individual's license to practice; acceptance of an individual's	53126
license surrender; denial of a license; refusal to renew or	53127
reinstate a license; imposition of probation; or issuance of an	53128
order of censure or other reprimand;	53129
(19) Violation of the conditions placed by the board on a	53130
certificate <u>license</u> to practice as an oriental medicine	53131
practitioner or certificate <u>license</u> to practice as an	53132
acupuncturist;	53133
(20) Failure to use universal blood and body fluid	53134
precautions established by rules adopted under section 4731.051 of	53135
the Revised Code;	53136

(21) Failure to cooperate in an investigation conducted by 53137
the board under section 4762.14 of the Revised Code, including 53138
failure to comply with a subpoena or order issued by the board or 53139
failure to answer truthfully a question presented by the board at 53140
a deposition or in written interrogatories, except that failure to 53141
cooperate with an investigation shall not constitute grounds for 53142
discipline under this section if a court of competent jurisdiction 53143
has issued an order that either quashes a subpoena or permits the 53144
individual to withhold the testimony or evidence in issue; 53145

(22) Failure to comply with the standards of the national 53146
certification commission for acupuncture and oriental medicine 53147
regarding professional ethics, commitment to patients, commitment 53148
to the profession, and commitment to the public; 53149

(23) Failure to have adequate professional liability 53150
insurance coverage in accordance with section 4762.22 of the 53151
Revised Code; 53152

(24) Failure to maintain a current and active designation as 53153
a diplomate in oriental medicine, diplomate of acupuncture and 53154
Chinese herbology, or diplomate in acupuncture, as applicable, 53155
from the national certification commission for acupuncture and 53156
oriental medicine, including revocation by the commission of the 53157
individual's designation, failure by the individual to meet the 53158
commission's requirements for redesignation, or failure to notify 53159
the board that the appropriate designation has not been 53160
maintained. 53161

(C) Disciplinary actions taken by the board under divisions 53162
(A) and (B) of this section shall be taken pursuant to an 53163
adjudication under Chapter 119. of the Revised Code, except that 53164
in lieu of an adjudication, the board may enter into a consent 53165
agreement with an oriental medicine practitioner or acupuncturist 53166
or applicant to resolve an allegation of a violation of this 53167
chapter or any rule adopted under it. A consent agreement, when 53168

ratified by an affirmative vote of not fewer than six members of 53169
the board, shall constitute the findings and order of the board 53170
with respect to the matter addressed in the agreement. If the 53171
board refuses to ratify a consent agreement, the admissions and 53172
findings contained in the consent agreement shall be of no force 53173
or effect. 53174

(D) For purposes of divisions (B)(12), (15), and (16) of this 53175
section, the commission of the act may be established by a finding 53176
by the board, pursuant to an adjudication under Chapter 119. of 53177
the Revised Code, that the applicant or ~~certificate~~ license holder 53178
committed the act in question. The board shall have no 53179
jurisdiction under these divisions in cases where the trial court 53180
renders a final judgment in the ~~certificate~~ license holder's favor 53181
and that judgment is based upon an adjudication on the merits. The 53182
board shall have jurisdiction under these divisions in cases where 53183
the trial court issues an order of dismissal upon technical or 53184
procedural grounds. 53185

(E) The sealing of conviction records by any court shall have 53186
no effect upon a prior board order entered under the provisions of 53187
this section or upon the board's jurisdiction to take action under 53188
the provisions of this section if, based upon a plea of guilty, a 53189
judicial finding of guilt, or a judicial finding of eligibility 53190
for intervention in lieu of conviction, the board issued a notice 53191
of opportunity for a hearing or entered into a consent agreement 53192
prior to the court's order to seal the records. The board shall 53193
not be required to seal, destroy, redact, or otherwise modify its 53194
records to reflect the court's sealing of conviction records. 53195

(F) For purposes of this division, any individual who holds a 53196
~~certificate~~ license to practice issued under this chapter, or 53197
applies for a ~~certificate~~ license to practice, shall be deemed to 53198
have given consent to submit to a mental or physical examination 53199
when directed to do so in writing by the board and to have waived 53200

all objections to the admissibility of testimony or examination 53201
reports that constitute a privileged communication. 53202

(1) In enforcing division (B)(5) of this section, the board, 53203
upon a showing of a possible violation, may compel any individual 53204
who holds a ~~certificate~~ license to practice issued under this 53205
chapter or who has applied for a ~~certificate~~ license pursuant to 53206
this chapter to submit to a mental examination, physical 53207
examination, including an HIV test, or both a mental and physical 53208
examination. The expense of the examination is the responsibility 53209
of the individual compelled to be examined. Failure to submit to a 53210
mental or physical examination or consent to an HIV test ordered 53211
by the board constitutes an admission of the allegations against 53212
the individual unless the failure is due to circumstances beyond 53213
the individual's control, and a default and final order may be 53214
entered without the taking of testimony or presentation of 53215
evidence. If the board finds an oriental medicine practitioner or 53216
acupuncturist unable to practice because of the reasons set forth 53217
in division (B)(5) of this section, the board shall require the 53218
individual to submit to care, counseling, or treatment by 53219
physicians approved or designated by the board, as a condition for 53220
an initial, continued, reinstated, or renewed ~~certificate~~ license 53221
to practice. An individual affected by this division shall be 53222
afforded an opportunity to demonstrate to the board the ability to 53223
resume practicing in compliance with acceptable and prevailing 53224
standards of care. 53225

(2) For purposes of division (B)(6) of this section, if the 53226
board has reason to believe that any individual who holds a 53227
~~certificate~~ license to practice issued under this chapter or any 53228
applicant for a ~~certificate~~ license suffers such impairment, the 53229
board may compel the individual to submit to a mental or physical 53230
examination, or both. The expense of the examination is the 53231
responsibility of the individual compelled to be examined. Any 53232

mental or physical examination required under this division shall 53233
be undertaken by a treatment provider or physician qualified to 53234
conduct such examination and chosen by the board. 53235

Failure to submit to a mental or physical examination ordered 53236
by the board constitutes an admission of the allegations against 53237
the individual unless the failure is due to circumstances beyond 53238
the individual's control, and a default and final order may be 53239
entered without the taking of testimony or presentation of 53240
evidence. If the board determines that the individual's ability to 53241
practice is impaired, the board shall suspend the individual's 53242
~~certificate~~ license or deny the individual's application and shall 53243
require the individual, as a condition for an initial, continued, 53244
reinstated, or renewed ~~certificate~~ license, to submit to 53245
treatment. 53246

Before being eligible to apply for reinstatement of a 53247
~~certificate~~ license suspended under this division, the oriental 53248
medicine practitioner or acupuncturist shall demonstrate to the 53249
board the ability to resume practice in compliance with acceptable 53250
and prevailing standards of care. The demonstration shall include 53251
the following: 53252

(a) Certification from a treatment provider approved under 53253
section 4731.25 of the Revised Code that the individual has 53254
successfully completed any required inpatient treatment; 53255

(b) Evidence of continuing full compliance with an aftercare 53256
contract or consent agreement; 53257

(c) Two written reports indicating that the individual's 53258
ability to practice has been assessed and that the individual has 53259
been found capable of practicing according to acceptable and 53260
prevailing standards of care. The reports shall be made by 53261
individuals or providers approved by the board for making such 53262
assessments and shall describe the basis for their determination. 53263

The board may reinstate a ~~certificate~~ license suspended under 53264
this division after such demonstration and after the individual 53265
has entered into a written consent agreement. 53266

When the impaired individual resumes practice, the board 53267
shall require continued monitoring of the individual. The 53268
monitoring shall include monitoring of compliance with the written 53269
consent agreement entered into before reinstatement or with 53270
conditions imposed by board order after a hearing, and, upon 53271
termination of the consent agreement, submission to the board for 53272
at least two years of annual written progress reports made under 53273
penalty of falsification stating whether the individual has 53274
maintained sobriety. 53275

(G) If the secretary and supervising member determine both of 53276
the following, they may recommend that the board suspend an 53277
individual's ~~certificate~~ license to practice without a prior 53278
hearing: 53279

(1) That there is clear and convincing evidence that an 53280
oriental medicine practitioner or acupuncturist has violated 53281
division (B) of this section; 53282

(2) That the individual's continued practice presents a 53283
danger of immediate and serious harm to the public. 53284

Written allegations shall be prepared for consideration by 53285
the board. The board, upon review of the allegations and by an 53286
affirmative vote of not fewer than six of its members, excluding 53287
the secretary and supervising member, may suspend a ~~certificate~~ 53288
license without a prior hearing. A telephone conference call may 53289
be utilized for reviewing the allegations and taking the vote on 53290
the summary suspension. 53291

The board shall issue a written order of suspension by 53292
certified mail or in person in accordance with section 119.07 of 53293
the Revised Code. The order shall not be subject to suspension by 53294

the court during pendency of any appeal filed under section 119.12 53295
of the Revised Code. If the oriental medicine practitioner or 53296
acupuncturist requests an adjudicatory hearing by the board, the 53297
date set for the hearing shall be within fifteen days, but not 53298
earlier than seven days, after the hearing is requested, unless 53299
otherwise agreed to by both the board and the ~~certificate~~ license 53300
holder. 53301

A summary suspension imposed under this division shall remain 53302
in effect, unless reversed on appeal, until a final adjudicative 53303
order issued by the board pursuant to this section and Chapter 53304
119. of the Revised Code becomes effective. The board shall issue 53305
its final adjudicative order within sixty days after completion of 53306
its hearing. Failure to issue the order within sixty days shall 53307
result in dissolution of the summary suspension order, but shall 53308
not invalidate any subsequent, final adjudicative order. 53309

(H) If the board takes action under division (B)(11), (13), 53310
or (14) of this section, and the judicial finding of guilt, guilty 53311
plea, or judicial finding of eligibility for intervention in lieu 53312
of conviction is overturned on appeal, upon exhaustion of the 53313
criminal appeal, a petition for reconsideration of the order may 53314
be filed with the board along with appropriate court documents. 53315
Upon receipt of a petition and supporting court documents, the 53316
board shall reinstate the ~~certificate to practice~~ license. The 53317
board may then hold an adjudication under Chapter 119. of the 53318
Revised Code to determine whether the individual committed the act 53319
in question. Notice of opportunity for hearing shall be given in 53320
accordance with Chapter 119. of the Revised Code. If the board 53321
finds, pursuant to an adjudication held under this division, that 53322
the individual committed the act, or if no hearing is requested, 53323
it may order any of the sanctions specified in division (B) of 53324
this section. 53325

(I) The ~~certificate~~ license to practice of an oriental 53326

medicine practitioner or acupuncturist and the practitioner's or 53327
acupuncturist's practice in this state are automatically suspended 53328
as of the date the practitioner or acupuncturist pleads guilty to, 53329
is found by a judge or jury to be guilty of, or is subject to a 53330
judicial finding of eligibility for intervention in lieu of 53331
conviction in this state or treatment or intervention in lieu of 53332
conviction in another jurisdiction for any of the following 53333
criminal offenses in this state or a substantially equivalent 53334
criminal offense in another jurisdiction: aggravated murder, 53335
murder, voluntary manslaughter, felonious assault, kidnapping, 53336
rape, sexual battery, gross sexual imposition, aggravated arson, 53337
aggravated robbery, or aggravated burglary. Continued practice 53338
after the suspension shall be considered practicing without a 53339
~~certificate~~ license. 53340

The board shall notify the individual subject to the 53341
suspension by certified mail or in person in accordance with 53342
section 119.07 of the Revised Code. If an individual whose 53343
~~certificate~~ license is suspended under this division fails to make 53344
a timely request for an adjudication under Chapter 119. of the 53345
Revised Code, the board shall enter a final order permanently 53346
revoking the individual's ~~certificate to practice~~ license. 53347

(J) In any instance in which the board is required by Chapter 53348
119. of the Revised Code to give notice of opportunity for hearing 53349
and the individual subject to the notice does not timely request a 53350
hearing in accordance with section 119.07 of the Revised Code, the 53351
board is not required to hold a hearing, but may adopt, by an 53352
affirmative vote of not fewer than six of its members, a final 53353
order that contains the board's findings. In the final order, the 53354
board may order any of the sanctions identified under division (A) 53355
or (B) of this section. 53356

(K) Any action taken by the board under division (B) of this 53357
section resulting in a suspension shall be accompanied by a 53358

written statement of the conditions under which the ~~certificate to~~ 53359
~~practice~~ license may be reinstated. The board shall adopt rules in 53360
accordance with Chapter 119. of the Revised Code governing 53361
conditions to be imposed for reinstatement. Reinstatement of a 53362
~~certificate~~ license suspended pursuant to division (B) of this 53363
section requires an affirmative vote of not fewer than six members 53364
of the board. 53365

(L) When the board refuses to grant or issue a ~~certificate to~~ 53366
~~practice~~ license to an applicant, revokes an individual's 53367
~~certificate~~ license, refuses to renew an individual's ~~certificate~~ 53368
license, or refuses to reinstate an individual's ~~certificate~~ 53369
license, the board may specify that its action is permanent. An 53370
individual subject to a permanent action taken by the board is 53371
forever thereafter ineligible to hold a ~~certificate~~ license to 53372
practice as an oriental medicine practitioner or ~~certificate~~ 53373
license to practice as an acupuncturist and the board shall not 53374
accept an application for reinstatement of the ~~certificate~~ license 53375
or for issuance of a new ~~certificate~~ license. 53376

(M) Notwithstanding any other provision of the Revised Code, 53377
all of the following apply: 53378

(1) The surrender of a ~~certificate~~ license to practice as an 53379
oriental medicine practitioner or ~~certificate~~ license to practice 53380
as an acupuncturist issued under this chapter is not effective 53381
unless or until accepted by the board. Reinstatement of a 53382
~~certificate~~ license surrendered to the board requires an 53383
affirmative vote of not fewer than six members of the board. 53384

(2) An application made under this chapter for a ~~certificate~~ 53385
license may not be withdrawn without approval of the board. 53386

(3) Failure by an individual to renew a ~~certificate~~ license 53387
in accordance with section 4762.06 of the Revised Code shall not 53388
remove or limit the board's jurisdiction to take disciplinary 53389

action under this section against the individual. 53390

Sec. 4762.131. On receipt of a notice pursuant to section 53391
3123.43 of the Revised Code, the state medical board shall comply 53392
with sections 3123.41 to 3123.50 of the Revised Code and any 53393
applicable rules adopted under section 3123.63 of the Revised Code 53394
with respect to a ~~certificate~~ license to practice as an oriental 53395
medicine practitioner or ~~certificate~~ license to practice as an 53396
acupuncturist issued pursuant to this chapter. 53397

Sec. 4762.132. If the state medical board has reason to 53398
believe that any person who has been granted under this chapter a 53399
~~certificate~~ license to practice as an oriental medicine 53400
practitioner or ~~certificate~~ license to practice as an 53401
acupuncturist is mentally ill or mentally incompetent, it may file 53402
in the probate court of the county in which the person has a legal 53403
residence an affidavit in the form prescribed in section 5122.11 53404
of the Revised Code and signed by the board secretary or a member 53405
of the board secretary's staff, whereupon the same proceedings 53406
shall be had as provided in Chapter 5122. of the Revised Code. The 53407
attorney general may represent the board in any proceeding 53408
commenced under this section. 53409

If any person who has been granted a ~~certificate~~ license is 53410
adjudged by a probate court to be mentally ill or mentally 53411
incompetent, the person's ~~certificate~~ license shall be 53412
automatically suspended until the person has filed with the state 53413
medical board a certified copy of an adjudication by a probate 53414
court of the person's subsequent restoration to competency or has 53415
submitted to the board proof, satisfactory to the board, that the 53416
person has been discharged as having a restoration to competency 53417
in the manner and form provided in section 5122.38 of the Revised 53418
Code. The judge of the probate court shall forthwith notify the 53419
state medical board of an adjudication of mental illness or mental 53420

incompetence, and shall note any suspension of a ~~certificate~~ 53421
license in the margin of the court's record of such ~~certificate~~ 53422
license. 53423

Sec. 4762.14. (A) The state medical board shall investigate 53424
evidence that appears to show that any person has violated this 53425
chapter or the rules adopted under it. Any person may report to 53426
the board in a signed writing any information the person has that 53427
appears to show a violation of any provision of this chapter or 53428
the rules adopted under it. In the absence of bad faith, a person 53429
who reports such information or testifies before the board in an 53430
adjudication conducted under Chapter 119. of the Revised Code 53431
shall not be liable for civil damages as a result of reporting the 53432
information or providing testimony. Each complaint or allegation 53433
of a violation received by the board shall be assigned a case 53434
number and be recorded by the board. 53435

(B) Investigations of alleged violations of this chapter or 53436
rules adopted under it shall be supervised by the supervising 53437
member elected by the board in accordance with section 4731.02 of 53438
the Revised Code and by the secretary as provided in section 53439
4762.17 of the Revised Code. The board's president may designate 53440
another member of the board to supervise the investigation in 53441
place of the supervising member. A member of the board who 53442
supervises the investigation of a case shall not participate in 53443
further adjudication of the case. 53444

(C) In investigating a possible violation of this chapter or 53445
the rules adopted under it, the board may administer oaths, order 53446
the taking of depositions, issue subpoenas, and compel the 53447
attendance of witnesses and production of books, accounts, papers, 53448
records, documents, and testimony, except that a subpoena for 53449
patient record information shall not be issued without 53450
consultation with the attorney general's office and approval of 53451

the secretary and supervising member of the board. Before issuance 53452
of a subpoena for patient record information, the secretary and 53453
supervising member shall determine whether there is probable cause 53454
to believe that the complaint filed alleges a violation of this 53455
chapter or the rules adopted under it and that the records sought 53456
are relevant to the alleged violation and material to the 53457
investigation. The subpoena may apply only to records that cover a 53458
reasonable period of time surrounding the alleged violation. 53459

On failure to comply with any subpoena issued by the board 53460
and after reasonable notice to the person being subpoenaed, the 53461
board may move for an order compelling the production of persons 53462
or records pursuant to the Rules of Civil Procedure. 53463

A subpoena issued by the board may be served by a sheriff, 53464
the sheriff's deputy, or a board employee designated by the board. 53465
Service of a subpoena issued by the board may be made by 53466
delivering a copy of the subpoena to the person named therein, 53467
reading it to the person, or leaving it at the person's usual 53468
place of residence. When the person being served is an oriental 53469
medicine practitioner or acupuncturist, service of the subpoena 53470
may be made by certified mail, restricted delivery, return receipt 53471
requested, and the subpoena shall be deemed served on the date 53472
delivery is made or the date the person refuses to accept 53473
delivery. 53474

A sheriff's deputy who serves a subpoena shall receive the 53475
same fees as a sheriff. Each witness who appears before the board 53476
in obedience to a subpoena shall receive the fees and mileage 53477
provided for under section 119.094 of the Revised Code. 53478

(D) All hearings and investigations of the board shall be 53479
considered civil actions for the purposes of section 2305.252 of 53480
the Revised Code. 53481

(E) Information received by the board pursuant to an 53482

investigation is confidential and not subject to discovery in any 53483
civil action. 53484

The board shall conduct all investigations and proceedings in 53485
a manner that protects the confidentiality of patients and persons 53486
who file complaints with the board. The board shall not make 53487
public the names or any other identifying information about 53488
patients or complainants unless proper consent is given. 53489

The board may share any information it receives pursuant to 53490
an investigation, including patient records and patient record 53491
information, with law enforcement agencies, other licensing 53492
boards, and other governmental agencies that are prosecuting, 53493
adjudicating, or investigating alleged violations of statutes or 53494
administrative rules. An agency or board that receives the 53495
information shall comply with the same requirements regarding 53496
confidentiality as those with which the state medical board must 53497
comply, notwithstanding any conflicting provision of the Revised 53498
Code or procedure of the agency or board that applies when it is 53499
dealing with other information in its possession. In a judicial 53500
proceeding, the information may be admitted into evidence only in 53501
accordance with the Rules of Evidence, but the court shall require 53502
that appropriate measures are taken to ensure that confidentiality 53503
is maintained with respect to any part of the information that 53504
contains names or other identifying information about patients or 53505
complainants whose confidentiality was protected by the state 53506
medical board when the information was in the board's possession. 53507
Measures to ensure confidentiality that may be taken by the court 53508
include sealing its records or deleting specific information from 53509
its records. 53510

(F) The state medical board shall develop requirements for 53511
and provide appropriate initial training and continuing education 53512
for investigators employed by the board to carry out its duties 53513
under this chapter. The training and continuing education may 53514

include enrollment in courses operated or approved by the Ohio
peace officer training commission that the board considers
appropriate under conditions set forth in section 109.79 of the
Revised Code.

(G) On a quarterly basis, the board shall prepare a report
that documents the disposition of all cases during the preceding
three months. The report shall contain the following information
for each case with which the board has completed its activities:

(1) The case number assigned to the complaint or alleged
violation;

(2) The type of ~~certificate to practice~~ license, if any, held
by the individual against whom the complaint is directed;

(3) A description of the allegations contained in the
complaint;

(4) The disposition of the case.

The report shall state how many cases are still pending, and
shall be prepared in a manner that protects the identity of each
person involved in each case. The report is a public record for
purposes of section 149.43 of the Revised Code.

Sec. 4762.15. (A) As used in this section, "prosecutor" has
the same meaning as in section 2935.01 of the Revised Code.

(B) Whenever any person holding a valid ~~certificate~~ license
to practice as an oriental medicine practitioner or valid
~~ertificate~~ license to practice as an acupuncturist issued
pursuant to this chapter pleads guilty to, is subject to a
judicial finding of guilt of, or is subject to a judicial finding
of eligibility for intervention in lieu of conviction for a
violation of Chapter 2907., 2925., or 3719. of the Revised Code or
of any substantively comparable ordinance of a municipal
corporation in connection with the person's practice, the

prosecutor in the case, on forms prescribed and provided by the 53545
state medical board, shall promptly notify the board of the 53546
conviction. Within thirty days of receipt of that information, the 53547
board shall initiate action in accordance with Chapter 119. of the 53548
Revised Code to determine whether to suspend or revoke the 53549
~~certificate~~ license under section 4762.13 of the Revised Code. 53550

(C) The prosecutor in any case against any person holding a 53551
valid ~~certificate to practice~~ license issued pursuant to this 53552
chapter, on forms prescribed and provided by the state medical 53553
board, shall notify the board of any of the following: 53554

(1) A plea of guilty to, a finding of guilt by a jury or 53555
court of, or judicial finding of eligibility for intervention in 53556
lieu of conviction for a felony, or a case in which the trial 53557
court issues an order of dismissal upon technical or procedural 53558
grounds of a felony charge; 53559

(2) A plea of guilty to, a finding of guilt by a jury or 53560
court of, or judicial finding of eligibility for intervention in 53561
lieu of conviction for a misdemeanor committed in the course of 53562
practice, or a case in which the trial court issues an order of 53563
dismissal upon technical or procedural grounds of a charge of a 53564
misdemeanor, if the alleged act was committed in the course of 53565
practice; 53566

(3) A plea of guilty to, a finding of guilt by a jury or 53567
court of, or judicial finding of eligibility for intervention in 53568
lieu of conviction for a misdemeanor involving moral turpitude, or 53569
a case in which the trial court issues an order of dismissal upon 53570
technical or procedural grounds of a charge of a misdemeanor 53571
involving moral turpitude. 53572

The report shall include the name and address of the 53573
~~certificate~~ license holder, the nature of the offense for which 53574
the action was taken, and the certified court documents recording 53575

the action. 53576

Sec. 4762.16. (A) Within sixty days after the imposition of 53577
any formal disciplinary action taken by any health care facility, 53578
including a hospital, health care facility operated by a health 53579
insuring corporation, ambulatory surgical center, or similar 53580
facility, against any individual holding a valid ~~certificate~~ 53581
license to practice as an oriental medicine practitioner or valid 53582
~~certificate~~ license to practice as an acupuncturist, the chief 53583
administrator or executive officer of the facility shall report to 53584
the state medical board the name of the individual, the action 53585
taken by the facility, and a summary of the underlying facts 53586
leading to the action taken. Upon request, the board shall be 53587
provided certified copies of the patient records that were the 53588
basis for the facility's action. Prior to release to the board, 53589
the summary shall be approved by the peer review committee that 53590
reviewed the case or by the governing board of the facility. 53591

The filing of a report with the board or decision not to file 53592
a report, investigation by the board, or any disciplinary action 53593
taken by the board, does not preclude a health care facility from 53594
taking disciplinary action against an oriental medicine 53595
practitioner or acupuncturist. 53596

In the absence of fraud or bad faith, no individual or entity 53597
that provides patient records to the board shall be liable in 53598
damages to any person as a result of providing the records. 53599

(B)(1) Except as provided in division (B)(2) of this section, 53600
an oriental medicine practitioner or acupuncturist, professional 53601
association or society of oriental medicine practitioners or 53602
acupuncturists, physician, or professional association or society 53603
of physicians that believes a violation of any provision of this 53604
chapter, Chapter 4731. of the Revised Code, or rule of the board 53605
has occurred shall report to the board the information upon which 53606

the belief is based. 53607

(2) An oriental medicine practitioner or acupuncturist, 53608
professional association or society of oriental medicine 53609
practitioners or acupuncturists, physician, or professional 53610
association or society of physicians that believes a violation of 53611
division (B)(6) of section 4762.13 of the Revised Code has 53612
occurred shall report the information upon which the belief is 53613
based to the monitoring organization conducting the program 53614
established by the board under section 4731.251 of the Revised 53615
Code. If any such report is made to the board, it shall be 53616
referred to the monitoring organization unless the board is aware 53617
that the individual who is the subject of the report does not meet 53618
the program eligibility requirements of section 4731.252 of the 53619
Revised Code. 53620

(C) Any professional association or society composed 53621
primarily of oriental medicine practitioners or acupuncturists 53622
that suspends or revokes an individual's membership for violations 53623
of professional ethics, or for reasons of professional 53624
incompetence or professional malpractice, within sixty days after 53625
a final decision, shall report to the board, on forms prescribed 53626
and provided by the board, the name of the individual, the action 53627
taken by the professional organization, and a summary of the 53628
underlying facts leading to the action taken. 53629

The filing of a report with the board or decision not to file 53630
a report, investigation by the board, or any disciplinary action 53631
taken by the board, does not preclude a professional organization 53632
from taking disciplinary action against an individual. 53633

(D) Any insurer providing professional liability insurance to 53634
any person holding a valid ~~certificate~~ license to practice as an 53635
oriental medicine practitioner or valid ~~certificate~~ license to 53636
practice as an acupuncturist or any other entity that seeks to 53637
indemnify the professional liability of an oriental medicine 53638

practitioner or acupuncturist shall notify the board within thirty 53639
days after the final disposition of any written claim for damages 53640
where such disposition results in a payment exceeding twenty-five 53641
thousand dollars. The notice shall contain the following 53642
information: 53643

(1) The name and address of the person submitting the 53644
notification; 53645

(2) The name and address of the insured who is the subject of 53646
the claim; 53647

(3) The name of the person filing the written claim; 53648

(4) The date of final disposition; 53649

(5) If applicable, the identity of the court in which the 53650
final disposition of the claim took place. 53651

(E) The board may investigate possible violations of this 53652
chapter or the rules adopted under it that are brought to its 53653
attention as a result of the reporting requirements of this 53654
section, except that the board shall conduct an investigation if a 53655
possible violation involves repeated malpractice. As used in this 53656
division, "repeated malpractice" means three or more claims for 53657
malpractice within the previous five-year period, each resulting 53658
in a judgment or settlement in excess of twenty-five thousand 53659
dollars in favor of the claimant, and each involving negligent 53660
conduct by the oriental medicine practitioner or acupuncturist. 53661

(F) All summaries, reports, and records received and 53662
maintained by the board pursuant to this section shall be held in 53663
confidence and shall not be subject to discovery or introduction 53664
in evidence in any federal or state civil action involving an 53665
oriental medicine practitioner, acupuncturist, supervising 53666
physician, or health care facility arising out of matters that are 53667
the subject of the reporting required by this section. The board 53668
may use the information obtained only as the basis for an 53669

investigation, as evidence in a disciplinary hearing against an 53670
oriental medicine practitioner, acupuncturist, or supervising 53671
physician, or in any subsequent trial or appeal of a board action 53672
or order. 53673

The board may disclose the summaries and reports it receives 53674
under this section only to health care facility committees within 53675
or outside this state that are involved in credentialing or 53676
recredentialing an oriental medicine practitioner, acupuncturist, 53677
or supervising physician or reviewing their privilege to practice 53678
within a particular facility. The board shall indicate whether or 53679
not the information has been verified. Information transmitted by 53680
the board shall be subject to the same confidentiality provisions 53681
as when maintained by the board. 53682

(G) Except for reports filed by an individual pursuant to 53683
division (B) of this section, the board shall send a copy of any 53684
reports or summaries it receives pursuant to this section to the 53685
acupuncturist. The oriental medicine practitioner or acupuncturist 53686
shall have the right to file a statement with the board concerning 53687
the correctness or relevance of the information. The statement 53688
shall at all times accompany that part of the record in 53689
contention. 53690

(H) An individual or entity that reports to the board, 53691
reports to the monitoring organization described in section 53692
4731.251 of the Revised Code, or refers an impaired oriental 53693
medicine practitioner or impaired acupuncturist to a treatment 53694
provider approved by the board under section 4731.25 of the 53695
Revised Code shall not be subject to suit for civil damages as a 53696
result of the report, referral, or provision of the information. 53697

(I) In the absence of fraud or bad faith, a professional 53698
association or society of oriental medicine practitioners or 53699
acupuncturists that sponsors a committee or program to provide 53700
peer assistance to an oriental medicine practitioner or 53701

acupuncturist with substance abuse problems, a representative or 53702
agent of such a committee or program, a representative or agent of 53703
the monitoring organization described in section 4731.251 of the 53704
Revised Code, and a member of the state medical board shall not be 53705
held liable in damages to any person by reason of actions taken to 53706
refer an oriental medicine practitioner or acupuncturist to a 53707
treatment provider approved under section 4731.25 of the Revised 53708
Code for examination or treatment. 53709

Sec. 4762.18. (A) Subject to division (E) of this section, 53710
the attorney general, the prosecuting attorney of any county in 53711
which the offense was committed or the offender resides, the state 53712
medical board, or any other person having knowledge of a person 53713
engaged either directly or by complicity in the practice of 53714
oriental medicine or acupuncture without having first obtained a 53715
~~certificate~~ license to do so pursuant to this chapter, may, in 53716
accord with provisions of the Revised Code governing injunctions, 53717
maintain an action in the name of the state to enjoin any person 53718
from engaging either directly or by complicity in the unlawful 53719
practice of oriental medicine or acupuncture by applying for an 53720
injunction in any court of competent jurisdiction. 53721

(B) Prior to application for an injunction under division (A) 53722
of this section, the secretary of the state medical board shall 53723
notify the person allegedly engaged either directly or by 53724
complicity in the unlawful practice of oriental medicine or 53725
acupuncture by registered mail that the secretary has received 53726
information indicating that this person is so engaged. The person 53727
shall answer the secretary within thirty days showing that the 53728
person is either properly licensed for the stated activity or that 53729
the person is not in violation of this chapter. If the answer is 53730
not forthcoming within thirty days after notice by the secretary, 53731
the secretary shall request that the attorney general, the 53732
prosecuting attorney of the county in which the offense was 53733

committed or the offender resides, or the state medical board 53734
proceed as authorized in this section. 53735

(C) Upon the filing of a verified petition in court, the 53736
court shall conduct a hearing on the petition and shall give the 53737
same preference to this proceeding as is given all proceedings 53738
under Chapter 119. of the Revised Code, irrespective of the 53739
position of the proceeding on the calendar of the court. 53740

(D) Injunction proceedings as authorized by this section 53741
shall be in addition to, and not in lieu of, all penalties and 53742
other remedies provided in this chapter. 53743

(E) An injunction proceeding permitted by division (A) of 53744
this section may not be maintained against a person described in 53745
division (B) of section 4762.02 of the Revised Code or a 53746
chiropractor who holds a valid certificate to practice acupuncture 53747
issued under section 4734.283 of the Revised Code. 53748

Sec. 4762.22. An individual who holds a ~~certificate~~ license 53749
to practice as an oriental medicine practitioner or ~~certificate~~ 53750
license to practice as an acupuncturist issued under this chapter 53751
shall have professional liability insurance coverage in an amount 53752
that is not less than five hundred thousand dollars. 53753

Sec. 4763.16. (A) The real estate appraiser recovery fund is 53754
hereby created in the state treasury, to be administered by the 53755
superintendent of real estate. The treasurer of state shall credit 53756
to the fund amounts collected by the superintendent as prescribed 53757
in this section and interest earned on the assets of the fund. The 53758
superintendent shall ascertain the balance of the fund as of the 53759
first day of October of each year. If that balance is less than 53760
~~five~~ two hundred thousand dollars at any time, the director of 53761
budget and management, upon the request of the superintendent and 53762
approval of the controlling board, may transfer from the real 53763

estate appraiser operating fund to the real estate appraiser 53764
recovery fund a sum as will bring the real estate appraiser 53765
recovery fund to that amount. 53766

(B) When any person obtains a final judgment in any court of 53767
competent jurisdiction against a certificate holder, registrant, 53768
or licensee, based upon conduct that is in violation of this 53769
chapter or the rules adopted under it, which conduct occurred on 53770
or after the date of their certification, registration, or 53771
licensure, and that is associated with an act or transaction of a 53772
certificate holder, registrant, or licensee specified in this 53773
chapter, that person may file a verified complaint, as described 53774
in this division, in the Franklin county court of common pleas for 53775
an order directing payment out of the real estate appraiser 53776
recovery fund of the portion of the judgment that remains unpaid 53777
and that represents the actual and direct loss of the person for 53778
the act or transaction upon which the underlying judgment was 53779
based, and court costs, if awarded in the underlying judgment, 53780
provided that no person shall receive more than ten thousand 53781
dollars from the fund for any one judgment. A bonding or insurance 53782
company or any partnership, corporation, or association that uses 53783
any tool to develop a valuation of real property for purposes of a 53784
loan or that employs, retains, or engages as an independent 53785
contractor a person licensed, registered, or certified as a real 53786
estate appraiser in its usual or occasional operations may not 53787
seek an order directing, and is not eligible for, payment out of 53788
the fund. Punitive or exemplary damages are not recoverable from 53789
the fund. 53790

The complaint shall specify the nature of the act or 53791
transaction upon which the underlying judgment was based, the 53792
activities of the applicant in pursuit of remedies available under 53793
law for the collection of judgments, and the amount of the fee 53794
paid by the applicant to the certificate holder, registrant, or 53795

licensee. The applicant shall attach to the complaint a copy of 53796
each pleading and order in the underlying court action. 53797

The Franklin county court of common pleas shall order the 53798
superintendent to make payments out of the fund when the person 53799
seeking the order has shown all of the following: 53800

(1) The person has obtained a judgment, as provided in this 53801
division; 53802

(2) All appeals from the judgment have been exhausted and the 53803
person has given notice to the superintendent, as required by 53804
division (C) of this section; 53805

(3) The person is not a spouse of the certificate holder, 53806
registrant, or licensee, or the personal representative of the 53807
spouse; 53808

(4) The person has diligently pursued the person's remedies 53809
against all the certificate holders, registrants, licensees, and 53810
all other persons liable to the person in the transaction for 53811
which the person seeks recovery from the fund; 53812

(5) The person is making a complaint not more than one year 53813
after termination of all proceedings, including appeals, in 53814
connection with the judgment. 53815

(C) A person who applies to the Franklin county court of 53816
common pleas for an order directing payment out of the fund shall 53817
file notice of the complaint with the superintendent. The 53818
superintendent shall send notice to the affected certificate 53819
holder, registrant, or licensee, where possible. The 53820
superintendent may defend the action on behalf of the fund and 53821
shall have recourse to all appropriate means of defense and 53822
review, including examination of witnesses. The superintendent may 53823
move the court at any time to dismiss the complaint when it 53824
appears there are no triable issues and the complaint is without 53825
merit. The motion may be supported by affidavit of any person 53826

having knowledge of the facts and may be made on the basis that 53827
the complaint, including the judgment referred to in the 53828
complaint, does not form the basis for a meritorious recovery 53829
claim. The superintendent may, subject to court approval, 53830
compromise a claim based upon the complaint of an aggrieved party. 53831
The superintendent is not bound by any prior compromise or 53832
stipulation of the certificate holder, registrant, or licensee. 53833
Upon petition of the superintendent, the court may require all 53834
claimants and prospective claimants against one certificate 53835
holder, registrant, or licensee to be joined in one action, to the 53836
end that the respective rights of all such claimants to the fund 53837
may be equitably adjudicated and settled. 53838

(D) If the superintendent pays from the fund any amount in 53839
settlement of a claim or toward satisfaction of a judgment against 53840
a certificate holder, registrant, or licensee, the certificate, 53841
registration, or license of the certificate holder, registrant, or 53842
licensee automatically is suspended upon the date of payment from 53843
the fund. No certificate, registration, or license that has been 53844
suspended pursuant to this division shall be reinstated until the 53845
certificate holder, registrant, or licensee has repaid in full, 53846
plus interest per annum at the rate specified in division (A) of 53847
section 1343.03 of the Revised Code, the amount paid from the fund 53848
on the certificate holder's, registrant's, or licensee's account. 53849
A discharge in bankruptcy does not relieve a person from the 53850
suspension and requirements for reinstatement provided in this 53851
section. 53852

(E) If, at any time, the money deposited in the fund is 53853
insufficient to satisfy any duly authorized claim or portion of a 53854
claim, the superintendent shall, when sufficient money has been 53855
deposited in the fund, satisfy the unpaid claims or portions, in 53856
the order that the claims or portions were originally filed, plus 53857
accumulated interest per annum at the rate specified in division 53858

(A) of section 1343.03 of the Revised Code. 53859

(F) When, upon the order of the court, the superintendent has 53860
paid from the fund any sum to the judgment creditor, the 53861
superintendent is subrogated to all of the rights of the judgment 53862
creditor to the extent of the amount so paid, and the judgment 53863
creditor shall assign all of the judgment creditor's right, title, 53864
and interest in the judgment to the superintendent to the extent 53865
of the amount so paid. The superintendent shall deposit in the 53866
fund any amount and interest so recovered by the superintendent on 53867
the judgment. 53868

(G) Nothing contained in this section shall limit the 53869
authority of the real estate appraiser board to take disciplinary 53870
action against a certificate holder, registrant, or licensee under 53871
other provisions of this chapter. The repayment in full of all 53872
obligations to the fund by a certificate holder, registrant, or 53873
licensee does not nullify or modify the effect of any other 53874
disciplinary proceeding brought pursuant to this chapter, unless 53875
repayment is imposed as a condition in that proceeding. 53876

(H) The superintendent shall collect from the fund a service 53877
fee in an amount equivalent to the interest rate specified in 53878
division (A) of section 1343.03 of the Revised Code multiplied by 53879
the annual interest earned on the assets of the fund, to defray 53880
the expenses incurred in the administration of the fund. 53881

Sec. 4765.60. (A) As used in this section and sections 53882
4765.601 to 4765.609 of the Revised Code: 53883

(1) "Minor" means an individual under eighteen years of age 53884
who is not emancipated. 53885

For purposes of this section, an individual under eighteen 53886
years of age is emancipated only if the individual has married, 53887
has entered the armed services of the United States, has become 53888

employed and self-sustaining, or otherwise has become independent 53889
from the care and control of the individual's parent, guardian, or 53890
legal custodian. 53891

(2) "Prescriber" means any of the following: 53892

(a) An advanced practice registered nurse who holds a 53893
current, valid license issued under Chapter 4723. of the Revised 53894
Code and is designated as a clinical nurse specialist, certified 53895
nurse-midwife, or certified nurse practitioner; 53896

(b) A physician authorized under Chapter 4731. of the Revised 53897
Code to practice medicine and surgery or osteopathic medicine and 53898
surgery; 53899

(c) A physician assistant who is licensed under Chapter 4730. 53900
of the Revised Code, holds a valid prescriber number issued by the 53901
state medical board, and has been granted physician-delegated 53902
prescriptive authority. 53903

(3) "Opioid analgesic" has the same meaning as in section 53904
3719.01 of the Revised Code. 53905

(B) Not later than one year after the effective date of this 53906
section, the state board of emergency medical, fire, and 53907
transportation services shall develop a non-opioid directive form. 53908
The form shall specify that the patient who is the subject of the 53909
form desires not to be offered, prescribed, administered, 53910
personally furnished, or otherwise provided with an opioid 53911
analgesic. When developing the form, the board shall seek input on 53912
the form's content from all of the following: 53913

(1) Prescribers; 53914

(2) Pharmacists; 53915

(3) Emergency medical services personnel, firefighters, 53916
volunteer firefighters, and law enforcement officers; 53917

(4) Addiction treatment professionals; 53918

<u>(5) Nursing homes;</u>	53919
<u>(6) Hospitals;</u>	53920
<u>(7) Ambulatory surgical facilities;</u>	53921
<u>(8) Any other constituency that the board determines to be appropriate.</u>	53922 53923
<u>The board shall make the form available on its internet web site. The form shall be made available in a format that can be downloaded free of charge and reproduced.</u>	53924 53925 53926
<u>Sec. 4765.601. A patient's decision to sign a non-opioid directive form is voluntary. A form does not become effective until it is signed by the patient to whom it pertains, or that individual's representative, and is placed in the patient's paper or electronic medical record. In the case of a patient who is a minor, the patient's representative is the patient's parent, guardian, or legal custodian.</u>	53927 53928 53929 53930 53931 53932 53933
<u>An individual who places a signed non-opioid directive form in a patient's medical record, or that individual's delegate, shall notify the state board of pharmacy that the patient has signed a non-opioid directive form and where the form is maintained.</u>	53934 53935 53936 53937 53938
<u>Sec. 4765.602. (A) A non-opioid directive form shall be distributed to both of the following:</u>	53939 53940
<u>(1) Each individual who has completed treatment with a community addiction services provider, as defined in section 5119.01 of the Revised Code, at the time of discharge from such treatment;</u>	53941 53942 53943 53944
<u>(2) Each individual who served a prison term for a drug offense that is a violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code, at the time of release from</u>	53945 53946 53947

prison. 53948

(B) An individual who receives a non-opioid directive form as described in this section shall not be pressured to sign it. 53949
53950

Sec. 4765.603. The state board of emergency medical, fire, and transportation services shall adopt rules in accordance with Chapter 119. of the Revised Code to do all of the following: 53951
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(A) Specify procedures to ensure that a signed non-opioid directive form is properly filed in the medical record of the patient to whom it pertains and that a notification of its existence is sent to the state board of pharmacy; 53954
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(B) If the state board of pharmacy maintains a drug database pursuant to section 4729.75 of the Revised Code, specify a marker or other form of notification that shall be included in that database under the name and patient identifier of a patient who has signed a non-opioid directive form; 53958
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(C) Specify a procedure for the transmission, sharing, and distribution of a patient's non-opioid directive form between health care providers, health care facilities, emergency medical services personnel, firefighters, volunteer firefighters, and law enforcement officers that ensures that protected health information is disclosed only in a manner that is consistent with applicable state and federal laws regarding the use and disclosure of such information; 53963
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(D) Specify the circumstances under which a patient may authorize another individual, including an attorney in fact under a durable power of attorney for health care created pursuant to sections 1337.11 to 1337.17 of the Revised Code, to override a patient's non-opioid directive form, and a procedure to accomplish an override. 53971
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Sec. 4765.604. The patient who is the subject of a non-opioid 53977

directive form, the patient's representative, or, if the patient 53978
is under eighteen years of age, the patient's parent, guardian, or 53979
legal custodian, may revoke a non-opioid directive form at any 53980
time and in any manner that communicates the intent to revoke. 53981
53982

Sec. 4765.605. In an emergency situation, emergency medical 53983
services personnel, firefighters, volunteer firefighters, and law 53984
enforcement officers are not required to inquire about the 53985
existence of a non-opioid directive form for a patient or 53986
determine if the patient is the subject of a non-opioid directive 53987
form. If a patient is the subject of a non-opioid directive form, 53988
if any of the foregoing persons provide care to the patient in an 53989
emergency situation, and if, at that time, those persons do not 53990
know that the patient is the subject of a non-opioid directive 53991
form or if they believe based on their professional judgment that 53992
the patient's chances of recovery would be substantially improved 53993
through use of an opioid analgesic, the foregoing persons or 53994
emergency department personnel are not subject to any of the 53995
following associated with offering, prescribing, administering, 53996
personally furnishing, or otherwise providing an opioid analgesic 53997
to the patient if doing so is otherwise in accordance with 53998
applicable law: 53999

(A) Criminal prosecution; 54000

(B) Liability for damages in a tort or other civil action for 54001
injury, death, or loss to person or property; 54002

(C) Professional disciplinary action. 54003

Sec. 4765.606. (A) A pharmacist or pharmacy intern to whom a 54004
valid prescription for an opioid analgesic is presented for 54005
dispensing is neither required to inquire about the existence of a 54006
non-opioid directive form for the patient who is the subject of 54007

the prescription nor is required to determine if the patient is 54008
the subject of a non-opioid directive form. 54009

(B)(1) Except on evidence that a pharmacist or pharmacy 54010
intern knowingly failed to comply with a patient's non-opioid 54011
directive form, the pharmacist or pharmacy intern shall not be 54012
subject to criminal prosecution associated with dispensing the 54013
opioid analgesic. 54014

(2) Except on evidence that a pharmacist or pharmacy intern 54015
failed to comply with a patient's non-opioid directive form in a 54016
manner that constitutes willful or wanton misconduct, the 54017
pharmacist or pharmacy intern shall not be subject to either of 54018
the following associated with dispensing the opioid analgesic: 54019

(a) Liability for damages in tort or other civil action for 54020
injury, death, or loss to person or property; 54021

(b) Professional disciplinary action. 54022

Sec. 4765.607. (A) Except on evidence that a prescriber, 54023
employee or contractor of a prescriber, or delegate of a 54024
prescriber knowingly failed to comply with a non-opioid directive 54025
form signed by a patient or the patient's representative, that 54026
individual shall not be subject to criminal prosecution associated 54027
with offering, prescribing, administering, personally furnishing, 54028
or otherwise providing an opioid analgesic to a patient who has an 54029
effective non-opioid directive form. 54030

(B) Except on evidence that a prescriber, employee or 54031
contractor of a prescriber, or delegate of a prescriber failed to 54032
comply with a non-opioid directive form signed by a patient or the 54033
patient's representative in a manner that constitutes willful or 54034
wanton misconduct, that individual shall not be subject to 54035
liability for either of the following associated with offering, 54036
prescribing, administering, personally furnishing, or otherwise 54037

providing an opioid analgesic to a patient who has an effective 54038
non-opioid directive form: 54039

(1) Liability for damages in a tort or other civil action for 54040
injury, death, or loss to person or property; 54041

(2) Professional disciplinary action. 54042

Sec. 4765.608. The existence or nonexistence of a non-opioid 54043
directive form for a patient shall not do any of the following: 54044

(A) Affect in any manner the sale, procurement, issuance, or 54045
renewal of a policy of life insurance or annuity, notwithstanding 54046
any term of a policy or annuity to the contrary; 54047

(B) Modify in any manner or invalidate the terms of a policy 54048
of life insurance or annuity that is in effect on the effective 54049
date of this section; 54050

(C) Impair or invalidate a policy of life insurance or 54051
annuity or any health benefit plan. 54052

Sec. 4765.609. No prescriber, health care facility, or other 54053
health care provider, person authorized to engage in the business 54054
of insurance under this state under Title XXXIX of the Revised 54055
Code, health insuring corporation, other health care benefit plan, 54056
legal entity that is self-insured and provides benefits to its 54057
employees or members, government entity, or other person shall 54058
require that an individual be the subject of a non-opioid 54059
directive form, or shall require an individual to revoke or 54060
refrain from being the subject of a non-opioid directive form, as 54061
a condition of being insured or receiving health care benefits or 54062
services. 54063

Sec. 4766.17. An air medical service organization licensed 54064
under this chapter that uses a rotorcraft or fixed wing air 54065
ambulance shall do both of the following: 54066

(A) Use at a minimum a physician who holds a current, valid license issued under Chapter 4731. of the Revised Code or registered nurse who holds a current, valid license issued under Chapter 4723. of the Revised Code, and a paramedic or one other person, designated by the medical director of the air medical service organization, who holds a current, valid certificate or license to practice a health care profession in this state;

(B) Employ as a medical director an individual who holds a current, valid ~~certificate~~ license issued under Chapter 4731. of the Revised Code authorizing the practice of medicine and surgery or osteopathic medicine and surgery.

Sec. 4768.09. (A) ~~Except within the first thirty days after an appraiser is first added to the appraiser panel of an appraisal management company, an~~ An appraisal management company shall not remove the appraiser from its appraiser panel or otherwise refuse to assign requests for real estate appraisal services to the appraiser without first doing both of the following:

(1) Notifying the appraiser in writing of the reasons the appraiser is being removed from the appraiser panel or is refused assignment requests for appraisal services;

(2) Providing the appraiser with an opportunity to respond to that notification, in writing, within ten business days after the appraisal management company sends the removal notification.

(B) The notice described in division (A)(1) of this section shall be sent by a delivery system that delivers letters, packages, and other materials in its ordinary course of business with traceable delivery and signature receipt. An appraisal management company that sends such notice shall keep a copy of the notice for at least five years from the date the notice is sent to the appraiser.

(C) Nothing in this section prohibits an appraisal management company from suspending an appraiser from receiving assignment requests during the period described in division (A)(2) of this section.

Sec. 4773.01. As used in this chapter:

(A) "General x-ray machine operator" means an individual who performs standard, diagnostic, radiologic procedures; whose performance of radiologic procedures is limited to specific body sites; and who does not, to any significant degree, determine the site or dosage of radiation to which a patient is exposed.

(B) "Chiropractor" means an individual licensed under Chapter 4734. of the Revised Code to practice chiropractic.

(C) "Ionizing radiation" means any electromagnetic or particulate radiation that interacts with atoms to produce ionization in matter, including x-rays, gamma rays, alpha and beta particles, high speed electrons, neutrons, and other nuclear particles.

(D) "Physician" means an individual ~~who holds a certificate issued~~ authorized under Chapter 4731. of the Revised Code ~~authorizing the individual~~ to practice medicine and surgery or osteopathic medicine and surgery.

(E) "Podiatrist" means an individual ~~who holds a certificate issued~~ authorized under Chapter 4731. of the Revised Code ~~authorizing the individual~~ to practice ~~podiatry~~ podiatric medicine and surgery.

(F) "Nuclear medicine technologist" means an individual who prepares and administers radio-pharmaceuticals to human beings and conducts in vivo or in vitro detection and measurement of radioactivity for medical purposes.

(G) "Radiation therapy technologist" means an individual who

utilizes ionizing radiation-generating equipment for therapeutic 54127
purposes on human subjects. 54128

(H) "Radiographer" means an individual who performs a 54129
comprehensive scope of diagnostic radiologic procedures employing 54130
equipment that emits ionizing radiation, exposes radiographs, and 54131
performs other procedures that contribute significantly to 54132
determining the site or dosage of ionizing radiation to which a 54133
patient is exposed. 54134

(I) "Mechanotherapist" means an individual who holds a 54135
certificate issued under section 4731.15 of the Revised Code 54136
authorizing the individual to practice mechanotherapy. 54137

Sec. 4773.02. (A) Except as provided in division (B) of this 54138
section, no person shall practice or hold ~~himself~~ self out as a 54139
general x-ray machine operator, radiographer, radiation therapy 54140
technologist, or nuclear medicine technologist without a valid 54141
license issued under this chapter for ~~his~~ the person's area of 54142
practice. 54143

(B) Division (A) of this section does not apply to any of the 54144
following: 54145

(1) A physician, podiatrist, mechanotherapist, or 54146
chiropractor; 54147

(2) An individual licensed under Chapter 4715. of the Revised 54148
Code to practice dentistry, to practice as a dental hygienist, or 54149
to practice as a dental x-ray machine operator; 54150

(3) As specified in 42 C.F.R. 75, radiologic personnel 54151
employed by the federal government or serving in a branch of the 54152
armed forces of the United States; 54153

(4) Students engaging in any of the activities performed by 54154
basic x-ray machine operators, radiographers, radiation therapy 54155
technologists, and nuclear medicine technologists as an integral 54156

part of a program of study leading to receipt of a license issued 54157
under this chapter, or Chapter 4715., 4731., or Chapter 4734. of 54158
the Revised Code; ~~or a certificate issued under Chapter 4731. of~~ 54159
~~the Revised Code.~~ 54160

Sec. 4773.08. The director of health shall adopt rules to 54161
implement and administer this chapter. In adopting the rules, the 54162
director shall consider any recommendations made by the radiation 54163
advisory council created under section ~~3701.93~~ 3748.20 of the 54164
Revised Code. The rules shall be adopted in accordance with 54165
Chapter 119. of the Revised Code and shall not be less stringent 54166
than any applicable standards specified in 42 C.F.R. 75. The rules 54167
shall establish all of the following: 54168

(A) Standards for licensing general x-ray machine operators, 54169
radiographers, radiation therapy technologists, and nuclear 54170
medicine technologists; 54171

(B) Application, renewal, and reinstatement fees for licenses 54172
issued under this chapter that do not exceed the cost incurred in 54173
issuing, renewing, and reinstating the licenses; 54174

(C) Standards for accreditation of educational programs and 54175
approval of continuing education programs in general x-ray machine 54176
operation, radiography, radiation therapy technology, and nuclear 54177
medicine technology; 54178

(D) Fees for accrediting educational programs and approving 54179
continuing education programs in general x-ray machine operation, 54180
radiography, radiation therapy technology, and nuclear medicine 54181
technology that do not exceed the cost incurred in accrediting the 54182
educational programs; 54183

(E) Fees for issuing conditional licenses under section 54184
4773.05 of the Revised Code that do not exceed the cost incurred 54185
in issuing the licenses; 54186

(F) Continuing education requirements that must be met to have a license renewed or reinstated under section 4773.03 of the Revised Code; 54187
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(G) Continuing education requirements that the holder of a conditional license must meet to receive a license issued under section 4773.03 of the Revised Code; 54190
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(H) Any other rules necessary for the implementation or administration of this chapter. 54193
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Sec. 4774.02. (A)(1) Except as provided in division (B) of this section, no person shall practice as a radiologist assistant unless the person holds a current, valid ~~certificate~~ license to practice as a radiologist assistant issued under this chapter. 54195
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(2) No person shall use the title "radiologist assistant" or otherwise hold the person out as a radiologist assistant, unless the person holds a current, valid ~~certificate~~ license to practice as a radiologist assistant issued under this chapter. 54199
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(B) Division (A)(1) of this section does not apply to either of the following: 54203
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(1) A student participating in an advanced academic program that must be completed to receive a ~~certificate~~ license to practice as a radiologist assistant, as those programs are described in division (B)(3) of section 4774.03 of the Revised Code; 54205
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(2) A person who is otherwise authorized to perform any of the activities that a radiologist assistant is authorized to perform, either pursuant to another provision of the Revised Code or pursuant to the rules adopted by the state medical board under section 4731.053 of the Revised Code governing physician delegation of medical tasks. 54210
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Sec. 4774.03. (A) An individual seeking a ~~certificate~~ license 54216
to practice as a radiologist assistant shall file with the state 54217
medical board a written application on a form prescribed and 54218
supplied by the board. The application shall include all the 54219
information the board considers necessary to process the 54220
application, including evidence satisfactory to the board that the 54221
applicant meets the requirements specified in division (B) of this 54222
section. 54223

At the time an application is submitted, the applicant shall 54224
pay the board the application fee specified by the board in rules 54225
adopted under section 4774.11 of the Revised Code. No part of the 54226
fee shall be returned. 54227

(B) To be eligible to receive a ~~certificate~~ license to 54228
practice as a radiologist assistant, an applicant shall meet all 54229
of the following requirements: 54230

(1) Be at least eighteen years of age and of good moral 54231
character; 54232

(2) Hold a current, valid license as a radiographer under 54233
Chapter 4773. of the Revised Code; 54234

(3) Have attained a baccalaureate degree or postbaccalaureate 54235
certificate from an advanced academic program encompassing a 54236
nationally recognized radiologist assistant curriculum that 54237
includes a radiologist-directed clinical preceptorship; 54238

(4) Hold current certification as a registered radiologist 54239
assistant from the American registry of radiologic technologists 54240
and have attained the certification by meeting the standard 54241
certification requirements established by the registry, including 54242
the registry's requirements for documenting clinical education in 54243
the form of a clinical portfolio and passing an examination to 54244
determine competence to practice; 54245

(5) Hold current certification in advanced cardiac life support. 54246
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(C) The board shall review all applications received under this section. Not later than sixty days after receiving an application the board considers to be complete, the board shall determine whether the applicant meets the requirements to receive a ~~certificate~~ license to practice as a radiologist assistant. ~~The affirmative vote of not fewer than six members of the board is required to determine that the applicant meets the requirements for a certificate to practice as a radiologist assistant.~~ 54248
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Sec. 4774.031. In addition to any other eligibility requirement set forth in this chapter, each applicant for a ~~certificate~~ license to practice as a radiologist assistant shall comply with sections 4776.01 to 4776.04 of the Revised Code. The state medical board shall not grant to an applicant a ~~certificate~~ license to practice as a radiologist assistant unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a ~~certificate~~ license issued pursuant to section 4774.04 of the Revised Code. 54256
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Sec. 4774.04. If the state medical board determines under section 4774.03 of the Revised Code that an applicant meets the requirements for a ~~certificate~~ license to practice as a radiologist assistant, the secretary of the board shall register the applicant as a radiologist assistant and issue to the applicant a ~~certificate~~ license to practice as a radiologist assistant. The ~~certificate~~ license shall be valid for a two-year period unless revoked or suspended, shall expire ~~biennially on the date that is two years after the date of issuance,~~ and may be renewed for additional two-year periods in accordance with section 4774.06 of the Revised Code. 54266
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Sec. 4774.05. On application by the holder of a ~~certificate~~ license to practice as a radiologist assistant, the state medical board shall issue a duplicate ~~certificate~~ license to replace one that is missing or damaged, to reflect a name change, or for any other reasonable cause. The fee for a duplicate ~~certificate~~ license is thirty-five dollars.

Sec. 4774.06. (A) An individual seeking to renew a ~~certificate~~ license to practice as a radiologist assistant shall, on or before the ~~thirty first day of January of each even numbered year~~ license's expiration date, apply to the state medical board for renewal ~~of the certificate~~. The ~~state medical~~ board shall provide renewal notices to license holders at least one month prior to the expiration date.

Renewal applications shall be submitted to the board in a manner prescribed by the board. Each application shall be accompanied by a biennial renewal fee specified by the board in rules adopted under section 4774.11 of the Revised Code.

The applicant shall report any criminal offense that constitutes grounds for refusing to issue a ~~certificate~~ license under section 4774.13 of the Revised Code to which the applicant has pleaded guilty, of which the applicant has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last signing an application for a ~~certificate~~ license to practice as a radiologist assistant.

(B) To be eligible for renewal, a radiologist assistant shall certify to the board that the assistant has maintained both of the following:

(1) A license as a radiographer under Chapter 4773. of the Revised Code;

(2) Certification as a registered radiologist assistant from 54307
the American registry of radiologic technologists by meeting the 54308
registry's requirements for annual registration, including 54309
completion of the continuing education requirements established by 54310
the registry. 54311

(C) If an applicant submits a renewal application that the 54312
board considers to be complete and qualifies for renewal pursuant 54313
to division (B) of this section, the board shall issue to the 54314
applicant a renewed ~~certificate~~ license to practice as a 54315
radiologist assistant. 54316

(D) A ~~certificate to practice~~ license that is not renewed on 54317
or before its expiration date is automatically suspended on its 54318
expiration date, subject to the provisions of section 119.06 of 54319
the Revised Code specifying that an applicant who appropriately 54320
files a renewal application is not required to discontinue 54321
practicing merely because the board has failed to act on the 54322
application. ~~If~~ 54323

If a ~~certificate~~ license has been suspended pursuant to this 54324
division for two years or less, the board shall reinstate the 54325
~~certificate~~ license upon an applicant's submission of a renewal 54326
application, the biennial renewal fee, and the applicable monetary 54327
penalty. The penalty for reinstatement is twenty-five dollars. ~~If~~ 54328

If a ~~certificate~~ license has been suspended pursuant to this 54329
division for more than two years, it may be restored. Subject to 54330
section 4774.061 of the Revised Code, the board may restore the 54331
license upon an applicant's submission of a restoration 54332
application, the biennial renewal fee, and the applicable monetary 54333
penalty and compliance with sections 4776.01 to 4776.04 of the 54334
Revised Code. The board shall not restore a ~~certificate~~ license 54335
unless the board, in its discretion, decides that the results of 54336
the criminal records check do not make the applicant ineligible 54337
for a certificate issued pursuant to section 4774.04 of the 54338

Revised Code. The penalty for restoration is fifty dollars. 54339

Sec. 4774.061. (A) This section applies to both of the 54340
following: 54341

(1) An applicant seeking restoration of a license issued 54342
under this chapter that has been in a suspended or inactive state 54343
for any cause for more than two years; 54344

(2) An applicant seeking issuance of a license pursuant to 54345
this chapter who for more than two years has not been practicing 54346
as a radiologist assistant as either of the following: 54347

(a) An active practitioner; 54348

(b) A student in an academic program as described in section 54349
4774.03 of the Revised Code. 54350

(B) Before issuing a license to an applicant subject to this 54351
section or restoring a license to good standing for an applicant 54352
subject to this section, the state medical board may impose terms 54353
and conditions including any one or more of the following: 54354

(1) Requiring the applicant to pass an oral or written 54355
examination, or both, to determine the applicant's present fitness 54356
to resume practice; 54357

(2) Requiring the applicant to obtain additional training and 54358
to pass an examination upon completion of such training; 54359

(3) Requiring an assessment of the applicant's physical 54360
skills for purposes of determining whether the applicant's 54361
coordination, fine motor skills, and dexterity are sufficient for 54362
performing evaluations and procedures in a manner that meets the 54363
minimal standards of care; 54364

(4) Requiring an assessment of the applicant's skills in 54365
recognizing and understanding diseases and conditions; 54366

(5) Requiring the applicant to undergo a comprehensive 54367

physical examination, which may include an assessment of physical 54368
abilities, evaluation of sensory capabilities, or screening for 54369
the presence of neurological disorders; 54370

(6) Restricting or limiting the extent, scope, or type of 54371
practice of the applicant. 54372

The board shall consider the moral background and the 54373
activities of the applicant during the period of suspension or 54374
inactivity. The board shall not issue or restore a license under 54375
this section unless the applicant complies with sections 4776.01 54376
to 4776.04 of the Revised Code. 54377

Sec. 4774.09. At all times when an individual who is a 54378
radiologist assistant is providing direct patient care, the 54379
individual shall display in an appropriate manner the title 54380
"radiologist assistant" as a means of identifying the individual's 54381
authority to practice under this chapter. 54382

In the case of an individual who is a student participating 54383
in an advanced academic program that must be completed to receive 54384
a ~~certificate~~ license to practice as a radiologist assistant, as 54385
those programs are described in division (B)(3) of section 4774.03 54386
of the Revised Code, when the individual is providing direct 54387
patient care or is otherwise involved with direct patient care 54388
under the program, the individual shall display in an appropriate 54389
manner the title "student radiologist assistant" or another 54390
appropriate designation as a means of identifying the individual 54391
as a student participating in the program. 54392

Sec. 4774.11. (A) The state medical board shall adopt rules 54393
in accordance with Chapter 119. of the Revised Code to implement 54394
and administer this chapter. In adopting the rules, the board 54395
shall take into consideration the guidelines adopted by the 54396
American college of radiology, the American society of radiologic 54397

technologists, and the American registry of radiologic 54398
technologists. 54399

(B) The rules adopted under this section shall include all of 54400
the following: 54401

(1) Standards and procedures for issuing and renewing 54402
~~eertificates~~ licenses to practice as a radiologist assistant; 54403

(2) Application fees for an initial or renewed ~~certificate to~~ 54404
~~practice~~ license; 54405

(3) Any additional radiologic procedures that radiologist 54406
assistants may perform pursuant to division (A)(5) of section 54407
4774.08 of the Revised Code and the level of supervision that the 54408
supervising radiologist is required to provide pursuant to section 54409
4774.10 of the Revised Code; 54410

(4) Definitions of "general anesthesia," "deep sedation," 54411
"moderate sedation," and "minimal sedation"; 54412

(5) Any other standards and procedures the board considers 54413
necessary to govern the practice of radiologist assistants, the 54414
supervisory relationship between radiologist assistants and 54415
supervising radiologists, and the administration and enforcement 54416
of this chapter. 54417

Sec. 4774.13. (A) The state medical board, by an affirmative 54418
vote of not fewer than six members, may revoke or may refuse to 54419
grant a ~~eertificate~~ license to practice as a radiologist assistant 54420
to an individual found by the board to have committed fraud, 54421
misrepresentation, or deception in applying for or securing the 54422
~~eertificate~~ license. 54423

(B) The board, by an affirmative vote of not fewer than six 54424
members, shall, to the extent permitted by law, limit, revoke, or 54425
suspend an individual's ~~certificate~~ license to practice as a 54426

radiologist assistant, refuse to issue a ~~certificate~~ license to an 54427
applicant, refuse to renew a ~~certificate~~ license, refuse to 54428
reinstate a ~~certificate~~ license, or reprimand or place on 54429
probation the holder of a ~~certificate~~ license for any of the 54430
following reasons: 54431

(1) Permitting the holder's name or ~~certificate~~ license to be 54432
used by another person; 54433

(2) Failure to comply with the requirements of this chapter, 54434
Chapter 4731. of the Revised Code, or any rules adopted by the 54435
board; 54436

(3) Violating or attempting to violate, directly or 54437
indirectly, or assisting in or abetting the violation of, or 54438
conspiring to violate, any provision of this chapter, Chapter 54439
4731. of the Revised Code, or the rules adopted by the board; 54440

(4) A departure from, or failure to conform to, minimal 54441
standards of care of similar practitioners under the same or 54442
similar circumstances whether or not actual injury to the patient 54443
is established; 54444

(5) Inability to practice according to acceptable and 54445
prevailing standards of care by reason of mental illness or 54446
physical illness, including physical deterioration that adversely 54447
affects cognitive, motor, or perceptive skills; 54448

(6) Impairment of ability to practice according to acceptable 54449
and prevailing standards of care because of habitual or excessive 54450
use or abuse of drugs, alcohol, or other substances that impair 54451
ability to practice; 54452

(7) Willfully betraying a professional confidence; 54453

(8) Making a false, fraudulent, deceptive, or misleading 54454
statement in securing or attempting to secure a ~~certificate~~ 54455
license to practice as a radiologist assistant. 54456

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;

(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;

(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;

(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;

(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(16) A plea of guilty to, a judicial finding of guilt of, or

a judicial finding of eligibility for intervention in lieu of 54487
conviction for violating any state or federal law regulating the 54488
possession, distribution, or use of any drug, including 54489
trafficking in drugs; 54490

(17) Any of the following actions taken by the state agency 54491
responsible for regulating the practice of radiologist assistants 54492
in another jurisdiction, for any reason other than the nonpayment 54493
of fees: the limitation, revocation, or suspension of an 54494
individual's license to practice; acceptance of an individual's 54495
license surrender; denial of a license; refusal to renew or 54496
reinstate a license; imposition of probation; or issuance of an 54497
order of censure or other reprimand; 54498

(18) Violation of the conditions placed by the board on a 54499
~~certificate~~ license to practice as a radiologist assistant; 54500

(19) Failure to use universal blood and body fluid 54501
precautions established by rules adopted under section 4731.051 of 54502
the Revised Code; 54503

(20) Failure to cooperate in an investigation conducted by 54504
the board under section 4774.14 of the Revised Code, including 54505
failure to comply with a subpoena or order issued by the board or 54506
failure to answer truthfully a question presented by the board at 54507
a deposition or in written interrogatories, except that failure to 54508
cooperate with an investigation shall not constitute grounds for 54509
discipline under this section if a court of competent jurisdiction 54510
has issued an order that either quashes a subpoena or permits the 54511
individual to withhold the testimony or evidence in issue; 54512

(21) Failure to maintain a license as a radiographer under 54513
Chapter 4773. of the Revised Code; 54514

(22) Failure to maintain certification as a registered 54515
radiologist assistant from the American registry of radiologic 54516
technologists, including revocation by the registry of the 54517

assistant's certification or failure by the assistant to meet the 54518
registry's requirements for annual registration, or failure to 54519
notify the board that the certification as a registered 54520
radiologist assistant has not been maintained; 54521

(23) Failure to comply with any of the rules of ethics 54522
included in the standards of ethics established by the American 54523
registry of radiologic technologists, as those rules apply to an 54524
individual who holds the registry's certification as a registered 54525
radiologist assistant. 54526

(C) Disciplinary actions taken by the board under divisions 54527
(A) and (B) of this section shall be taken pursuant to an 54528
adjudication under Chapter 119. of the Revised Code, except that 54529
in lieu of an adjudication, the board may enter into a consent 54530
agreement with a radiologist assistant or applicant to resolve an 54531
allegation of a violation of this chapter or any rule adopted 54532
under it. A consent agreement, when ratified by an affirmative 54533
vote of not fewer than six members of the board, shall constitute 54534
the findings and order of the board with respect to the matter 54535
addressed in the agreement. If the board refuses to ratify a 54536
consent agreement, the admissions and findings contained in the 54537
consent agreement shall be of no force or effect. 54538

(D) For purposes of divisions (B)(11), (14), and (15) of this 54539
section, the commission of the act may be established by a finding 54540
by the board, pursuant to an adjudication under Chapter 119. of 54541
the Revised Code, that the applicant or ~~certificate~~ license holder 54542
committed the act in question. The board shall have no 54543
jurisdiction under these divisions in cases where the trial court 54544
renders a final judgment in the ~~certificate~~ license holder's favor 54545
and that judgment is based upon an adjudication on the merits. The 54546
board shall have jurisdiction under these divisions in cases where 54547
the trial court issues an order of dismissal on technical or 54548
procedural grounds. 54549

(E) The sealing of conviction records by any court shall have 54550
no effect on a prior board order entered under the provisions of 54551
this section or on the board's jurisdiction to take action under 54552
the provisions of this section if, based upon a plea of guilty, a 54553
judicial finding of guilt, or a judicial finding of eligibility 54554
for intervention in lieu of conviction, the board issued a notice 54555
of opportunity for a hearing prior to the court's order to seal 54556
the records. The board shall not be required to seal, destroy, 54557
redact, or otherwise modify its records to reflect the court's 54558
sealing of conviction records. 54559

(F) For purposes of this division, any individual who holds a 54560
~~certificate~~ license to practice as a radiologist assistant issued 54561
under this chapter, or applies for a ~~certificate to practice~~ 54562
license, shall be deemed to have given consent to submit to a 54563
mental or physical examination when directed to do so in writing 54564
by the board and to have waived all objections to the 54565
admissibility of testimony or examination reports that constitute 54566
a privileged communication. 54567

(1) In enforcing division (B)(5) of this section, the board, 54568
on a showing of a possible violation, may compel any individual 54569
who holds a ~~certificate~~ license to practice as a radiologist 54570
assistant issued under this chapter or who has applied for a 54571
~~certificate to practice~~ license to submit to a mental or physical 54572
examination, or both. A physical examination may include an HIV 54573
test. The expense of the examination is the responsibility of the 54574
individual compelled to be examined. Failure to submit to a mental 54575
or physical examination or consent to an HIV test ordered by the 54576
board constitutes an admission of the allegations against the 54577
individual unless the failure is due to circumstances beyond the 54578
individual's control, and a default and final order may be entered 54579
without the taking of testimony or presentation of evidence. If 54580
the board finds a radiologist assistant unable to practice because 54581

of the reasons set forth in division (B)(5) of this section, the 54582
board shall require the radiologist assistant to submit to care, 54583
counseling, or treatment by physicians approved or designated by 54584
the board, as a condition for an initial, continued, reinstated, 54585
or renewed ~~certificate to practice~~ license. An individual affected 54586
by this division shall be afforded an opportunity to demonstrate 54587
to the board the ability to resume practicing in compliance with 54588
acceptable and prevailing standards of care. 54589

(2) For purposes of division (B)(6) of this section, if the 54590
board has reason to believe that any individual who holds a 54591
~~certificate~~ license to practice as a radiologist assistant issued 54592
under this chapter or any applicant for a ~~certificate to practice~~ 54593
license suffers such impairment, the board may compel the 54594
individual to submit to a mental or physical examination, or both. 54595
The expense of the examination is the responsibility of the 54596
individual compelled to be examined. Any mental or physical 54597
examination required under this division shall be undertaken by a 54598
treatment provider or physician qualified to conduct such 54599
examination and chosen by the board. 54600

Failure to submit to a mental or physical examination ordered 54601
by the board constitutes an admission of the allegations against 54602
the individual unless the failure is due to circumstances beyond 54603
the individual's control, and a default and final order may be 54604
entered without the taking of testimony or presentation of 54605
evidence. If the board determines that the individual's ability to 54606
practice is impaired, the board shall suspend the individual's 54607
~~certificate~~ license or deny the individual's application and shall 54608
require the individual, as a condition for an initial, continued, 54609
reinstated, or renewed ~~certificate~~ license to practice, to submit 54610
to treatment. 54611

Before being eligible to apply for reinstatement of a 54612
~~certificate~~ license suspended under this division, the radiologist 54613

assistant shall demonstrate to the board the ability to resume 54614
practice in compliance with acceptable and prevailing standards of 54615
care. The demonstration shall include the following: 54616

(a) Certification from a treatment provider approved under 54617
section 4731.25 of the Revised Code that the individual has 54618
successfully completed any required inpatient treatment; 54619

(b) Evidence of continuing full compliance with an aftercare 54620
contract or consent agreement; 54621

(c) Two written reports indicating that the individual's 54622
ability to practice has been assessed and that the individual has 54623
been found capable of practicing according to acceptable and 54624
prevailing standards of care. The reports shall be made by 54625
individuals or providers approved by the board for making such 54626
assessments and shall describe the basis for their determination. 54627

The board may reinstate a ~~certificate~~ license suspended under 54628
this division after such demonstration and after the individual 54629
has entered into a written consent agreement. 54630

When the impaired radiologist assistant resumes practice, the 54631
board shall require continued monitoring of the radiologist 54632
assistant. The monitoring shall include monitoring of compliance 54633
with the written consent agreement entered into before 54634
reinstatement or with conditions imposed by board order after a 54635
hearing, and, on termination of the consent agreement, submission 54636
to the board for at least two years of annual written progress 54637
reports made under penalty of falsification stating whether the 54638
radiologist assistant has maintained sobriety. 54639

(G) If the secretary and supervising member determine that 54640
there is clear and convincing evidence that a radiologist 54641
assistant has violated division (B) of this section and that the 54642
individual's continued practice presents a danger of immediate and 54643
serious harm to the public, they may recommend that the board 54644

suspend the individual's ~~certificate~~ license to practice without a 54645
prior hearing. Written allegations shall be prepared for 54646
consideration by the board. 54647

The board, on review of the allegations and by an affirmative 54648
vote of not fewer than six of its members, excluding the secretary 54649
and supervising member, may suspend a ~~certificate~~ license without 54650
a prior hearing. A telephone conference call may be utilized for 54651
reviewing the allegations and taking the vote on the summary 54652
suspension. 54653

The board shall issue a written order of suspension by 54654
certified mail or in person in accordance with section 119.07 of 54655
the Revised Code. The order shall not be subject to suspension by 54656
the court during pendency of any appeal filed under section 119.12 54657
of the Revised Code. If the radiologist assistant requests an 54658
adjudicatory hearing by the board, the date set for the hearing 54659
shall be within fifteen days, but not earlier than seven days, 54660
after the radiologist assistant requests the hearing, unless 54661
otherwise agreed to by both the board and the ~~certificate~~ license 54662
holder. 54663

A summary suspension imposed under this division shall remain 54664
in effect, unless reversed on appeal, until a final adjudicative 54665
order issued by the board pursuant to this section and Chapter 54666
119. of the Revised Code becomes effective. The board shall issue 54667
its final adjudicative order within sixty days after completion of 54668
its hearing. Failure to issue the order within sixty days shall 54669
result in dissolution of the summary suspension order, but shall 54670
not invalidate any subsequent, final adjudicative order. 54671

(H) If the board takes action under division (B)(10), (12), 54672
or (13) of this section, and the judicial finding of guilt, guilty 54673
plea, or judicial finding of eligibility for intervention in lieu 54674
of conviction is overturned on appeal, on exhaustion of the 54675
criminal appeal, a petition for reconsideration of the order may 54676

be filed with the board along with appropriate court documents. On 54677
receipt of a petition and supporting court documents, the board 54678
shall reinstate the ~~certificate~~ license to practice as a 54679
radiologist assistant. The board may then hold an adjudication 54680
under Chapter 119. of the Revised Code to determine whether the 54681
individual committed the act in question. Notice of opportunity 54682
for hearing shall be given in accordance with Chapter 119. of the 54683
Revised Code. If the board finds, pursuant to an adjudication held 54684
under this division, that the individual committed the act, or if 54685
no hearing is requested, it may order any of the sanctions 54686
specified in division (B) of this section. 54687

(I) The ~~certificate~~ license to practice of a radiologist 54688
assistant and the assistant's practice in this state are 54689
automatically suspended as of the date the radiologist assistant 54690
pleads guilty to, is found by a judge or jury to be guilty of, or 54691
is subject to a judicial finding of eligibility for intervention 54692
in lieu of conviction in this state or treatment of intervention 54693
in lieu of conviction in another jurisdiction for any of the 54694
following criminal offenses in this state or a substantially 54695
equivalent criminal offense in another jurisdiction: aggravated 54696
murder, murder, voluntary manslaughter, felonious assault, 54697
kidnapping, rape, sexual battery, gross sexual imposition, 54698
aggravated arson, aggravated robbery, or aggravated burglary. 54699
Continued practice after the suspension shall be considered 54700
practicing without a ~~certificate~~ license. 54701

The board shall notify the individual subject to the 54702
suspension by certified mail or in person in accordance with 54703
section 119.07 of the Revised Code. If an individual whose 54704
~~certificate~~ license is suspended under this division fails to make 54705
a timely request for an adjudication under Chapter 119. of the 54706
Revised Code, the board shall enter a final order permanently 54707
revoking the individual's ~~certificate to practice~~ license. 54708

(J) In any instance in which the board is required by Chapter 54709
119. of the Revised Code to give notice of opportunity for hearing 54710
and the individual subject to the notice does not timely request a 54711
hearing in accordance with section 119.07 of the Revised Code, the 54712
board is not required to hold a hearing, but may adopt, by an 54713
affirmative vote of not fewer than six of its members, a final 54714
order that contains the board's findings. In the final order, the 54715
board may order any of the sanctions identified under division (A) 54716
or (B) of this section. 54717

(K) Any action taken by the board under division (B) of this 54718
section resulting in a suspension shall be accompanied by a 54719
written statement of the conditions under which the radiologist 54720
assistant's ~~certificate~~ license may be reinstated. The board shall 54721
adopt rules in accordance with Chapter 119. of the Revised Code 54722
governing conditions to be imposed for reinstatement. 54723
Reinstatement of a ~~certificate~~ license suspended pursuant to 54724
division (B) of this section requires an affirmative vote of not 54725
fewer than six members of the board. 54726

(L) When the board refuses to grant or issue a ~~certificate~~ 54727
license to practice as a radiologist assistant to an applicant, 54728
revokes an individual's ~~certificate~~ license, refuses to renew an 54729
individual's ~~certificate~~ license, or refuses to reinstate an 54730
individual's ~~certificate~~ license, the board may specify that its 54731
action is permanent. An individual subject to a permanent action 54732
taken by the board is forever thereafter ineligible to hold a 54733
~~certificate~~ license to practice as a radiologist assistant and the 54734
board shall not accept an application for reinstatement of the 54735
~~certificate~~ license or for issuance of a new ~~certificate~~ license. 54736

(M) Notwithstanding any other provision of the Revised Code, 54737
all of the following apply: 54738

(1) The surrender of a ~~certificate~~ license to practice as a 54739
radiologist assistant issued under this chapter is not effective 54740

unless or until accepted by the board. Reinstatement of a 54741
~~eertificate~~ license surrendered to the board requires an 54742
affirmative vote of not fewer than six members of the board. 54743

(2) An application made under this chapter for a ~~certificate~~ 54744
license to practice may not be withdrawn without approval of the 54745
board. 54746

(3) Failure by an individual to renew a ~~certificate~~ license 54747
to practice in accordance with section 4774.06 of the Revised Code 54748
shall not remove or limit the board's jurisdiction to take 54749
disciplinary action under this section against the individual. 54750

Sec. 4774.131. On receipt of a notice pursuant to section 54751
3123.43 of the Revised Code, the state medical board shall comply 54752
with sections 3123.41 to 3123.50 of the Revised Code and any 54753
applicable rules adopted under section 3123.63 of the Revised Code 54754
with respect to a ~~certificate~~ license to practice as a radiologist 54755
assistant issued under this chapter. 54756

Sec. 4774.132. If the state medical board has reason to 54757
believe that any person who has been granted a ~~certificate~~ license 54758
to practice as a radiologist assistant under this chapter is 54759
mentally ill or mentally incompetent, it may file in the probate 54760
court of the county in which the person has a legal residence an 54761
affidavit in the form prescribed in section 5122.11 of the Revised 54762
Code and signed by the board secretary or a member of the board 54763
secretary's staff, whereupon the same proceedings shall be had as 54764
provided in Chapter 5122. of the Revised Code. The attorney 54765
general may represent the board in any proceeding commenced under 54766
this section. 54767

If any person who has been granted a ~~certificate to practice~~ 54768
license is adjudged by a probate court to be mentally ill or 54769
mentally incompetent, the person's ~~certificate~~ license shall be 54770

automatically suspended until the person has filed with the state 54771
medical board a certified copy of an adjudication by a probate 54772
court of the person's subsequent restoration to competency or has 54773
submitted to the board proof, satisfactory to the board, that the 54774
person has been discharged as having a restoration to competency 54775
in the manner and form provided in section 5122.38 of the Revised 54776
Code. The judge of the probate court shall forthwith notify the 54777
state medical board of an adjudication of mental illness or mental 54778
incompetence, and shall note any suspension of a ~~certificate~~ 54779
license in the margin of the court's record of such ~~certificate~~ 54780
license. 54781

Sec. 4774.14. (A) The state medical board shall investigate 54782
evidence that appears to show that any person has violated this 54783
chapter or the rules adopted under it. Any person may report to 54784
the board in a signed writing any information the person has that 54785
appears to show a violation of any provision of this chapter or 54786
the rules adopted under it. In the absence of bad faith, a person 54787
who reports such information or testifies before the board in an 54788
adjudication conducted under Chapter 119. of the Revised Code 54789
shall not be liable for civil damages as a result of reporting the 54790
information or providing testimony. Each complaint or allegation 54791
of a violation received by the board shall be assigned a case 54792
number and be recorded by the board. 54793

(B) Investigations of alleged violations of this chapter or 54794
rules adopted under it shall be supervised by the supervising 54795
member elected by the board in accordance with section 4731.02 of 54796
the Revised Code and by the secretary as provided in section 54797
4774.17 of the Revised Code. The board's president may designate 54798
another member of the board to supervise the investigation in 54799
place of the supervising member. A member of the board who 54800
supervises the investigation of a case shall not participate in 54801
further adjudication of the case. 54802

(C) In investigating a possible violation of this chapter or 54803
the rules adopted under it, the board may administer oaths, order 54804
the taking of depositions, issue subpoenas, and compel the 54805
attendance of witnesses and production of books, accounts, papers, 54806
records, documents, and testimony, except that a subpoena for 54807
patient record information shall not be issued without 54808
consultation with the attorney general's office and approval of 54809
the secretary and supervising member of the board. Before issuance 54810
of a subpoena for patient record information, the secretary and 54811
supervising member shall determine whether there is probable cause 54812
to believe that the complaint filed alleges a violation of this 54813
chapter or the rules adopted under it and that the records sought 54814
are relevant to the alleged violation and material to the 54815
investigation. The subpoena may apply only to records that cover a 54816
reasonable period of time surrounding the alleged violation. 54817

On failure to comply with any subpoena issued by the board 54818
and after reasonable notice to the person being subpoenaed, the 54819
board may move for an order compelling the production of persons 54820
or records pursuant to the Rules of Civil Procedure. 54821

A subpoena issued by the board may be served by a sheriff, 54822
the sheriff's deputy, or a board employee designated by the board. 54823
Service of a subpoena issued by the board may be made by 54824
delivering a copy of the subpoena to the person named therein, 54825
reading it to the person, or leaving it at the person's usual 54826
place of residence. When the person being served is a radiologist 54827
assistant, service of the subpoena may be made by certified mail, 54828
restricted delivery, return receipt requested, and the subpoena 54829
shall be deemed served on the date delivery is made or the date 54830
the person refuses to accept delivery. 54831

A sheriff's deputy who serves a subpoena shall receive the 54832
same fees as a sheriff. Each witness who appears before the board 54833
in obedience to a subpoena shall receive the fees and mileage 54834

provided for witnesses in civil cases in the courts of common 54835
pleas. 54836

(D) All hearings and investigations of the board shall be 54837
considered civil actions for the purposes of section 2305.252 of 54838
the Revised Code. 54839

(E) Information received by the board pursuant to an 54840
investigation is confidential and not subject to discovery in any 54841
civil action. 54842

The board shall conduct all investigations and proceedings in 54843
a manner that protects the confidentiality of patients and persons 54844
who file complaints with the board. The board shall not make 54845
public the names or any other identifying information about 54846
patients or complainants unless proper consent is given. 54847

The board may share any information it receives pursuant to 54848
an investigation, including patient records and patient record 54849
information, with law enforcement agencies, other licensing 54850
boards, and other governmental agencies that are prosecuting, 54851
adjudicating, or investigating alleged violations of statutes or 54852
administrative rules. An agency or board that receives the 54853
information shall comply with the same requirements regarding 54854
confidentiality as those with which the state medical board must 54855
comply, notwithstanding any conflicting provision of the Revised 54856
Code or procedure of the agency or board that applies when it is 54857
dealing with other information in its possession. In a judicial 54858
proceeding, the information may be admitted into evidence only in 54859
accordance with the Rules of Evidence, but the court shall require 54860
that appropriate measures are taken to ensure that confidentiality 54861
is maintained with respect to any part of the information that 54862
contains names or other identifying information about patients or 54863
complainants whose confidentiality was protected by the state 54864
medical board when the information was in the board's possession. 54865
Measures to ensure confidentiality that may be taken by the court 54866

include sealing its records or deleting specific information from
its records.

(F) The state medical board shall develop requirements for
and provide appropriate initial training and continuing education
for investigators employed by the board to carry out its duties
under this chapter. The training and continuing education may
include enrollment in courses operated or approved by the Ohio
peace officer training commission that the board considers
appropriate under conditions set forth in section 109.79 of the
Revised Code.

(G) On a quarterly basis, the board shall prepare a report
that documents the disposition of all cases during the preceding
three months. The report shall contain the following information
for each case with which the board has completed its activities:

(1) The case number assigned to the complaint or alleged
violation;

(2) The type of ~~certificate~~ license, if any, held by the
individual against whom the complaint is directed;

(3) A description of the allegations contained in the
complaint;

(4) The disposition of the case.

The report shall state how many cases are still pending, and
shall be prepared in a manner that protects the identity of each
person involved in each case. The report is a public record for
purposes of section 149.43 of the Revised Code.

Sec. 4774.15. (A) As used in this section, "prosecutor" has
the same meaning as in section 2935.01 of the Revised Code.

(B) Whenever any person holding a valid ~~certificate~~ license
to practice as a radiologist assistant issued under this chapter
pleads guilty to, is subject to a judicial finding of guilt of, or

is subject to a judicial finding of eligibility for intervention 54897
in lieu of conviction for a violation of Chapter 2907., 2925., or 54898
3719. of the Revised Code or of any substantively comparable 54899
ordinance of a municipal corporation in connection with the 54900
person's practice, the prosecutor in the case, on forms prescribed 54901
and provided by the state medical board, shall promptly notify the 54902
board of the conviction. Within thirty days of receipt of that 54903
information, the board shall initiate action in accordance with 54904
Chapter 119. of the Revised Code to determine whether to suspend 54905
or revoke the ~~certificate~~ license under section 4774.13 of the 54906
Revised Code. 54907

(C) The prosecutor in any case against any person holding a 54908
valid ~~certificate to practice~~ license issued under this chapter, 54909
on forms prescribed and provided by the state medical board, shall 54910
notify the board of any of the following: 54911

(1) A plea of guilty to, a finding of guilt by a jury or 54912
court of, or judicial finding of eligibility for intervention in 54913
lieu of conviction for a felony, or a case in which the trial 54914
court issues an order of dismissal upon technical or procedural 54915
grounds of a felony charge; 54916

(2) A plea of guilty to, a finding of guilt by a jury or 54917
court of, or judicial finding of eligibility for intervention in 54918
lieu of conviction for a misdemeanor committed in the course of 54919
practice, or a case in which the trial court issues an order of 54920
dismissal upon technical or procedural grounds of a charge of a 54921
misdemeanor, if the alleged act was committed in the course of 54922
practice; 54923

(3) A plea of guilty to, a finding of guilt by a jury or 54924
court of, or judicial finding of eligibility for intervention in 54925
lieu of conviction for a misdemeanor involving moral turpitude, or 54926
a case in which the trial court issues an order of dismissal upon 54927
technical or procedural grounds of a charge of a misdemeanor 54928

involving moral turpitude. 54929

The report shall include the name and address of the 54930
~~certificate~~ license holder, the nature of the offense for which 54931
the action was taken, and the certified court documents recording 54932
the action. 54933

Sec. 4774.16. (A) Within sixty days after the imposition of 54934
any formal disciplinary action taken by any health care facility, 54935
including a hospital, health care facility operated by a health 54936
insuring corporation, ambulatory surgical facility, or similar 54937
facility, against any individual holding a valid ~~certificate~~ 54938
license to practice as a radiologist assistant, the chief 54939
administrator or executive officer of the facility shall report to 54940
the state medical board the name of the individual, the action 54941
taken by the facility, and a summary of the underlying facts 54942
leading to the action taken. On request, the board shall be 54943
provided certified copies of the patient records that were the 54944
basis for the facility's action. Prior to release to the board, 54945
the summary shall be approved by the peer review committee that 54946
reviewed the case or by the governing board of the facility. 54947

The filing of a report with the board or decision not to file 54948
a report, investigation by the board, or any disciplinary action 54949
taken by the board, does not preclude a health care facility from 54950
taking disciplinary action against a radiologist assistant. 54951

In the absence of fraud or bad faith, no individual or entity 54952
that provides patient records to the board shall be liable in 54953
damages to any person as a result of providing the records. 54954

(B)(1) Except as provided in division (B)(2) of this section, 54955
a radiologist assistant, professional association or society of 54956
radiologist assistants, physician, or professional association or 54957
society of physicians that believes a violation of any provision 54958
of this chapter, Chapter 4731. of the Revised Code, or rule of the 54959

board has occurred shall report to the board the information on 54960
which the belief is based. 54961

(2) A radiologist assistant, professional association or 54962
society of radiologist assistants, physician, or professional 54963
association or society of physicians that believes a violation of 54964
division (B)(6) of section 4774.13 of the Revised Code has 54965
occurred shall report the information upon which the belief is 54966
based to the monitoring organization conducting the program 54967
established by the board under section 4731.251 of the Revised 54968
Code. If any such report is made to the board, it shall be 54969
referred to the monitoring organization unless the board is aware 54970
that the individual who is the subject of the report does not meet 54971
the program eligibility requirements of section 4731.252 of the 54972
Revised Code. 54973

(C) Any professional association or society composed 54974
primarily of radiologist assistants that suspends or revokes an 54975
individual's membership for violations of professional ethics, or 54976
for reasons of professional incompetence or professional 54977
malpractice, within sixty days after a final decision, shall 54978
report to the board, on forms prescribed and provided by the 54979
board, the name of the individual, the action taken by the 54980
professional organization, and a summary of the underlying facts 54981
leading to the action taken. 54982

The filing of a report with the board or decision not to file 54983
a report, investigation by the board, or any disciplinary action 54984
taken by the board, does not preclude a professional organization 54985
from taking disciplinary action against a radiologist assistant. 54986

(D) Any insurer providing professional liability insurance to 54987
any person holding a valid ~~certificate~~ license to practice as a 54988
radiologist assistant or any other entity that seeks to indemnify 54989
the professional liability of a radiologist assistant shall notify 54990
the board within thirty days after the final disposition of any 54991

written claim for damages where such disposition results in a payment exceeding twenty-five thousand dollars. The notice shall contain the following information:

(1) The name and address of the person submitting the notification;

(2) The name and address of the insured who is the subject of the claim;

(3) The name of the person filing the written claim;

(4) The date of final disposition;

(5) If applicable, the identity of the court in which the final disposition of the claim took place.

(E) The board may investigate possible violations of this chapter or the rules adopted under it that are brought to its attention as a result of the reporting requirements of this section, except that the board shall conduct an investigation if a possible violation involves repeated malpractice. As used in this division, "repeated malpractice" means three or more claims for malpractice within the previous five-year period, each resulting in a judgment or settlement in excess of twenty-five thousand dollars in favor of the claimant, and each involving negligent conduct by the radiologist assistant.

(F) All summaries, reports, and records received and maintained by the board pursuant to this section shall be held in confidence and shall not be subject to discovery or introduction in evidence in any federal or state civil action involving a radiologist assistant, supervising physician, or health care facility arising out of matters that are the subject of the reporting required by this section. The board may use the information obtained only as the basis for an investigation, as evidence in a disciplinary hearing against a radiologist assistant or supervising radiologist, or in any subsequent trial or appeal

of a board action or order. 55023

The board may disclose the summaries and reports it receives 55024
under this section only to health care facility committees within 55025
or outside this state that are involved in credentialing or 55026
recredentialing a radiologist assistant or supervising radiologist 55027
or reviewing their privilege to practice within a particular 55028
facility. The board shall indicate whether or not the information 55029
has been verified. Information transmitted by the board shall be 55030
subject to the same confidentiality provisions as when maintained 55031
by the board. 55032

(G) Except for reports filed by an individual pursuant to 55033
division (B) of this section, the board shall send a copy of any 55034
reports or summaries it receives pursuant to this section to the 55035
radiologist assistant. The radiologist assistant shall have the 55036
right to file a statement with the board concerning the 55037
correctness or relevance of the information. The statement shall 55038
at all times accompany that part of the record in contention. 55039

(H) An individual or entity that reports to the board, 55040
reports to the monitoring organization described in section 55041
4731.251 of the Revised Code, or refers an impaired radiologist 55042
assistant to a treatment provider approved by the board under 55043
section 4731.25 of the Revised Code shall not be subject to suit 55044
for civil damages as a result of the report, referral, or 55045
provision of the information. 55046

(I) In the absence of fraud or bad faith, a professional 55047
association or society of radiologist assistants that sponsors a 55048
committee or program to provide peer assistance to a radiologist 55049
assistant with substance abuse problems, a representative or agent 55050
of such a committee or program, a representative or agent of the 55051
monitoring organization described in section 4731.251 of the 55052
Revised Code, and a member of the state medical board shall not be 55053
held liable in damages to any person by reason of actions taken to 55054

refer a radiologist assistant to a treatment provider approved 55055
under section 4731.25 of the Revised Code for examination or 55056
treatment. 55057

Sec. 4774.18. The attorney general, the prosecuting attorney 55058
of any county in which the offense was committed or the offender 55059
resides, the state medical board, or any other person having 55060
knowledge of a person engaged either directly or by complicity in 55061
practicing as a radiologist assistant without having first 55062
obtained under this chapter a ~~certificate~~ license to practice as a 55063
radiologist assistant, may, in accordance with provisions of the 55064
Revised Code governing injunctions, maintain an action in the name 55065
of the state to enjoin any person from engaging either directly or 55066
by complicity in unlawfully practicing as a radiologist assistant 55067
by applying for an injunction in any court of competent 55068
jurisdiction. 55069

Prior to application for an injunction, the secretary of the 55070
state medical board shall notify the person allegedly engaged 55071
either directly or by complicity in the unlawful practice by 55072
registered mail that the secretary has received information 55073
indicating that this person is so engaged. The person shall answer 55074
the secretary within thirty days showing that the person is either 55075
properly licensed for the stated activity or that the person is 55076
not in violation of this chapter. If the answer is not forthcoming 55077
within thirty days after notice by the secretary, the secretary 55078
shall request that the attorney general, the prosecuting attorney 55079
of the county in which the offense was committed or the offender 55080
resides, or the state medical board proceed as authorized in this 55081
section. 55082

Upon the filing of a verified petition in court, the court 55083
shall conduct a hearing on the petition and shall give the same 55084
preference to this proceeding as is given all proceedings under 55085

Chapter 119. of the Revised Code, irrespective of the position of 55086
the proceeding on the calendar of the court. 55087

Injunction proceedings shall be in addition to, and not in 55088
lieu of, all penalties and other remedies provided in this 55089
chapter. 55090

Sec. 4776.01. As used in this chapter: 55091

(A) "License" means an authorization evidenced by a license, 55092
certificate, registration, permit, card, or other authority that 55093
is issued or conferred by a licensing agency to a licensee or to 55094
an applicant for an initial license by which the licensee or 55095
initial license applicant has or claims the privilege to engage in 55096
a profession, occupation, or occupational activity, or, except in 55097
the case of the state dental board, to have control of and operate 55098
certain specific equipment, machinery, or premises, over which the 55099
licensing agency has jurisdiction. 55100

(B) Except as provided in section 4776.20 of the Revised 55101
Code, "licensee" means the person to whom the license is issued by 55102
a licensing agency. "Licensee" includes a person who, for purposes 55103
of section 3796.13 of the Revised Code, has complied with sections 55104
4776.01 to 4776.04 of the Revised Code and has been determined by 55105
the department of commerce or state board of pharmacy, as the 55106
applicable licensing agency, to meet the requirements for 55107
employment. 55108

(C) Except as provided in section 4776.20 of the Revised 55109
Code, "licensing agency" means any of the following: 55110

(1) The board authorized by Chapters 4701., 4717., 4725., 55111
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751., 55112
4753., 4755., 4757., 4759., 4760., 4761., 4762., 4774., 4778., 55113
4779., and 4783. of the Revised Code to issue a license to engage 55114
in a specific profession, occupation, or occupational activity, or 55115

to have charge of and operate certain specific equipment, 55116
machinery, or premises. 55117

(2) The state dental board, relative to its authority to 55118
issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 55119
4715.27 of the Revised Code; 55120

(3) The department of commerce or state board of pharmacy, 55121
relative to its authority under Chapter 3796. of the Revised Code 55122
and any rules adopted under that chapter with respect to a person 55123
who is subject to section 3796.13 of the Revised Code. 55124

(D) "Applicant for an initial license" includes persons 55125
seeking a license for the first time and persons seeking a license 55126
by reciprocity, endorsement, or similar manner of a license issued 55127
in another state. "Applicant for an initial license" also includes 55128
a person who, for purposes of section 3796.13 of the Revised Code, 55129
is required to comply with sections 4776.01 to 4776.04 of the 55130
Revised Code. 55131

(E) "Applicant for a restored license" includes persons 55132
seeking restoration of a license under section 4730.14, 4730.28, 55133
4731.222, 4731.281, 4759.062, 4759.063, 4760.06, ~~or~~ 4760.061, 55134
4761.06, 4761.061, 4762.06, 4762.061, 4774.06, 4774.061, 4778.07, 55135
or 4778.071 of the Revised Code. "Applicant for a restored 55136
license" does not include a person seeking restoration of a 55137
license under section 4751.33 of the Revised Code. 55138

(F) "Criminal records check" has the same meaning as in 55139
section 109.572 of the Revised Code. 55140

Sec. 4776.20. (A) As used in this section: 55141

(1) "Licensing agency" means, in addition to each board 55142
identified in division (C) of section 4776.01 of the Revised Code, 55143
the board or other government entity authorized to issue a license 55144
under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 55145

4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 55146
4747., 4749., ~~4751.~~, 4752., 4753., 4758., 4759., 4763., 4764., 55147
4765., 4766., 4771., 4773., and 4781. of the Revised Code. 55148
"Licensing agency" includes an administrative officer that has 55149
authority to issue a license. 55150

(2) "Licensee" means, in addition to a licensee as described 55151
in division (B) of section 4776.01 of the Revised Code, the person 55152
to whom a license is issued by the board or other government 55153
entity authorized to issue a license under Chapters 4703., 4707., 55154
4709., 4712., 4713., 4719., 4723., 4727., 4728., 4733., 4735., 55155
4736., 4737., 4738., 4740., 4742., 4747., 4749., 4751., 4752., 55156
4753., 4758., 4759., 4763., 4764., 4765., 4766., 4771., 4773., and 55157
4781. of the Revised Code. 55158

(3) "Prosecutor" has the same meaning as in section 2935.01 55159
of the Revised Code. 55160

(B) On a licensee's conviction of, plea of guilty to, 55161
judicial finding of guilt of, or judicial finding of guilt 55162
resulting from a plea of no contest to the offense of trafficking 55163
in persons in violation of section 2905.32 of the Revised Code, 55164
the prosecutor in the case shall promptly notify the licensing 55165
agency of the conviction, plea, or finding and provide the 55166
licensee's name and residential address. On receipt of this 55167
notification, the licensing agency shall immediately suspend the 55168
licensee's license. 55169

(C) If there is a conviction of, plea of guilty to, judicial 55170
finding of guilt of, or judicial finding of guilt resulting from a 55171
plea of no contest to the offense of trafficking in persons in 55172
violation of section 2905.32 of the Revised Code and all or part 55173
of the violation occurred on the premises of a facility that is 55174
licensed by a licensing agency, the prosecutor in the case shall 55175
promptly notify the licensing agency of the conviction, plea, or 55176
finding and provide the facility's name and address and the 55177

offender's name and residential address. On receipt of this 55178
notification, the licensing agency shall immediately suspend the 55179
facility's license. 55180

(D) Notwithstanding any provision of the Revised Code to the 55181
contrary, the suspension of a license under division (B) or (C) of 55182
this section shall be implemented by a licensing agency without a 55183
prior hearing. After the suspension, the licensing agency shall 55184
give written notice to the subject of the suspension of the right 55185
to request a hearing under Chapter 119. of the Revised Code. After 55186
a hearing is held, the licensing agency shall either revoke or 55187
permanently revoke the license of the subject of the suspension, 55188
unless it determines that the license holder has not been 55189
convicted of, pleaded guilty to, been found guilty of, or been 55190
found guilty based on a plea of no contest to the offense of 55191
trafficking in persons in violation of section 2905.32 of the 55192
Revised Code. 55193

Sec. 4778.03. (A) An individual seeking a license to practice 55194
as a genetic counselor shall file with the state medical board an 55195
application in a manner prescribed by the board. The application 55196
shall include all the information the board considers necessary to 55197
process the application, including evidence satisfactory to the 55198
board that the applicant meets the requirements specified in 55199
division (B) of this section. 55200

At the time an application is submitted, the applicant shall 55201
pay the board an application fee of two hundred dollars. No part 55202
of the fee shall be returned to the applicant or transferred for 55203
purposes of another application. 55204

(B)(1) To be eligible to receive a license to practice as a 55205
genetic counselor, an applicant shall demonstrate to the board 55206
that the applicant meets all of the following requirements: 55207

(a) Is at least eighteen years of age and of good moral 55208

character; 55209

(b) Except as provided in division (B)(2) of this section, 55210
has attained a master's degree or higher degree from a genetic 55211
counseling graduate program accredited by the American board of 55212
genetic counseling, inc.; 55213

(c) Is a certified genetic counselor; 55214

(d) Has satisfied any other requirements established by the 55215
board in rules adopted under section 4778.12 of the Revised Code. 55216

(2) In the case of an applicant who files an application not 55217
later than December 31, 2013, and meets all eligibility 55218
requirements other than the requirement specified in division 55219
(B)(1)(b) of this section, the applicant is eligible for a license 55220
to practice as a genetic counselor if the applicant has attained a 55221
master's or higher degree in education or in a field that the 55222
state medical board considers to be closely related to genetic 55223
counseling. 55224

(C) The board shall review all applications received under 55225
this section. Not later than sixty days after receiving an 55226
application it considers complete, the board shall determine 55227
whether the applicant meets the requirements for a license to 55228
practice as a genetic counselor. ~~The affirmative vote of not fewer 55229
than six members of the board is required to determine that the 55230
applicant meets the requirements for the license.~~ 55231

Sec. 4778.05. If the state medical board determines under 55232
section 4778.03 of the Revised Code that an applicant meets the 55233
requirements for a license to practice as a genetic counselor, the 55234
secretary of the board shall issue the license to the applicant. 55235
The license shall be valid for a two-year period unless revoked or 55236
suspended, shall expire biennially on the date that is two years 55237
after the date of issuance, and may be renewed for additional 55238

two-year periods in accordance with section 4778.06 of the Revised Code. 55239
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Sec. 4778.06. (A) An individual seeking to renew a license to practice as a genetic counselor shall, on or before the thirty first day of January of each even numbered year license's expiration date, apply to the state medical board for renewal of the license. The ~~state medical~~ board shall provide renewal notices to license holders at least one month prior to the expiration date. 55241
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Renewal applications shall be submitted to the board in a manner prescribed by the board. Each application shall be accompanied by a biennial renewal fee of one hundred fifty dollars. 55248
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The applicant shall report any criminal offense to which the applicant has pleaded guilty, of which the applicant has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last signing an application for a license to practice as a genetic counselor. 55252
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(B) To be eligible for renewal, a genetic counselor shall certify to the board that the counselor has done both of the following: 55257
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(1) Maintained the counselor's status as a certified genetic counselor; 55260
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(2) Completed at least thirty hours of continuing education in genetic counseling that has been approved by the national society of genetic counselors or American board of genetic counseling. 55262
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(C) If an applicant submits a renewal application that the board considers to be complete and qualifies for renewal pursuant to division (B) of this section, the board shall issue to the 55266
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applicant a renewed license to practice as a genetic counselor. 55269

(D) The board may require a random sample of genetic 55270
counselors to submit materials documenting that their status as 55271
certified genetic counselors has been maintained and that the 55272
number of hours of continuing education required under division 55273
(B)(2) of this section has been completed. This division does not 55274
limit the board's authority to conduct investigations pursuant to 55275
section 4778.14 of the Revised Code. 55276

(E)(1) If, through a random sample conducted under division 55277
(D) of this section or any other means, the board finds that an 55278
individual who certified completion of the number of hours and 55279
type of continuing education required to renew, reinstate, or 55280
restore a license to practice did not complete the requisite 55281
continuing education, the board may do either of the following: 55282

(a) Take disciplinary action against the individual under 55283
section 4778.14 of the Revised Code, impose a civil penalty, or 55284
both; 55285

(b) Permit the individual to agree in writing to complete the 55286
continuing education and pay a civil penalty. 55287

(2) The board's finding in any disciplinary action taken 55288
under division (E)(1)(a) of this section shall be made pursuant to 55289
an adjudication under Chapter 119. of the Revised Code and by an 55290
affirmative vote of not fewer than six of its members. 55291

(3) A civil penalty imposed under division (E)(1)(a) of this 55292
section or paid under division (E)(1)(b) of this section shall be 55293
in an amount specified by the board of not more than five thousand 55294
dollars. The board shall deposit civil penalties in accordance 55295
with section 4731.24 of the Revised Code. 55296

~~If a genetic counselor certifies that the genetic counselor~~ 55297
~~has completed the number of hours and type of continuing education~~ 55298
~~required for renewal of a license, and the board finds through the~~ 55299

~~random sample or any other means that the genetic counselor did 55300
not complete the requisite continuing education, the board may 55301
impose a civil penalty of not more than five thousand dollars. If 55302
a civil penalty is imposed in addition to any other action the 55303
board takes under section 4778.14 of the Revised Code, the board's 55304
finding shall be made pursuant to an adjudication under Chapter 55305
119. of the Revised Code and by an affirmative vote of not fewer 55306
than six members. A civil penalty imposed under this division may 55307
be in addition to or in lieu of any other action the board may 55308
take under section 4778.14 of the Revised Code. The board shall 55309
deposit civil penalties in accordance with section 4731.24 of the 55310
Revised Code. 55311~~

Sec. 4778.07. (A) A license to practice as a genetic 55312
counselor issued under section 4778.05 of the Revised Code that is 55313
not renewed on or before its expiration date is automatically 55314
suspended on its expiration date. Continued practice after 55315
suspension shall be considered as practicing in violation of 55316
section 4778.02 of the Revised Code. 55317

(B) If a license has been suspended pursuant to this section 55318
for two years or less, ~~the board shall reinstate the license it~~ 55319
may be reinstated upon an applicant's submission of a complete 55320
renewal application, the biennial renewal fee, and a monetary 55321
penalty of twenty-five dollars. 55322

(C)~~(1)~~ If a license has been suspended pursuant to this 55323
section for more than two years, it may be restored. Subject to 55324
section 4778.071 of the Revised Code, the board may restore the 55325
license upon an applicant's submission of a complete restoration 55326
application, the biennial renewal fee, and a monetary penalty of 55327
fifty dollars and compliance with sections 4776.01 to 4776.04 of 55328
the Revised Code. The board shall not restore a license unless the 55329
board, in its discretion, decides that the results of the criminal 55330

records check do not make the applicant ineligible for a license 55331
issued pursuant to section 4778.05 of the Revised Code. 55332

~~(2) The board may impose terms and conditions for the 55333
restoration, including the following: 55334~~

~~(a) Requiring the applicant to pass an oral or written 55335
examination, or both, to determine the applicant's present fitness 55336
to resume practice; 55337~~

~~(b) Requiring the applicant to obtain additional training and 55338
to pass an examination upon completion of such training; 55339~~

~~(c) Restricting or limiting the extent, scope, or type of 55340
practice of the applicant. 55341~~

Sec. 4778.071. (A) This section applies to both of the 55342
following: 55343

(1) An applicant seeking restoration of a license issued 55344
under this chapter that has been in a suspended or inactive state 55345
for any cause for more than two years; 55346

(2) An applicant seeking issuance of a license pursuant to 55347
this chapter who for more than two years has not been practicing 55348
as a genetic counselor as either of the following: 55349

(a) An active practitioner; 55350

(b) A student in a graduate program as described in section 55351
4778.03 of the Revised Code. 55352

(B) Before issuing a license to an applicant subject to this 55353
section or restoring a license to good standing for an applicant 55354
subject to this section, the state medical board may impose terms 55355
and conditions including any one or more of the following: 55356

(1) Requiring the applicant to pass an oral or written 55357
examination, or both, to determine the applicant's present fitness 55358
to resume practice; 55359

(2) Requiring the applicant to obtain additional training and to pass an examination upon completion of such training; 55360
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(3) Requiring an assessment of the applicant's physical skills for purposes of determining whether the applicant's coordination, fine motor skills, and dexterity are sufficient for performing evaluations and procedures in a manner that meets the minimal standards of care; 55362
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(4) Requiring an assessment of the applicant's skills in recognizing and understanding diseases and conditions; 55367
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(5) Requiring the applicant to undergo a comprehensive physical examination, which may include an assessment of physical abilities, evaluation of sensory capabilities, or screening for the presence of neurological disorders; 55369
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(6) Restricting or limiting the extent, scope, or type of practice of the applicant. 55373
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The board shall consider the moral background and the activities of the applicant during the period of suspension or inactivity. The board shall not issue or restore a license under this section unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code. 55375
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Sec. 4928.02. It is the policy of this state to do the following throughout this state: 55380
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(A) Ensure the availability to consumers of adequate, reliable, safe, efficient, nondiscriminatory, and reasonably priced retail electric service; 55382
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(B) Ensure the availability of unbundled and comparable retail electric service that provides consumers with the supplier, price, terms, conditions, and quality options they elect to meet their respective needs; 55385
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(C) Ensure diversity of electricity supplies and suppliers, 55389

by giving consumers effective choices over the selection of those 55390
supplies and suppliers and by encouraging the development of 55391
distributed and small generation facilities; 55392

(D) Encourage innovation and market access for cost-effective 55393
supply- and demand-side retail electric service including, but not 55394
limited to, demand-side management, time-differentiated pricing, 55395
waste energy recovery systems, smart grid programs, and 55396
implementation of advanced metering infrastructure; 55397

(E) Encourage cost-effective and efficient access to 55398
information regarding the operation of the transmission and 55399
distribution systems of electric utilities in order to promote 55400
both effective customer choice of retail electric service and the 55401
development of performance standards and targets for service 55402
quality for all consumers, including annual achievement reports 55403
written in plain language; 55404

(F) Ensure that an electric utility's transmission and 55405
distribution systems are available to a customer-generator or 55406
owner of distributed generation, so that the customer-generator or 55407
owner can market and deliver the electricity it produces; 55408

(G) Recognize the continuing emergence of competitive 55409
electricity markets through the development and implementation of 55410
flexible regulatory treatment; 55411

(H) Ensure effective competition in the provision of retail 55412
electric service by avoiding anticompetitive subsidies flowing 55413
from a noncompetitive retail electric service to a competitive 55414
retail electric service or to a product or service other than 55415
retail electric service, and vice versa, including by prohibiting 55416
the recovery of any generation-related costs through distribution 55417
or transmission rates; 55418

(I) Ensure retail electric service consumers protection 55419
against unreasonable sales practices, market deficiencies, and 55420

market power;	55421
(J) Provide coherent, transparent means of giving appropriate incentives to technologies that can adapt successfully to potential environmental mandates;	55422 55423 55424
(K) Encourage implementation of distributed generation across customer classes through regular review and updating of administrative rules governing critical issues such as, but not limited to, interconnection standards, standby charges, and net metering;	55425 55426 55427 55428 55429
(L) Protect at-risk populations, including, but not limited to, when considering the implementation of any new advanced energy or renewable energy resource;	55430 55431 55432
(M) Encourage the education of small business owners in this state regarding the use of, and encourage the use of, energy efficiency programs and alternative energy resources in their businesses;	55433 55434 55435 55436
(N) Facilitate the state's effectiveness in the global economy.	55437 55438
<u>(O) Encourage cost-effective, timely, and efficient access to and sharing of customer usage data with customers and competitive suppliers to promote customer choice and grid modernization.</u>	55439 55440 55441
<u>(P) Ensure that a customer's data is provided in a standard format and provided to third parties in as close to real time as is economically justifiable in order to spur economic investment and improve the energy options of individual customers.</u>	55442 55443 55444 55445
In carrying out this policy, the commission shall consider rules as they apply to the costs of electric distribution infrastructure, including, but not limited to, line extensions, for the purpose of development in this state.	55446 55447 55448 55449
Sec. 4928.143. (A) For the purpose of complying with section	55450

4928.141 of the Revised Code, an electric distribution utility may 55451
file an application for public utilities commission approval of an 55452
electric security plan as prescribed under division (B) of this 55453
section. The utility may file that application prior to the 55454
effective date of any rules the commission may adopt for the 55455
purpose of this section, and, as the commission determines 55456
necessary, the utility immediately shall conform its filing to 55457
those rules upon their taking effect. 55458

(B) Notwithstanding any other provision of Title XLIX of the 55459
Revised Code to the contrary except division (D) of this section, 55460
divisions (I), (J), and (K) of section 4928.20, division (E) of 55461
section 4928.64, and section 4928.69 of the Revised Code: 55462

(1) An electric security plan shall include provisions 55463
relating to the supply and pricing of electric generation service. 55464
In addition, if the proposed electric security plan has a term 55465
longer than three years, it may include provisions in the plan to 55466
permit the commission to test the plan pursuant to division (E) of 55467
this section and any transitional conditions that should be 55468
adopted by the commission if the commission terminates the plan as 55469
authorized under that division. 55470

(2) The plan may provide for or include, without limitation, 55471
any of the following: 55472

(a) Automatic recovery of any of the following costs of the 55473
electric distribution utility, provided the cost is prudently 55474
incurred: the cost of fuel used to generate the electricity 55475
supplied under the offer; the cost of purchased power supplied 55476
under the offer, including the cost of energy and capacity, and 55477
including purchased power acquired from an affiliate; the cost of 55478
emission allowances; and the cost of federally mandated carbon or 55479
energy taxes; 55480

(b) A reasonable allowance for construction work in progress 55481

for any of the electric distribution utility's cost of 55482
constructing an electric generating facility or for an 55483
environmental expenditure for any electric generating facility of 55484
the electric distribution utility, provided the cost is incurred 55485
or the expenditure occurs on or after January 1, 2009. Any such 55486
allowance shall be subject to the construction work in progress 55487
allowance limitations of division (A) of section 4909.15 of the 55488
Revised Code, except that the commission may authorize such an 55489
allowance upon the incurrence of the cost or occurrence of the 55490
expenditure. No such allowance for generating facility 55491
construction shall be authorized, however, unless the commission 55492
first determines in the proceeding that there is need for the 55493
facility based on resource planning projections submitted by the 55494
electric distribution utility. Further, no such allowance shall be 55495
authorized unless the facility's construction was sourced through 55496
a competitive bid process, regarding which process the commission 55497
may adopt rules. An allowance approved under division (B)(2)(b) of 55498
this section shall be established as a nonbypassable surcharge for 55499
the life of the facility. 55500

(c) The establishment of a nonbypassable surcharge for the 55501
life of an electric generating facility that is owned or operated 55502
by the electric distribution utility, was sourced through a 55503
competitive bid process subject to any such rules as the 55504
commission adopts under division (B)(2)(b) of this section, and is 55505
newly used and useful on or after January 1, 2009, which surcharge 55506
shall cover all costs of the utility specified in the application, 55507
excluding costs recovered through a surcharge under division 55508
(B)(2)(b) of this section. However, no surcharge shall be 55509
authorized unless the commission first determines in the 55510
proceeding that there is need for the facility based on resource 55511
planning projections submitted by the electric distribution 55512
utility. Additionally, if a surcharge is authorized for a facility 55513
pursuant to plan approval under division (C) of this section and 55514

as a condition of the continuation of the surcharge, the electric 55515
distribution utility shall dedicate to Ohio consumers the capacity 55516
and energy and the rate associated with the cost of that facility. 55517
Before the commission authorizes any surcharge pursuant to this 55518
division, it may consider, as applicable, the effects of any 55519
decommissioning, deratings, and retirements. 55520

(d) Terms, conditions, or charges relating to limitations on 55521
customer shopping for retail electric generation service, 55522
bypassability, standby, back-up, or supplemental power service, 55523
default service, carrying costs, amortization periods, and 55524
accounting or deferrals, including future recovery of such 55525
deferrals, as would have the effect of stabilizing or providing 55526
certainty regarding retail electric service; 55527

(e) Automatic increases or decreases in any component of the 55528
standard service offer price; 55529

(f) Consistent with sections 4928.23 to 4928.2318 of the 55530
Revised Code, both of the following: 55531

(i) Provisions for the electric distribution utility to 55532
securitize any phase-in, inclusive of carrying charges, of the 55533
utility's standard service offer price, which phase-in is 55534
authorized in accordance with section 4928.144 of the Revised 55535
Code; 55536

(ii) Provisions for the recovery of the utility's cost of 55537
securitization. 55538

(g) Provisions relating to transmission, ancillary, 55539
congestion, or any related service required for the standard 55540
service offer, including provisions for the recovery of any cost 55541
of such service that the electric distribution utility incurs on 55542
or after that date pursuant to the standard service offer; 55543

(h) Provisions regarding the utility's distribution service, 55544
including, without limitation and notwithstanding any provision of 55545

Title XLIX of the Revised Code to the contrary, provisions 55546
regarding single issue ratemaking, a revenue decoupling mechanism 55547
or any other incentive ratemaking, and provisions regarding 55548
distribution infrastructure and modernization incentives for the 55549
electric distribution utility. The latter may include a long-term 55550
energy delivery infrastructure modernization plan for that utility 55551
or any plan providing for the utility's recovery of costs, 55552
including lost revenue, shared savings, and avoided costs, and a 55553
just and reasonable rate of return on such infrastructure 55554
modernization. As part of its determination as to whether to allow 55555
in an electric distribution utility's electric security plan 55556
inclusion of any provision described in division (B)(2)(h) of this 55557
section, the commission shall examine the reliability of the 55558
electric distribution utility's distribution system and ensure 55559
that customers' and the electric distribution utility's 55560
expectations are aligned and that the electric distribution 55561
utility is placing sufficient emphasis on and dedicating 55562
sufficient resources to the reliability of its distribution 55563
system. 55564

(i) Provisions under which the electric distribution utility 55565
may implement economic development, job retention, and energy 55566
efficiency programs, which provisions may allocate program costs 55567
across all classes of customers of the utility and those of 55568
electric distribution utilities in the same holding company 55569
system. 55570

(C)(1) The burden of proof in the proceeding shall be on the 55571
electric distribution utility. The commission shall issue an order 55572
under this division for an initial application under this section 55573
not later than one hundred fifty days after the application's 55574
filing date and, for any subsequent application by the utility 55575
under this section, not later than two hundred seventy-five days 55576
after the application's filing date. Subject to division (D) of 55577

this section, the commission by order shall approve or modify and 55578
approve an application filed under division (A) of this section if 55579
it finds that the electric security plan so approved, including 55580
its pricing and all other terms and conditions, including any 55581
deferrals and any future recovery of deferrals, is more favorable 55582
in the aggregate as compared to the expected results that would 55583
otherwise apply under section 4928.142 of the Revised Code. 55584
Additionally, if the commission so approves an application that 55585
contains a surcharge under division (B)(2)(b) or (c) of this 55586
section, the commission shall ensure that the benefits derived for 55587
any purpose for which the surcharge is established are reserved 55588
and made available to those that bear the surcharge. Otherwise, 55589
the commission by order shall disapprove the application. 55590

(2)(a) If the commission modifies and approves an application 55591
under division (C)(1) of this section, the electric distribution 55592
utility may withdraw the application, thereby terminating it, and 55593
may file a new standard service offer under this section or a 55594
standard service offer under section 4928.142 of the Revised Code. 55595

(b) If the utility terminates an application pursuant to 55596
division (C)(2)(a) of this section or if the commission 55597
disapproves an application under division (C)(1) of this section, 55598
the commission shall issue such order as is necessary to continue 55599
the provisions, terms, and conditions of the utility's most recent 55600
standard service offer, along with any expected increases or 55601
decreases in fuel costs from those contained in that offer, until 55602
a subsequent offer is authorized pursuant to this section or 55603
section 4928.142 of the Revised Code, respectively. 55604

(D) Regarding the rate plan requirement of division (A) of 55605
section 4928.141 of the Revised Code, if an electric distribution 55606
utility that has a rate plan that extends beyond December 31, 55607
2008, files an application under this section for the purpose of 55608
its compliance with division (A) of section 4928.141 of the 55609

Revised Code, that rate plan and its terms and conditions are 55610
hereby incorporated into its proposed electric security plan and 55611
shall continue in effect until the date scheduled under the rate 55612
plan for its expiration, and that portion of the electric security 55613
plan shall not be subject to commission approval or disapproval 55614
under division (C) of this section, and the earnings test provided 55615
for in division (F) of this section shall not apply until after 55616
the expiration of the rate plan. However, that utility may include 55617
in its electric security plan under this section, and the 55618
commission may approve, modify and approve, or disapprove subject 55619
to division (C) of this section, provisions for the incremental 55620
recovery or the deferral of any costs that are not being recovered 55621
under the rate plan and that the utility incurs during that 55622
continuation period to comply with section 4928.141, division (B) 55623
of section 4928.64, or division (A) of section 4928.66 of the 55624
Revised Code. 55625

(E) If an electric security plan approved under division (C) 55626
of this section, except one withdrawn by the utility as authorized 55627
under that division, has a term, exclusive of phase-ins or 55628
deferrals, that exceeds three years from the effective date of the 55629
plan, the commission shall test the plan in the fourth year, and 55630
if applicable, every fourth year thereafter, to determine whether 55631
the plan, including its then-existing pricing and all other terms 55632
and conditions, including any deferrals and any future recovery of 55633
deferrals, continues to be more favorable in the aggregate and 55634
during the remaining term of the plan as compared to the expected 55635
results that would otherwise apply under section 4928.142 of the 55636
Revised Code. The commission shall also determine the prospective 55637
effect of the electric security plan to determine if that effect 55638
is substantially likely to provide the electric distribution 55639
utility with a return on common equity that is significantly in 55640
excess of the return on common equity that is likely to be earned 55641
by publicly traded companies, including utilities, that face 55642

comparable business and financial risk, with such adjustments for 55643
capital structure as may be appropriate. The burden of proof for 55644
demonstrating that significantly excessive earnings will not occur 55645
shall be on the electric distribution utility. For affiliated Ohio 55646
electric distribution utilities that operate under a joint 55647
electric security plan, their total earned return on common equity 55648
shall be used for purposes of assessing significantly excessive 55649
earnings. If the test results are in the negative or the 55650
commission finds that continuation of the electric security plan 55651
will result in a return on equity that is significantly in excess 55652
of the return on common equity that is likely to be earned by 55653
publicly traded companies, including utilities, that will face 55654
comparable business and financial risk, with such adjustments for 55655
capital structure as may be appropriate, during the balance of the 55656
plan, the commission may terminate the electric security plan, but 55657
not until it shall have provided interested parties with notice 55658
and an opportunity to be heard. The commission may impose such 55659
conditions on the plan's termination as it considers reasonable 55660
and necessary to accommodate the transition from an approved plan 55661
to the more advantageous alternative. In the event of an electric 55662
security plan's termination pursuant to this division, the 55663
commission shall permit the continued deferral and phase-in of any 55664
amounts that occurred prior to that termination and the recovery 55665
of those amounts as contemplated under that electric security 55666
plan. 55667

(F) With regard to the provisions that are included in an 55668
electric security plan under this section, the commission shall 55669
consider, following the end of each annual period of the plan, if 55670
any such adjustments resulted in excessive earnings as measured by 55671
whether the earned return on common equity of the electric 55672
distribution utility is significantly in excess of the return on 55673
common equity that was earned during the same period by publicly 55674
traded companies, including utilities, that face comparable 55675

business and financial risk, with such adjustments for capital 55676
structure as may be appropriate. In making its determination of 55677
significantly excessive earnings under this division, the 55678
commission shall, for affiliated Ohio electric distribution 55679
utilities that operate under a joint electric security plan, use 55680
the total of the utilities' earned return on common equity. 55681
Consideration also shall be given to the capital requirements of 55682
future committed investments in this state. The burden of proof 55683
for demonstrating that significantly excessive earnings did not 55684
occur shall be on the electric distribution utility. If the 55685
commission finds that such adjustments, in the aggregate, did 55686
result insignificantly excessive earnings, it shall require the 55687
electric distribution utility to return to consumers the amount of 55688
the excess by prospective adjustments; provided that, upon making 55689
such prospective adjustments, the electric distribution utility 55690
shall have the right to terminate the plan and immediately file an 55691
application pursuant to section 4928.142 of the Revised Code. Upon 55692
termination of a plan under this division, rates shall be set on 55693
the same basis as specified in division (C)(2)(b) of this section, 55694
and the commission shall permit the continued deferral and 55695
phase-in of any amounts that occurred prior to that termination 55696
and the recovery of those amounts as contemplated under that 55697
electric security plan. In making its determination of 55698
significantly excessive earnings under this division, the 55699
commission shall not consider, directly or indirectly, the 55700
revenue, expenses, or earnings of any affiliate that is not an 55701
Ohio electric distribution utility or parent company. 55702

Sec. 4937.01. As used in sections 4937.01 to 4937.05 of the 55703
Revised Code: 55704

(A) "Hazard" has the same meaning as in section 5502.21 of 55705
the Revised Code. 55706

(B) "Member agency" means the state agency of which a member
of the utility radiological safety board is an officer. 55707
55708

(C) "Nuclear electric facility" means any facility operated 55709
by a nuclear electric utility using nuclear energy to produce 55710
electricity and any facility for the storage of spent nuclear fuel 55711
arising from such production. 55712

(D) "Nuclear electric facility incident" means any hazard 55713
within the state which is associated with a nuclear electric 55714
facility and requires, pursuant to sections 5502.21 to 5502.51 of 55715
the Revised Code, emergency management to mitigate its effects. 55716

(E) "Nuclear electric utility" includes every person, their 55717
agents, assignees, or trustees, within this state engaged in the 55718
business of producing electricity using nuclear energy, or in the 55719
storage of spent nuclear fuel arising from such production. 55720

(F) "Nuclear electric utility holding company" means any 55721
company that holds an equity interest in a nuclear electric 55722
utility and is part of an electric utility holding company system 55723
exempt under section 3(a)(1) or (2) of the "Public Utility Holding 55724
Company Act of 1935," 49 Stat. 810, 15 U.S.C.A. 79c, and the 55725
regulations adopted under the act. 55726

Sec. 4937.05. (A) Subject to division (B) of this section, 55727
the utility radiological safety board may apportion among and 55728
assess against each nuclear electric utility in this state against 55729
which an assessment may be made under section 4905.10 of the 55730
Revised Code an amount no greater than the maximums specified in 55731
the applicable main operating appropriations act. The assessment 55732
shall be made in proportion to the intrastate gross receipts of 55733
the utility, excluding receipts from sales to other public 55734
utilities for resale, for the calendar year next preceding that in 55735
which the assessments are made, or be made based upon the 55736
utility's decommissioning budget for the year of the assessment, 55737

if the utility is not engaged in the business of producing 55738
electricity using nuclear energy. On or before the first day of 55739
October in each year, the board shall notify each such utility of 55740
the sum assessed against it, whereupon payment shall be made to 55741
the board. The board shall deposit the payment into any nuclear 55742
safety fund for which a maximum is specified, for the purposes of 55743
this section, in the applicable main operating appropriations act. 55744
Any assessments so deposited which are not expended shall be 55745
credited ratably to each nuclear electric utility that paid them, 55746
according to the respective portions of the amount assessable 55747
against the utility for the ensuing calendar year. The assessments 55748
for such calendar year shall be adjusted accordingly. 55749

(B) The board shall assess an amount against the nuclear 55750
electric utilities pursuant to division (A) of this section only 55751
in accordance with this division and subject to the conditions it 55752
specifies. 55753

(1) Nuclear electric utilities and, separately, the 55754
environmental protection agency, the department of health, the 55755
department of agriculture, and the emergency management agency of 55756
the department of public safety, as member agencies of the board, 55757
shall negotiate, in good faith, amounts to be given as grants by 55758
the nuclear electric utilities pursuant to this division for 55759
funding the member agency for a fiscal biennium. Any such grant 55760
shall cover all costs related to the statutory requirements or 55761
agreements specified in division (B)(4) of this section, but shall 55762
not be required to cover any costs of activities not directly 55763
related to those statutory requirements or agreements. 55764

(2)(a) If any of the member agencies specified in division 55765
(B)(1) of this section disagrees, before the first day of 55766
September of the first year of a fiscal biennium, with the nuclear 55767
electric utilities on a grant amount under that division for the 55768
agency's funding for that biennium and the agency is requesting a 55769

specified amount not exceeding seventy-five per cent of the 55770
maximum specified in the applicable main operating appropriations 55771
act, the agency shall make a written directive to the board for an 55772
assessment against the nuclear electric utilities for that 55773
specified amount and shall notify the controlling board, the 55774
director of budget and management, and the nuclear electric 55775
utilities in writing of that directive. Upon receipt of the 55776
directive, the utility radiological safety board shall assess the 55777
specified amount against the nuclear electric utilities as 55778
provided in division (A) of this section, notwithstanding any 55779
provision of that division to the contrary, provided the amount 55780
assessed does not exceed the maximum specified in the applicable 55781
main operating appropriations act. 55782

(b) If any of the member agencies specified in division 55783
(B)(1) of this section disagrees, before the first day of 55784
September of the first year of a fiscal biennium, with the nuclear 55785
electric utilities on a grant amount under that division for the 55786
agency's funding for that biennium and the agency is requesting a 55787
specified amount that exceeds seventy-five per cent of the maximum 55788
specified for that agency in the applicable main operating 55789
appropriations act, the agency may request that the controlling 55790
board approve an assessment against the electric utilities in the 55791
specified amount. The controlling board shall not approve an 55792
assessment so requested if it exceeds that maximum or will not be 55793
used for the purposes specified in division (B)(4) of this 55794
section. If the controlling board approves the request, the 55795
utility radiological safety board shall impose an assessment in 55796
the approved amount against the nuclear electric utilities as 55797
provided in division (A) of this section, notwithstanding any 55798
provision of that division to the contrary. 55799

(c) The board shall not assess against the nuclear electric 55800
utilities pursuant to division (A) of this section in any fiscal 55801

biennium for which each member agency and the nuclear electric 55802
utilities agree on grant amounts pursuant to division (B)(1) of 55803
this section. 55804

(3) Revenues received pursuant to grants or assessments under 55805
division (B)(1) or (2) of this section shall be deposited into the 55806
requesting agency's nuclear safety fund, as such fund is specified 55807
in the applicable main operating appropriations act. 55808

(4) Funding provided under this division to a member agency 55809
shall be for the purpose of enabling a member agency to fulfill 55810
its authority and duties under the statutes related to nuclear 55811
safety or the utility safety radiological board, or under 55812
agreements with the nuclear regulatory commission. 55813

(5) If a nuclear electric utility makes any recommendation to 55814
render the nuclear safety programs of member agencies of the 55815
utility radiological safety board more cost effective, the member 55816
agencies shall implement the recommendation or provide to the 55817
utility a written statement explaining why the recommendation will 55818
not be implemented or will be implemented with substantial 55819
modification. 55820

Sec. 5101.061. (A) There is hereby established in the 55821
department of job and family services the office of human services 55822
innovation. The office shall develop recommendations, as described 55823
in division (B) of this section, regarding the coordination and 55824
reform of state programs to assist the residents of this state in 55825
preparing for life and the dignity of work and to promote 55826
individual responsibility and work opportunity. 55827

The director of job and family services shall establish the 55828
office's organizational structure, may reassign the department's 55829
staff and resources as necessary to support the office's 55830
activities, and is responsible for the office's operations. The 55831
superintendent of public instruction, chancellor of ~~the Ohio board~~ 55832

~~of regents higher education, and~~ director of the governor's office 55833
of workforce transformation,~~and director of the governor's office~~ 55834
~~of health transformation~~ shall assist the director of job and 55835
family services with leadership and organizational support for the 55836
office. 55837

(B) Not later than January 1, 2015, the office shall submit 55838
to the governor recommendations for all of the following: 55839

(1) Coordinating services across all public assistance 55840
programs to help individuals find employment, succeed at work, and 55841
stay out of poverty; 55842

(2) Revising incentives for public assistance programs to 55843
foster person-centered case management; 55844

(3) Standardizing and automating eligibility determination 55845
policies and processes for public assistance programs; 55846

(4) Other matters the office considers appropriate. 55847

(C) Not later than three months after ~~the effective date of~~ 55848
~~this section~~ September 15, 2014, the office shall establish clear 55849
principles to guide the development of its recommendations, shall 55850
identify in detail the problems to be addressed in the 55851
recommendations, and shall make an inventory of all state and 55852
other resources that the office considers relevant to the 55853
recommendations. 55854

(D) The office shall convene the directors and staff of the 55855
departments, agencies, offices, boards, commissions, and 55856
institutions of the executive branch of the state as necessary to 55857
develop the office's recommendations. The departments, agencies, 55858
offices, boards, commissions, and institutions shall comply with 55859
all requests and directives that the office makes, subject to the 55860
supervision of the directors of the departments, agencies, 55861
offices, boards, commissions, and institutions. The office also 55862
shall convene other individuals interested in the issues that the 55863

office addresses in the development of the recommendations to 55864
obtain their input on, and support for, the recommendations. 55865

Sec. 5101.14. (A) As used in this section and section 55866
5101.144 of the Revised Code, "children services" means services 55867
provided to children pursuant to Chapter 5153. of the Revised 55868
Code. 55869

(B) Within available funds, the department of job and family 55870
services shall distribute funds to the counties within thirty days 55871
after the beginning of each calendar quarter for a part of the 55872
counties' costs for children services. 55873

Funds provided to the county under this section shall be 55874
deposited into the children services fund created pursuant to 55875
section 5101.144 of the Revised Code. 55876

(C) In each fiscal year, the amount of funds available for 55877
distribution under this section shall be allocated to counties as 55878
follows: 55879

(1) If the amount is less than the amount initially 55880
appropriated for the immediately preceding fiscal year, each 55881
county shall receive an amount equal to the percentage of the 55882
funding it received in the immediately preceding fiscal year, 55883
exclusive of any releases from or additions to the allocation or 55884
any sanctions imposed under this section; 55885

(2) If the amount is equal to the amount initially 55886
appropriated for the immediately preceding fiscal year, each 55887
county shall receive an amount equal to the amount it received in 55888
the preceding fiscal year, exclusive of any releases from or 55889
additions to the allocation or any sanctions imposed under this 55890
section; 55891

(3) If the amount is greater than the amount initially 55892
appropriated for the immediately preceding fiscal year, each 55893

county shall receive the amount determined under division (C)(2) 55894
of this section as a base allocation, plus a percentage of the 55895
amount that exceeds the amount initially appropriated for the 55896
immediately preceding fiscal year. The amount exceeding the amount 55897
initially appropriated in the immediately preceding fiscal year 55898
shall be allocated to the counties as follows: 55899

(a) Twelve per cent divided equally among all counties; 55900

(b) Forty-eight per cent in the ratio that the number of 55901
residents of the county under the age of eighteen bears to the 55902
total number of such persons residing in this state; 55903

(c) Forty per cent in the ratio that the number of residents 55904
of the county with incomes under the federal poverty guideline 55905
bears to the total number of such persons in this state. 55906

As used in division (C)(3)(c) of this section, "federal 55907
poverty guideline" means the poverty guideline as defined by the 55908
United States office of management and budget and revised by the 55909
United States secretary of health and human services in accordance 55910
with section 673 of the "Community Services Block Grant Act," 95 55911
Stat. 511 (1981), 42 U.S.C.A. 9902, as amended. 55912

(D) Within ninety days after the end of each state fiscal 55913
biennium, each county shall return any unspent funds to the 55914
department. 55915

(E) Each county shall contribute local funds in accordance 55916
with division (F)(2) of this section to the county children 55917
services fund described in section 5101.144 of the Revised Code. 55918

(F)(1) The director of job and family services may adopt the 55919
following rules in accordance with section 111.15 of the Revised 55920
Code: 55921

(1)(a) Rules that are necessary for the allocation of funds 55922
under this section; 55923

~~(2)(b)~~ Rules prescribing reports on expenditures to be submitted by the counties as necessary for the implementation of this section.

(2) The director shall adopt rules that determine the amount of local funds to be contributed by each county under division (E) of this section in accordance with section 111.15 of the Revised Code.

Sec. 5101.141. (A) As used in sections 5101.141 to 5101.1414 of the Revised Code:

(1) "Adopted young adult" means a person:

(a) Who was in the temporary or permanent custody of a public children services agency;

(b) Who was adopted at the age of sixteen or seventeen and attained the age of sixteen before a Title IV-E adoption assistance agreement became effective;

(c) Who has attained the age of eighteen; and

(d) Who has not yet attained the age of twenty-one.

~~(2) "Child" includes a~~ means any of the following:

(a) A person who meets the requirements of division (A)(1) (B)(3) of section 5101.1411 5153.01 of the Revised Code or an adopted person who meets the requirements applicable to such a person under division (B)(1) of section 5101.1411 of the Revised Code.

~~(2) "Designee" means a person with whom the department of job and family services has entered into a contract, pursuant to division (B)(2) of this section;~~

(b) An adopted young adult;

(c) An emancipated young adult.

(3) "Emancipated young adult" means a person: 55952

(a) Who was in the temporary or permanent custody of a public children services agency, a planned permanent living arrangement, or in the Title-IV-E-eligible care and placement responsibility of a juvenile court or other governmental agency that provides Title IV-E reimbursable placement services; 55953
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55957

(b) Whose custody, arrangement, or care and placement was terminated on or after the person's eighteenth birthday; and 55958
55959

(c) Who has not yet attained the age of twenty-one. 55960

(4) "Representative" means a person with whom the department of job and family services has entered into a contract, pursuant to division (B)(2)(b) of this section. 55961
55962
55963

(5) "Title IV-E" means Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended. 55964
55965

(B)(1) Except as provided in division (B)(2) of this section, 55966
the department of job and family services shall act as the single 55967
state agency to administer federal payments for foster care and 55968
adoption assistance made pursuant to Title IV-E. The director of 55969
job and family services shall adopt rules to implement this 55970
authority. Rules governing financial and administrative 55971
requirements applicable to public children services agencies and 55972
government entities that provide Title IV-E reimbursable placement 55973
services to children shall be adopted in accordance with section 55974
111.15 of the Revised Code, as if they were internal management 55975
rules. Rules governing requirements applicable to private child 55976
placing agencies and private noncustodial agencies and rules 55977
establishing eligibility, program participation, and other 55978
requirements concerning Title IV-E shall be adopted in accordance 55979
with Chapter 119. of the Revised Code. A public children services 55980
agency to which the department distributes Title IV-E funds shall 55981
administer the funds in accordance with those rules. 55982

(2) If the state plan is amended under divisions (A) and (B) 55983
of section 5101.1411 of the Revised Code, both of the following 55984
shall apply: 55985

(a) Implementation of the amendments to the plan shall begin 55986
fifteen months after September 13, 2016, the effective date of 55987
H.B. 50 of the 131st general assembly, if both of the following 55988
apply: 55989

(i) The plan as amended is approved by the secretary of 55990
health and human services; 55991

(ii) The general assembly has appropriated sufficient funds 55992
to operate the program required under the plan as amended. 55993

(b) The department shall have, exercise, and perform all new 55994
duties required under the plan as amended. In doing so, the 55995
department may contract with another person to carry out those new 55996
duties, to the extent permitted under Title IV-E. 55997

(C)(1) The Except with regard to the new duties imposed on 55998
the department or its contractor under division (B)(2)(b) of this 55999
section that are not imposed on the county, the county, on behalf 56000
of each child eligible for foster care maintenance payments under 56001
Title IV-E, shall make payments to cover the cost of providing all 56002
of the following: 56003

(a) The child's food, clothing, shelter, daily supervision, 56004
and school supplies; 56005

(b) The child's personal incidentals; 56006

(c) Reasonable travel to the child's home for visitation. 56007

(2) In addition to payments made under division (C)(1) of 56008
this section, the county may, on behalf of each child eligible for 56009
foster care maintenance payments under Title IV-E, make payments 56010
to cover the cost of providing the following: 56011

(a) Liability insurance with respect to the child; 56012

(b) If the county is participating in the demonstration project established under division (A) of section 5101.142 of the Revised Code, services provided under the project.

(3) With respect to a child who is in a child-care institution, including any type of group home designed for the care of children or any privately operated program consisting of two or more certified foster homes operated by a common administrative unit, the foster care maintenance payments made by the county on behalf of the child shall include the reasonable cost of the administration and operation of the institution, group home, or program, as necessary to provide the items described in divisions (C)(1) and (2) of this section.

(D) To the extent that either foster care maintenance payments under division (C) of this section or Title IV-E adoption assistance payments for maintenance costs require the expenditure of county funds, the board of county commissioners shall report the nature and amount of each expenditure of county funds to the department.

(E) The department shall distribute to public children services agencies that incur and report expenditures of the type described in division (D) of this section federal financial participation received for administrative and training costs incurred in the operation of foster care maintenance and adoption assistance programs. The department may withhold not more than three per cent of the federal financial participation received. The funds withheld may be used only to fund the following:

(1) The Ohio child welfare training program established under section 5103.30 of the Revised Code;

(2) The university partnership program for college and university students majoring in social work who have committed to work for a public children services agency upon graduation;

(3) Efforts supporting organizational excellence, including 56044
voluntary activities to be accredited by a nationally recognized 56045
accreditation organization. 56046

The funds withheld shall be in addition to any administration 56047
and training cost for which the department is reimbursed through 56048
its own cost allocation plan. 56049

(F) All federal financial participation funds received by a 56050
county pursuant to this section shall be deposited into the 56051
county's children services fund created pursuant to section 56052
5101.144 of the Revised Code. 56053

(G) The department shall periodically publish and distribute 56054
the maximum amounts that the department will reimburse public 56055
children services agencies for making payments on behalf of 56056
children eligible for foster care maintenance payments. 56057

(H) The department, by and through its director, is hereby 56058
authorized to develop, participate in the development of, 56059
negotiate, and enter into one or more interstate compacts on 56060
behalf of this state with agencies of any other states, for the 56061
provision of social services to children in relation to whom all 56062
of the following apply: 56063

(1) They have special needs. 56064

(2) This state or another state that is a party to the 56065
interstate compact is providing adoption assistance on their 56066
behalf. 56067

(3) They move into this state from another state or move out 56068
of this state to another state. 56069

Sec. 5101.1411. (A)(1) The director of job and family 56070
services shall, not later than nine months after September 13, 56071
2016, the effective date of H.B. 50 of the 131st general assembly, 56072
submit an amendment to the state plan required by 42 U.S.C. 671 to 56073

the United States secretary of health and human services to 56074
implement 42 U.S.C. 675(8) to make federal payments for foster 56075
care under Title IV-E directly to, or on behalf of, any ~~person~~ 56076
emancipated young adult who meets the following requirements: 56077

(a) ~~The person has attained the age of eighteen but not~~ 56078
~~attained the age of twenty one.~~ 56079

~~(b) The person was in the custody of a public children~~ 56080
~~services agency upon attaining the age of eighteen.~~ 56081

~~(c) The person emancipated young adult signs a voluntary~~ 56082
participation agreement. 56083

~~(d)(b) The ~~person~~ emancipated young adult satisfies division~~ 56084
(C) of this section. 56085

(2) Any ~~person~~ emancipated young adult who meets the 56086
requirements of division (A)(1) of this section may apply for 56087
foster care payments and make the appropriate application at any 56088
time. 56089

(B)(1) The director of job and family services shall, not 56090
later than nine months after September 13, 2016, the effective 56091
date of H.B. 50 of the 131st general assembly, submit an amendment 56092
to the state plan required by 42 U.S.C. 671 to the United States 56093
secretary of health and human services to implement 42 U.S.C. 56094
675(8) to make federal payments for adoption assistance under 56095
Title IV-E available to any parent who meets all of the following 56096
requirements: 56097

(a) The parent adopted a person ~~while the adopted person was~~ 56098
~~sixteen or seventeen and had been in the custody of a public~~ 56099
~~children services agency, or who is an adopted young adult and the~~ 56100
parent ~~enters~~ entered into an adoption assistance agreement under 56101
42 U.S.C. 673+ while the adopted person was age sixteen or 56102
seventeen. 56103

(b) ~~The adopted person has attained the age of eighteen but~~ 56104
~~has not attained the age of twenty one;~~ 56105

~~(e)~~ The parent maintains parental responsibility ~~to that~~ for 56106
the adopted person; young adult. 56107

~~(d)~~(c) The adopted ~~person~~ young adult satisfies division (C) 56108
of this section. 56109

(2) Any parent who meets the requirements of division (B)(1) 56110
of this section that are applicable to a parent may request an 56111
extension of adoption assistance payments at any time before the 56112
adopted ~~person~~ young adult reaches age twenty-one. 56113

(3) An adopted young adult who is eligible to receive 56114
adoption assistance payments is not considered an emancipated 56115
young adult and is therefore not eligible to receive payment under 56116
division (A) of this section. 56117

(C) In addition to other requirements, ~~a person who is in~~ 56118
~~foster care or has been adopted~~ an adopted or emancipated young 56119
adult must meet at least one of the following criteria: 56120

(1) Is completing secondary education or a program leading to 56121
an equivalent credential; 56122

(2) Is enrolled in an institution that provides 56123
post-secondary or vocational education; 56124

(3) Is participating in a program or activity designed to 56125
promote, or remove barriers to, employment; 56126

(4) Is employed for at least eighty hours per month; 56127

(5) Is incapable of doing any of the activities described in 56128
~~division~~ divisions (C)(1) to (4) of this section due to a ~~medical~~ 56129
physical or mental condition, which incapacity is supported by 56130
regularly updated information in the person's case record or plan. 56131

(D) Any ~~person~~ emancipated young adult described in division 56132
(A)(1) of this section who is directly receiving foster care 56133

payments, or on whose behalf such foster care payments are 56134
received, or any parent receiving adoption assistance payments, 56135
~~pursuant to this section~~ may refuse the payments at any time. ~~If~~ 56136
~~the person or parent refuses payments and seeks payments at a~~ 56137
~~later date, the person or parent must reapply for the payments in~~ 56138
~~accordance with this section.~~ 56139

(E)(1) ~~A person~~ An emancipated young adult described in 56140
division (A)(1) of this section who is directly receiving foster 56141
care payments, or on whose behalf such foster care payments are 56142
received, or a parent receiving adoption assistance payments and 56143
the adopted ~~person, pursuant to this section,~~ young adult shall be 56144
eligible for services set forth in the federal, "Fostering 56145
Connections to Success and Increasing Adoptions Act of 2008," P.L. 56146
110-351, 122 Stat. 3949. 56147

(2) ~~A person~~ An emancipated young adult described in division 56148
(A)(1) of this section who is directly receiving foster care 56149
payments, or on whose behalf such foster care payments are 56150
received, pursuant to this section, may be eligible to reside in a 56151
supervised independent living setting, including apartment living, 56152
room and board arrangements, college or university dormitories, 56153
host homes, and shared roommate settings. 56154

(F) Any determination by the department that denies or 56155
terminates foster care or adoption assistance payments shall be 56156
subject to a state hearing pursuant to section 5101.35 of the 56157
Revised Code. 56158

Sec. 5101.1412. (A) Without the approval of a court, ~~a child~~ 56159
an emancipated young adult who receives payments, or on whose 56160
behalf payments are received, under division (A) of section 56161
5101.1411 of the Revised Code, may enter into a voluntary 56162
participation agreement with the department of job and family 56163
services, or its designee representative, for the ~~child's~~ 56164

emancipated young adult's care and placement. The agreement shall 56165
expire within one hundred eighty days and may not be renewed 56166
without court approval stay in effect until one of the following 56167
occurs: 56168

(1) The emancipated young adult enrolled in the program 56169
notifies the department, or its representative, that they want to 56170
terminate the agreement. 56171

(2) The emancipated young adult becomes ineligible for the 56172
program. 56173

(B) Prior to the agreement's expiration During the 56174
one-hundred-eighty-day period after the voluntary participation 56175
agreement becomes effective, the department or its designee 56176
representative shall seek approval from the court that the child's 56177
emancipated young adult's best interest is served by extending 56178
continuing the care and placement with the department or its 56179
designee representative. 56180

(C) In order to maintain Title IV-E eligibility for the 56181
emancipated young adult, not later than twelve months after the 56182
effective date of the voluntary participation agreement, and at 56183
least once every twelve months thereafter, the department or its 56184
representative must petition the court for, and obtain, a judicial 56185
determination that the department or its representative has made 56186
reasonable efforts to finalize a permanency plan that addresses 56187
the department's or its representative's efforts to prepare the 56188
emancipated young adult for independence. 56189

Sec. 5101.1414. (A) Not later than nine months after 56190
September 13, 2016, the effective date of H.B. 50 of the 131st 56191
general assembly, the department of job and family services shall 56192
adopt rules necessary to carry out the purposes of sections 56193
5101.1411 to 5101.1413 of the Revised Code, including rules that 56194

do all of the following: 56195

(1) Allow ~~a person~~ an emancipated young adult described in 56196
division (A)(1) of section 5101.1411 of the Revised Code who is 56197
directly receiving foster care payments, or on whose behalf such 56198
foster care payments are received, or ~~a person~~ an adopted young 56199
adult whose adoptive parents are receiving adoption assistance 56200
payments, to maintain eligibility while transitioning into, or out 56201
of, qualified employment or educational activities; 56202

(2) Require that a thirty-day notice of termination be given 56203
by the department to ~~a person~~ an emancipated young adult described 56204
in division (A)(1) of section 5101.1411 of the Revised Code who is 56205
receiving foster care payments, or on whose behalf such foster 56206
care payments are received, or to a parent receiving adoption 56207
assistance payments for an adopted ~~person~~ young adult described in 56208
division (B)(1) of section 5101.1411 of the Revised Code, who is 56209
determined to be ineligible for payments; 56210

(3) Establish the scope of practice and training necessary 56211
for ~~foster care workers and foster care worker~~ case managers and 56212
supervisors who care for ~~persons~~ emancipated young adults 56213
described in division (A)(1) of section 5101.1411 of the Revised 56214
Code who are receiving foster care payments, or on whose behalf 56215
such foster care payments are received, under section 5101.1411 of 56216
the Revised Code. 56217

(B) The department of job and family services shall create an 56218
advisory council to evaluate and make recommendations for 56219
statewide implementation of sections 5101.1411 and 5101.1412 of 56220
the Revised Code not later than one month after September 13, 56221
2016, the effective date of H.B. 50 of the 131st general assembly. 56222

Sec. 5101.1415. The provisions of divisions (A) and (C) to 56223
(F) of section 5101.1411 of the Revised Code shall not apply if 56224

the person is eligible for temporary or permanent custody until 56225
age twenty-one pursuant to a dispositional order under sections 56226
2151.353, 2151.414, and 2151.415 of the Revised Code. 56227

Sec. 5101.56. (A) As used in this section, "physician" means 56228
a person who holds a valid ~~certificate~~ license to practice 56229
medicine and surgery or osteopathic medicine and surgery issued 56230
under Chapter 4731. of the Revised Code. 56231

(B) Unless required by the United States Constitution or by 56232
federal statute, regulation, or decisions of federal courts, state 56233
or local funds may not be used for payment or reimbursement for 56234
abortion services unless the certification required by division 56235
(C) of this section is made and one of the following circumstances 56236
exists: 56237

(1) The woman suffers from a physical disorder, physical 56238
injury, or physical illness, including a life-endangering physical 56239
condition caused by or arising from the pregnancy, that would, as 56240
certified by a physician, place the woman in danger of death 56241
unless an abortion is performed. 56242

(2) The pregnancy was the result of an act of rape and the 56243
patient, the patient's legal guardian, or the person who made the 56244
report to the law enforcement agency, certifies in writing that 56245
prior to the performance of the abortion a report was filed with a 56246
law enforcement agency having the requisite jurisdiction, unless 56247
the patient was physically unable to comply with the reporting 56248
requirement and that fact is certified by the physician performing 56249
the abortion. 56250

(3) The pregnancy was the result of an act of incest and the 56251
patient, the patient's legal guardian, or the person who made the 56252
report certifies in writing that prior to the performance of the 56253
abortion a report was filed with either a law enforcement agency 56254
having the requisite jurisdiction, or, in the case of a minor, 56255

with a county children services agency established under Chapter 56256
5153. of the Revised Code, unless the patient was physically 56257
unable to comply with the reporting requirement and that fact is 56258
certified by the physician performing the abortion. 56259

(C)(1) Before payment of or reimbursement for an abortion can 56260
be made with state or local funds, the physician performing the 56261
abortion shall certify that one of the three circumstances in 56262
division (B) of this section has occurred. The certification shall 56263
be made on a form created by the Ohio department of job and family 56264
services known as the "Abortion Certification Form." The 56265
physician's signature shall be in the physician's own handwriting. 56266
The certification shall list the name and address of the patient. 56267
The certification form shall be attached to the billing invoice. 56268

(2) The certification shall be as follows: 56269

I certify that, on the basis of my professional judgment, 56270
this service was necessary because: 56271

(a) The woman suffers from a physical disorder, physical 56272
injury, or physical illness, including a life-endangering physical 56273
condition caused by or arising from the pregnancy itself, that 56274
would place the woman in danger of death unless an abortion was 56275
performed; 56276

(b) The pregnancy was the result of an act of rape and the 56277
patient, the patient's legal guardian, or the person who made the 56278
report to the law enforcement agency certified in writing that 56279
prior to the performance of the abortion a report was filed with a 56280
law enforcement agency having the requisite jurisdiction; 56281

(c) The pregnancy was the result of an act of incest and the 56282
patient, the patient's legal guardian, or the person who made the 56283
report certified in writing that prior to the performance of the 56284
abortion a report was filed with either a law enforcement agency 56285
having the requisite jurisdiction or, in the case of a minor, with 56286

a county children services agency established under Chapter 5153. 56287
of the Revised Code; 56288

(d) The pregnancy was the result of an act of rape and in my 56289
professional opinion the recipient was physically unable to comply 56290
with the reporting requirement; or 56291

(e) The pregnancy was a result of an act of incest and in my 56292
professional opinion the recipient was physically unable to comply 56293
with the reporting requirement. 56294

(D) Payment or reimbursement for abortion services shall not 56295
be made with state or local funds for associated services such as 56296
anesthesia, laboratory tests, or hospital services if the abortion 56297
service itself cannot be paid or reimbursed with state or local 56298
funds. All abortion services for which a physician is seeking 56299
reimbursement or payment for the purposes of this division shall 56300
be submitted on a hard-copy billing invoice. 56301

(E) Documentation that supports the certification made by a 56302
physician shall be maintained by the physician in the recipient's 56303
medical record. When the physician certifies that circumstances 56304
described in division (C)(2)(b) or (c) of this section are the 56305
case, a copy of the statement signed by the patient, the patient's 56306
legal guardian, or the person who made the report shall be 56307
maintained in the patient's medical record. 56308

(F) Nothing in this section denies reimbursement for drugs or 56309
devices to prevent implantation of the fertilized ovum, or for 56310
medical procedures for the termination of an ectopic pregnancy. 56311
This section does not apply to treatments for incomplete, missed, 56312
or septic abortions. 56313

(G) If enforcement of this section will adversely affect 56314
eligibility of the state or a political subdivision of the state 56315
for participation in a federal program, this section shall be 56316
enforced to the extent permissible without preventing 56317

participation in that federal program. 56318

Sec. 5101.83. (A) As used in this section: 56319

(1) "Assistance group" has the same meaning as in section 56320
5107.02 of the Revised Code, except that it also means a group 56321
provided benefits and services under the prevention, retention, 56322
and contingency program or the comprehensive case management and 56323
employment program. 56324

(2) "Fraudulent assistance" means assistance and ~~service~~ 56325
services, including cash assistance, provided under the Ohio works 56326
first program established under Chapter 5107., or benefits and 56327
services provided under the prevention, retention, and contingency 56328
program established under Chapter 5108. of the Revised Code or 56329
under the comprehensive case management and employment program 56330
established under Chapter 5116. of the Revised Code, to or on 56331
behalf of an assistance group that is provided as a result of 56332
fraud by a member of the assistance group, including an 56333
intentional violation of the program's requirements. "Fraudulent 56334
assistance" does not include assistance or services to or on 56335
behalf of an assistance group that is provided as a result of an 56336
error that is the fault of a county department of job and family 56337
services or the ~~state~~ Ohio department of job and family services. 56338

(B) If a county director of job and family services 56339
determines that an assistance group has received fraudulent 56340
assistance, the assistance group is ineligible to participate in 56341
the Ohio works first program ~~or~~, the prevention, retention, and 56342
contingency program, or the comprehensive case management and 56343
employment program until a member of the assistance group repays 56344
the cost of the fraudulent assistance. If a member repays the cost 56345
of the fraudulent assistance and the assistance group otherwise 56346
meets the eligibility requirements for the Ohio works first 56347
program ~~or~~, the prevention, retention, and contingency program, or 56348

the comprehensive case management and employment program, the 56349
assistance group shall not be denied the opportunity to 56350
participate in the program. 56351

This section does not limit the ability of a county 56352
department of job and family services to recover erroneous 56353
payments under section 5107.76 of the Revised Code. 56354

The ~~state~~ Ohio department of job and family services shall 56355
adopt rules in accordance with Chapter 119. of the Revised Code to 56356
implement this section. 56357

Sec. 5103.02. As used in sections 5103.03 to ~~5103.17~~ 5103.181 56358
of the Revised Code: 56359

(A)(1) "Association" or "institution" includes all of the 56360
following: 56361

(a) Any incorporated or unincorporated organization, society, 56362
association, or agency, public or private, that receives or cares 56363
for children for two or more consecutive weeks; 56364

(b) Any individual, including the operator of a foster home, 56365
who, for hire, gain, or reward, receives or cares for children for 56366
two or more consecutive weeks, unless the individual is related to 56367
them by blood or marriage; 56368

(c) Any individual not in the regular employ of a court, or 56369
of an institution or association certified in accordance with 56370
section 5103.03 of the Revised Code, who in any manner becomes a 56371
party to the placing of children in foster homes, unless the 56372
individual is related to such children by blood or marriage or is 56373
the appointed guardian of such children. 56374

(2) "Association" or "institution" does not include any of 56375
the following: 56376

(a) Any organization, society, association, school, agency, 56377
child guidance center, detention or rehabilitation facility, or 56378

children's clinic licensed, regulated, approved, operated under 56379
the direction of, or otherwise certified by the department of 56380
education, a local board of education, the department of youth 56381
services, the department of mental health and addiction services, 56382
or the department of developmental disabilities; 56383

(b) Any individual who provides care for only a single-family 56384
group, placed there by their parents or other relative having 56385
custody; 56386

(c) A private, nonprofit therapeutic wilderness camp. 56387

(B) "Family foster home" means a foster home that is not a 56388
specialized foster home. 56389

(C) "Foster caregiver" means a person holding a valid foster 56390
home certificate issued under section 5103.03 of the Revised Code. 56391

(D) "Foster home" means a private residence in which children 56392
are received apart from their parents, guardian, or legal 56393
custodian, by an individual reimbursed for providing the children 56394
nonsecure care, supervision, or training twenty-four hours a day. 56395
"Foster home" does not include care provided for a child in the 56396
home of a person other than the child's parent, guardian, or legal 56397
custodian while the parent, guardian, or legal custodian is 56398
temporarily away. Family foster homes and specialized foster homes 56399
are types of foster homes. 56400

(E) "Medically fragile foster home" means a foster home that 56401
provides specialized medical services designed to meet the needs 56402
of children with intensive health care needs who meet all of the 56403
following criteria: 56404

(1) Under rules adopted by the medicaid director governing 56405
medicaid payments for long-term care services, the children 56406
require a skilled level of care. 56407

(2) The children require the services of a doctor of medicine 56408

or osteopathic medicine at least once a week due to the 56409
instability of their medical conditions. 56410

(3) The children require the services of a registered nurse 56411
on a daily basis. 56412

(4) The children are at risk of institutionalization in a 56413
hospital, skilled nursing facility, or intermediate care facility 56414
for individuals with intellectual disabilities. 56415

(F) "Private, nonprofit therapeutic wilderness camp" means a 56416
structured, alternative residential setting for children who are 56417
experiencing emotional, behavioral, moral, social, or learning 56418
difficulties at home or school in which all of the following are 56419
the case: 56420

(1) The children spend the majority of their time, including 56421
overnight, either outdoors or in a primitive structure. 56422

(2) The children have been placed there by their parents or 56423
another relative having custody. 56424

(3) The camp accepts no public funds for use in its 56425
operations. 56426

(G) "Recommending agency" means a public children services 56427
agency, private child placing agency, or private noncustodial 56428
agency that recommends that the department of job and family 56429
services take any of the following actions under section 5103.03 56430
of the Revised Code regarding a foster home: 56431

(1) Issue a certificate; 56432

(2) Deny a certificate; 56433

(3) Renew a certificate; 56434

(4) Deny renewal of a certificate; 56435

(5) Revoke a certificate. 56436

(H) "Specialized foster home" means a medically fragile 56437

foster home or a treatment foster home. 56438

(I) "Treatment foster home" means a foster home that 56439
incorporates special rehabilitative services designed to treat the 56440
specific needs of the children received in the foster home and 56441
that receives and cares for children who are emotionally or 56442
behaviorally disturbed, who are chemically dependent, who have 56443
developmental disabilities, or who otherwise have exceptional 56444
needs. 56445

Sec. 5103.037. (A) Prior to employing or appointing a person 56446
as board president, or as an administrator or officer, an 56447
institution or association shall do the following regarding the 56448
person: 56449

(1) Request a summary report of a search of the uniform 56450
statewide automated child welfare information system in accordance 56451
with divisions (A) and (B) of section 5103.18 of the Revised Code; 56452

(2) Request a certified search of the findings for recovery 56453
database; 56454

(3) Conduct a database review at the federal web site known 56455
as the system for award management; 56456

(4) Conduct a search of the United States department of 56457
justice national sex offender public web site. 56458

(B) The institution or association may refuse to hire or 56459
appoint a person as board president, or as an administrator or 56460
officer as follows: 56461

(1) Based solely on the findings of the summary report 56462
described in division (B)(1)(a) of section 5103.18 of the Revised 56463
Code or the results of the search described in division (A)(4) of 56464
this section; 56465

(2) Based on the results of a certified search or database 56466
review described in division (A)(2) or (3) of this section, when 56467

considered within the totality of circumstances. 56468

(C) The director of job and family services shall adopt rules 56469
in accordance with Chapter 119. of the Revised Code necessary for 56470
the implementation and execution of this section. 56471

Sec. 5103.0310. (A) Prior to employing a person, an 56472
institution or association, as defined in division (A)(1)(a) of 56473
section 5103.02 of the Revised Code, shall do the following 56474
regarding the person: 56475

(1) Conduct a search of the United States department of 56476
justice national sex offender public web site regarding the 56477
person; 56478

(2) Request a summary report of a search of the uniform 56479
statewide automated child welfare information system in accordance 56480
with divisions (A) and (B) of section 5103.18 of the Revised Code. 56481

(B) The institution or association may refuse to hire the 56482
person based solely on the results of the search described in 56483
division (A)(1) of this section or the findings of the summary 56484
report described in division (B)(1)(a) of section 5103.18 of the 56485
Revised Code. 56486

(C) The director of job and family services shall adopt rules 56487
in accordance with Chapter 119. of the Revised Code necessary for 56488
the implementation and execution of this section. 56489

Sec. 5103.0328. (A) Not later than ninety-six hours after 56490
receiving notice from the superintendent of the bureau of criminal 56491
identification and investigation pursuant to section 109.5721 of 56492
the Revised Code that a foster caregiver has been arrested for, 56493
convicted of, or pleaded guilty to any foster 56494
caregiver-disqualifying offense, and not later than ninety-six 56495
hours after learning in any other manner that a foster caregiver 56496
has been arrested for, convicted of, or pleaded guilty to any 56497

foster caregiver-disqualifying offense, the department of job and 56498
family services shall provide notice of that arrest, conviction, 56499
or guilty plea to both the recommending agency relative to the 56500
foster caregiver and the custodial agency of any child currently 56501
placed with that caregiver. 56502

(B) If a recommending agency receives notice from the 56503
department of job and family services pursuant to division (A) of 56504
this section that a foster caregiver has been convicted of or 56505
pleaded guilty to any foster caregiver-disqualifying offense, or 56506
if a recommending agency learns in any other manner that a foster 56507
caregiver has been convicted of or pleaded guilty to any foster 56508
caregiver-disqualifying offense, the recommending agency shall 56509
assess the foster caregiver's overall situation for safety 56510
concerns and forward any recommendations, if applicable, for 56511
revoking the foster caregiver's certificate to the department for 56512
the department's review for possible revocation. 56513

(C) As used in this section, "foster caregiver-disqualifying 56514
offense" means any offense or violation listed or described in 56515
division (C)(1)(a) ~~or (b)~~ of section 2151.86 of the Revised Code. 56516

Sec. 5103.13. (A) As used in this section and section 56517
5103.131 of the Revised Code: 56518

(1)(a) "Children's crisis care facility" means a facility 56519
that has as its primary purpose the provision of residential and 56520
other care to either or both of the following: 56521

(i) One or more preteens voluntarily placed in the facility 56522
by the preteen's parent or other caretaker who is facing a crisis 56523
that causes the parent or other caretaker to seek temporary care 56524
for the preteen and referral for support services; 56525

(ii) One or more preteens placed in the facility by a public 56526
children services agency or private child placing agency that has 56527

legal custody or permanent custody of the preteen and determines 56528
that an emergency situation exists necessitating the preteen's 56529
placement in the facility rather than an institution certified 56530
under section 5103.03 of the Revised Code or elsewhere. 56531

(b) "Children's crisis care facility" does not include either 56532
of the following: 56533

(i) Any organization, society, association, school, agency, 56534
child guidance center, detention or rehabilitation facility, or 56535
children's clinic licensed, regulated, approved, operated under 56536
the direction of, or otherwise certified by the department of 56537
education, a local board of education, the department of youth 56538
services, the department of mental health and addiction services, 56539
or the department of developmental disabilities; 56540

(ii) Any individual who provides care for only a 56541
single-family group, placed there by their parents or other 56542
relative having custody. 56543

(2) "Legal custody" and "permanent custody" have the same 56544
meanings as in section 2151.011 of the Revised Code. 56545

(3) "Preteen" means an individual under thirteen years of 56546
age. 56547

(B) No person shall operate a children's crisis care facility 56548
or hold a children's crisis care facility out as a certified 56549
children's crisis care facility unless there is a valid children's 56550
crisis care facility certificate issued under this section for the 56551
facility. 56552

(C) A person seeking to operate a children's crisis care 56553
facility shall apply to the director of job and family services to 56554
obtain a certificate for the facility. The director shall certify 56555
the person's children's crisis care facility if the facility meets 56556
all of the certification standards established in rules adopted 56557
under division (F) of this section and the person complies with 56558

all of the rules governing the certification of children's crisis 56559
care facilities adopted under that division. The issuance of a 56560
children's crisis care facility certificate does not exempt the 56561
facility from a requirement to obtain another certificate or 56562
license mandated by law. 56563

(D)(1) No certified children's crisis care facility shall do 56564
any of the following: 56565

(a) Provide residential care to a preteen for more than one 56566
hundred twenty days in a calendar year; 56567

(b) Subject to division (D)(1)(c) of this section and except 56568
as provided in division (D)(2) of this section, provide 56569
residential care to a preteen for more than sixty consecutive 56570
days; 56571

(c) ~~Except as provided in division (D)(3) of this section,~~ 56572
~~provide~~ Provide residential care to a preteen for more than 56573
~~seventy two~~ fourteen consecutive ~~hours~~ days if a public children 56574
services agency or private child placing agency placed the preteen 56575
in the facility; 56576

(d) Fail to comply with section 2151.86 of the Revised Code. 56577

(2) A certified children's crisis care facility may provide 56578
residential care to a preteen for up to ninety consecutive days, 56579
other than a preteen placed in the facility by a public children 56580
services agency or private child placing agency, if any of the 56581
following are the case: 56582

(a) The preteen's parent or other caretaker is enrolled in an 56583
alcohol and drug addiction service or a community mental health 56584
service certified under section 5119.36 of the Revised Code; 56585

(b) The preteen's parent or other caretaker is an inpatient 56586
in a hospital; 56587

(c) The preteen's parent or other caretaker is incarcerated; 56588

(d) A physician has diagnosed the preteen's parent or other caretaker as medically incapacitated. 56589
56590

~~(3) A certified children's crisis care facility may provide residential care to a preteen placed in the facility by a public children services agency or private child placing agency for more than seventy two consecutive hours if the director of job and family services or the director's designee issues the agency a waiver of the seventy two consecutive hour limitation. The waiver may authorize the certified children's crisis care facility to provide residential care to the preteen for up to fourteen consecutive days.~~ 56591
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(E) The director of job and family services may suspend or revoke a children's crisis care facility's certificate pursuant to Chapter 119. of the Revised Code if the facility violates division (D) of this section or ceases to meet any of the certification standards established in rules adopted under division (F) of this section or the facility's operator ceases to comply with any of the rules governing the certification of children's crisis care facilities adopted under that division. 56600
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(F) Not later than ninety days after September 21, 2006, the director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code for the certification of children's crisis care facilities. The rules shall specify that a certificate shall not be issued to an applicant if the conditions at the children's crisis care facility would jeopardize the health or safety of the preteens placed in the facility. 56608
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Sec. 5103.181. (A) Prior to certification or recertification of a foster home under section 5103.03 of the Revised Code, a recommending agency shall conduct a search of the United States department of justice national sex offender public web site regarding the prospective or current foster caregiver and all 56615
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persons eighteen years of age or older who reside with the 56620
prospective or current foster caregiver. Certification or 56621
recertification may be denied based solely on the results of the 56622
search. 56623

(B) The director of job and family services shall adopt rules 56624
in accordance with Chapter 119. of the Revised Code necessary for 56625
the implementation and execution of this section. 56626

Sec. 5103.30. The Ohio child welfare training program is 56627
hereby established in the department of job and family services as 56628
a statewide program. The program shall provide all of the 56629
following: 56630

(A) The training that section 3107.014 of the Revised Code 56631
requires an assessor to complete; 56632

(B) The preplacement training that sections 5103.031 and 56633
5103.033 of the Revised Code require a prospective foster 56634
caregiver to complete; 56635

(C) The continuing training that sections 5103.032 and 56636
5103.033 of the Revised Code require a foster caregiver to 56637
complete; 56638

(D) The training that section 5153.122 of the Revised Code 56639
requires a PCSA caseworker to complete; 56640

(E) The training that section 5153.123 of the Revised Code 56641
requires a PCSA caseworker supervisor to complete; 56642

(F) The training required under section 5101.1414 of the 56643
Revised Code for a ~~foster care worker or foster care worker~~ case 56644
manager and supervisor. 56645

Sec. 5104.01. As used in this chapter: 56646

(A) "Administrator" means the person responsible for the 56647

daily operation of a center, type A home, or ~~type B home~~ approved child day camp. The administrator and the owner may be the same person. 56648
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(B) "Approved child day camp" means a child day camp approved pursuant to section 5104.22 of the Revised Code. 56651
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(C) "Authorized representative" means an individual employed by a center, type A home, or approved child day camp that is owned by a person other than an individual and who is authorized by the owner to do all of the following: 56653
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(1) Communicate on the owner's behalf; 56657

(2) Submit on the owner's behalf applications for licensure or approval; 56658
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(3) Enter into on the owner's behalf provider agreements for publicly funded child care. 56660
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(D) "Border state child care provider" means a child care provider that is located in a state bordering Ohio and that is licensed, certified, or otherwise approved by that state to provide child care funded by the child care block grant act. 56662
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~~(D)~~(E) "Career pathways model" means an alternative pathway to meeting the requirements to be a child-care staff member or administrator that does both of the following: 56666
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(1) Uses a framework approved by the director of job and family services to document formal education, training, experience, and specialized credentials and certifications; 56669
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(2) Allows the child-care staff member or administrator to achieve a designation as an early childhood professional level one, two, three, four, five, or six. 56672
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~~(E)~~(F) "Caretaker parent" means the father or mother of a child whose presence in the home is needed as the caretaker of the child, a person who has legal custody of a child and whose 56675
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presence in the home is needed as the caretaker of the child, a 56678
guardian of a child whose presence in the home is needed as the 56679
caretaker of the child, and any other person who stands in loco 56680
parentis with respect to the child and whose presence in the home 56681
is needed as the caretaker of the child. 56682

~~(F)~~(G) "Chartered nonpublic school" means a school that meets 56683
standards for nonpublic schools prescribed by the state board of 56684
education for nonpublic schools pursuant to section 3301.07 of the 56685
Revised Code. 56686

~~(G)~~(H) "Child" includes an infant, toddler, preschool-age 56687
child, or school-age child. 56688

~~(H)~~(I) "Child care block grant act" means the "Child Care and 56689
Development Block Grant Act of 1990," ~~established in section 5082~~ 56690
~~of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat.~~ 56691
~~1388-236 (1990)~~ 2014, 128 Stat. 1971 (2014), 42 U.S.C. 9858, as 56692
amended. 56693

~~(I)~~(J) "Child day camp" means a program in which only 56694
school-age children attend or participate, that operates for no 56695
more than ~~seven~~ twelve hours per day, ~~that operates only during~~ 56696
~~one or more public school district's regular vacation periods or~~ 56697
~~for~~ and no more than fifteen weeks during the summer, ~~and that~~ 56698
~~operates outdoor activities for each child who attends or~~ 56699
~~participates in the program for a minimum of fifty per cent of~~ 56700
~~each day that children attend or participate in the program,~~ 56701
~~except for any day when hazardous weather conditions prevent the~~ 56702
~~program from operating outdoor activities for a minimum of fifty~~ 56703
~~per cent of that day.~~ For purposes of this division, the maximum 56704
~~seven~~ twelve hours of operation time does not include 56705
transportation time from a child's home to a child day camp and 56706
from a child day camp to a child's home. 56707

~~(J)~~(K) "Child care" means all of the following: 56708

(1) Administering to the needs of infants, toddlers, 56709
preschool-age children, and school-age children outside of school 56710
hours; 56711

(2) By persons other than their parents, guardians, or 56712
custodians; 56713

(3) For ~~any~~ part of the twenty-four-hour day; 56714

(4) In a place other than a child's own home, except that an 56715
in-home aide provides child care in the child's own home; 56716

(5) By a provider required by this chapter to be licensed or 56717
approved by the department of job and family services, certified 56718
by a county department of job and family services, or under 56719
contract with the department to provide publicly funded child care 56720
as described in section 5104.32 of the Revised Code. 56721

~~(K)(L) "Child day-care center" and "center" mean any place in 56722
which child care or publicly funded child care is provided for 56723
thirteen or more children at one time or any place that is not the 56724
permanent residence of the licensee or administrator in which 56725
child care or publicly funded child care is provided for seven to 56726
twelve or more children at one time. In counting children for the 56727
purposes of this division, any children under six years of age who 56728
are related to a licensee, administrator, or employee and who are 56729
on the premises of the center shall be counted. "Child day-care 56730
center" and "center" do not include any of the following: 56731~~

(1) A place located in and operated by a hospital, as defined 56732
in section 3727.01 of the Revised Code, in which the needs of 56733
children are administered to, if all the children whose needs are 56734
being administered to are monitored under the on-site supervision 56735
of a physician licensed under Chapter 4731. of the Revised Code or 56736
a registered nurse licensed under Chapter 4723. of the Revised 56737
Code, and the services are provided only for children who, in the 56738
opinion of the child's parent, guardian, or custodian, are 56739

exhibiting symptoms of a communicable disease or other illness or 56740
are injured; 56741

(2) A child day camp; 56742

(3) A place that provides ~~child care, but not publicly funded~~ 56743
~~child~~ care, if all of the following apply: 56744

(a) An organized religious body provides the ~~child~~ care; 56745

(b) A parent, custodian, or guardian of at least one child 56746
receiving ~~child~~ care is on the premises and readily accessible at 56747
all times; 56748

(c) The ~~child~~ care is not provided for more than thirty days 56749
a year; 56750

(d) The ~~child~~ care is provided only for preschool-age and 56751
school-age children. 56752

~~(L)~~(M) "Child care resource and referral service 56753
organization" means a community-based nonprofit organization that 56754
provides child care resource and referral services but not child 56755
care. 56756

~~(M)~~(N) "Child care resource and referral services" means all 56757
of the following services: 56758

(1) Maintenance of a uniform data base of all child care 56759
providers in the community that are in compliance with this 56760
chapter, including current occupancy and vacancy data; 56761

(2) Provision of individualized consumer education to 56762
families seeking child care; 56763

(3) Provision of timely referrals of available child care 56764
providers to families seeking child care; 56765

(4) Recruitment of child care providers; 56766

(5) Assistance in ~~the development, conduct, and dissemination~~ 56767
~~of~~ developing, conducting, and disseminating training for child 56768

care ~~providers~~ professionals and provision of technical assistance 56769
to current and potential child care providers, employers, and the 56770
community; 56771

(6) Collection and analysis of data on the supply of and 56772
demand for child care in the community; 56773

(7) Technical assistance concerning locally, state, and 56774
federally funded child care and early childhood education 56775
programs; 56776

(8) Stimulation of employer involvement in making child care 56777
more affordable, more available, safer, and of higher quality for 56778
their employees and for the community; 56779

(9) Provision of written educational materials to caretaker 56780
parents and informational resources to child care providers; 56781

(10) Coordination of services among child care resource and 56782
referral service organizations to assist in developing and 56783
maintaining a statewide system of child care resource and referral 56784
services if required by the department of job and family services; 56785

(11) Cooperation with the county department of job and family 56786
services in encouraging the establishment of parent cooperative 56787
child care centers and parent cooperative type A family day-care 56788
homes. 56789

~~(N)~~(O) "Child-care staff member" means an employee of a child 56790
day-care center ~~or~~, type A family day-care home, licensed type B 56791
family day-care home, or approved child day camp who is primarily 56792
responsible for the care and supervision of children. The 56793
administrator, authorized representative, or owner may be a 56794
~~part-time~~ child-care staff member when not involved in other 56795
duties. 56796

~~(O)~~(P) "Drop-in child day-care center," "drop-in center," 56797
"drop-in type A family day-care home," and "drop-in type A home" 56798

mean a center or type A home that provides child care or publicly 56799
funded child care for children on a temporary, irregular basis. 56800

~~(P)~~(O) "Employee" means a person who either: 56801

(1) Receives compensation for duties performed in a child 56802
day-care center ~~or~~, type A family day-care home, licensed type B 56803
family day-care home, or approved child day camp; 56804

(2) Is assigned specific working hours or duties in a child 56805
day-care center ~~or~~, type A family day-care home, licensed type B 56806
family day-care home, or approved child day camp. 56807

~~(Q)~~(R) "Employer" means a person, firm, institution, 56808
organization, or agency that operates a child day-care center ~~or~~, 56809
type A family day-care home, licensed type B family day-care home, 56810
or approved child day camp subject to licensure or approval under 56811
this chapter. 56812

~~(R)~~(S) "Federal poverty line" means the official poverty 56813
guideline as revised annually in accordance with section 673(2) of 56814
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 56815
U.S.C. 9902, as amended, for a family size equal to the size of 56816
the family of the person whose income is being determined. 56817

~~(S)~~(T) "Head start program" means a comprehensive child 56818
development program serving birth to three years old and 56819
preschool-age children that receives funds distributed under the 56820
"Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as 56821
amended, and is licensed as a child ~~day-care-center~~ care program. 56822

~~(T)~~(U) "Homeless child care" means child care provided to a 56823
child who satisfies any of the following: 56824

(1) Is homeless as defined in 42 U.S.C. 11302; 56825

(2) Is a homeless child or youth as defined in 42 U.S.C. 56826
11434a; 56827

(3) Resides temporarily with a caretaker in a facility 56828

providing emergency shelter for homeless families or is determined 56829
by a county department of job and family services to be homeless. 56830

(V) "Income" means gross income, as defined in section 56831
5107.10 of the Revised Code, less any amounts required by federal 56832
statutes or regulations to be disregarded. 56833

~~(U)~~(W) "Indicator checklist" means an inspection tool, used 56834
in conjunction with an instrument-based program monitoring 56835
information system, that contains selected licensing requirements 56836
that are statistically reliable indicators or predictors of a 56837
child day-care center's type A family day-care home's, or licensed 56838
type B family day-care home's compliance with licensing 56839
requirements. 56840

~~(V)~~(X) "Infant" means a child who is less than eighteen 56841
months of age. 56842

~~(W)~~(Y) "In-home aide" means a person who does not reside with 56843
the child but provides care in the child's home and is certified 56844
by a county director of job and family services pursuant to 56845
section 5104.12 of the Revised Code to provide publicly funded 56846
child care to a child in a child's own home pursuant to this 56847
chapter and any rules adopted under it. 56848

~~(X)~~(Z) "Instrument-based program monitoring information 56849
system" means a method to assess compliance with licensing 56850
requirements for child day-care centers, type A family day-care 56851
homes, and licensed type B family day-care homes in which each 56852
licensing requirement is assigned a weight indicative of the 56853
relative importance of the requirement to the health, growth, and 56854
safety of the children that is used to develop an indicator 56855
checklist. 56856

~~(Y)~~(AA) "License capacity" means the maximum number in each 56857
age category of children who may be cared for in a child day-care 56858
center ~~or~~, type A family day-care home, or licensed type B family 56859

day-care home at one time as determined by the director of job and 56860
family services considering building occupancy limits established 56861
by the department of commerce, amount of available indoor floor 56862
space and outdoor play space, and amount of available play 56863
equipment, materials, and supplies. ~~For the purposes of a~~ 56864
~~provisional license issued under this chapter, the director shall~~ 56865
~~also consider the number of available child care staff members~~ 56866
~~when determining "license capacity" for the provisional license.~~ 56867

~~(Z)~~(BB) "Licensed child care program" means any of the 56868
following: 56869

(1) A child day-care center licensed by the department of job 56870
and family services pursuant to this chapter; 56871

(2) A type A family day-care home or type B family day-care 56872
home licensed by the department of job and family services 56873
pursuant to this chapter; 56874

(3) A licensed preschool program or licensed school child 56875
program. 56876

~~(AA)~~(CC) "Licensed preschool program" or "licensed school 56877
child program" means a preschool program or school child program, 56878
as defined in section 3301.52 of the Revised Code, that is 56879
licensed by the department of education pursuant to sections 56880
3301.52 to 3301.59 of the Revised Code. 56881

~~(BB)~~(DD) "Licensed type B family day-care home" and "licensed 56882
type B home" mean a type B family day-care home for which there is 56883
a valid license issued by the director of job and family services 56884
pursuant to section 5104.03 of the Revised Code. 56885

~~(CC)~~(EE) "Licensee" means the owner of a child day-care 56886
center, type A family day-care home, or type B family day-care 56887
home that is licensed pursuant to this chapter and who is 56888
responsible for ensuring ~~its~~ compliance with this chapter and 56889
rules adopted pursuant to this chapter. 56890

~~(DD)~~(FF) "Operate a child day camp" means to operate, 56891
establish, manage, conduct, or maintain a child day camp. 56892

~~(EE)~~(GG) "Owner" includes a person, as defined in section 56893
1.59 of the Revised Code, or government entity. 56894

~~(FF)~~(HH) "Parent cooperative child day-care center," "parent 56895
cooperative center," "parent cooperative type A family day-care 56896
home," and "parent cooperative type A home" mean a corporation or 56897
association organized for providing educational services to the 56898
children of members of the corporation or association, without 56899
gain to the corporation or association as an entity, in which the 56900
services of the corporation or association are provided only to 56901
children of the members of the corporation or association, 56902
ownership and control of the corporation or association rests 56903
solely with the members of the corporation or association, and at 56904
least one parent-member of the corporation or association is on 56905
the premises of the center or type A home during its hours of 56906
operation. 56907

~~(GG)~~(II) "Part-time child day-care center," "part-time 56908
center," "part-time type A family day-care home," and "part-time 56909
type A home" mean a center or type A home that provides child care 56910
or publicly funded child care for not more than four hours a day 56911
for any child or not more than fifteen consecutive weeks per year, 56912
regardless of the number of hours per day. 56913

~~(HH)~~(JJ) "Place of worship" means a building where activities 56914
of an organized religious group are conducted and includes the 56915
grounds and any other buildings on the grounds used for such 56916
activities. 56917

~~(II)~~(KK) "Preschool-age child" means a child who is three 56918
years old or older but is not a school-age child. 56919

~~(JJ)~~(LL) "Protective child care" means publicly funded child 56920
care for the direct care and protection of a child to whom either 56921

all of the following ~~applies~~ apply: 56922

(1) A case plan has been prepared and maintained for the 56923
child pursuant to section 2151.412 of the Revised Code. 56924

(2) The case plan indicates a need for protective care ~~and~~ 56925
~~the.~~ 56926

(3) The child resides with a parent, stepparent, guardian, or 56927
another person who stands in loco parentis as defined in rules 56928
adopted under section 5104.38 of the Revised Code. 56929

~~(2) The child and the child's caretaker either temporarily~~ 56930
~~reside in a facility providing emergency shelter for homeless~~ 56931
~~families or are determined by the county department of job and~~ 56932
~~family services to be homeless, and are otherwise ineligible for~~ 56933
~~publicly funded child care.~~ 56934

~~(KK)~~(MM) "Publicly funded child care" means administering to 56935
the needs of infants, toddlers, preschool-age children, and 56936
school-age children under age thirteen during any part of the 56937
twenty-four-hour day by persons other than their caretaker parents 56938
for remuneration wholly or in part with federal or state funds, 56939
including funds available under the child care block grant act, 56940
Title IV-A, and Title XX, distributed by the department of job and 56941
family services. 56942

~~(LL)~~(NN) "Religious activities" means any of the following: 56943
worship or other religious services; religious instruction; Sunday 56944
school classes or other religious classes conducted during or 56945
prior to worship or other religious services; youth or adult 56946
fellowship activities; choir or other musical group practices or 56947
programs; meals; festivals; or meetings conducted by an organized 56948
religious group. 56949

~~(MM)~~(OO) "School-age child" means a child who is enrolled in 56950
or is eligible to be enrolled in a grade of kindergarten or above 56951
but is less than fifteen years old or, in the case of a child who 56952

is receiving special needs child care, is less than eighteen years 56953
old. 56954

~~(NN) "School age child care center" and "school age child~~ 56955
~~type A home" mean a center or type A home that provides child care~~ 56956
~~for school age children only and that does either or both of the~~ 56957
~~following:~~ 56958

~~(1) Operates only during that part of the day that~~ 56959
~~immediately precedes or follows the public school day of the~~ 56960
~~school district in which the center or type A home is located;~~ 56961

~~(2) Operates only when the public schools in the school~~ 56962
~~district in which the center or type A home is located are not~~ 56963
~~open for instruction with pupils in attendance.~~ 56964

~~(OO)(PP) "Serious risk noncompliance" means a licensure or~~ 56965
~~certification rule violation that leads to a great risk of harm~~ 56966
~~to, or death of, a child, and is observable, not inferable.~~ 56967

~~(PP) "State median income" means the state median income~~ 56968
~~calculated by the department of development pursuant to division~~ 56969
~~(A)(1)(g) of section 5709.61 of the Revised Code~~ 56970

(OO) "Special needs child care" means child care provided to 56971
a child who is less than eighteen years of age and either has one 56972
or more chronic health conditions or does not meet age appropriate 56973
expectations in one or more areas of development, including 56974
social, emotional, cognitive, communicative, perceptual, motor, 56975
physical, and behavioral development and that may include on a 56976
regular basis such services, adaptations, modifications, or 56977
adjustments needed to assist in the child's function or 56978
development. 56979

~~(OO)(RR) "Title IV-A" means Title IV-A of the "Social~~ 56980
~~Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended.~~ 56981

~~(RR)(SS) "Title XX" means Title XX of the "Social Security~~ 56982

Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 56983

~~(SS)~~(TT) "Toddler" means a child who is at least eighteen 56984
months of age but less than three years of age. 56985

~~(TT)~~(UU) "Type A family day-care home" and "type A home" mean 56986
a the permanent residence of the administrator in which child care 56987
or publicly funded child care is provided for seven to twelve 56988
children at one time or a permanent residence of the administrator 56989
in which child care is provided for four to twelve children at one 56990
time if four or more children at one time are under two years of 56991
age. In counting children for the purposes of this division, any 56992
children under six years of age who are related to a licensee, 56993
administrator, or employee and who are on the premises of the type 56994
A home shall be counted. "Type A family day-care home" and "type A 56995
home" do not include any child day camp. 56996

~~(UU)~~(VV) "Type B family day-care home" and "type B home" mean 56997
a permanent residence of the provider in which ~~child~~ care is 56998
provided for one to six children at one time and in which no more 56999
than three children are under two years of age at one time. In 57000
counting children for the purposes of this division, any children 57001
under six years of age who are related to the provider and who are 57002
on the premises of the type B home shall be counted. "Type B 57003
family day-care home" and "type B home" do not include any child 57004
day camp. 57005

Sec. 5104.013. ~~(A)(1) At the times specified in division 57006
(A)(3) of this section, the director of job and family services, 57007
as part of the process of licensure of child day care centers, 57008
type A family day care homes, and type B family day care homes 57009
shall request the superintendent of the bureau of criminal 57010
identification and investigation to conduct a criminal records 57011
check with respect to the following persons: 57012~~

~~(a) Any owner, licensee, or administrator of a center; 57013~~

~~(b) Any owner, licensee, or administrator of a type A home or type B home and any person eighteen years of age or older who resides in a type A home or type B home.~~ 57014
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~~(2) At the time specified in division (A)(3) of this section, the director of a county department of job and family services, as part of the process of certification of in-home aides, shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any in-home aide.~~ 57017
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~~(3) The director of job and family services shall request a criminal records check pursuant to division (A)(1) of this section at the time of the initial application for licensure and every five years thereafter. The director of a county department of job and family services shall request a criminal records check pursuant to division (A)(2) of this section at the time of the initial application for certification and every five years thereafter. When the director of job and family services or the director of a county department of job and family services requests pursuant to division (A)(1) or (2) of this section a criminal records check for a person at the time of the person's initial application for licensure or certification, the director shall request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as a part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check. In all other cases in which the director of job and family services or the director of a county department of job and family services requests a criminal records check for an applicant pursuant to division (A)(1) or (2) of this section, the director may request that the superintendent include information from the federal~~ 57023
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~~bureau of investigation in the criminal records check, including 57046
fingerprint based checks of national crime information databases 57047
as described in 42 U.S.C. 671. 57048~~

~~(4) The director of job and family services shall review the 57049
results of a criminal records check subsequent to a request made 57050
pursuant to divisions (A)(1) and (3) of this section prior to 57051
approval of a license. The director of a county department of job 57052
and family services shall review the results of a criminal records 57053
check subsequent to a request made pursuant to divisions (A)(2) 57054
and (3) of this section prior to approval of certification. 57055~~

~~(B) The director of job and family services or the director 57056
of a county department of job and family services shall provide to 57057
each person for whom a criminal records check is required under 57058
this section a copy of the form prescribed pursuant to division 57059
(C)(1) of section 109.572 of the Revised Code and a standard 57060
impression sheet to obtain fingerprint impressions prescribed 57061
pursuant to division (C)(2) of that section, obtain the completed 57062
form and impression sheet from that person, and forward the 57063
completed form and impression sheet to the superintendent of the 57064
bureau of criminal identification and investigation. 57065~~

~~(C) A person who receives pursuant to division (B) of this 57066
section a copy of the form and standard impression sheet described 57067
in that division and who is requested to complete the form and 57068
provide a set of fingerprint impressions shall complete the form 57069
or provide all the information necessary to complete the form and 57070
shall provide the impression sheet with the impressions of the 57071
person's fingerprints. If the person, upon request, fails to 57072
provide the information necessary to complete the form or fails to 57073
provide impressions of the person's fingerprints, the director may 57074
consider the failure as a reason to deny licensure or 57075
certification. 57076~~

~~(D) Except as provided in rules adopted under division (N) of 57077~~

~~this section:~~ 57078

~~(1) The director of job and family services shall not grant a license to a center, type A home, or type B home and a county director of job and family services shall not certify an in-home aide if a person for whom a criminal records check was required in connection with the center or home previously has been convicted of or pleaded guilty to any of the violations described in division (A)(5) of section 109.572 of the Revised Code.~~ 57079
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~~(2) The director of job and family services shall not grant a license to a type A home or type B home if a resident of the type A home or type B home is under eighteen years of age and has been adjudicated a delinquent child for committing a violation of any section listed in division (A)(5) of section 109.572 of the Revised Code.~~ 57086
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~~(E) Each center, type A home, and type B home shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon a request made pursuant to division (A) of this section.~~ 57092
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~~(F)(1) At the times specified in division (F)(2) of this section, the administrator of a center, type A home or licensed type B home shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any applicant who has applied to the center, type A home, or licensed type B home for employment.~~ 57098
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~~(2) The administrator shall request a criminal records check pursuant to division (F)(1) of this section at the time of the applicant's initial application for employment and every five years thereafter. When the administrator requests pursuant to division (F)(1) of this section a criminal records check for an~~ 57104
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~~applicant at the time of the applicant's initial application for 57109
employment, the administrator shall request that the 57110
superintendent obtain information from the federal bureau of 57111
investigation as a part of the criminal records check for the 57112
applicant, including fingerprint based checks of national crime 57113
information databases as described in 42 U.S.C. 671, for the 57114
person subject to the criminal records check. In all other cases 57115
in which the administrator requests a criminal records check for 57116
an applicant pursuant to division (F)(1) of this section, the 57117
administrator may request that the superintendent include 57118
information from the federal bureau of investigation in the 57119
criminal records check, including fingerprint based checks of 57120
national crime information databases as described in 42 U.S.C. 57121
671. 57122~~

~~(G) Any person required by division (F) of this section to 57123
request a criminal records check shall inform each person, at the 57124
time of the person's initial application for employment, that the 57125
person is required to provide a set of impressions of the person's 57126
fingerprints and that a criminal records check is required to be 57127
conducted and satisfactorily completed in accordance with section 57128
109.572 of the Revised Code if the person comes under final 57129
consideration for appointment or employment as a precondition to 57130
employment for that position. 57131~~

~~(H) A person required by division (F) of this section to 57132
request a criminal records check shall provide to each applicant a 57133
copy of the form prescribed pursuant to division (C)(1) of section 57134
109.572 of the Revised Code, provide to each applicant a standard 57135
impression sheet to obtain fingerprint impressions prescribed 57136
pursuant to division (C)(2) of section 109.572 of the Revised 57137
Code, obtain the completed form and impression sheet from each 57138
applicant, and forward the completed form and impression sheet to 57139
the superintendent of the bureau of criminal identification and 57140~~

~~investigation at the time the person requests a criminal records check pursuant to division (F) of this section.~~ 57141
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~~(I) An applicant who receives pursuant to division (H) of this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a copy of an impression sheet prescribed pursuant to division (C)(2) of that section and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the impression sheet with the impressions of the applicant's fingerprints. If an applicant, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the applicant's fingerprints, the center or type A home shall not employ that applicant for any position for which a criminal records check is required by division (F) of this section.~~ 57143
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~~(J)(1) Except as provided in rules adopted under division (N) of this section, no center, type A home, or licensed type B home shall employ or contract with another entity for the services of a person if the person previously has been convicted of or pleaded guilty to any of the violations described in division (A)(5) of section 109.572 of the Revised Code.~~ 57157
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~~(2) A center, type A home, or licensed type B home may employ an applicant conditionally until the criminal records check required by this section is completed and the center or home receives the results of the criminal records check. If the results of the criminal records check indicate that, pursuant to division (J)(1) of this section, the applicant does not qualify for employment, the center, type A home, or licensed type B home shall release the applicant from employment.~~ 57163
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~~(3) The administrator of a center, type A home, or licensed type B home shall review the results of the criminal records check~~ 57171
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~~before an applicant has sole responsibility for the care, custody, or control of any child.~~ 57173
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~~(K)(1) Each center, type A home, and licensed type B home shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon the request pursuant to division (F) of this section of the administrator of the center, type A home, or licensed type B home.~~ 57175
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~~(2) A center, type A home, or licensed type B home may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under this section. A fee charged under this division shall not exceed the amount of fees the center, type A home, or licensed type B home pays under division (K)(1) of this section. If a fee is charged under this division, the center, type A home, or licensed type B home shall notify the applicant at the time of the applicant's initial application for employment of the amount of the fee and that, unless the fee is paid, the center, type A home, or licensed type B home will not consider the applicant for employment.~~ 57182
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~~(L) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under division (A) or (F) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the person who is the subject of the criminal records check or the person's representative, the director of job and family services, the director of a county department of job and family services, the center, type A home, or type B home involved, and any court, hearing officer, or other necessary individual involved in a case dealing with a denial of licensure or certification related to the~~ 57193
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~~criminal records check. 57205~~

~~(M)(1) Each of the following persons shall sign a statement 57206
on forms prescribed by the director of job and family services 57207
attesting to the fact that the person has not been convicted of or 57208
pleaded guilty to any offense set forth in division (A)(5) of 57209
section 109.572 of the Revised Code and that no child has been 57210
removed from the person's home pursuant to section 2151.353 of the 57211
Revised Code: 57212~~

~~(a) An employee of a center, type A home, or licensed type B 57213
home: 57214~~

~~(b) A person eighteen years of age or older who resides in a 57215
type A home or licensed type B home: 57216~~

~~(c) An in-home aide: 57217~~

~~(d) An owner, licensee, or administrator of a center, type A 57218
home, or licensed type B home. 57219~~

~~(2) Each licensee of a type A home or type B home shall sign 57220
a statement on a form prescribed by the director of job and family 57221
services attesting to the fact that no person who resides at the 57222
type A home or licensed type B home and is under eighteen years of 57223
age has been adjudicated a delinquent child for committing a 57224
violation of any section listed in division (A)(5) of section 57225
109.572 of the Revised Code. 57226~~

~~(3) The statements required under divisions (M)(1) and (2) of 57227
this section shall be kept on file as follows: 57228~~

~~(a) With respect to an owner, licensee, administrator, or 57229
employee of a center, type A home, or licensed type B home, or a 57230
person eighteen years of age or older residing in a type A home or 57231
licensed type B home, at the center, type A home, or licensed type 57232
B home: 57233~~

~~(b) With respect to in-home aides, at the county department 57234~~

~~of job and family services.~~ 57235

~~(4) No owner, administrator, licensee, or employee of a center, type A home, or licensed type B home, and no person eighteen years of age or older residing in a type A home or licensed type B home, shall withhold information from, or falsify information on, any statement required pursuant to division (M)(1) or (2) of this section.~~ 57236
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~~(N) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section, including rules specifying exceptions to the prohibitions in divisions (D) and (J) of this section for persons who have been convicted of an offense listed in division (A)(5) of section 109.572 of the Revised Code but who meet standards in regard to rehabilitation set by the director.~~ 57242
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~~(O) As used in this section:~~ 57249

~~(1) "Applicant" means a person who is under final consideration for appointment to or employment in a position with a center, a type A home, or licensed type B home or any person who would serve in any position with a center, type A home, or licensed type B home pursuant to a contract with another entity.~~ 57250
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~~(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.~~ 57255
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(A) As used in this section: 57257

(1) "Applicant" means either of the following: 57258

(a) A person who is under final consideration for appointment to or employment in a position with a licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed type B family day-care home, or child day camp; 57259
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(b) A person who would serve in any position with a licensed 57264

preschool program or licensed school child program that provides 57265
publicly funded child care, child day-care center, type A family 57266
day-care home, licensed type B family day-care home, or child day 57267
camp pursuant to a contract with another entity. 57268

(2) "Criminal records check" has the same meaning as in 57269
section 109.572 of the Revised Code. 57270

(B)(1) At the times specified in division (B)(2)(a) of this 57271
section, the director of job and family services shall request the 57272
superintendent of the bureau of criminal identification and 57273
investigation to conduct a criminal records check for each of the 57274
following persons: 57275

(a) Any owner or licensee of a child day-care center; 57276

(b) Any owner or licensee of a type A family day-care home or 57277
licensed type B family day-care home and any person eighteen years 57278
of age or older who resides in the home; 57279

(c) Any owner of an approved child day camp; 57280

(d) Any director of a licensed preschool program or licensed 57281
school child program that provides publicly funded child care; 57282

(e) Any in-home aide; 57283

(f) Any applicant or employee, including an administrator, of 57284
a child day-care center, type A family day-care home, licensed 57285
type B family day-care home, approved child day camp, or licensed 57286
preschool program or licensed school child program that provides 57287
publicly funded child care. 57288

(2)(a) The director shall request a criminal records check at 57289
the following times: 57290

(i) In the case of an owner or licensee of child day-care 57291
center or an owner or licensee of a type A family day-care home or 57292
licensed type B family day-care home or a resident of such a home, 57293
at the time of initial application for licensure and every five 57294

<u>years thereafter;</u>	57295
<u>(ii) In the case of an owner of an approved child day camp,</u>	57296
<u>at the time of initial application for approval and every five</u>	57297
<u>years thereafter;</u>	57298
<u>(iii) In the case of a director of a licensed child care</u>	57299
<u>program or licensed school child program, at the time of initial</u>	57300
<u>application to provide publicly funded child care and every five</u>	57301
<u>years thereafter;</u>	57302
<u>(iv) In the case of an in-home aide, at the time of initial</u>	57303
<u>application for certification and every five years thereafter;</u>	57304
<u>(v) Except as provided in division (B)(2)(a)(vi) of this</u>	57305
<u>section, in the case of an applicant or employee, at the time of</u>	57306
<u>initial application for employment and every five years</u>	57307
<u>thereafter;</u>	57308
<u>(vi) In the case of an applicant who has been determined</u>	57309
<u>eligible for employment after a review of a criminal records check</u>	57310
<u>within the past five years and who has been employed by a licensed</u>	57311
<u>preschool program or licensed school child program that provides</u>	57312
<u>publicly funded child care, child day-care center, type A family</u>	57313
<u>day-care home, licensed type B family day-care home, or approved</u>	57314
<u>child day camp within the past one hundred eighty consecutive</u>	57315
<u>days, every five years after the date of the initial</u>	57316
<u>determination.</u>	57317
<u>(b) A criminal records check requested at the time of initial</u>	57318
<u>application shall include a request that the superintendent of the</u>	57319
<u>bureau of criminal identification and investigation obtain</u>	57320
<u>information from the federal bureau of investigation as part of</u>	57321
<u>the criminal records check for the person, including</u>	57322
<u>fingerprint-based checks of national crime information databases</u>	57323
<u>as described in 42 U.S.C. 671 for the person subject to the</u>	57324
<u>criminal records check.</u>	57325

(c) A criminal records check requested at any time other than the time of initial application may include a request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check. 57326
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(3) With respect to a criminal records check requested for a person described in division (B)(1) of this section, the director of job and family services shall do all of the following: 57334
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(a) Provide to the person a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of that section; 57337
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(b) Obtain the completed form and impression sheet from the person; 57341
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(c) Forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation; 57343
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(d) Review the results of the criminal records check. 57346

(4) A person who receives from the director a copy of the form and standard impression sheet and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all of the information necessary to complete the form and shall provide the impression sheet with the impressions of the person's fingerprints. If the person, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the person's fingerprints, the director or a county director of job and family services may consider the failure a reason to deny 57347
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licensure, approval, or certification or to determine an employee 57357
ineligible for employment. 57358

(5) Except as provided in rules adopted under division (F) of 57359
this section: 57360

(a) The director of job and family services shall refuse to 57361
issue a license to or approve a center, type A home, type B home, 57362
child day camp, preschool program, or school child program, and 57363
shall revoke a license or approval, and a county director of job 57364
and family services shall not certify an in-home aide and shall 57365
revoke a certification, if a person for whom a criminal records 57366
check was required under division (B)(1)(a) to (B)(1)(e) of this 57367
section has been convicted of or pleaded guilty to any of the 57368
violations described in division (A)(5) of section 109.572 of the 57369
Revised Code. 57370

(b) The director of job and family services shall not issue a 57371
license to a type A home or type B home if a resident of the type 57372
A home or type B home is under eighteen years of age and has been 57373
adjudicated a delinquent child for committing either a violation 57374
of any section listed in division (A)(5) of section 109.572 of the 57375
Revised Code or an offense of another state or the United States 57376
that is substantially equivalent to an offense listed in division 57377
(A)(5) of section 109.572 of the Revised Code. 57378

(c) The director shall determine an applicant or employee 57379
ineligible for employment if the person has been convicted of or 57380
pleaded guilty to any of the violations described in division 57381
(A)(5) of section 109.572 of the Revised Code. 57382

(6) Each child day-care center, type A home, type B home, 57383
approved child day camp, licensed child care program, licensed 57384
school child program, and in-home aide shall pay to the bureau of 57385
criminal identification and investigation the fee prescribed 57386
pursuant to division (C)(3) of section 109.572 of the Revised Code 57387

for each criminal records check conducted in accordance with that 57388
section upon a request made pursuant to division (B) of this 57389
section. 57390

A center, home, camp, preschool program, or school child 57391
program may charge an applicant a fee for the costs it incurs in 57392
obtaining a criminal records check under this section. A fee 57393
charged under this division shall not exceed the amount the 57394
center, home, camp, or program pays under this section. If a fee 57395
is charged, the center, home, camp, or program shall notify the 57396
applicant at the time of the applicant's initial application for 57397
employment of the amount of the fee and that, unless the fee is 57398
paid, the center, home, camp, or program will not consider the 57399
applicant for employment. 57400

(7) The report of any criminal records check conducted by the 57401
bureau of criminal identification and investigation in accordance 57402
with section 109.572 of the Revised Code and pursuant to a request 57403
made under division (B) of this section is confidential and not a 57404
public record for the purposes of section 149.43 of the Revised 57405
Code. The report shall not be made available to any person other 57406
than the person who is the subject of the criminal records check 57407
or the person's representative, the director of job and family 57408
services, the director of a county department of job and family 57409
services, and any court, hearing officer, or other necessary 57410
individual involved in a case dealing with a denial or revocation 57411
of licensure, approval, or certification related to the criminal 57412
records check. 57413

(C)(1) At the times specified in division (C)(2) of this 57414
section, the director of job and family services shall search the 57415
uniform statewide automated child welfare information system for 57416
information concerning any abuse or neglect report made pursuant 57417
to section 2151.421 of the Revised Code of which any of the 57418
following persons is a subject: 57419

<u>(a) Any owner or licensee of a child day-care center;</u>	57420
<u>(b) Any owner or licensee of a type A family day-care home or licensed type B family day-care home and any person eighteen years of age or older who resides in the home;</u>	57421 57422 57423
<u>(c) Any owner of an approved child day camp;</u>	57424
<u>(d) Any director of a licensed preschool program or licensed school child program that provides publicly funded child care;</u>	57425 57426
<u>(e) Any in-home aide;</u>	57427
<u>(f) Any applicant or employee, including an administrator, of a child day-care center, type A family day-care home, licensed type B family day-care home, approved child day camp, or licensed preschool program or licensed school child program that provides publicly funded child care.</u>	57428 57429 57430 57431 57432
<u>(2) The director shall search the information system at the following times:</u>	57433 57434
<u>(i) In the case of an owner or licensee of child day-care center or an owner or licensee of a type A family day-care home or licensed type B family day-care home or a resident of such a home, at the time of initial application for licensure and every five years thereafter;</u>	57435 57436 57437 57438 57439
<u>(ii) In the case of an owner of an approved child day camp, at the time of initial application for approval and every five years thereafter;</u>	57440 57441 57442
<u>(iii) In the case of a director of a licensed child care program or licensed school child program, at the time of initial application to provide publicly funded child care and every five years thereafter;</u>	57443 57444 57445 57446
<u>(iv) In the case of an in-home aide, at the time of initial application for certification and every five years thereafter;</u>	57447 57448
<u>(v) Except as provided in division (C)(2)(a)(vi) of this</u>	57449

section, in the case of an applicant or employee, at the time of 57450
initial application for employment and every five years 57451
thereafter; 57452

(vi) In the case of an applicant who has been determined 57453
eligible for employment after a search of the uniform statewide 57454
automated child welfare information system within the past five 57455
years and who has been employed by a licensed preschool program or 57456
licensed school child program that provides publicly funded child 57457
care, child day-care center, type A family day-care home, licensed 57458
type B family day-care home, or approved child day camp within the 57459
past one hundred eighty consecutive days, every five years after 57460
the date of the initial determination. 57461

(3) The director shall consider any information discovered 57462
pursuant to division (C)(1) of this section or that is provided by 57463
a public children services agency pursuant to section 5153.175 of 57464
the Revised Code. If the director determines that the information, 57465
when viewed within the totality of the circumstances, reasonably 57466
leads to the conclusion that the person may directly or indirectly 57467
endanger the health, safety, or welfare of children, the director 57468
or county director of job and family services shall do any of the 57469
following: 57470

(a) Refuse to issue a license to or approve a center, type A 57471
home, type B home, child day camp, preschool program, or school 57472
child program; 57473

(b) Revoke a license or approval; 57474

(c) Refuse to certify an in-home aide or revoke a 57475
certification; 57476

(d) Determine an applicant or employee ineligible for 57477
employment with the center, type A home, licensed type B home, 57478
child day camp, preschool program, or school child program. 57479

(4) Any information obtained under division (C) of this 57480

section is confidential and not a public record for the purposes 57481
of section 149.43 of the Revised Code. The information shall not 57482
be made available to any person other than the person who is the 57483
subject of the search or the person's representative, the director 57484
of job and family services, the director of a county department of 57485
job and family services, and any court, hearing officer, or other 57486
necessary individual involved in a case dealing with a denial or 57487
revocation of licensure, approval, or certification related to the 57488
search. 57489

(D)(1) At the times specified in division (D)(2) of this 57490
section, the director of job and family services shall inspect the 57491
state registry of sex offenders and child-victim offenders 57492
established under section 2950.13 of the Revised Code and the 57493
national sex offender registry as described in 42 U.S.C. 16901 to 57494
determine if any of the following persons is registered or 57495
required to be registered as an offender: 57496

(a) Any owner or licensee of a child day-care center; 57497

(b) Any owner or licensee of a type A family day-care home or 57498
licensed type B family day-care home and any person eighteen years 57499
of age or older who resides in the home; 57500

(c) Any owner of an approved child day camp; 57501

(d) Any director of a licensed preschool program or licensed 57502
school child program that provides publicly funded child care; 57503

(e) Any in-home aide; 57504

(f) Any applicant or employee, including an administrator, of 57505
a child day-care center, type A family day-care home, licensed 57506
type B family day-care home, approved child day camp, or licensed 57507
preschool program or licensed school child program that provides 57508
publicly funded child care. 57509

(2) The director shall inspect each registry at the following 57510

times: 57511

(i) In the case of an owner or licensee of child day-care center or an owner or licensee of a type A family day-care home or type B family day-care home or a resident of such a home, at the time of initial application for licensure and every five years thereafter; 57512
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(ii) In the case of an owner of an approved child day camp, at the time of initial application for approval and every five years thereafter; 57517
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(iii) In the case of a director of a licensed child care program or licensed school child program, at the time of initial application to provide publicly funded child care; 57520
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(iv) In the case of an in-home aide, at the time of initial application for certification and every five years thereafter; 57523
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(v) Except as provided in division (D)(2)(a)(vi) of this section, in the case of an applicant or employee, at the time of initial application for employment and every five years thereafter; 57525
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(vi) In the case of an applicant who has been determined eligible for employment after an inspection of the state registry of sex offenders and child-victim offenders established under section 2950.13 of the Revised Code and the national sex offender registry as described in 42 U.S.C. 16901 within the past five years and who has been employed by a licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp within the past one hundred eighty consecutive days, every five years after the date of the initial determination. 57529
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(3) If the director determines that the person is registered or required to be registered on either registry, the director or 57540
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county director of job and family services shall do any of the 57542
following: 57543

(a) Refuse to issue a license to or approve a center, type A 57544
home, type B home, child day camp, preschool program, or school 57545
child program; 57546

(b) Revoke a license or approval; 57547

(c) Refuse to certify an in-home aide or revoke a 57548
certification; 57549

(d) Determine an applicant or employee ineligible for 57550
employment with the center, type A home, licensed type B home, 57551
child day camp, preschool program, or school child program. 57552

(4) Any information obtained under division (D) of this 57553
section is confidential and not a public record for the purposes 57554
of section 149.43 of the Revised Code. The information shall not 57555
be made available to any person other than the person who is the 57556
subject of the inspection or the person's representative, the 57557
director of job and family services, the director of a county 57558
department of job and family services, and any court, hearing 57559
officer, or other necessary individual involved in a case dealing 57560
with a denial or revocation of licensure, approval, or 57561
certification related to the search. 57562

(E) Whenever the director of job and family services 57563
determines a person ineligible for employment under division (B), 57564
(C), or (D) of this section, the director shall as soon as 57565
practicable notify the following of that determination: the 57566
licensed preschool program or licensed school child program that 57567
provides publicly funded child care, child day-care center, type A 57568
family day-care home, licensed type B family day-care home, or 57569
approved child day camp that is considering the person for 57570
appointment or employment. A licensed preschool program or 57571
licensed school child program that provides publicly funded child 57572

care, child day-center, type A family day-care home, licensed type 57573
B family day-care home, or approved child day camp shall not 57574
employ a person who is determined under this section to be 57575
ineligible for employment. 57576

(F)(1) An administrator of a child day camp, other than an 57577
approved child day camp shall request the superintendent of the 57578
bureau of criminal identification and investigation to conduct a 57579
criminal records check for any applicant or employee, including an 57580
administrator, of the child day camp. The request shall be made at 57581
the time of initial application for employment and every five 57582
years thereafter. 57583

(2) A criminal records check requested at the time of initial 57584
application shall include a request that the superintendent of the 57585
bureau of criminal identification and investigation obtain 57586
information from the federal bureau of investigation as part of 57587
the criminal records check for the person, including 57588
fingerprint-based checks of national crime information databases 57589
as described in 42 U.S.C. 671 for the person subject to the 57590
criminal records check. 57591

(3) A criminal records check requested at any time other than 57592
the time of initial application may include a request that the 57593
superintendent of the bureau of criminal identification and 57594
investigation obtain information from the federal bureau of 57595
investigation as part of the criminal records check for the 57596
person, including fingerprint-based checks of national crime 57597
information databases as described in 42 U.S.C. 671 for the person 57598
subject to the criminal records check. 57599

(4) With respect to a criminal records check requested under 57600
division (F) of this section, the administrator shall do all of 57601
the following: 57602

(a) Provide to the applicant or employee a copy of the form 57603

prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of that section; 57604
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(b) Obtain the completed form and impression sheet from the applicant or employee; 57608
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(c) Forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation; 57610
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(d) Review the results of the criminal records check. 57613

(5) An applicant or employee who receives from the administrator a copy of the form and standard impression sheet and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all of the information necessary to complete the form and shall provide the impression sheet with the impressions of the person's fingerprints. If the applicant or employee, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the person's fingerprints, the administrator may consider the failure a reason to determine an applicant or employee ineligible for employment. 57614
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(6) A child day camp, other than an approved child day camp, may employ an applicant or continue to employ an employee until the criminal records check required by this section is completed and the camp receives the results of the check. Until the administrator has reviewed the results of the criminal records check and determines that the applicant or employee is eligible for employment, the camp shall not grant the applicant or employee sole responsibility for the care, custody, or control of a child. If the results indicate that the applicant or employee is ineligible for employment, the camp shall immediately release the 57625
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applicant or employee from employment. 57635

(7) Except as provided in rules adopted under this section, 57636
the administrator shall determine an applicant or employee 57637
ineligible for employment if the person has been convicted of or 57638
pleaded guilty to any of the violations described in division 57639
(A)(5) of section 109.572 of the Revised Code. If the applicant or 57640
employee is determined ineligible, the child day camp shall not 57641
employ the applicant or employee or contract with another entity 57642
for the services of the applicant or employee. 57643

(8) Each child day camp shall pay to the bureau of criminal 57644
identification and investigation the fee prescribed pursuant to 57645
division (C)(3) of section 109.572 of the Revised Code for each 57646
criminal records check conducted in accordance with that section 57647
upon a request made pursuant to division (F) of this section. A 57648
camp may charge an applicant or employee a fee for the costs it 57649
incurs in obtaining a criminal records check under division (F) of 57650
this section. A fee charged under this division shall not exceed 57651
the fees the camp pays under this section. If a fee is charged, 57652
the camp shall notify the applicant at the time of the applicant's 57653
initial application for employment of the amount of the fee and 57654
that, unless the fee is paid, the camp will not consider the 57655
applicant for employment. 57656

(9) The report of any criminal records check conducted by the 57657
bureau of criminal identification and investigation in accordance 57658
with section 109.572 of the Revised Code and pursuant to a request 57659
made under division (F) of this section is confidential and not a 57660
public record for the purposes of section 149.43 of the Revised 57661
Code. The report shall not be made available to any person other 57662
than the person who is the subject of the criminal records check 57663
or the person's representative, the director of job and family 57664
services, the administrator, and any court, hearing officer, or 57665
other necessary individual involved in a case dealing with a 57666

denial or revocation of registration related to the criminal records check. 57667
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(G) The director of job and family services shall adopt rules as necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. The rules shall specify exceptions to the prohibitions in division (B), (E), and (F) of this section for a person who has been convicted of or pleaded guilty to a criminal offense listed in division (A)(5) of section 109.572 of the Revised Code but who meets standards in regard to rehabilitation set by the director. 57669
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(H)(1) Whenever the director of job and family services requests a criminal records check, searches the uniform statewide automated child welfare information system, or inspects the state registry of sex offenders and child-victim offenders and national sex offender registry as required by this section and finds that a person who is subject to the requirements of division (B), (C), or (D) of this section resided in another state during the previous five years, the director shall request the following from the other state: a criminal records check and information from the uniform statewide automated child welfare information system or state registry of sex offenders. 57677
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(2) Whenever the director receives from an agency of another state a request for a criminal records check or for information from the uniform statewide automated child welfare information system or state registry of sex offenders that is related to a child care license or the provision of publicly funded child care, the director shall provide to that other state's agency the results of the records check and information from the system and registry. 57688
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Sec. 5104.015. The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code 57696
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governing the operation of child day-care centers, including 57698
parent cooperative centers, part-time centers, and drop-in 57699
centers, ~~and school-age child care centers~~. The rules shall 57700
reflect the various forms of child care and the needs of children 57701
receiving child care or publicly funded child care and shall 57702
include specific rules for school-age child care centers that are 57703
developed in consultation with the department of education. ~~The~~ 57704
~~rules shall not require an existing school facility that is in~~ 57705
~~compliance with applicable building codes to undergo an additional~~ 57706
~~building code inspection or to have structural modifications.~~ The 57707
rules shall include the following: 57708

(A) Submission of a site plan and descriptive plan of 57709
operation to demonstrate how the center proposes to meet the 57710
requirements of this chapter and rules adopted pursuant to this 57711
chapter for the initial license application; 57712

(B) Standards for ensuring that the physical surroundings of 57713
the center are safe and sanitary including the physical 57714
environment, the physical plant, and the equipment of the center; 57715

(C) Standards for the supervision, care, and discipline of 57716
children receiving child care or publicly funded child care in the 57717
center; 57718

(D) Standards for a program of activities, and for play 57719
equipment, materials, and supplies, to enhance the development of 57720
each child; however, any educational curricula, philosophies, and 57721
methodologies that are developmentally appropriate and that 57722
enhance the social, emotional, intellectual, and physical 57723
development of each child shall be permissible. As used in this 57724
division, "program" does not include instruction in religious or 57725
moral doctrines, beliefs, or values that is conducted at child 57726
day-care centers owned and operated by churches and does include 57727
methods of disciplining children at child day-care centers. 57728

(E) Admissions policies and procedures;	57729
(F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases;	57730 57731
(G) First aid and emergency procedures;	57732
(H) Procedures for discipline and supervision of children;	57733
(I) Standards for the provision of nutritious meals and snacks;	57734 57735
(J) Procedures for screening children that may include any necessary physical examinations and shall include immunizations in accordance with section 5104.014 of the Revised Code;	57736 57737 57738
(K) Procedures for screening employees that may include any necessary physical examinations and immunizations;	57739 57740
(L) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of parents and employees are met;	57741 57742 57743 57744
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;	57745 57746 57747
(N) Procedures for record keeping, organization, and administration;	57748 57749
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	57750 57751 57752
(P) Inspection procedures;	57753
(Q) Procedures and standards for setting initial license application fees;	57754 57755
(R) Procedures for receiving, recording, and responding to complaints about centers;	57756 57757

(S) Procedures for enforcing section 5104.04 of the Revised Code;	57758 57759
(T) A standard requiring the inclusion of a current department of job and family services toll free telephone number on each center provisional license or license which any person may use to report a suspected violation by the center of this chapter or rules adopted pursuant to this chapter <u>Minimum qualifications for employment as an administrator or child-care staff member;</u>	57760 57761 57762 57763 57764 57765
(U) Requirements for the training of administrators and child-care staff members, including training in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	57766 57767 57768 57769
(V) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the center;	57770 57771 57772 57773
(W) A procedure for reporting of injuries of children that occur at the center;	57774 57775
(X) Standards for licensing child day-care centers for children with short-term illnesses and other temporary medical conditions;	57776 57777 57778
(Y) Minimum requirements for instructional time for child day-care centers rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;	57779 57780 57781
(Z) Any other procedures and standards necessary to carry out the provisions of this chapter regarding child day-care centers.	57782 57783
Sec. 5104.016. The director of job and family services, in addition to the rules adopted under section 5104.015 of the Revised Code, shall adopt rules establishing minimum requirements for child day-care centers. The rules shall include the	57784 57785 57786 57787

requirements set forth in sections 5104.032 to ~~5104.036~~ 5104.034 57788
of the Revised Code. Except as provided in section 5104.07 of the 57789
Revised Code, the rules shall not change the square footage 57790
requirements of section 5104.032 of the Revised Code; or the 57791
maximum number of children per child-care staff member and maximum 57792
group size requirements of section 5104.033 of the Revised Code; ~~the educational and experience requirements of section 5104.035 of~~ 57793
~~the Revised Code; the age, educational, and experience~~ 57794
~~requirements of section 5104.036 of the Revised Code; however.~~ 57795
However, the rules shall provide procedures for determining 57796
compliance with those requirements. 57797
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Sec. 5104.02. (A) The director of job and family services is 57799
responsible for ~~the~~ licensing ~~of~~ child day-care centers ~~and~~, type 57800
A family day-care homes, and type B family day-care homes. Each 57801
entity operating a head start program shall meet the criteria for, 57802
and be licensed as, a child day-care center. The director is 57803
responsible for the enforcement of this chapter and of rules 57804
promulgated pursuant to this chapter. 57805

No person, firm, organization, institution, or agency shall 57806
operate, establish, manage, conduct, or maintain a child day-care 57807
center or type A family day-care home without a license issued 57808
under section 5104.03 of the Revised Code. The current license 57809
shall be posted ~~in a conspicuous place~~ in the center or ~~type A~~ 57810
home in a conspicuous place that is accessible to parents, 57811
custodians, or guardians and employees of the center or ~~type A~~ 57812
home at all times when the center or ~~type A~~ home is in operation. 57813

(B) A person, firm, institution, organization, or agency 57814
operating any of the following programs is exempt from the 57815
requirements of this chapter: 57816

(1) A program ~~of child care~~ caring for children that operates 57817

for two ~~or less~~ consecutive weeks or less and not more than six 57818
weeks total in each calendar year; 57819

(2) ~~Child care~~ Caring for children in places of worship 57820
during religious activities ~~during which children are cared for~~ 57821
while at least one parent, guardian, or custodian of each child is 57822
participating in such activities and is readily available; 57823

(3) ~~Religious activities which do not provide child care;~~ 57824

~~(4)~~ Supervised training, instruction, or activities of 57825
children in specific areas, including, but not limited to: art; 57826
drama; dance; music; ~~gymnastics, swimming, or another~~ athletic 57827
~~skill or sport~~ skills or sports; computers; or an educational 57828
subject conducted on an organized or periodic basis ~~no more than~~ 57829
~~one day a week and for no more than six hours duration~~ that a 57830
child does not attend for more than eight total hours per week; 57831

~~(5)~~(4) Programs in which the director determines that at 57832
least one parent, custodian, or guardian of each child who is not 57833
an employee of the facility engaged in employment duties is on the 57834
premises of the facility ~~offering child~~ that offers care and is 57835
readily accessible at all times, ~~except that child care provided~~ 57836
~~on the premises at which a parent, custodian, or guardian is~~ 57837
~~employed more than two and one half hours a day shall be licensed~~ 57838
~~in accordance with division (A) of this section;~~ 57839

~~(6)(a)~~(5) Programs that provide ~~child care funded and~~ 57840
~~regulated or operated~~ and are regulated by state departments other 57841
than the department of job and family services or the state board 57842
of education ~~when the director of job and family services has~~ 57843
~~determined that the rules governing the program are equivalent to~~ 57844
~~or exceed the rules promulgated pursuant to this chapter.~~ 57845

~~Notwithstanding any exemption from regulation under this~~ 57846
~~chapter, each state department shall submit to the director of job~~ 57847
~~and family services a copy of the rules that govern programs that~~ 57848

~~provide child care and are regulated or operated and regulated by~~ 57849
~~the department. Annually, each state department shall submit to~~ 57850
~~the director a report for each such program it regulates or~~ 57851
~~operates and regulates that includes the following information:~~ 57852

~~(i) The site location of the program;~~ 57853

~~(ii) The maximum number of infants, toddlers, preschool age~~ 57854
~~children, or school age children served by the program at one~~ 57855
~~time;~~ 57856

~~(iii) The number of adults providing child care for the~~ 57857
~~number of infants, toddlers, preschool age children, or school age~~ 57858
~~children;~~ 57859

~~(iv) Any changes in the rules made subsequent to the time~~ 57860
~~when the rules were initially submitted to the director.~~ 57861

~~The director shall maintain a record of the child care~~ 57862
~~information submitted by other state departments and shall provide~~ 57863
~~this information upon request to the general assembly or the~~ 57864
~~public.~~ 57865

~~(b) Child care programs conducted by boards of education or~~ 57866
~~by chartered nonpublic schools that are conducted in school~~ 57867
~~buildings and that provide child care to school age children only~~ 57868
~~shall be exempt from meeting or exceeding rules promulgated~~ 57869
~~pursuant to this chapter.~~ 57870

~~(7)(6)~~ Any preschool program or school child program, except 57871
a head start program, that is subject to licensure by the 57872
department of education under sections 3301.52 to 3301.59 of the 57873
Revised Code. 57874

~~(8)(7)~~ Any program providing child care that meets all of the 57875
following requirements and, on October 20, 1987, was being 57876
operated by a nonpublic school that holds a charter issued by the 57877
state board of education for kindergarten only: 57878

(a) The nonpublic school has given the notice to the state board and the director of job and family services required by Section 4 of Substitute House Bill No. 253 of the 117th general assembly;

(b) The nonpublic school continues to be chartered by the state board for kindergarten, or receives and continues to hold a charter from the state board for kindergarten through grade five;

(c) The program is conducted in a school building;

(d) The program is operated in accordance with rules promulgated by the state board under ~~sections 3301.52 to 3301.57~~ section 3301.53 of the Revised Code.

~~(9)~~(8) A youth development program operated outside of school hours ~~by a community based center~~ to which all of the following apply:

(a) The children enrolled in the program are under nineteen years of age and enrolled in or eligible to be enrolled in a grade of kindergarten or above.

(b) The program provides informal ~~child~~ care, which is ~~child~~ care that does not require parental signature, permission, or notice for the child receiving the care to enter or leave the program.

(c) The program provides any of the following supervised activities: educational, recreational, culturally enriching, social, and personal development activities.

~~(d) The program is eligible for participation in the child and adult care food program as an outside school hours care center pursuant to standards established under section 3313.813 of the Revised Code.~~

~~(e)~~ The ~~community based center~~ entity operating the program is exempt from federal income taxation pursuant to 26 U.S.C.

501(a) and (c)(3). 57909

~~(10)(9)~~ A preschool program operated by a nonchartered,
nontax-supported school if the preschool program meets all of the
following conditions: 57910
57911
57912

(a) The program complies with state and local health, fire,
and safety laws. 57913
57914

(b) The program annually certifies in a report to the parents
of its pupils that the school is in compliance with division
(B)~~(10)(9)~~(a) of this section and files a copy of the report with
the department of job and family services on or before the
thirtieth day of September of each year. 57915
57916
57917
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(c) The program complies with all applicable reporting
requirements in the same manner as required by the state board of
education for nonchartered, nonpublic primary and secondary
schools. 57920
57921
57922
57923

(d) The program is associated with a nonchartered,
nontax-supported primary or secondary school. 57924
57925

(10) A program that provides activities for children who are
five years of age or older and is operated by a county, township,
municipal corporation, township park district created under
section 511.18 of the Revised Code, park district created under
section 1545.04 of the Revised Code, or joint recreation district
established under section 755.14 of the Revised Code. 57926
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Sec. 5104.021. The director of job and family services may
issue a child day-care center or type A family day-care home
license to a youth development program that is exempted by
division (B)~~(9)(8)~~ of section 5104.02 of the Revised Code from the
requirements of this chapter if the youth development program
applies for and meets all of the requirements for the license. 57932
57933
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Sec. 5104.03. (A) As used in this section, "owner" has the 57938
same meaning as in section 5104.01 of the Revised Code, except 57939
that "owner" also includes a firm, organization, institution, or 57940
agency, as well as any individual governing board members, 57941
partners, or authorized representatives of the owner. 57942

(B) Any person, firm, organization, institution, or agency 57943
seeking to establish a child day-care center, type A family 57944
day-care home, or licensed type B family day-care home shall apply 57945
for a license to the director of job and family services on such 57946
form as the director prescribes. The director shall provide at no 57947
charge to each applicant for licensure a copy of the child care 57948
license requirements in this chapter and a copy of the rules 57949
adopted pursuant to this chapter. The copies may be provided in 57950
paper or electronic form. 57951

Fees shall be set by the director pursuant to sections 57952
5104.015, 5104.017, and 5104.018 of the Revised Code and shall be 57953
paid at the time of application for a license to operate a center, 57954
type A home, or type B home. Fees collected under this section 57955
shall be paid into the state treasury to the credit of the general 57956
revenue fund. 57957

(C)(1) Upon filing of the application for a license, the 57958
director shall investigate and inspect the center, type A home, or 57959
type B home to determine the license capacity for each age 57960
category of children of the center, type A home, or type B home 57961
and to determine whether the center, type A home, or type B home 57962
complies with this chapter and rules adopted pursuant to this 57963
chapter. When, after investigation and inspection, the director is 57964
satisfied that this chapter and rules adopted pursuant to it are 57965
complied with, subject to division ~~(F)~~(G) of this section, a 57966
license shall be issued as soon as practicable in such form and 57967
manner as prescribed by the director. The license shall be 57968

designated as provisional and shall be valid for at least twelve 57969
months from the date of issuance ~~unless and until the continuous~~ 57970
~~license is issued or until the provisional license is revoked or~~ 57971
~~suspended pursuant to section 5104.042 of the Revised Code.~~ 57972

(2) The director may contract with a government entity or a 57973
private nonprofit entity for the entity to inspect type A or type 57974
B family day-care homes pursuant to this section. If the director 57975
contracts with a government entity or private nonprofit entity for 57976
that purpose, the entity may contract with another government 57977
entity or private nonprofit entity for the other entity to inspect 57978
type A or type B homes pursuant to this section. The director, 57979
government entity, or private nonprofit entity shall conduct an 57980
inspection prior to the issuance of a license for a type A or type 57981
B home and, as part of that inspection, ensure that the home is 57982
safe and sanitary. 57983

~~(D)(1) On receipt of an application for licensure as a type B 57984
family day care home to provide publicly funded child care, the 57985
director shall search the uniform statewide automated child 57986
welfare information system for information concerning any abuse or 57987
neglect report made pursuant to section 2151.421 of the Revised 57988
Code of which the applicant, any other adult residing in the 57989
applicant's home, or a person designated by the applicant to be an 57990
emergency or substitute caregiver for the applicant is the 57991
subject.~~ 57992

~~(2) The director shall consider any information discovered 57993
pursuant to division (D)(1) of this section or that is provided by 57994
a public children services agency pursuant to section 5153.175 of 57995
the Revised Code. If the director determines that the information, 57996
when viewed within the totality of the circumstances, reasonably 57997
leads to the conclusion that the applicant may directly or 57998
indirectly endanger the health, safety, or welfare of children, 57999
the director shall deny the application for licensure or revoke 58000~~

~~the license of a type B family day care home.~~ 58001

~~(E)~~ The director shall investigate and inspect the center, 58002
type A home, or type B home at least once during operation under a 58003
license designated as provisional. If after the investigation and 58004
inspection the director determines that the requirements of this 58005
chapter and rules adopted pursuant to this chapter are met, 58006
subject to division ~~(I)~~(G) of this section, the director shall 58007
issue a ~~new~~ continuous license to the center or home. 58008

~~(F)~~(E) Each license shall state the name of the licensee, the 58009
name of the administrator, the address of the center, type A home, 58010
or licensed type B home, and the license capacity for each age 58011
category of children. The license shall include thereon, in 58012
accordance with sections 5104.015, 5104.017, and 5104.018 of the 58013
Revised Code, the toll-free telephone number to be used by persons 58014
suspecting that the center, type A home, or licensed type B home 58015
has violated a provision of this chapter or rules adopted pursuant 58016
to this chapter. A license is valid only for the licensee, 58017
administrator, address, and license capacity for each age category 58018
of children designated on the license. The license capacity 58019
specified on the license is the maximum number of children in each 58020
age category that may be cared for in the center, type A home, or 58021
licensed type B home at one time. 58022

~~The A~~ center or ~~type A~~ home licensee shall notify the 58023
director in writing when the administrator, address, or license 58024
capacity of the center or home changes. The director shall amend 58025
the current license to reflect a change in ~~an~~ any of the 58026
following: 58027

(1) An administrator, if the administrator meets the 58028
requirements of this chapter and rules adopted pursuant to this 58029
chapter, ~~or a change in license;~~ 58030

(2) Address, if the new address meets the requirements of 58031

this chapter and rules adopted pursuant to this chapter; 58032

(3) License capacity for any age category of children as 58033
determined by the director of job and family services. 58034

~~(G)~~(F) If the director revokes the license of a center, a 58035
type A home, or a type B home, the director shall not issue 58036
another license to the owner of the center, type A home, or type B 58037
home until five years have elapsed from the date the license is 58038
revoked. 58039

If the director denies an application for a license, the 58040
director shall not consider another application from the applicant 58041
until five years have elapsed from the date the application is 58042
denied. 58043

~~(H) If during the application for licensure process the 58044
director determines that the license of the owner has been 58045
revoked, the investigation of the center, type A home, or type B 58046
home shall cease. This action does not constitute denial of the 58047
application and may not be appealed under division (I) of this 58048
section. 58049~~

~~(I)~~(G)(1) Except as provided in division ~~(I)~~(G)(2) of this 58050
section, all actions of the director with respect to licensing 58051
centers, type A homes, or type B homes, refusal to license, and 58052
revocation of a license shall be in accordance with Chapter 119. 58053
of the Revised Code. Except as provided in division ~~(I)~~(G)(2) of 58054
this section, any applicant who is denied a license or any owner 58055
whose license is revoked may appeal in accordance with section 58056
119.12 of the Revised Code. 58057

(2) The following actions by the director are not subject to 58058
Chapter 119. of the Revised Code: 58059

(a) The director ~~does not issue a license to~~ ceases its 58060
review of an application because the owner of a center, type A 58061
home, or type B home ~~because the owner~~ sought a license before 58062

five years had elapsed from the date the previous license was 58063
revoked and the director does not issue the license. 58064

(b) The director ~~does not issue a license~~ ceases its review 58065
of an application because the applicant applied for licensure 58066
before five years had elapsed from the date the previous 58067
application was denied and the director does not issue the 58068
license. 58069

(c) The director closes a license because the director has 58070
determined that the center, type A home, or type B home is no 58071
longer operating at the address stated on the license and did not 58072
notify the director of the address change as described in division 58073
(E) of this section. 58074

~~(J)~~(H) In no case shall the director issue a license under 58075
this section for a center, type A home, or type B home if the 58076
director, based on documentation provided by the appropriate 58077
county department of job and family services, determines that the 58078
applicant had been certified as a ~~type B family day care home when~~ 58079
~~such certifications were issued by county departments prior to~~ 58080
~~January 1, 2014~~ an in-home aide, that the county department 58081
revoked that certification within the immediately preceding five 58082
years, that the revocation was based on the applicant's refusal or 58083
inability to comply with the criteria for certification, and that 58084
the refusal or inability resulted in a risk to the health or 58085
safety of children. 58086

~~(K)(1) Except as provided in division (K)(2) of this section,~~ 58087
~~an administrator~~ (I) An owner of a type B family day-care home 58088
that receives a license pursuant to this section ~~to provide~~ 58089
~~publicly funded child care~~ is an independent contractor and is not 58090
an employee of the department of job and family services. 58091

~~(2) For purposes of Chapter 4141. of the Revised Code,~~ 58092
~~determinations concerning the employment of an administrator of a~~ 58093

~~type B family day care home that receives a license pursuant to 58094
this section shall be determined under Chapter 4141. of the 58095
Revised Code. 58096~~

Sec. 5104.04. (A) The department of job and family services 58097
shall establish procedures to be followed in investigating, 58098
inspecting, and licensing child day-care centers, type A family 58099
day-care homes, and licensed type B family day-care homes. 58100

(B)(1)(a) The department shall, at least once during every 58101
twelve-month period of operation of a center, type A home, or 58102
licensed type B home, inspect the center, type A home, or licensed 58103
type B home. The department shall inspect a part-time center or 58104
part-time type A home at least once during every twelve-month 58105
period of operation. The department shall provide a written 58106
inspection report to the licensee within a reasonable time after 58107
each inspection. ~~The licensee shall display its most recent 58108
inspection report in a conspicuous place in the center, type A 58109
home, or licensed type B home. 58110~~

Inspections may be unannounced. No person, firm, 58111
organization, institution, or agency shall interfere with the 58112
inspection of a center, type A home, or licensed type B home by 58113
any state or local official engaged in performing duties required 58114
of the state or local official by this chapter or rules adopted 58115
pursuant to this chapter, including inspecting the center, type A 58116
home, or licensed type B home, reviewing records, or interviewing 58117
licensees, employees, children, or parents. 58118

(b) Upon receipt of any complaint that a center, type A home 58119
or licensed type B home is out of compliance with the requirements 58120
of this chapter or rules adopted pursuant to this chapter, the 58121
department shall investigate the center or home, and both of the 58122
following apply: 58123

(i) If the complaint alleges that a child suffered physical 58124

harm while receiving child care at the center or home or that the 58125
noncompliance alleged in the complaint involved, resulted in, or 58126
poses a substantial risk of physical harm to a child receiving 58127
child care at the center or home, the department shall inspect the 58128
center or home. 58129

(ii) If division (B)(1)(b)(i) of this section does not apply 58130
regarding the complaint, the department may inspect the center or 58131
home. 58132

(c) Division (B)(1)(b) of this section does not limit, 58133
restrict, or negate any duty of the department to inspect a 58134
center, type A home, or licensed type B home that otherwise is 58135
imposed under this section, or any authority of the department to 58136
inspect a center, type A home, or licensed type B home that 58137
otherwise is granted under this section ~~when the department~~ 58138
~~believes the inspection is necessary and it is permitted under the~~ 58139
~~grant.~~ 58140

(2) If the department implements an instrument-based program 58141
monitoring information system, it may use an indicator checklist 58142
to comply with division (B)(1) of this section. 58143

~~(3) The department shall contract with a third party by the 58144
first day of October in each even numbered year to collect 58145
information concerning the amounts charged by the center or home 58146
for providing child care services for use in establishing 58147
reimbursement ceilings and payment pursuant to section 5104.30 of 58148
the Revised Code. The third party shall compile the information 58149
and report the results of the survey to the department not later 58150
than the first day of December in each even numbered year. 58151~~

(C) The department may deny an application or revoke a 58152
license of a center, type A home, or licensed type B home, if the 58153
applicant knowingly ~~makes a false statement on the application,~~ 58154
submits falsified information to the department or if the center 58155

or home does not comply with the requirements of this chapter or 58156
rules adopted pursuant to this chapter, ~~or the applicant or owner~~ 58157
~~has pleaded guilty to or been convicted of an offense described in~~ 58158
~~division (A)(5) of section 109.572 of the Revised Code.~~ 58159

(D) If the department finds, after notice and hearing 58160
pursuant to Chapter 119. of the Revised Code, that any applicant, 58161
person, firm, organization, institution, or agency applying for 58162
licensure or licensed under section 5104.03 of the Revised Code is 58163
in violation of any provision of this chapter or rules adopted 58164
pursuant to this chapter, the department may issue an order of 58165
denial to the applicant or an order of revocation to the center, 58166
type A home, or licensed type B home revoking the license 58167
previously issued by the department. Upon the issuance of such an 58168
order, the person whose application is denied or whose license is 58169
revoked may appeal in accordance with section 119.12 of the 58170
Revised Code. 58171

(E) The surrender of a center, type A home, or licensed type 58172
B home license to the department or the withdrawal of an 58173
application for licensure by the owner or administrator of the 58174
center, type A home, or licensed type B home shall not prohibit 58175
the department from instituting any of the actions set forth in 58176
this section. 58177

(F) Whenever the department receives a complaint, is advised, 58178
or otherwise has any reason to believe that a center or type A 58179
home is providing child care without a license issued pursuant to 58180
section 5104.03 and is not exempt from licensing pursuant to 58181
section 5104.02 of the Revised Code, the department shall 58182
investigate the center or type A home and may inspect the areas 58183
children have access to or areas necessary for the care of 58184
children in the center or type A home during suspected hours of 58185
operation to determine whether the center or type A home is 58186
subject to the requirements of this chapter or rules adopted 58187

pursuant to this chapter. 58188

(G) The department, upon determining that the center or type 58189
A home is operating without a license, shall notify the attorney 58190
general, the prosecuting attorney of the county in which the 58191
center or type A home is located, or the city attorney, village 58192
solicitor, or other chief legal officer of the municipal 58193
corporation in which the center or type A home is located, that 58194
the center or type A home is operating without a license. Upon 58195
receipt of the notification, the attorney general, prosecuting 58196
attorney, city attorney, village solicitor, or other chief legal 58197
officer of a municipal corporation shall file a complaint in the 58198
court of common pleas of the county in which the center or type A 58199
home is located requesting that the court grant an order enjoining 58200
the owner from operating the center or type A home in violation of 58201
section 5104.02 of the Revised Code. The court shall grant such 58202
injunctive relief upon a showing that the respondent named in the 58203
complaint is operating a center or type A home and is doing so 58204
without a license. 58205

(H) The department shall prepare an annual report on 58206
inspections conducted under this section. The report shall include 58207
the number of inspections conducted, the number and types of 58208
violations found, and the steps taken to address the violations. 58209
The department shall file the report with the governor, the 58210
president and minority leader of the senate, and the speaker and 58211
minority leader of the house of representatives on or before the 58212
first day of January of each year, beginning in 1999. 58213

Sec. 5104.042. (A) The department of job and family services 58214
may suspend, without a prior hearing, the license of a child 58215
day-care center, type A family day-care home, or licensed type B 58216
family day-care home if any of the following occur: 58217

(1) A child dies or suffers a serious injury while receiving 58218

child care in the center, type A home, or licensed type B home. 58219

(2) A public children services agency receives a report 58220
pursuant to section 2151.421 of the Revised Code, and the person 58221
alleged to have inflicted abuse or neglect on the child who is the 58222
subject of the report is any of the following: 58223

(a) The owner, licensee, or administrator of the center, type 58224
A home, or licensed type B home; 58225

(b) An employee of the center, type A home, or licensed type 58226
B home who has not immediately been placed on administrative leave 58227
or released from employment; 58228

(c) Any person who resides in the type A home or licensed 58229
type B home. 58230

(3) An owner, licensee, administrator, or employee of the 58231
center, type A home, or licensed type B home, or a resident of the 58232
type A home or licensed type B home is charged by an indictment, 58233
information, or complaint with an offense relating to the abuse or 58234
neglect of a child. 58235

(4) The department or a county department of job and family 58236
services determines that the center, type A home, or licensed type 58237
B home created a serious risk to the health or safety of a child 58238
receiving child care in the center, type A home, or licensed type 58239
B home that resulted in or could have resulted in a child's death 58240
or injury. 58241

(5) The department determines that the owner, or licensee, or 58242
administrator of the center, type A home, or licensed type B home 58243
is charged by indictment, information, or complaint with fraud 58244
does not meet the requirements of section 5104.013 of the Revised 58245
Code. 58246

(B) The department shall issue a written order of suspension 58247
and furnish a copy to the licensee either by certified mail or in 58248

person as described in section 119.07 of the Revised Code. The 58249
licensee may appeal the suspension in accordance with section 58250
request an adjudicatory hearing before the department pursuant to 58251
sections 119.06 to 119.12 of the Revised Code. 58252

~~(C) Except as provided in division (D) of this section, any~~ 58253
Any summary suspension imposed under this section shall remain in 58254
~~effect, unless reversed on appeal,~~ until any of the following 58255
occurs: 58256

(1) The public children services agency completes its 58257
investigation of the report pursuant to section 2151.421 of the 58258
Revised Code and determines that all of the allegations are 58259
unsubstantiated. 58260

(2) All criminal charges are disposed of through dismissal, 58261
or a finding of not guilty, ~~conviction, or a plea of guilty.~~ 58262

(3) ~~A final order is issued by the~~ The department issues 58263
pursuant to Chapter 119. of the Revised Code ~~becomes effective a~~ 58264
final order terminating the suspension. 58265

~~(D) If the department initiates the revocation of a license~~ 58266
~~that has been suspended pursuant to this section, the suspension~~ 58267
~~shall continue until the revocation process is completed.~~ 58268

~~(E)~~ The center, type A home, or licensed type B home shall 58269
not provide child care while the summary suspension remains in 58270
effect. Upon issuance of the order of suspension, the licensee 58271
shall inform the caretaker parent of each child receiving child 58272
care in the center, type A home, or licensed type B home of the 58273
suspension. 58274

~~(F)~~(E) The director of job and family services may adopt 58275
rules in accordance with Chapter 119. of the Revised Code 58276
establishing standards and procedures for the summary suspension 58277
of licenses. 58278

(F) This section does not limit the authority of the 58279
department to revoke a license pursuant to section 5104.04 of the 58280
Revised Code. 58281

Sec. 5104.09. No administrator, employee, licensee, or 58282
child-care staff member shall discriminate in the enrollment of 58283
children in a child day-care center, type A home, licensed type B 58284
home, or approved child day camp upon the basis of race, color, 58285
religion, sex, disability, or national origin. 58286

Sec. 5104.12. (A) ~~The~~(1) A county director of job and family 58287
services may certify in-home aides to provide publicly funded 58288
child care pursuant to this chapter and any rules adopted under 58289
it. Any in-home aide who receives a certificate pursuant to this 58290
section to provide publicly funded child care is an independent 58291
contractor and is not an employee of the county department of job 58292
and family services that issues the certificate. 58293

~~(B)~~(2) Every person desiring to receive certification as an 58294
in-home aide shall apply for certification to ~~the~~ a county 58295
director of job and family services on such forms as the director 58296
of job and family services prescribes. ~~The~~ A county director shall 58297
provide at no charge to each applicant a copy of rules for 58298
certifying in-home aides adopted pursuant to this chapter. 58299

(B) To be eligible for certification as an in-home aide, a 58300
person shall not be either of the following: 58301

(1) The owner of a center or home whose license was revoked 58302
pursuant to section 5104.04 of the Revised Code within the 58303
previous five years; 58304

(2) An in-home aide whose certificate was revoked under 58305
division (C)(2) of this section within the previous five years. 58306

(C)(1) If the county director of job and family services 58307
determines that ~~public funds are available and that the person~~ 58308

applicant complies with this chapter and any rules adopted under 58309
it, the county director shall certify the person as an in-home 58310
aide and issue the person a certificate to provide publicly funded 58311
child care for ~~twelve~~ twenty-four months. The county director 58312
shall furnish a copy of the certificate to the parent, custodian, 58313
or guardian. The certificate shall state the name and address of 58314
the in-home aide, the expiration date of the certification, and 58315
the name and telephone number of the county director who issued 58316
the certificate. 58317

(2) The county director may revoke the certificate in either 58318
of the following circumstances: 58319

(a) The county director determines, pursuant to rules adopted 58320
under Chapter 119. of the Revised Code, that revocation is 58321
necessary; 58322

(b) The in-home aide does not comply with division ~~(D)~~(C)(2) 58323
of section 5104.32 of the Revised Code. 58324

(D)(1) The county director of job and family services shall 58325
inspect every home of a child who is receiving publicly funded 58326
child care in the child's own home while the in-home aide is 58327
providing the services. Inspections may be unannounced. Upon 58328
receipt of a complaint, the county director shall investigate the 58329
in-home aide, shall investigate the home of a child who is 58330
receiving publicly funded child care in the child's own home, and 58331
division (D)(2) of this section applies regarding the complaint. 58332
The caretaker parent shall permit the county director to inspect 58333
any part of the child's home. The county director shall prepare a 58334
written inspection report and furnish one copy each to the in-home 58335
aide and the caretaker parent within a reasonable time after the 58336
inspection. 58337

(2) Upon receipt of a complaint as described in division 58338
(D)(1) of this section, in addition to the investigations that are 58339

required under that division, both of the following apply: 58340

(a) If the complaint alleges that a child suffered physical 58341
harm while receiving publicly funded child care in the child's own 58342
home from an in-home aide or that the noncompliance with law or 58343
act alleged in the complaint involved, resulted in, or poses a 58344
substantial risk of physical harm to a child receiving publicly 58345
funded child care in the child's own home from an in-home aide, 58346
the county director shall inspect the home of the child. 58347

(b) If division (D)(2)(a) of this section does not apply 58348
regarding the complaint, the county director may inspect the home 58349
of the child. 58350

(3) Division (D)(2) of this section does not limit, restrict, 58351
or negate any duty of the county director to inspect a home of a 58352
child who is receiving publicly funded child care from an in-home 58353
aide that otherwise is imposed under this section, or any 58354
authority of the county director to inspect such a home that 58355
otherwise is granted under this section when the county director 58356
believes the inspection is necessary and it is permitted under the 58357
grant. 58358

Sec. 5104.21. (A) The department of job and family services 58359
shall register child day camps and enforce this section and 58360
~~section~~ sections 5104.211 and 5104.22 of the Revised Code and the 58361
rules adopted pursuant to those sections. No person, firm, 58362
organization, institution, or agency shall operate a child day 58363
camp without annually registering with the department. 58364

(B) A person, firm, institution, organization, or agency 58365
operating any of the following programs is exempt from the 58366
provisions of this section and ~~section~~ sections 5104.211 and 58367
5104.22 of the Revised Code: 58368

(1) A child day camp that operates for two ~~or less~~ 58369

consecutive weeks or less and for no more than a total of two 58370
weeks during each calendar year; 58371

(2) Supervised training, instruction, or activities of 58372
children that is conducted on an organized or periodic basis ~~no~~ 58373
~~more than one day a week and for no more than six hours' duration~~ 58374
~~and that is conducted~~ in specific areas or in a combination of 58375
areas for a maximum of eight hours each week, including, ~~but not~~ 58376
~~limited to,~~ art+, drama+, dance+, music; ~~gymnastics, swimming, or~~ 58377
~~another,~~ athletic skill or sport+, computers+, or an educational 58378
subject; 58379

(3) Programs in which the department determines that at least 58380
one parent, custodian, or guardian of each child attending or 58381
participating in the child day camp is on the child day camp 58382
activity site and is readily accessible at all times, except that 58383
a child day camp on the premises of a parent's, custodian's, or 58384
guardian's place of employment shall be registered in accordance 58385
with division (A) of this section; 58386

(4) Child day camps ~~funded and regulated or operated and~~ 58387
~~regulated by any state department,~~ other than the department of 58388
job and family services, ~~when the department of job and family~~ 58389
~~services has determined that the rules governing the child day~~ 58390
~~camp are equivalent to or exceed the rules adopted pursuant to~~ 58391
~~this section and section 5104.22;~~ 58392

(5) A program that provides activities for children who are 58393
five years of age or older and is operated by any county, 58394
township, municipal corporation, township park district created 58395
under section 511.18 of the Revised Code, park district created 58396
under section 1545.04 of the Revised Code, or joint recreation 58397
district established under section 755.04 of the Revised Code. 58398

(C) A person, firm, organization, institution, or agency 58399
operating a child day camp that is exempt under division (B) of 58400

this section from registering under division (A) of this section 58401
may elect to register itself under division (A) of this section. 58402
All requirements of this section and the rules adopted pursuant to 58403
this section shall apply to any exempt child day camp that so 58404
elects to register. 58405

(D) The director of job and family services shall adopt 58406
pursuant to Chapter 119. of the Revised Code rules prescribing the 58407
registration form and establishing the procedure for the child day 58408
camps to register. The form shall ~~not be longer than one~~ 58409
~~typewritten page and shall~~ state both of the following: 58410

(1) That the child day camp administrator or the 58411
administrator's representative agrees to provide the parents of 58412
each school-age child who attends or participates in that child 58413
day camp with the telephone number of the county department of 58414
health and the public children services agency of the county in 58415
which the child day camp is located; 58416

(2) That the child day camp administrator or the 58417
administrator's representative agrees to permit a public children 58418
services agency or the county department of health to review or 58419
inspect the child day camp if a complaint is made to that 58420
department or any other state department or public children 58421
services agency against that child day camp. 58422

(E) The department may charge a fee to register a child day 58423
camp. The fee for each child day camp shall be twenty-five 58424
dollars. No organization that operates, or owner of, child day 58425
camps shall pay a fee that exceeds two hundred fifty dollars for 58426
all of its child day camps. 58427

(F) If a child day camp that is required to register under 58428
this section fails to register with the department in accordance 58429
with this section or the rules adopted pursuant to it or if a 58430
child day camp that files a registration form under this section 58431

knowingly provides false or misleading information on the 58432
registration form, the department shall require the child day camp 58433
to register or register correctly and to pay a registration fee 58434
that equals three times the registration fee as set forth in 58435
division (E) of this section. 58436

(G) A child day camp administrator or the administrator's 58437
representative shall provide the parents of each school-age child 58438
who attends or participates in that child day camp with both of 58439
the ~~telephone~~ following: 58440

(1) Telephone numbers of the county department of health and 58441
the county public children services agency of the county in which 58442
the child day camp is located ~~and a;~~ 58443

(2) A statement that the parents may ~~use these telephone~~ 58444
~~numbers to contact or otherwise contact the departments county~~ 58445
department or agency to make a complaint regarding the child day 58446
camp. 58447

Sec. 5104.211. (A) The director of job and family services 58448
may periodically conduct a random sampling of child day camps to 58449
determine compliance with section 5104.013 of the Revised Code. 58450

(B)(1) No child day camp shall fail to comply with section 58451
5104.013 of the Revised Code in regards to a person it appoints or 58452
employs. 58453

(2) If the director determines that a camp has violated 58454
division (B)(1) of this section, the director shall do both of the 58455
following: 58456

(a) Consider imposing a civil penalty on the camp in an 58457
amount that shall not exceed ten per cent of the camp's gross 58458
revenues for the full month immediately preceding the month in 58459
which the violation occurred. If the camp was not operating for 58460
the entire calendar month preceding the month in which the 58461

violation occurred, the penalty shall be five hundred dollars. 58462

(b) Order the camp to initiate a criminal records check of the person who is the subject of the violation within a specified period of time. 58463
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(3) If, within the specified period of time, the camp fails to comply with an order to initiate a criminal records check of the person who is the subject of the violation or to release the person from the appointment or employment, the director shall do both of the following: 58466
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(a) Impose a civil penalty in an amount that is not less than the amount previously imposed and that does not exceed twice the amount permitted by division (B)(2)(a) of this section; 58471
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(b) Order the camp to initiate a criminal records check of the person who is the subject of the violation within a specified period of time. 58474
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(C) If the director determines that a child day camp has violated division (B)(1) of this section, the director may post a notice at a prominent place at the camp that states that the camp has failed to conduct criminal records checks of its appointees or employees as required by section 5104.013 of the Revised Code. Once the camp demonstrates to the department that the camp is in compliance with that section, the director shall permit the camp to remove the notice. 58477
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(D) The director may include on the web site of the department of job and family services a list of child day camps that the director has determined to not be in compliance with the criminal records check requirements of section 5104.013 of the Revised Code. The director shall remove a camp's name from the list when the camp demonstrates to the director that the camp is in compliance with that section. 58485
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(E) For the purposes of divisions (C) and (D) of this 58492

section, a child day camp will be considered to be in compliance 58493
with section 5104.013 of the Revised Code by doing any of the 58494
following: 58495

(1) Requesting that the bureau of criminal identification and 58496
investigation conduct a criminal records check regarding the 58497
person who is the subject of the violation of division (B)(1) of 58498
this section and, if the person does not qualify for the 58499
appointment or employment, releasing the person from the 58500
appointment or employment; 58501

(2) Releasing the person who is the subject of the violation 58502
from the appointment or employment. 58503

(F) The attorney general shall commence and prosecute to 58504
judgment a civil action in a court of competent jurisdiction to 58505
collect any civil penalty imposed under this section that remains 58506
unpaid. 58507

(G) This section does not apply to a child day camp that is 58508
an approved child day camp. 58509

Sec. 5104.22. (A) The director of job and family services, no 58510
later than September 1, 1993, and pursuant to Chapter 119. of the 58511
Revised Code, shall adopt rules establishing a procedure and 58512
standards for the approval of child day camps that will enable an 58513
approved child day camp to receive public moneys pursuant to 58514
sections 5104.30 to 5104.39 of the Revised Code. ~~The procedure and~~ 58515
~~standards shall be similar and comparable to the procedure and~~ 58516
~~standards for accrediting child day camps used by the American~~ 58517
~~camping association.~~ The department of job and family services may 58518
charge a reasonable fee to inspect a child day camp to determine 58519
whether that child day camp meets the standards set forth in this 58520
section or in the rules adopted under this section. The department 58521
shall approve any child day camp that ~~the~~ meets both of the 58522
following: 58523

(1) The department inspects and approves, that the camp and 58524
determines that it meets the standards established in rules 58525
adopted under this section; 58526

(2) The camp is accredited by the American camping camp 58527
association ~~inspects and accredits, or that is inspected and~~ 58528
~~accredited by any a~~ nationally recognized organization that 58529
accredits child day camps by using standards that the department 58530
has determined are substantially similar and comparable to those 58531
of the American ~~camping camp~~ association. The department shall 58532
approve a child day camp for ~~no longer than two years~~ a period of 58533
one year and shall inspect an approved child day camp ~~no less than~~ 58534
biennially on an annual basis. 58535

(B) An approved child day camp shall comply with this section 58536
and section 5104.21 of the Revised Code and the rules adopted 58537
pursuant to those sections. If an approved child day camp is not 58538
in substantial compliance with those sections or rules at any 58539
time, the department shall terminate the child day camp's approval 58540
until the child day camp complies with those sections and rules or 58541
for a period of two years, whichever period is longer. 58542

Sec. 5104.29. (A) As used in this section, "early learning 58543
and development program" has the same meaning as "licensed child 58544
care program" as defined in section 5104.01 of the Revised Code. 58545

(B) There is hereby created in the department of job and 58546
family services the step up to quality program, under which the 58547
department of job and family services, in cooperation with the 58548
department of education, shall develop a tiered quality rating and 58549
improvement system for all early learning and development programs 58550
in this state. The step up to quality program shall include all of 58551
the following components: 58552

(1) Quality program standards for early learning and 58553
development programs; 58554

(2) Accountability measures that include tiered ratings representing each program's level of quality;	58555 58556
(3) Program and provider outreach and support to help programs meet higher standards and promote participation in the step up to quality program;	58557 58558 58559
(4) Financial incentives for early learning and development programs that provide publicly funded child care and are linked to achieving and maintaining quality standards;	58560 58561 58562
(5) Parent and consumer education to help parents learn about program quality and ratings so they can make informed choices on behalf of their children.	58563 58564 58565
(C) The step up to quality program shall have the following goals:	58566 58567
(1) Increasing the number of low-income children, special needs children, and children with limited English proficiency participating in quality early learning and development programs;	58568 58569 58570
(2) Providing families with an easy-to-use tool for evaluating the quality of early learning and development programs;	58571 58572
(3) Recognizing and supporting early learning and development programs that achieve higher levels of quality;	58573 58574
(4) Providing incentives and supports to help early learning and development programs implement continuous quality improvement systems.	58575 58576 58577
(D) Under the step up to quality program, participating early learning and development programs may be eligible for grants, technical assistance, training, and other assistance. Programs that maintain a quality rating may be eligible for unrestricted monetary awards.	58578 58579 58580 58581 58582
(E) The tiered ratings developed pursuant to this section shall be based on an early learning and development program's	58583 58584

performance in meeting program standards in the following four	58585
domains:	58586
(1) Learning and development;	58587
(2) Administration and leadership practices;	58588
(3) Staff quality and professional development;	58589
(4) Family and community partnerships.	58590
(F) The director of job and family services, in collaboration	58591
with the superintendent of public instruction, shall adopt rules	58592
in accordance with Chapter 119. of the Revised Code to implement	58593
the step up to quality program described in this section.	58594
(G)(1) The department of job and family services shall ensure	58595
that the following percentages of early learning and development	58596
programs that are not type B family day care homes and that	58597
provide publicly funded child care are rated in the third highest	58598
tier or above in the step up to quality program:	58599
(a) By June 30, 2017, twenty-five per cent;	58600
(b) By June 30, 2019, forty per cent;	58601
(c) By June 30, 2021, sixty per cent;	58602
(d) By June 30, 2023, eighty per cent;	58603
(e) By June 30, 2025, one hundred per cent.	58604
(2) The department of job and family services and the	58605
department of education shall identify ways to accelerate early	58606
learning and development programs moving to higher tiers in the	58607
step up to quality program and identify strategies for appropriate	58608
ratings of type B homes. The departments may consult with the	58609
early childhood advisory council established pursuant to section	58610
3301.90 of the Revised Code to facilitate their efforts and shall	58611
include owners and administrators of early learning and	58612
development programs in the identification process. The	58613

~~departments shall report their recommendations to the general assembly not later than October 31, 2016. This division does not apply to early learning and development programs that are either of the following:~~ 58614
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(a) Licensed type B family day-care homes; 58618

(b) Providers described in division (C)(2) of section 5104.31 of the Revised Code. 58619
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Sec. 5104.30. (A) The department of job and family services is hereby designated as the state agency responsible for administration and coordination of federal and state funding for publicly funded child care in this state. Publicly funded child care shall be provided to the following: 58621
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(1) Recipients of transitional child care as provided under section 5104.34 of the Revised Code; 58626
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(2) Participants in the Ohio works first program established under Chapter 5107. of the Revised Code; 58628
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(3) Individuals who would be participating in the Ohio works first program if not for a sanction under section 5107.16 of the Revised Code and who continue to participate in a work activity, developmental activity, or alternative work activity pursuant to an assignment under section 5107.42 of the Revised Code; 58630
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(4) A family receiving publicly funded child care on October 1, 1997, until the family's income reaches one hundred fifty per cent of the federal poverty line; 58635
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(5) Subject to available funds, other individuals determined eligible in accordance with rules adopted under section 5104.38 of the Revised Code. 58638
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The department shall apply to the United States department of health and human services for authority to operate a coordinated program for publicly funded child care, if the director of job and 58641
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family services determines that the application is necessary. For 58644
purposes of this section, the department of job and family 58645
services may enter into agreements with other state agencies that 58646
are involved in regulation or funding of child care. The 58647
department shall consider the special needs of migrant workers 58648
when it administers and coordinates publicly funded child care and 58649
shall develop appropriate procedures for accommodating the needs 58650
of migrant workers for publicly funded child care. 58651

(B) The department of job and family services shall 58652
distribute state and federal funds for publicly funded child care, 58653
including appropriations of state funds for publicly funded child 58654
care and appropriations of federal funds available under the child 58655
care block grant act, Title IV-A, and Title XX. The department may 58656
use any state funds appropriated for publicly funded child care as 58657
the state share required to match any federal funds appropriated 58658
for publicly funded child care. 58659

(C) In the use of federal funds available under the child 58660
care block grant act, all of the following apply: 58661

(1) The department may use the federal funds to hire staff to 58662
prepare any rules required under this chapter and to administer 58663
and coordinate federal and state funding for publicly funded child 58664
care. 58665

(2) Not more than five per cent of the aggregate amount of 58666
the federal funds received for a fiscal year may be expended for 58667
administrative costs. 58668

(3) The department shall allocate and use at least four per 58669
cent of the federal funds for the following: 58670

(a) Activities designed to provide comprehensive consumer 58671
education to parents and the public; 58672

(b) Activities that increase parental choice; 58673

(c) Activities, including child care resource and referral services, designed to improve the quality, and increase the supply, of child care; 58674
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(d) Establishing the step up to quality program pursuant to section 5104.29 of the Revised Code. 58677
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(4) The department shall ensure that the federal funds will be used only to supplement, and will not be used to supplant, federal, state, and local funds available on the effective date of the child care block grant act for publicly funded child care and related programs. If authorized by rules adopted by the department pursuant to section 5104.42 of the Revised Code, county departments of job and family services may purchase child care from funds obtained through any other means. 58679
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(D) The department shall encourage the development of suitable child care throughout the state, especially in areas with high concentrations of recipients of public assistance and families with low incomes. The department shall encourage the development of suitable child care designed to accommodate the special needs of migrant workers. On request, the department, through its employees or contracts with state or community child care resource and referral service organizations, shall provide consultation to groups and individuals interested in developing child care. The department of job and family services may enter into interagency agreements with the department of education, the chancellor of higher education, the department of development, and other state agencies and entities whenever the cooperative efforts of the other state agencies and entities are necessary for the department of job and family services to fulfill its duties and responsibilities under this chapter. 58687
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The department shall develop and maintain a registry of persons providing child care. The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing 58703
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procedures and requirements for the registry's administration. 58706

(E)(1) The director shall adopt rules in accordance with 58707
Chapter 119. of the Revised Code establishing both of the 58708
following: 58709

(a) Reimbursement ceilings for providers of publicly funded 58710
child care not later than the first day of July in each 58711
odd-numbered year; 58712

(b) A procedure for reimbursing and paying providers of 58713
publicly funded child care. 58714

(2) In establishing reimbursement ceilings under division 58715
(E)(1)(a) of this section, the director shall do all of the 58716
following: 58717

(a) Use the information obtained ~~under division (B)(3) of~~ 58718
~~section 5104.04 of the Revised Code~~ in accordance with 45 C.F.R. 58719
98.45; 58720

(b) Establish an enhanced reimbursement ceiling for providers 58721
who provide child care for caretaker parents who work 58722
nontraditional hours; 58723

~~(c) For an in-home aide, establish an hourly reimbursement~~ 58724
~~ceiling;~~ 58725

~~(d)~~(c) With regard to the step up to quality program 58726
established pursuant to section 5104.29 of the Revised Code, do 58727
both of the following: 58728

(i) Establish enhanced reimbursement ceilings for child 58729
day-care providers that participate in the program and maintain 58730
quality ratings; 58731

(ii) Weigh any reduction in reimbursement ceilings more 58732
heavily against providers that do not participate in the program 58733
or do not maintain quality ratings. 58734

(3) In establishing reimbursement ceilings under division 58735

(E)(1)(a) of this section, the director may establish different reimbursement ceilings based on any of the following:	58736 58737
(a) Geographic location of the provider;	58738
(b) Type of care provided;	58739
(c) Age of the child served;	58740
(d) Special needs of the child served;	58741
(e) Whether the expanded hours of service are provided;	58742
(f) Whether weekend service is provided;	58743
(g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;	58744 58745
(h) Any other factors the director considers appropriate.	58746
Sec. 5104.31. (A) Publicly funded child care may be provided only by the following:	58747 58748
(1) Any of the following licensed by the department of job and family services pursuant to section 5104.03 of the Revised Code or pursuant to rules adopted under section 5104.018 of the Revised Code:	58749 58750 58751 58752
(a) A child day-care center, including a parent cooperative child day-care center;	58753 58754
(b) A type A family day-care home, including a parent cooperative type A family day-care home;	58755 58756
(c) A licensed type B family day-care home.	58757
(2) An in-home aide who has been certified by the county department of job and family services pursuant to section 5104.12 of the Revised Code;	58758 58759 58760
(3) A child day camp approved pursuant to section 5104.22 of the Revised Code;	58761 58762

- (4) A licensed preschool program; 58763
- (5) A licensed school child program; 58764
- (6) A border state child care provider, except that a border state child care provider may provide publicly funded child care only to an individual who resides in an Ohio county that borders the state in which the provider is located. 58765
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- (B) Publicly funded child day-care may be provided in a child's own home only by an in-home aide. 58769
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- (C)(1) Beginning July 1, 2020, and except as provided in division (C)(2) of this section, a licensed child care program may provide publicly funded child care ~~may be provided only by a provider that~~ if the program is rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code. 58771
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- (2) A licensed child care program that is any of the following may provide publicly funded child care without being rated through the step up to quality program: 58777
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- (a) A program that operates only during the summer and for not more than fifteen consecutive weeks; 58780
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- (b) A program that operates only during school breaks; 58782
- (c) A program that operates only on weekday evenings, weekends, or both; 58783
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- (d) A program that holds a provisional license issued under section 5104.03 of the Revised Code; 58785
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- (e) A program that had its step up to quality program rating removed by the department of job and family services within the previous twelve months; 58787
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- (f) A program that is the subject of a revocation action initiated by the department, but the license has not yet been revoked. 58790
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Sec. 5104.32. (A) ~~Except as provided in division (C) of this~~ 58793
~~section, all~~ All purchases of publicly funded child care shall be 58794
made under a contract entered into by a licensed child day-care 58795
center, licensed type A family day-care home, licensed type B 58796
family day-care home, certified in-home aide, approved child day 58797
camp, licensed preschool program, licensed school child program, 58798
or border state child care provider and the department of job and 58799
family services. All contracts for publicly funded child care 58800
shall be contingent upon the availability of state and federal 58801
funds. The department shall prescribe a standard form to be used 58802
for all contracts for the purchase of publicly funded child care, 58803
regardless of the source of public funds used to purchase the 58804
child care. To the extent permitted by federal law and 58805
notwithstanding any other provision of the Revised Code that 58806
regulates state contracts or contracts involving the expenditure 58807
of state or federal funds, all contracts for publicly funded child 58808
care shall be entered into in accordance with the provisions of 58809
this chapter and are exempt from any other provision of the 58810
Revised Code that regulates state contracts or contracts involving 58811
the expenditure of state or federal funds. 58812

(B) Each contract for publicly funded child care shall 58813
specify at least the following: 58814

(1) That the provider of publicly funded child care agrees to 58815
be paid for rendering services at the lower of the rate 58816
customarily charged by the provider for children enrolled for 58817
child care or the reimbursement ceiling or rate of payment 58818
established pursuant to section 5104.30 of the Revised Code; 58819

(2) That, if a provider provides child care to an individual 58820
potentially eligible for publicly funded child care who is 58821
subsequently determined to be eligible, the department agrees to 58822
pay for all child care provided between the date the county 58823

department of job and family services receives the individual's 58824
completed application and the date the individual's eligibility is 58825
determined; 58826

(3) Whether the county department of job and family services, 58827
the provider, or a child care resource and referral service 58828
organization will make eligibility determinations, whether the 58829
provider or a child care resource and referral service 58830
organization will be required to collect information to be used by 58831
the county department to make eligibility determinations, and the 58832
time period within which the provider or child care resource and 58833
referral service organization is required to complete required 58834
eligibility determinations or to transmit to the county department 58835
any information collected for the purpose of making eligibility 58836
determinations; 58837

(4) That the provider, other than a border state child care 58838
provider, shall continue to be licensed, approved, or certified 58839
pursuant to this chapter and shall comply with all standards and 58840
other requirements in this chapter and in rules adopted pursuant 58841
to this chapter for maintaining the provider's license, approval, 58842
or certification; 58843

(5) That, in the case of a border state child care provider, 58844
the provider shall continue to be licensed, certified, or 58845
otherwise approved by the state in which the provider is located 58846
and shall comply with all standards and other requirements 58847
established by that state for maintaining the provider's license, 58848
certificate, or other approval; 58849

(6) Whether the provider will be paid by the state department 58850
of job and family services or in some other manner as prescribed 58851
by rules adopted under section 5104.42 of the Revised Code; 58852

(7) That the contract is subject to the availability of state 58853
and federal funds. 58854

(C) ~~Unless specifically prohibited by federal law or by rules adopted under section 5104.42 of the Revised Code, the county department of job and family services shall give individuals eligible for publicly funded child care the option of obtaining certificates that the individual may use to purchase services from any provider qualified to provide publicly funded child care under section 5104.31 of the Revised Code. Providers of publicly funded child care may present these certificates for payment in accordance with rules that the director of job and family services shall adopt. Only providers may receive payment for certificates. The value of the certificate shall be based on the lower of the rate customarily charged by the provider or the rate of payment established pursuant to section 5104.30 of the Revised Code. The county department may provide the certificates to the individuals or may contract with child care providers or child care resource and referral service organizations that make determinations of eligibility for publicly funded child care pursuant to contracts entered into under section 5104.34 of the Revised Code for the providers or resource and referral service organizations to provide the certificates to individuals whom they determine are eligible for publicly funded child care.~~

~~For each six month period a provider of publicly funded child care provides publicly funded child care to the child of an individual given certificates, the individual shall provide the provider certificates for days the provider would have provided publicly funded child care to the child had the child been present. The maximum number of days providers shall be provided certificates shall not exceed ten days in a six month period during which publicly funded child care is provided to the child regardless of the number of providers that provide publicly funded child care to the child during that period.~~

~~(D)(1) The department shall establish the Ohio electronic an~~

~~automated~~ child care system to track attendance and calculate 58887
payments for publicly funded child care. ~~The system shall include~~ 58888
~~issuing an electronic child care card to each caretaker parent to~~ 58889
~~swipe through a point of service device issued to an eligible~~ 58890
~~provider, as described in section 5104.31 of the Revised Code.~~ 58891

(2) Each eligible provider that provides publicly funded 58892
child care shall participate in the ~~Ohio electronic~~ automated 58893
child care system. A provider participating in the system shall 58894
not do any of the following: 58895

(a) Use or have possession of ~~an electronic child care card a~~ 58896
personal identification number or password issued to a caretaker 58897
parent under the automated child care system; 58898

(b) Falsify attendance records; 58899

(c) Knowingly seek or accept payment for publicly funded 58900
child care that was not provided or for which the provider was not 58901
eligible; 58902

(d) Knowingly ~~accept reimbursement for publicly funded child~~ 58903
~~care that was not provided~~ seek or accept payment for child care 58904
provided to a child who resides in the provider's own home. 58905

(D) The department may withhold any money due under this 58906
chapter and may recover through any appropriate method any money 58907
erroneously paid under this chapter if evidence demonstrates that 58908
a provider of publicly funded child care failed to comply with 58909
either of the following: 58910

(1) The terms of the contract entered into under this 58911
section; 58912

(2) This chapter or any rules adopted under it. 58913

(E) If the department has evidence that a provider has 58914
employed an individual who is ineligible for employment under 58915
section 5104.013 of the Revised Code and the provider has not 58916

released the individual from employment upon notice that the 58917
individual is ineligible, the department may terminate immediately 58918
the contract entered into under this section to provide publicly 58919
funded child care. 58920

(F) Any decision by the department concerning publicly funded 58921
child care, including the recovery of funds, overpayment 58922
determinations, and contract terminations is final and is not 58923
subject to appeal, hearing, or further review under Chapter 119. 58924
of the Revised Code. 58925

Sec. 5104.34. (A)(1) Each county department of job and family 58926
services shall implement procedures for making determinations of 58927
eligibility for publicly funded child care. Under those 58928
procedures, the eligibility determination for each applicant shall 58929
be made no later than thirty calendar days from the date the 58930
county department receives a completed application for publicly 58931
funded child care. Each applicant shall be notified promptly of 58932
the results of the eligibility determination. An applicant 58933
aggrieved by a decision or delay in making an eligibility 58934
determination may appeal the decision or delay to the department 58935
of job and family services in accordance with section 5101.35 of 58936
the Revised Code. The due process rights of applicants shall be 58937
protected. 58938

To the extent permitted by federal law, the county department 58939
may make all determinations of eligibility for publicly funded 58940
child care, may contract with child care providers or child care 58941
resource and referral service organizations for the providers or 58942
resource and referral service organizations to make all or any 58943
part of the determinations, and may contract with child care 58944
providers or child care resource and referral service 58945
organizations for the providers or resource and referral service 58946
organizations to collect specified information for use by the 58947

county department in making determinations. If a county department 58948
contracts with a child care provider or a child care resource and 58949
referral service organization for eligibility determinations or 58950
for the collection of information, the contract shall require the 58951
provider or resource and referral service organization to make 58952
each eligibility determination no later than thirty calendar days 58953
from the date the provider or resource and referral organization 58954
receives a completed application that is the basis of the 58955
determination and to collect and transmit all necessary 58956
information to the county department within a period of time that 58957
enables the county department to make each eligibility 58958
determination no later than thirty days after the filing of the 58959
application that is the basis of the determination. 58960

The county department may station employees of the department 58961
in various locations throughout the county to collect information 58962
relevant to applications for publicly funded child care and to 58963
make eligibility determinations. The county department, child care 58964
provider, and child care resource and referral service 58965
organization shall make each determination of eligibility for 58966
publicly funded child care no later than thirty days after the 58967
filing of the application that is the basis of the determination, 58968
shall make each determination in accordance with any relevant 58969
rules adopted pursuant to section 5104.38 of the Revised Code, and 58970
shall notify promptly each applicant for publicly funded child 58971
care of the results of the determination of the applicant's 58972
eligibility. 58973

The director of job and family services shall adopt rules in 58974
accordance with Chapter 119. of the Revised Code for monitoring 58975
the eligibility determination process. In accordance with those 58976
rules, the state department shall monitor eligibility 58977
determinations made by county departments of job and family 58978
services and shall direct any entity that is not in compliance 58979

with this division or any rule adopted under this division to 58980
implement corrective action specified by the department. 58981

(2)(a) All eligibility determinations for publicly funded 58982
child care shall be made in accordance with rules adopted pursuant 58983
to division (A) of section 5104.38 of the Revised Code. Except as 58984
otherwise provided in this section, both of the following apply: 58985

(i) Publicly funded child care may be provided only to 58986
eligible infants, toddlers, preschool-age children, ~~and~~ school-age 58987
children under age thirteen, or children receiving special needs 58988
child care. 58989

(ii) For an applicant to be eligible for publicly funded 58990
child care, the caretaker parent must be employed or participating 58991
in a program of education or training for an amount of time 58992
reasonably related to the time that the parent's children are 58993
receiving publicly funded child care. This restriction does not 58994
apply to families whose children are eligible for protective child 58995
care. 58996

(b) In accordance with rules adopted under division (B) of 58997
section 5104.38 of the Revised Code, an applicant may receive 58998
publicly funded child care while the county department determines 58999
eligibility. An applicant may receive publicly funded child care 59000
while a county department determines eligibility only once during 59001
a twelve-month period. If the county department determines that an 59002
applicant is not eligible for publicly funded child care, the 59003
~~licensed~~ child care ~~program~~ provider shall be paid for providing 59004
publicly funded child care for up to five days after that 59005
determination if the county department received a completed 59006
application with all required documentation. A program may appeal 59007
a denial of payment under this division. 59008

(c) If a caretaker parent who has been determined eligible to 59009
receive publicly funded child care no longer meets the 59010

requirements of division (A)(2)(a)(ii) of this section, the 59011
caretaker parent may continue to receive publicly funded child 59012
care for a period of up to thirteen weeks not to extend beyond the 59013
caretaker parent's twelve-month eligibility period. ~~Such~~ 59014
~~authorization may be given only once during a twelve-month period.~~ 59015

(d) If a child turns thirteen, or if a child receiving 59016
special needs child care turns eighteen, during the twelve-month 59017
eligibility period, the caretaker parent may continue to receive 59018
publicly funded child care until the end of that twelve-month 59019
period. 59020

Subject to available funds, the department of job and family 59021
services shall allow a family to receive publicly funded child 59022
care unless the family's income exceeds the maximum income 59023
eligibility limit. Initial and continued eligibility for publicly 59024
funded child care is subject to available funds unless the family 59025
is receiving child care pursuant to division (A)(1), (2), (3), or 59026
(4) of section 5104.30 of the Revised Code. If the department must 59027
limit eligibility due to lack of available funds, it shall give 59028
first priority for publicly funded child care to an assistance 59029
group whose income is not more than the maximum income eligibility 59030
limit that received transitional child care in the previous month 59031
but is no longer eligible because the twelve-month period has 59032
expired. Such an assistance group shall continue to receive 59033
priority for publicly funded child care until its income exceeds 59034
the maximum income eligibility limit. 59035

(3) An assistance group that ceases to participate in the 59036
Ohio works first program established under Chapter 5107. of the 59037
Revised Code is eligible for transitional child care at any time 59038
during the immediately following twelve-month period that both of 59039
the following apply: 59040

(a) The assistance group requires child care due to 59041
employment; 59042

(b) The assistance group's income is not more than one hundred fifty per cent of the federal poverty line.

An assistance group ineligible to participate in the Ohio works first program pursuant to section 5101.83 or section 5107.16 of the Revised Code is not eligible for transitional child care.

(B) To the extent permitted by federal law, the department of job and family services may require a caretaker parent determined to be eligible for publicly funded child care to pay a fee according to the schedule of fees established in rules adopted under section 5104.38 of the Revised Code. The department shall make protective child care services and homeless child care services available to children without regard to the income or assets of the caretaker parent of the child.

(C) A caretaker parent receiving publicly funded child care shall report to the entity that determined eligibility any changes in status with respect to employment or participation in a program of education or training not later than ten calendar days after the change occurs.

(D) If the department of job and family services determines that available resources are not sufficient to provide publicly funded child care to all eligible families who request it, the department may establish a waiting list. The department may establish separate waiting lists within the waiting list based on income.

(E) A caretaker parent shall not receive ~~full-time~~ publicly funded child care from more than one child care provider per child during a week, unless a county department grants the family an exemption for one of the following reasons:

~~(a)~~(1) The child needs additional care during non-traditional hours;

~~(b)~~(2) The child needs to change providers in the middle of

the week and the hours of care provided by the providers do not 59074
overlap; 59075

~~(e)~~(3) The child's provider is closed on scheduled school 59076
days off or on calamity days; 59077

~~(d)~~(4) The child is enrolled in a part-time program 59078
participating in the tiered quality rating and improvement system 59079
established under section ~~5104.30~~ 5104.29 of the Revised Code and 59080
needs care from an additional part-time provider. 59081

(F) As used in this section, "maximum income eligibility 59082
limit" means the amount of income specified in rules adopted under 59083
division (A) of section 5104.38 of the Revised Code. 59084

Sec. 5104.38. In addition to any other rules adopted under 59085
this chapter, the director of job and family services shall adopt 59086
rules in accordance with Chapter 119. of the Revised Code 59087
governing financial and administrative requirements for publicly 59088
funded child care and establishing all of the following: 59089

(A) Procedures and criteria to be used in making 59090
determinations of eligibility for publicly funded child care that 59091
give priority to children of families with lower incomes and 59092
procedures and criteria for eligibility for publicly funded 59093
protective child care or homeless child care. The rules shall 59094
specify the maximum amount of income a family may have for initial 59095
and continued eligibility. The maximum amount shall not exceed 59096
three hundred per cent of the federal poverty line. The rules may 59097
specify exceptions to the eligibility requirements in the case of 59098
a family that previously received publicly funded child care and 59099
is seeking to have the child care reinstated after the family's 59100
eligibility was terminated. 59101

(B) Procedures under which an applicant for publicly funded 59102
child care may receive publicly funded child care while the county 59103

department of job and family services determines eligibility and 59104
under which a ~~licensed~~ child care ~~program~~ provider may appeal a 59105
denial of payment under division (A)(2)(b) of section 5104.34 of 59106
the Revised Code; 59107

(C) A schedule of fees requiring all eligible caretaker 59108
parents to pay a fee for publicly funded child care according to 59109
income and family size, which shall be uniform for all types of 59110
publicly funded child care, except as authorized by rule, and, to 59111
the extent permitted by federal law, shall permit the use of state 59112
and federal funds to pay the customary deposits and other advance 59113
payments that a provider charges all children who receive child 59114
care from that provider. 59115

(D) A formula for determining the amount of state and federal 59116
funds appropriated for publicly funded child care that may be 59117
allocated to a county department to use for administrative 59118
purposes; 59119

(E) Procedures to be followed by the department and county 59120
departments in recruiting individuals and groups to become 59121
providers of child care; 59122

(F) Procedures to be followed in establishing state or local 59123
programs designed to assist individuals who are eligible for 59124
publicly funded child care in identifying the resources available 59125
to them and to refer the individuals to appropriate sources to 59126
obtain child care; 59127

(G) Procedures to deal with fraud and abuse committed by 59128
either recipients or providers of publicly funded child care; 59129

(H) Procedures for establishing a child care grant or loan 59130
program in accordance with the child care block grant act; 59131

(I) Standards and procedures for applicants to apply for 59132
grants and loans, and for the department to make grants and loans; 59133

(J) A definition of "person who stands in loco parentis" for 59134
the purposes of division ~~(JJ)(1)~~(LL)(3) of section 5104.01 of the 59135
Revised Code; 59136

(K) Procedures for a county department of job and family 59137
services to follow in making eligibility determinations and 59138
redeterminations for publicly funded child care available through 59139
telephone, computer, and other means at locations other than the 59140
county department; 59141

(L) If the director establishes a different reimbursement 59142
ceiling under division (E)(3)(d) of section 5104.30 of the Revised 59143
Code, standards and procedures for determining the amount of the 59144
higher payment that is to be issued to a child care provider based 59145
on the special needs of the child being served; 59146

(M) To the extent permitted by federal law, procedures for 59147
paying for up to thirty days of child care for a child whose 59148
caretaker parent is seeking employment, taking part in employment 59149
orientation activities, or taking part in activities in 59150
anticipation of enrolling in or attending an education or training 59151
program or activity, if the employment or the education or 59152
training program or activity is expected to begin within the 59153
thirty-day period; 59154

(N) Any other rules necessary to carry out sections 5104.30 59155
to 5104.43 of the Revised Code. 59156

Sec. 5104.41. A child and the child's caretaker ~~who either~~ 59157
~~temporarily reside in a facility providing emergency shelter for~~ 59158
~~homeless families or are determined by the county department of~~ 59159
~~job and family services to be homeless, and~~ who are otherwise 59160
ineligible for publicly funded child care, are eligible for 59161
~~protective~~ homeless child care for the lesser of the following: 59162

(A) ~~Ninety~~ Not more than ninety days; 59163

(B) The period of time they reside in ~~the~~ a facility 59164
providing emergency shelter, ~~if they qualified for protective~~ 59165
~~child care because they reside in the shelter,~~ for homeless 59166
families or the period of time in which the county department 59167
determines they are homeless. 59168

Sec. 5104.99. (A) Whoever violates section 5104.02 of the 59169
Revised Code shall be punished as follows: 59170

(1) For each offense, the offender shall be fined not less 59171
than one hundred dollars nor more than five hundred dollars 59172
multiplied by the number of children receiving child care at the 59173
child day-care center or type A family day-care home that either 59174
exceeds the number of children to which a type B family day-care 59175
home may provide child care or, if the offender is a licensed type 59176
A family day-care home that is operating as a child day-care 59177
center without being licensed as a center, exceeds the license 59178
capacity of the type A home. 59179

(2) In addition to the fine specified in division (A)(1) of 59180
this section, all of the following apply: 59181

(a) Except as provided in divisions (A)(2)(b), (c), and (d) 59182
of this section, the court shall order the offender to reduce the 59183
number of children to which it provides child care to a number 59184
that does not exceed either the number of children to which a type 59185
B family day-care home may provide child care or, if the offender 59186
is a licensed type A family day-care home that is operating as a 59187
child day-care center without being licensed as a center, the 59188
license capacity of the type A home. 59189

(b) If the offender previously has been convicted of or 59190
pleaded guilty to one violation of section 5104.02 of the Revised 59191
Code, the court shall order the offender to cease the provision of 59192
child care to any person until it obtains a child day-care center 59193
license or a type A family day-care home license, as appropriate, 59194

under section 5104.03 of the Revised Code. 59195

(c) If the offender previously has been convicted of or 59196
pleaded guilty to two violations of section 5104.02 of the Revised 59197
Code, the offender is guilty of a misdemeanor of the first degree, 59198
and the court shall order the offender to cease the provision of 59199
child care to any person until it obtains a child day-care center 59200
license or a type A family day-care home license, as appropriate, 59201
under section 5104.03 of the Revised Code. The court shall impose 59202
the fine specified in division (A)(1) of this section and may 59203
impose an additional fine provided that the total amount of the 59204
fines so imposed does not exceed the maximum fine authorized for a 59205
misdemeanor of the first degree under section 2929.28 of the 59206
Revised Code. 59207

(d) If the offender previously has been convicted of or 59208
pleaded guilty to three or more violations of section 5104.02 of 59209
the Revised Code, the offender is guilty of a felony of the fifth 59210
degree, and the court shall order the offender to cease the 59211
provision of child care to any person until it obtains a child 59212
day-care center license or a type A family day-care home license, 59213
as appropriate, under section 5104.03 of the Revised Code. The 59214
court shall impose the fine specified in division (A)(1) of this 59215
section and may impose an additional fine provided that the total 59216
amount of the fines so imposed does not exceed the maximum fine 59217
authorized for a felony of the fifth degree under section 2929.18 59218
of the Revised Code. 59219

~~(B) Whoever violates division (M)(4) of section 5104.013 of 59220
the Revised Code is guilty of a misdemeanor of the first degree. 59221
If the offender is a licensee of a center, type A home, or 59222
licensed type B home, the conviction shall constitute grounds for 59223
denial or revocation of an application for licensure pursuant to 59224
section 5104.04 of the Revised Code. Except as otherwise provided 59225
in this division, the offense established under division (M)(4) of 59226~~

~~section 5104.013 of the Revised Code is a strict liability offense, and section 2901.20 of the Revised Code does not apply. If the offender is a person eighteen years of age or older residing in a type A home or licensed type B home or is an employee of a center, type A home, or licensed type B home and if the licensee had knowledge of, and acquiesced in, the commission of the offense, the conviction shall constitute grounds for denial or revocation of an application for licensure pursuant to section 5104.04 of the Revised Code.~~

~~(C) Whoever violates section 5104.09 of the Revised Code is guilty of a misdemeanor of the third degree.~~

Sec. 5119.185. (A) As used in this section, "physician":

(1) "Advanced practice registered nurse" has the same meaning as in section 4723.01 of the Revised Code.

(2) "Clinician" means any of the following:

(a) An advanced practice registered nurse;

(b) A physician;

(c) A physician assistant.

(3) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(4) "Physician assistant" means an individual who holds a current, valid license to practice as a physician assistant issued under Chapter 4730. of the Revised Code.

(B) The department of mental health and addiction services may establish a ~~physician~~ clinician recruitment program under which the department agrees to repay all or part of the principal and interest of a government or other educational loan incurred by a ~~physician~~ clinician who agrees to provide services to inpatients

and outpatients of institutions under the department's 59256
administration. To be eligible to participate in the program, a 59257
~~physician~~ clinician must have attended the following: 59258

(1) In the case of a physician, a school that was, at the 59259
time of attendance, a medical school or osteopathic medical school 59260
in this country accredited by the liason committee on medical 59261
education or the American osteopathic association, or a medical 59262
school or osteopathic medical school located outside this country 59263
that was acknowledged by the world health organization and 59264
verified by a member state of that organization as operating 59265
within that state's jurisdiction; 59266

(2) In the case of a physician assistant, a school that was, 59267
at the time of attendance, accredited by the accreditation review 59268
commission on education for the physician assistant or a regional 59269
or specialized and professional accrediting agency recognized by 59270
the council for higher education accreditation; 59271

(3) In the case of an advanced practice registered nurse, a 59272
school that was, at the time of attendance, accredited by a 59273
national or regional accrediting organization. 59274

(C) The department shall enter into a contract with each 59275
~~physician~~ clinician it recruits under this section. Each contract 59276
shall include at least the following terms: 59277

(1) The ~~physician~~ clinician agrees to provide a specified 59278
scope of ~~medical or osteopathic medical~~ health care services for a 59279
specified number of hours per week and a specified number of years 59280
to patients of one or more specified institutions administered by 59281
the department. 59282

(2) The department agrees to repay all or a specified portion 59283
of the principal and interest of a government or other educational 59284
loan taken by the ~~physician~~ clinician for the following expenses 59285
if the ~~physician~~ clinician meets the service obligation agreed to 59286

and the expenses were incurred while the ~~physician~~ clinician was 59287
enrolled in, for up to a maximum of four years, a school that 59288
qualifies the ~~physician~~ clinician to participate in the program: 59289

(a) Tuition; 59290

(b) Other educational expenses for specific purposes, 59291
including fees, books, and laboratory expenses, in amounts 59292
determined to be reasonable in accordance with rules adopted under 59293
division (D) of this section; 59294

(c) Room and board, in an amount determined to be reasonable 59295
in accordance with rules adopted under division (D) of this 59296
section. 59297

(3) The ~~physician~~ clinician agrees to pay the department a 59298
specified amount, which shall be not less than the amount already 59299
paid by the department pursuant to its agreement, as damages if 59300
the ~~physician~~ clinician fails to complete the service obligation 59301
agreed to or fails to comply with other specified terms of the 59302
contract. The contract may vary the amount of damages based on the 59303
portion of the ~~physician's~~ clinician's service obligation that 59304
remains uncompleted as determined by the department. 59305

(4) Other terms agreed upon by the parties. 59306

(D) If the department elects to implement the ~~physician~~ 59307
clinician recruitment program, it shall adopt rules in accordance 59308
with Chapter 119. of the Revised Code that establish all of the 59309
following: 59310

(1) Criteria for designating institutions for which 59311
~~physicians~~ clinicians will be recruited; 59312

(2) Criteria for selecting ~~physicians~~ clinicians for 59313
participation in the program; 59314

(3) Criteria for determining the portion of a ~~physician's~~ 59315
clinician's loan that the department will agree to repay; 59316

(4) Criteria for determining reasonable amounts of the expenses described in divisions (C)(2)(b) and (c) of this section; 59317
59318

(5) Procedures for monitoring compliance by ~~physicians~~ clinicians with the terms of their contracts; 59319
59320

(6) Any other criteria or procedures necessary to implement the program. 59321
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Sec. 5119.19. (A)(1) As used in this section, ~~"psychotropic:~~ 59323

(a) "Prescribed drug" has the same meaning as in section 5164.01 of the Revised Code. 59324
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(b) "Psychotropic drug" means, except as provided in division (A)(2) of this section, a drug that has the capability of changing or controlling mental functioning or behavior through direct pharmacological action. "Psychotropic drug" includes all of the following: 59326
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59330

~~(a)~~(i) Antipsychotic medications, including those administered or dispensed in a long-acting injectable form; 59331
59332

~~(b)~~(ii) Antidepressant medications; 59333

~~(c)~~(iii) Anti-anxiety medications; 59334

~~(d)~~(iv) Mood stabilizing medications. 59335

(2) "Psychotropic drug" excludes a stimulant prescribed for the treatment of attention deficit hyperactivity disorder. 59336
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(B) There is hereby created the psychotropic drug reimbursement program. The program shall be administered by the department of mental health and addiction services. 59338
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The purpose of the program is to provide state reimbursement to counties for the cost of psychotropic drugs that are dispensed to inmates of county jails in this state. The Each county shall ensure that inmates have access to all psychotropic drugs that are prescribed drugs covered by the fee-for-service component of the 59341
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59343
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medicaid program. 59346

The department, based on factors it considers appropriate, 59347
shall allocate an amount to each county for reimbursement of such 59348
psychotropic drug costs incurred by the county. 59349

(C) The director of mental health and addiction services may 59350
adopt rules as necessary to implement this section. The rules, if 59351
adopted, shall be adopted in accordance with Chapter 119. of the 59352
Revised Code. 59353

Sec. 5119.39. (A) As used in this section, 59354
"medication-assisted treatment" has the same meaning as in section 59355
340.01 of the Revised Code. 59356

(B) There is hereby created in the department of mental 59357
health and addiction services the medication-assisted treatment 59358
drug reimbursement program. Under the program, the department 59359
shall reimburse counties for the costs of drugs that are both of 59360
the following: 59361

(1) Prescribed or furnished to inmates of county jails; 59362

(2) Approved by the United States food and drug 59363
administration for use in medication-assisted treatment, including 59364
full opioid agonists, partial opioid agonists, and injectable 59365
long-acting or extended-release opioid antagonists. 59366

The department, based on factors it considers appropriate, 59367
shall allocate an amount to each county for reimbursement of 59368
medication-assisted treatment drug costs incurred by the county. 59369

(C)(1) Subject to division (C)(2) of this section, to be 59370
eligible for reimbursement under the program, a county shall 59371
establish procedures to minimize the risk of inmates abusing or 59372
diverting full or partial opioid agonists. 59373

(2) When a full or partial opioid agonist is prescribed or 59374
furnished to one or more inmates as part of medication-assisted 59375

treatment, a county shall do all of the following: 59376

(a) Establish a baseline for the inmate's drug use by 59377
ordering for the inmate a urine drug test and evaluating the test 59378
results; 59379

(b) Monitor the inmate's adherence to treatment and determine 59380
if the inmate is using other drugs by ordering for the inmate on a 59381
periodic basis a urine drug test and evaluating the test results; 59382

(c) If necessary, order for the inmate more definitive drug 59383
testing and evaluate the test results. 59384

(D) The director of mental health and addiction services may 59385
adopt rules as necessary to implement this section. The rules 59386
shall be adopted in accordance with Chapter 119. of the Revised 59387
Code. 59388

Sec. 5119.44. As used in this section, "free clinic" has the 59389
same meaning as in section 2305.2341 of the Revised Code. 59390

(A) The department of mental health and addiction services 59391
may provide certain goods and services for the department of 59392
mental health and addiction services, the department of 59393
developmental disabilities, the department of rehabilitation and 59394
correction, the department of youth services, and other state, 59395
county, or municipal agencies requesting such goods and services 59396
when the department of mental health and addiction services 59397
determines that it is in the public interest, and considers it 59398
advisable, to provide these goods and services. The department of 59399
mental health and addiction services also may provide goods and 59400
services to agencies operated by the United States government and 59401
to public or private nonprofit agencies, other than free clinics, 59402
that are funded in whole or in part by the state if the public or 59403
private nonprofit agencies are designated for participation in 59404
this program by the director of mental health and addiction 59405

services for community addiction services providers and community 59406
mental health services providers, the director of developmental 59407
disabilities for community developmental disabilities agencies, 59408
the director of rehabilitation and correction for community 59409
rehabilitation and correction agencies, or the director of youth 59410
services for community youth services agencies. 59411

Designated community agencies or services providers shall 59412
receive goods and services through the department of mental health 59413
and addiction services only in those cases where the designating 59414
state agency certifies that providing such goods and services to 59415
the agency or services provider will conserve public resources to 59416
the benefit of the public and where the provision of such goods 59417
and services is considered feasible by the department of mental 59418
health and addiction services. 59419

(B) The department of mental health and addiction services 59420
may permit free clinics to purchase certain goods and services to 59421
the extent the purchases fall within the exemption to the 59422
Robinson-Patman Act, 15 U.S.C. 13 et seq., applicable to nonprofit 59423
institutions, in 15 U.S.C. 13c, as amended. 59424

(C) The goods and services that may be provided by the 59425
department of mental health and addiction services under divisions 59426
(A) and (B) of this section may include: 59427

(1) Procurement, storage, processing, and distribution of 59428
food and professional consultation on food operations; 59429

(2) Procurement, storage, and distribution of medical and 59430
laboratory supplies, dental supplies, medical records, forms, 59431
optical supplies, and sundries, ~~subject to section 5120.135 of the~~ 59432
~~Revised Code;~~ 59433

(3) Procurement, storage, repackaging, distribution, and 59434
dispensing of drugs, the provision of professional pharmacy 59435
consultation, and drug information services; 59436

(4) Other goods and services.	59437
(D) The department of mental health and addiction services	59438
may provide the goods and services designated in division (C) of	59439
this section to its institutions and to state-operated	59440
community-based mental health or addiction services providers.	59441
(E) After consultation with and advice from the director of	59442
developmental disabilities, the director of rehabilitation and	59443
correction, and the director of youth services, the department of	59444
mental health and addiction services may provide the goods and	59445
services designated in division (C) of this section to the	59446
department of developmental disabilities, the department of	59447
rehabilitation and correction, and the department of youth	59448
services.	59449
(F) The cost of administration of this section shall be	59450
determined by the department of mental health and addiction	59451
services and paid by the agencies, services providers, or free	59452
clinics receiving the goods and services to the department for	59453
deposit in the state treasury to the credit of the Ohio pharmacy	59454
services fund, which is hereby created. The fund shall be used to	59455
pay the cost of administration of this section to the department.	59456
(G) Whenever a state agency fails to make a payment for goods	59457
and services provided under this section within thirty-one days	59458
after the date the payment was due, the office of budget and	59459
management may transfer moneys from the state agency to the	59460
department of mental health and addiction services. The amount	59461
transferred shall not exceed the amount of overdue payments. Prior	59462
to making a transfer under this division, the office of budget and	59463
management shall apply any credits the state agency has	59464
accumulated in payments for goods and services provided under this	59465
section.	59466
(H) Purchases of goods and services under this section are	59467

not subject to section 307.86 of the Revised Code. 59468

Sec. 5120.10. (A)(1) The director of rehabilitation and 59469
correction, by rule, shall promulgate minimum standards for jails 59470
in Ohio, including minimum security jails dedicated under section 59471
341.34 or 753.21 of the Revised Code. Whenever the director files 59472
a rule or an amendment to a rule in final form with both the 59473
secretary of state and the director of the legislative service 59474
commission pursuant to section 111.15 of the Revised Code, the 59475
director of rehabilitation and correction promptly shall send a 59476
copy of the rule or amendment, if the rule or amendment pertains 59477
to minimum jail standards, by ordinary mail to the political 59478
subdivisions or affiliations of political subdivisions that 59479
operate jails to which the standards apply. 59480

(2) The rules promulgated in accordance with division (A)(1) 59481
of this section shall serve as criteria for the investigative and 59482
supervisory powers and duties vested by division (D) of this 59483
section in the division of parole and community services of the 59484
department of rehabilitation and correction or in another division 59485
of the department to which those powers and duties are assigned. 59486

(B) The director may initiate an action in the court of 59487
common pleas of the county in which a facility that is subject to 59488
the rules promulgated under division (A)(1) of this section is 59489
situated to enjoin compliance with the minimum standards for jails 59490
or with the minimum standards and minimum renovation, 59491
modification, and construction criteria for ~~minimum security~~ 59492
jails. 59493

(C) Upon the request of an administrator of a jail facility, 59494
the chief executive of a municipal corporation, or a board of 59495
county commissioners, the director of rehabilitation and 59496
correction or the director's designee shall grant a variance from 59497
the minimum standards for jails in Ohio for a facility that is 59498

subject to one of those minimum standards when the director 59499
determines that strict compliance with the minimum standards would 59500
cause unusual, practical difficulties or financial hardship, that 59501
existing or alternative practices meet the intent of the minimum 59502
standards, and that granting a variance would not seriously affect 59503
the security of the facility, the supervision of the inmates, or 59504
the safe, healthful operation of the facility. If the director or 59505
the director's designee denies a variance, the applicant may 59506
appeal the denial pursuant to section 119.12 of the Revised Code. 59507

(D) The following powers and duties shall be exercised by the 59508
division of parole and community services unless assigned to 59509
another division by the director: 59510

(1) The investigation and supervision of county and municipal 59511
jails, workhouses, minimum security jails, and other correctional 59512
institutions and agencies; 59513

(2) The review and approval of plans submitted to the 59514
department of rehabilitation and correction pursuant to division 59515
(E) of this section; 59516

(3) The management and supervision of the adult parole 59517
authority created by section 5149.02 of the Revised Code; 59518

(4) The review and approval of proposals for community-based 59519
correctional facilities and programs and district community-based 59520
correctional facilities and programs that are submitted pursuant 59521
to division (B) of section 2301.51 of the Revised Code; 59522

(5) The distribution of funds made available to the division 59523
for purposes of assisting in the renovation, maintenance, and 59524
operation of community-based correctional facilities and programs 59525
and district community-based correctional facilities and programs 59526
in accordance with section 5120.112 of the Revised Code; 59527

(6) The performance of the duty imposed upon the department 59528
of rehabilitation and correction in section 5149.31 of the Revised 59529

Code to establish and administer a program of subsidies to 59530
eligible municipal corporations, counties, and groups of 59531
contiguous counties for the development, implementation, and 59532
operation of community-based corrections programs; 59533

(7) Licensing halfway houses and community residential 59534
centers for the care and treatment of adult offenders in 59535
accordance with section 2967.14 of the Revised Code; 59536

(8) Contracting with a public or private agency or a 59537
department or political subdivision of the state that operates a 59538
licensed halfway house or community residential center for the 59539
provision of housing, supervision, and other services to parolees, 59540
releasees, persons placed under a residential sanction, persons 59541
under transitional control, and other eligible offenders in 59542
accordance with section 2967.14 of the Revised Code. 59543

Other powers and duties may be assigned by the director of 59544
rehabilitation and correction to the division of parole and 59545
community services. This section does not apply to the department 59546
of youth services or its institutions or employees. 59547

(E) No plan for any new jail, workhouse, or lockup, and no 59548
plan for a substantial addition or alteration to an existing jail, 59549
workhouse, or lockup, shall be adopted unless the officials 59550
responsible for adopting the plan have submitted the plan to the 59551
department of rehabilitation and correction for approval, and the 59552
department has approved the plan as provided in division (D)(2) of 59553
this section. 59554

Sec. 5120.112. (A) The division of parole and community 59555
services shall accept applications for state financial assistance 59556
for the renovation, maintenance, and operation of proposed and 59557
approved community-based correctional facilities and programs and 59558
district community-based correctional facilities and programs that 59559
are filed in accordance with section 2301.56 of the Revised Code. 59560

The division, upon receipt of an application for a particular facility and program, shall determine whether the application is in proper form, whether the applicant satisfies the standards of operation that are prescribed by the department of rehabilitation and correction under section 5120.111 of the Revised Code, whether the applicant has established the facility and program, and, if the applicant has not at that time established the facility and program, whether the proposal of the applicant sufficiently indicates that the standards will be satisfied upon the establishment of the facility and program. If the division determines that the application is in proper form and that the applicant has satisfied or will satisfy the standards of the department, the division shall notify the applicant that it is qualified to receive state financial assistance for the facility and program under this section from moneys made available to the division for purposes of providing assistance to community-based correctional facilities and programs and district community-based correctional facilities and programs.

(B) The amount of state financial assistance that is awarded to a qualified applicant under this section shall be determined by the division of parole and community services in accordance with this division. In determining the amount of state financial assistance to be awarded to a qualified applicant under this section, the division shall not calculate the cost of an offender incarcerated in a community-based correctional facility and program or district community-based correctional facility program to be greater than the average yearly cost of incarceration per inmate in all state correctional institutions, as defined in section 2967.01 of the Revised Code, as determined by the department of rehabilitation and correction.

The times and manner of distribution of state financial assistance to be awarded to a qualified applicant under this

section shall be determined by the division of parole and 59593
community services. 59594

(C) Upon approval of a proposal for a community-based 59595
correctional facility and program or a district community-based 59596
correctional facility and program by the division of parole and 59597
community services, the facility governing board, upon the advice 59598
of the judicial advisory board, shall enter into an award 59599
agreement with the department of rehabilitation and correction 59600
that outlines terms and conditions of the agreement ~~on an annual~~ 59601
~~basis. The agreement shall not be effective for longer than the~~ 59602
state fiscal biennium in which the financial assistance is to be 59603
awarded. In the award agreement, the facility governing board 59604
shall identify a fiscal agent responsible for the deposit of funds 59605
and compliance with sections 2301.55 and 2301.56 of the Revised 59606
Code. 59607

(D) No state financial assistance shall be distributed to a 59608
qualified applicant until an agreement concerning the assistance 59609
has been entered into by the director of rehabilitation and 59610
correction and the deputy director of the division of parole and 59611
community services on the part of the state, and by the 59612
chairperson of the facility governing board of the community-based 59613
correctional facility and program or district community-based 59614
correctional facility and program to receive the financial 59615
assistance, whichever is applicable. The agreement shall not be 59616
effective for ~~a period of one year from the date of the agreement~~ 59617
longer than the state fiscal biennium in which the financial 59618
assistance is to be awarded, and shall specify all terms and 59619
conditions that are applicable to the awarding of the assistance, 59620
including, but not limited to: 59621

(1) The total amount of assistance to be awarded for each 59622
community-based correctional facility and program or district 59623
community-based correctional facility and program, and the times 59624

and manner of the payment of the assistance; 59625

(2) How persons who will staff and operate the facility and 59626
program are to be utilized during the period for which the 59627
assistance is to be granted, including descriptions of their 59628
positions and duties, and their salaries and fringe benefits; 59629

(3) A statement that none of the persons who will staff and 59630
operate the facility and program, including those who are 59631
receiving some or all of their salaries out of funds received by 59632
the facility and program as state financial assistance, are 59633
employees or are to be considered as being employees of the 59634
department of rehabilitation and correction, and a statement that 59635
the employees who will staff and operate that facility and program 59636
are employees of the facility and program; 59637

(4) A list of the type of expenses, other than salaries of 59638
persons who will staff and operate the facility and program, for 59639
which the state financial assistance can be used, and a 59640
requirement that purchases made with funds received as state 59641
financial assistance follow established fiscal guidelines as 59642
determined by the division of parole and community services and 59643
any applicable sections of the Revised Code, including, but not 59644
limited to, sections 125.01 to 125.11 and Chapter 153. of the 59645
Revised Code; 59646

(5) The accounting procedures that are to be used by the 59647
facility and program in relation to the state financial 59648
assistance; 59649

(6) A requirement that the facility and program file reports, 59650
during the period that it receives state financial assistance, 59651
with the division of parole and community services, which reports 59652
shall be statistical in nature and shall contain that information 59653
required under a research design agreed upon by all parties to the 59654
agreement, for purposes of evaluating the facility and program; 59655

(7) A requirement that the facility and program comply with standards of operation as prescribed by the department under section 5120.111 of the Revised Code, and with all information submitted on its application;

(8) A statement that the facility and program will make a reasonable effort to augment the funding received from the state.

(E)(1) No state financial assistance shall be distributed to a qualified applicant until its proposal for a community-based correctional facility and program or district community-based correctional facility and program has been approved by the division of parole and community services.

(2) State financial assistance may be denied to any applicant if it fails to comply with the terms of any agreement entered into pursuant to division (D) of this section.

(F) The division of parole and community services may expend up to one-half per cent of the annual appropriation made for community-based correctional facility programs, for goods or services that benefit those programs.

Sec. 5122.43. (A) Costs, fees, and expenses of all proceedings held under this chapter shall be paid as follows:

(1) To police and health officers, other than sheriffs or their deputies, the same fees allowed to constables, to be paid upon the approval of the probate judge;

(2) To sheriffs or their deputies, the same fees allowed for similar services in the court of common pleas;

(3) To physicians or licensed clinical psychologists acting as expert witnesses and to other expert witnesses designated by the court, an amount determined by the court;

(4) To other witnesses, the same fees and mileage as for attendance at the court of common pleas, to be paid upon the

approval of the probate judge;	59686
(5) To a person, other than the sheriff or the sheriff's	59687
deputies, for taking a mentally ill person to a hospital or	59688
removing a mentally ill person from a hospital, the actual	59689
necessary expenses incurred, specifically itemized, and approved	59690
by the probate judge;	59691
(6) To assistants who convey mentally ill persons to the	59692
hospital when authorized by the probate judge, a fee set by the	59693
probate court, provided the assistants are not drawing a salary	59694
from the state or any political subdivision of the state, and	59695
their actual necessary expenses incurred, provided that the	59696
expenses are specifically itemized and approved by the probate	59697
judge;	59698
(7) To an attorney appointed by the probate division for an	59699
indigent who allegedly is a mentally ill person pursuant to any	59700
section of this chapter or a person suffering from alcohol and	59701
other drug abuse and who may be ordered under sections 5119.91 to	59702
5119.98 of the Revised Code to undergo treatment, the fees that	59703
are determined by the probate division. When those indigent	59704
persons are before the court, all filing and recording fees shall	59705
be waived.	59706
(8) To a referee who is appointed to conduct proceedings	59707
under this chapter that involve a respondent whose domicile is or,	59708
before the respondent's hospitalization, was not the county in	59709
which the proceedings are held, compensation as fixed by the	59710
probate division, but not more than the compensation paid for	59711
similar proceedings for respondents whose domicile is in the	59712
county in which the proceedings are held;	59713
(9) To a court reporter appointed to make a transcript of	59714
proceedings under this chapter, the compensation and fees allowed	59715
in other cases under section 2101.08 of the Revised Code.	59716

(B) A county shall pay for the costs, fees, and expenses 59717
described in division (A) of this section with money appropriated 59718
pursuant to section 2101.11 of the Revised Code. A county may seek 59719
reimbursement from the department of mental health and addiction 59720
services by submitting a request and certification by the county 59721
auditor of the costs, fees, and expenses to the department within 59722
two months of the date the costs, fees, and expenses are incurred 59723
by the county. 59724

Each fiscal year, based on past allocations, historical 59725
utilization, and other factors the department considers 59726
appropriate, the department shall allocate for each county an 59727
amount for reimbursements under this section. A county's 59728
allocation may be zero. The department shall set aside an amount 59729
in addition to the allocations to cover court costs associated 59730
with proceedings held under this chapter for counties that 59731
received an allocation of zero but that incurred expenditures 59732
authorized by the department. The total of all the allocations 59733
plus the additional amount set aside shall equal the amount 59734
appropriated for the fiscal year to the department specifically 59735
for the purposes of this section. 59736

On receipt, the department shall review each request for 59737
reimbursement and prepare a voucher for the amount of the costs, 59738
fees, and expenses incurred by the county, provided that the total 59739
amount of money paid to all counties in each fiscal year shall not 59740
exceed the total amount of moneys specifically appropriated to the 59741
department for these purposes. 59742

The department's total reimbursement to each county shall be 59743
the lesser of the full amount requested or either the amount 59744
allocated for the county under this division, or, for counties 59745
that received an allocation of zero, the amount approved by the 59746
department. In addition, the department shall distribute any 59747
surplus remaining from the money appropriated for the fiscal year 59748

to the department for the purposes of this section as follows to 59749
counties whose full requests exceed their allocations: 59750

(1) If the surplus is sufficient to reimburse such counties 59751
the full amount of their requests, each such county shall receive 59752
the full amount of its request; 59753

(2) If the surplus is insufficient, each such county shall 59754
receive a percentage of the surplus determined by dividing the 59755
difference between the county's full request and its allocation by 59756
the difference between the total of the full requests of all such 59757
counties and the total of the amounts allocated for all such 59758
counties. 59759

The department may adopt rules in accordance with Chapter 59760
119. of the Revised Code to implement the payment of costs, fees, 59761
and expenses under this section. 59762

Sec. 5123.01. As used in this chapter: 59763

(A) "Chief medical officer" means the licensed physician 59764
appointed by the managing officer of an institution for persons 59765
with intellectual disabilities with the approval of the director 59766
of developmental disabilities to provide medical treatment for 59767
residents of the institution. 59768

(B) "Chief program director" means a person with special 59769
training and experience in the diagnosis and management of persons 59770
with developmental disabilities, certified according to division 59771
(C) of this section in at least one of the designated fields, and 59772
appointed by the managing officer of an institution for persons 59773
with intellectual disabilities with the approval of the director 59774
to provide habilitation and care for residents of the institution. 59775

(C) "Comprehensive evaluation" means a study, including a 59776
sequence of observations and examinations, of a person leading to 59777
conclusions and recommendations formulated jointly, with 59778

dissenting opinions if any, by a group of persons with special 59779
training and experience in the diagnosis and management of persons 59780
with developmental disabilities, which group shall include 59781
individuals who are professionally qualified in the fields of 59782
medicine, psychology, and social work, together with such other 59783
specialists as the individual case may require. 59784

(D) "Education" means the process of formal training and 59785
instruction to facilitate the intellectual and emotional 59786
development of residents. 59787

(E) "Habilitation" means the process by which the staff of 59788
the institution assists the resident in acquiring and maintaining 59789
those life skills that enable the resident to cope more 59790
effectively with the demands of the resident's own person and of 59791
the resident's environment and in raising the level of the 59792
resident's physical, mental, social, and vocational efficiency. 59793
Habilitation includes but is not limited to programs of formal, 59794
structured education and training. 59795

(F) "Health officer" means any public health physician, 59796
public health nurse, or other person authorized or designated by a 59797
city or general health district. 59798

(G) "Home and community-based services" means medicaid-funded 59799
home and community-based services specified in division (A)(1) of 59800
section 5166.20 of the Revised Code provided under the medicaid 59801
waiver components the department of developmental disabilities 59802
administers pursuant to section 5166.21 of the Revised Code. 59803
Except as provided in section 5123.0412 of the Revised Code, home 59804
and community-based services provided under the medicaid waiver 59805
component known as the transitions developmental disabilities 59806
waiver are to be considered to be home and community-based 59807
services for the purposes of this chapter, and Chapters 5124. and 59808
5126. of the Revised Code, only to the extent, if any, provided by 59809
the contract required by section 5166.21 of the Revised Code 59810

regarding the waiver. 59811

(H) "ICF/IID" ~~has~~ and "ICF/IID services" have the same 59812
~~meaning~~ meanings as in section 5124.01 of the Revised Code. 59813

(I) "Indigent person" means a person who is unable, without 59814
substantial financial hardship, to provide for the payment of an 59815
attorney and for other necessary expenses of legal representation, 59816
including expert testimony. 59817

(J) "Institution" means a public or private facility, or a 59818
part of a public or private facility, that is licensed by the 59819
appropriate state department and is equipped to provide 59820
residential habilitation, care, and treatment for persons with 59821
intellectual disabilities. 59822

(K) "Licensed physician" means a person who holds a valid 59823
~~certificate~~ license issued under Chapter 4731. of the Revised Code 59824
authorizing the person to practice medicine and surgery or 59825
osteopathic medicine and surgery, or a medical officer of the 59826
government of the United States while in the performance of the 59827
officer's official duties. 59828

(L) "Managing officer" means a person who is appointed by the 59829
director of developmental disabilities to be in executive control 59830
of an institution under the jurisdiction of the department of 59831
developmental disabilities. 59832

(M) "Medicaid case management services" means case management 59833
services provided to an individual with a developmental disability 59834
that the state medicaid plan requires. 59835

(N) "Intellectual disability" means a disability 59836
characterized by having significantly subaverage general 59837
intellectual functioning existing concurrently with deficiencies 59838
in adaptive behavior, manifested during the developmental period. 59839

(O) "Person with an intellectual disability subject to 59840

institutionalization by court order" means a person eighteen years 59841
of age or older with at least a moderate level of intellectual 59842
disability and in relation to whom, because of the person's 59843
disability, either of the following conditions exists: 59844

(1) The person represents a very substantial risk of physical 59845
impairment or injury to self as manifested by evidence that the 59846
person is unable to provide for and is not providing for the 59847
person's most basic physical needs and that provision for those 59848
needs is not available in the community; 59849

(2) The person needs and is susceptible to significant 59850
habilitation in an institution. 59851

(P) "Moderate level of intellectual disability" means the 59852
condition in which a person, following a comprehensive evaluation, 59853
is found to have at least moderate deficits in overall 59854
intellectual functioning, as indicated by a full-scale 59855
intelligence quotient test score of fifty-five or below, and at 59856
least moderate deficits in adaptive behavior, as determined in 59857
accordance with the criteria established in the fifth edition of 59858
the diagnostic and statistical manual of mental disorders 59859
published by the American psychiatric association. 59860

(Q) "Developmental disability" means a severe, chronic 59861
disability that is characterized by all of the following: 59862

(1) It is attributable to a mental or physical impairment or 59863
a combination of mental and physical impairments, other than a 59864
mental or physical impairment solely caused by mental illness, as 59865
defined in division (A) of section 5122.01 of the Revised Code. 59866

(2) It is manifested before age twenty-two. 59867

(3) It is likely to continue indefinitely. 59868

(4) It results in one of the following: 59869

(a) In the case of a person under three years of age, at 59870

least one developmental delay, as defined in rules adopted under 59871
section 5123.011 of the Revised Code, or a diagnosed physical or 59872
mental condition that has a high probability of resulting in a 59873
developmental delay, as defined in those rules; 59874

(b) In the case of a person at least three years of age but 59875
under six years of age, at least two developmental delays, as 59876
defined in rules adopted under section 5123.011 of the Revised 59877
Code; 59878

(c) In the case of a person six years of age or older, a 59879
substantial functional limitation in at least three of the 59880
following areas of major life activity, as appropriate for the 59881
person's age: self-care, receptive and expressive language, 59882
learning, mobility, self-direction, capacity for independent 59883
living, and, if the person is at least sixteen years of age, 59884
capacity for economic self-sufficiency. 59885

(5) It causes the person to need a combination and sequence 59886
of special, interdisciplinary, or other type of care, treatment, 59887
or provision of services for an extended period of time that is 59888
individually planned and coordinated for the person. 59889

"Developmental disability" includes intellectual disability. 59890

(R) "State institution" means an institution that is 59891
tax-supported and under the jurisdiction of the department of 59892
developmental disabilities. 59893

(S) "Residence" and "legal residence" have the same meaning 59894
as "legal settlement," which is acquired by residing in Ohio for a 59895
period of one year without receiving general assistance prior to 59896
July 17, 1995, under former Chapter 5113. of the Revised Code, 59897
without receiving financial assistance prior to December 31, 2017, 59898
under former Chapter 5115. of the Revised Code, or assistance from 59899
a private agency that maintains records of assistance given. A 59900
person having a legal settlement in the state shall be considered 59901

as having legal settlement in the assistance area in which the 59902
person resides. No adult person coming into this state and having 59903
a spouse or minor children residing in another state shall obtain 59904
a legal settlement in this state as long as the spouse or minor 59905
children are receiving public assistance, care, or support at the 59906
expense of the other state or its subdivisions. For the purpose of 59907
determining the legal settlement of a person who is living in a 59908
public or private institution or in a home subject to licensing by 59909
the department of job and family services, the department of 59910
mental health and addiction services, or the department of 59911
developmental disabilities, the residence of the person shall be 59912
considered as though the person were residing in the county in 59913
which the person was living prior to the person's entrance into 59914
the institution or home. Settlement once acquired shall continue 59915
until a person has been continuously absent from Ohio for a period 59916
of one year or has acquired a legal residence in another state. A 59917
woman who marries a man with legal settlement in any county 59918
immediately acquires the settlement of her husband. The legal 59919
settlement of a minor is that of the parents, surviving parent, 59920
sole parent, parent who is designated the residential parent and 59921
legal custodian by a court, other adult having permanent custody 59922
awarded by a court, or guardian of the person of the minor, 59923
provided that: 59924

(1) A minor female who marries shall be considered to have 59925
the legal settlement of her husband and, in the case of death of 59926
her husband or divorce, she shall not thereby lose her legal 59927
settlement obtained by the marriage. 59928

(2) A minor male who marries, establishes a home, and who has 59929
resided in this state for one year without receiving general 59930
assistance prior to July 17, 1995, under former Chapter 5113. of 59931
the Revised Code or assistance from a private agency that 59932
maintains records of assistance given shall be considered to have 59933

obtained a legal settlement in this state. 59934

(3) The legal settlement of a child under eighteen years of 59935
age who is in the care or custody of a public or private child 59936
caring agency shall not change if the legal settlement of the 59937
parent changes until after the child has been in the home of the 59938
parent for a period of one year. 59939

No person, adult or minor, may establish a legal settlement 59940
in this state for the purpose of gaining admission to any state 59941
institution. 59942

(T)(1) "Resident" means, subject to division (T)(2) of this 59943
section, a person who is admitted either voluntarily or 59944
involuntarily to an institution or other facility pursuant to 59945
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 59946
Code subsequent to a finding of not guilty by reason of insanity 59947
or incompetence to stand trial or under this chapter who is under 59948
observation or receiving habilitation and care in an institution. 59949

(2) "Resident" does not include a person admitted to an 59950
institution or other facility under section 2945.39, 2945.40, 59951
2945.401, or 2945.402 of the Revised Code to the extent that the 59952
reference in this chapter to resident, or the context in which the 59953
reference occurs, is in conflict with any provision of sections 59954
2945.37 to 2945.402 of the Revised Code. 59955

(U) "Respondent" means the person whose detention, 59956
commitment, or continued commitment is being sought in any 59957
proceeding under this chapter. 59958

(V) "Working day" and "court day" mean Monday, Tuesday, 59959
Wednesday, Thursday, and Friday, except when such day is a legal 59960
holiday. 59961

(W) "Prosecutor" means the prosecuting attorney, village 59962
solicitor, city director of law, or similar chief legal officer 59963
who prosecuted a criminal case in which a person was found not 59964

guilty by reason of insanity, who would have had the authority to 59965
prosecute a criminal case against a person if the person had not 59966
been found incompetent to stand trial, or who prosecuted a case in 59967
which a person was found guilty. 59968

(X) "Court" means the probate division of the court of common 59969
pleas. 59970

(Y) "Supported living" and "residential services" have the 59971
same meanings as in section 5126.01 of the Revised Code. 59972

Sec. 5123.023. (A) The director of developmental disabilities 59973
~~may~~ shall establish an employment first task force consisting of 59974
the departments of developmental disabilities, education, 59975
medicaid, job and family services, and mental health and addiction 59976
services; and the opportunities for Ohioans with disabilities 59977
agency. The purpose of the task force shall be to improve the 59978
coordination of the state's efforts to address the needs of 59979
individuals with developmental disabilities who seek community 59980
employment as defined in section 5123.022 of the Revised Code. 59981

(B) The department of developmental disabilities may enter 59982
into interagency agreements with any of the government entities on 59983
the task force. The interagency agreements may specify either or 59984
both of the following: 59985
59986

(1) The roles and responsibilities of the government entities 59987
that are members of the task force, including any money to be 59988
contributed by those entities; 59989

(2) The projects and activities of the task force. 59990

(C) There is hereby created in the state treasury the 59991
employment first taskforce fund. Any money received by the task 59992
force from its members shall be credited to the fund. The 59993
department of developmental disabilities shall use the fund to 59994

support the work of the task force. 59995

~~(D) The task force shall cease to exist on January 1, 2020. 59996
Any money, assets, or employees of the department of developmental 59997
disabilities that on that date are dedicated to the work of the 59998
task force shall be reallocated by the department for employment 59999
services for individuals with developmental disabilities. 60000~~

Sec. 5123.044. The department of developmental disabilities 60001
shall determine whether county boards of developmental 60002
disabilities violate the rights that individuals with 60003
developmental disabilities have under section 5126.046 of the 60004
Revised Code to obtain home and community-based services, ICF/IID 60005
services, nonmedicaid residential services, or nonmedicaid 60006
supported living from qualified and willing providers. The 60007
department shall provide assistance to an individual with a 60008
developmental disability who requests assistance with the 60009
individual's rights under that section if the department is 60010
notified of a county board's alleged violation of the individual's 60011
rights under that section. 60012

Sec. 5123.046. The department of developmental disabilities 60013
shall review each ~~component of the three calendar year~~ annual plan 60014
it receives from a county board of developmental disabilities 60015
under section 5126.054 of the Revised Code and, in consultation 60016
with the department of job and family services and office of 60017
budget and management, approve each ~~component~~ plan that includes 60018
all the information and conditions specified in that section. ~~The~~ 60019
~~third component of the plan shall be approved or disapproved not~~ 60020
~~later than forty five days after the third component is submitted~~ 60021
~~to the department. If the department approves all three components~~ 60022
~~of the plan, the plan is approved. Otherwise, the plan is~~ 60023
~~disapproved.~~ If the plan is disapproved, the department shall take 60024
action against the county board under division (B) of section 60025

5126.056 of the Revised Code. 60026

In approving plans under this section, the department shall 60027
ensure that the aggregate of all plans provide for the increased 60028
enrollment into home and community-based services during each 60029
state fiscal year of at least five hundred individuals who did not 60030
receive residential services, supported living, or home and 60031
community-based services the prior state fiscal year if the 60032
department has enough additional enrollment available for this 60033
purpose. 60034

The department shall establish protocols that the department 60035
shall use to determine whether a county board is complying with 60036
the programmatic and financial accountability mechanisms and 60037
achieving outcomes specified in its approved plan. If the 60038
department determines that a county board is not in compliance 60039
with the mechanisms or achieving the outcomes specified in its 60040
approved plan, the department may take action under division (F) 60041
of section 5126.055 of the Revised Code. 60042

Sec. 5123.0414. (A) When the director of developmental 60043
disabilities, ~~under section 119.07 of the Revised Code,~~ sends a 60044
party a notice by registered or certified mail, return receipt 60045
requested, that the director intends to take action against the 60046
party authorized by section 5123.166, 5123.168, 5123.19, 5123.45, 60047
5123.51, or 5126.25 of the Revised Code and the notice is returned 60048
to the director with an endorsement indicating that the notice was 60049
refused or unclaimed, the director shall resend the notice by 60050
ordinary mail to the party. 60051

(B) If the original notice was refused, the notice shall be 60052
deemed received as of the date the director resends the notice. 60053

(C) If the original notice was unclaimed, the notice shall be 60054
deemed received as of the date the director resends the notice 60055
unless, not later than thirty days after the date the director 60056

sent the original notice, the resent notice is returned to the 60057
director for failure of delivery. 60058

If the notice concerns taking action under section 5123.51 of 60059
the Revised Code and the resent notice is returned to the director 60060
for failure of delivery not later than thirty days after the date 60061
the director sent the original notice, the director shall cause 60062
the notice to be published in a newspaper of general circulation 60063
in the county of the party's last known residence or business and 60064
shall mail a dated copy of the published notice to the party at 60065
the last known address. The notice shall be deemed received as of 60066
the date of the publication. 60067

If the notice concerns taking action under section 5123.166, 60068
5123.168, 5123.19, 5123.45, or 5126.25 of the Revised Code and the 60069
resent notice is returned to the director for failure of delivery 60070
not later than thirty days after the date the director sent the 60071
original notice, the director shall resend the notice to the party 60072
a second time. The notice shall be deemed received as of the date 60073
the director resends the notice the second time. 60074

Sec. 5123.0419. (A) The director of developmental 60075
disabilities ~~may~~ shall establish an interagency workgroup on 60076
autism. The purpose of the workgroup shall be to improve the 60077
coordination of the state's efforts to address the service needs 60078
of individuals with autism spectrum disorders and the families of 60079
those individuals. In fulfilling this purpose, the director may 60080
enter into interagency agreements with the government entities 60081
represented by the members of the workgroup. The agreements may 60082
specify any or all of the following: 60083

(1) The roles and responsibilities of government entities 60084
that enter into the agreements; 60085

(2) Procedures regarding the receipt, transfer, and 60086
expenditure of funds necessary to achieve the goals of the 60087

workgroup; 60088

(3) The projects to be undertaken and activities to be 60089
performed by the government entities that enter into the 60090
agreements. 60091

(B) Money received from government entities represented by 60092
the members of the workgroup shall be deposited into the state 60093
treasury to the credit of the interagency workgroup on autism 60094
fund, which is hereby created in the state treasury. Money 60095
credited to the fund shall be used by the department of 60096
developmental disabilities solely to support the activities of the 60097
workgroup. 60098

Sec. 5123.0424. (A) As used in this section: 60099

(1) "Official member" means a member of an official workgroup 60100
who was appointed by the director of developmental disabilities. 60101

(2) "Official workgroup" means a workgroup, task force, 60102
council, committee, or similar entity that has been established by 60103
the director of developmental disabilities under the director's 60104
express or implied statutory authority. 60105

(B) Subject to division (C) of this section, the director of 60106
developmental disabilities may, at the director's discretion, 60107
provide for an official member of an official workgroup to be 60108
reimbursed for actual and necessary travel expenses the member 60109
incurs in the performance of the member's duties on the workgroup, 60110
including attending the workgroup's meetings, if all of the 60111
following apply: 60112

(1) The official member serves on the official workgroup as a 60113
representative of the families of, or advocates for, individuals 60114
with developmental disabilities; 60115

(2) The official member does not receive reimbursement for 60116
the travel expenses from any other source; 60117

(3) The official member does not receive wages or other compensation from any other source for performing the member's duties on the official workgroup; and 60118
60119
60120

(4) No statute prohibits official members of the official workgroup from being reimbursed for travel expenses. 60121
60122

(C) The amount the director provides for an official member of an official workgroup to be reimbursed under division (B) of this section shall not exceed the rates the director of budget and management establishes in rules adopted under division (B) of section 126.31 of the Revised Code. 60123
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Sec. 5123.081. (A) As used in this section: 60128

(1)(a) "Applicant" means any of the following: 60129

(i) A person who is under final consideration for appointment to or employment with the department of developmental disabilities or a county board of developmental disabilities; 60130
60131
60132

(ii) A person who is being transferred to the department or a county board; 60133
60134

(iii) An employee who is being recalled to or reemployed by the department or a county board after a layoff; 60135
60136

(iv) A person under final consideration for a direct services position with a provider or subcontractor. 60137
60138

(b) Neither of the following is an applicant: 60139

(i) A person who is employed by a responsible entity in a position for which a criminal records check is required by this section and either is being considered for a different position with the responsible entity or is returning after a leave of absence or seasonal break in employment, unless the responsible entity has reason to believe that the person has committed a disqualifying offense; 60140
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(ii) A person who is to provide only respite care under a family support services program established under section 5126.11 of the Revised Code if a family member of the individual with a developmental disability who is to receive the respite care selects the person.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(3) "Direct services position" means an employment position in which the employee has the opportunity to be alone with or exercises supervision or control over one or more individuals with developmental disabilities.

(4) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

(5)(a) "Employee" means either of the following:

(i) A person appointed to or employed by the department of developmental disabilities or a county board of developmental disabilities;

(ii) A person employed in a direct services position by a provider or subcontractor.

(b) "Employee" does not mean a person who provides only respite care under a family support services program established under section 5126.11 of the Revised Code if a family member of the individual with a developmental disability who receives the respite care selected the person.

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

(7) "Provider" means a person that provides specialized services to individuals with developmental disabilities and employs one or more persons in direct services positions.

(8) "Responsible entity" means the following:	60177
(a) The department of developmental disabilities in the case of either of the following:	60178 60179
(i) A person who is an applicant because the person is under final consideration for appointment to or employment with the department, being transferred to the department, or being recalled to or reemployed by the department after a layoff;	60180 60181 60182 60183
(ii) A person who is an employee because the person is appointed to or employed by the department.	60184 60185
(b) A county board of developmental disabilities in the case of either of the following:	60186 60187
(i) A person who is an applicant because the person is under final consideration for appointment to or employment with the county board, being transferred to the county board, or being recalled to or reemployed by the county board after a layoff;	60188 60189 60190 60191
(ii) A person who is an employee because the person is appointed to or employed by the county board.	60192 60193
(c) A provider in the case of either of the following:	60194
(i) A person who is an applicant because the person is under final consideration for a direct services position with the provider;	60195 60196 60197
(ii) A person who is an employee because the person is employed in a direct services position by the provider.	60198 60199
(d) A subcontractor in the case of either of the following:	60200
(i) A person who is an applicant because the person is under final consideration for a direct services position with the subcontractor;	60201 60202 60203
(ii) A person who is an employee because the person is employed in a direct services position by the subcontractor.	60204 60205

(9) "Specialized services" means any program or service designed and operated to serve primarily individuals with developmental disabilities, including a program or service provided by an entity licensed or certified by the department of developmental disabilities. If there is a question as to whether a provider or subcontractor is providing specialized services, the provider or subcontractor may request that the director of developmental disabilities make a determination. The director's determination is final.

(10) "Subcontractor" means a person to which both of the following apply:

(a) The person has either of the following:

(i) A subcontract with a provider to provide specialized services included in the contract between the provider and the department of developmental disabilities or a county board of developmental disabilities;

(ii) A subcontract with another subcontractor to provide specialized services included in a subcontract between the other subcontractor and a provider or other subcontractor.

(b) The person employs one or more persons in direct services positions.

(B) A responsible entity shall not employ an applicant or continue to employ an employee if either of the following applies:

(1) The applicant or employee fails to comply with division (D)(3) of this section.

(2) Except as provided in rules adopted under this section, the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(C) Before employing an applicant in a position for which a criminal records check is required by this section, a responsible entity shall require the applicant to submit a statement with the applicant's signature attesting that the applicant has not been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense. The responsible entity also shall require the applicant to sign an agreement under which the applicant agrees to notify the responsible entity within fourteen calendar days if, while employed by the responsible entity, the applicant is formally charged with, is convicted of, pleads guilty to, or is found eligible for intervention in lieu of conviction for a disqualifying offense. The agreement shall provide that the applicant's failure to provide the notification may result in termination of the applicant's employment.

(D)(1) As a condition of employing any applicant in a position for which a criminal records check is required by this section, a responsible entity shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check of the applicant. If rules adopted under this section require an employee to undergo a criminal records check, a responsible entity shall request the superintendent to conduct a criminal records check of the employee at times specified in the rules as a condition of the responsible entity's continuing to employ the employee in a position for which a criminal records check is required by this section. If an applicant or employee does not present proof that the applicant or employee has been a resident of this state for the five-year period immediately prior to the date upon which the criminal records check is requested, the responsible entity shall request that the superintendent obtain information from the federal bureau of investigation as a part of the criminal records check. If the applicant or employee presents proof that the applicant or

employee has been a resident of this state for that five-year 60269
period, the responsible entity may request that the superintendent 60270
include information from the federal bureau of investigation in 60271
the criminal records check. For purposes of this division, an 60272
applicant or employee may provide proof of residency in this state 60273
by presenting, with a notarized statement asserting that the 60274
applicant or employee has been a resident of this state for that 60275
five-year period, a valid driver's license, notification of 60276
registration as an elector, a copy of an officially filed federal 60277
or state tax form identifying the applicant's or employee's 60278
permanent residence, or any other document the responsible entity 60279
considers acceptable. 60280

(2) A responsible entity shall do all of the following: 60281

(a) Provide to each applicant and employee for whom a 60282
criminal records check is required by this section a copy of the 60283
form prescribed pursuant to division (C)(1) of section 109.572 of 60284
the Revised Code and a standard impression sheet to obtain 60285
fingerprint impressions prescribed pursuant to division (C)(2) of 60286
section 109.572 of the Revised Code; 60287

(b) Obtain the completed form and standard impression sheet 60288
from the applicant or employee; 60289

(c) Forward the completed form and standard impression sheet 60290
to the superintendent at the time the criminal records check is 60291
requested. 60292

(3) Any applicant or employee who receives pursuant to this 60293
division a copy of the form prescribed pursuant to division (C)(1) 60294
of section 109.572 of the Revised Code and a copy of the standard 60295
impression sheet prescribed pursuant to division (C)(2) of that 60296
section and who is requested to complete the form and provide a 60297
set of the applicant's or employee's fingerprint impressions shall 60298
complete the form or provide all the information necessary to 60299

complete the form and shall provide the standard impression sheet 60300
with the impressions of the applicant's or employee's 60301
fingerprints. 60302

(4) A responsible entity shall pay to the bureau of criminal 60303
identification and investigation the fee prescribed pursuant to 60304
division (C)(3) of section 109.572 of the Revised Code for each 60305
criminal records check requested and conducted pursuant to this 60306
section. 60307

(E) A responsible entity may request any other state or 60308
federal agency to supply the responsible entity with a written 60309
report regarding the criminal record of an applicant or employee. 60310
If an employee holds an occupational or professional license or 60311
other credentials, the responsible entity may request that the 60312
state or federal agency that regulates the employee's occupation 60313
or profession supply the responsible entity with a written report 60314
of any information pertaining to the employee's criminal record 60315
that the agency obtains in the course of conducting an 60316
investigation or in the process of renewing the employee's license 60317
or other credentials. The responsible entity may consider the 60318
reports when determining whether to employ the applicant or to 60319
continue to employ the employee. 60320

(F) As a condition of employing an applicant in a position 60321
for which a criminal records check is required by this section and 60322
that involves transporting individuals with developmental 60323
disabilities or operating a responsible entity's vehicles for any 60324
purpose, the responsible entity shall obtain the applicant's 60325
driving record from the bureau of motor vehicles. If rules adopted 60326
under this section require a responsible entity to obtain an 60327
employee's driving record, the responsible entity shall obtain the 60328
employee's driving record from the bureau at times specified in 60329
the rules as a condition of continuing to employ the employee. The 60330
responsible entity may consider the applicant's or employee's 60331

driving record when determining whether to employ the applicant or 60332
to continue to employ the employee. 60333

(G) A responsible entity may employ an applicant 60334
conditionally pending receipt of a report regarding the applicant 60335
requested under this section. The responsible entity shall request 60336
the report before employing the applicant conditionally. The 60337
responsible entity shall terminate the applicant's employment if 60338
it is determined from a report that the applicant failed to inform 60339
the responsible entity that the applicant had been convicted of, 60340
pleaded guilty to, or been found eligible for intervention in lieu 60341
of conviction for a disqualifying offense. 60342

(H) A responsible entity may charge an applicant a fee for 60343
costs the responsible entity incurs in obtaining a report 60344
regarding the applicant under this section if the responsible 60345
entity notifies the applicant of the amount of the fee at the time 60346
of the applicant's initial application for employment and that, 60347
unless the fee is paid, the responsible entity will not consider 60348
the applicant for employment. The fee shall not exceed the amount 60349
of the fee, if any, the responsible entity pays for the report. 60350

(I)(1) Any report obtained pursuant to this section is not a 60351
public record for purposes of section 149.43 of the Revised Code 60352
and shall not be made available to any person, other than the 60353
following: 60354

(a) The applicant or employee who is the subject of the 60355
report or the applicant's or employee's representative; 60356

(b) The responsible entity that requested the report or its 60357
representative; 60358

(c) The department if a county board, provider, or 60359
subcontractor is the responsible entity that requested the report 60360
and the department requests the responsible entity to provide a 60361
copy of the report to the department; 60362

(d) A county board if a provider or subcontractor is the responsible entity that requested the report and the county board requests the responsible entity to provide a copy of the report to the county board;

(e) Any court, hearing officer, or other necessary individual involved in a case dealing with any of the following:

(i) The denial of employment to the applicant or employee;

(ii) The denial, suspension, or revocation of a certificate under section 5123.166 or 5123.45 of the Revised Code;

(iii) A civil or criminal action regarding the medicaid program or a program the department administers.

(2) An applicant or employee for whom the responsible entity has obtained reports under this section may submit a written request to the responsible entity to have copies of the reports sent to any state agency, entity of local government, or private entity. The applicant or employee shall specify in the request the agencies or entities to which the copies are to be sent. On receiving the request, the responsible entity shall send copies of the reports to the agencies or entities specified.

(3) A responsible entity may request that a state agency, entity of local government, or private entity send copies to the responsible entity of any report regarding a records check or criminal records check that the agency or entity possesses, if the responsible entity obtains the written consent of the individual who is the subject of the report.

(4) A responsible entity shall provide each applicant and employee with a copy of any report obtained about the applicant or employee under this section.

(J) The director of developmental disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code to

implement this section. 60393

(1) The rules may do the following: 60394

(a) Require employees to undergo criminal records checks 60395
under this section; 60396

(b) Require responsible entities to obtain the driving 60397
records of employees under this section; 60398

(c) If the rules require employees to undergo criminal 60399
records checks, require responsible entities to obtain the driving 60400
records of employees, or both, exempt one or more classes of 60401
employees from the requirements. 60402

(2) The rules shall do ~~both~~ all of the following: 60403

(a) If the rules require employees to undergo criminal 60404
records checks, require responsible entities to obtain the driving 60405
records of employees, or both, specify the times at which the 60406
criminal records checks are to be conducted and the driving 60407
records are to be obtained; 60408

(b) Specify circumstances under which a responsible entity 60409
may employ an applicant or employee who is found by a criminal 60410
records check required by this section to have been convicted of, 60411
pleaded guilty to, or been found eligible for intervention in lieu 60412
of conviction for a disqualifying offense but meets standards in 60413
regard to rehabilitation set by the director; 60414

(c) Require a responsible entity to request a criminal 60415
records check under this section before employing an applicant 60416
conditionally as permitted under division (G) of this section. 60417

Sec. 5123.092. (A) There is hereby established at each 60418
institution and branch institution under the control of the 60419
department of developmental disabilities a citizen's advisory 60420
council ~~consisting~~. Each council shall consist of ~~thirteen~~ seven 60421
members. ~~At least seven of the members shall be persons who are~~ 60422

~~not providers of services for persons with developmental~~ 60423
~~disabilities. Each council shall include, including~~ parents or 60424
other relatives of residents of institutions under the control of 60425
the department, community leaders, professional persons in 60426
relevant fields, and persons who have an interest in or knowledge 60427
of developmental disabilities. The managing officer of the 60428
institution shall be a nonvoting member of the council. 60429

(B) The director of developmental disabilities shall be the 60430
appointing authority for the voting members of each citizen's 60431
advisory council. Each time the term of a voting member expires, 60432
the ~~remaining members of the council~~ managing officer of the 60433
institution with which the council is associated shall recommend 60434
to the director one or more persons to serve on the council. The 60435
director may accept a nominee of the ~~council~~ managing officer or 60436
reject the nominee or nominees. If the director rejects the 60437
nominee or nominees, the ~~remaining members of the advisory council~~ 60438
managing officer shall further recommend to the director one or 60439
more other persons to serve on the ~~advisory~~ council. This 60440
procedure shall continue until a member is appointed to the 60441
~~advisory~~ council. 60442

~~Each advisory council shall elect from its appointed members~~ 60443
~~a chairperson, vice chairperson, and a secretary to serve for~~ 60444
~~terms of one year. Advisory council officers shall not serve for~~ 60445
~~more than two consecutive terms in the same office. A majority of~~ 60446
~~the advisory council members constitutes a quorum.~~ 60447

~~(C)~~ Terms of office shall be for three years, each term 60448
ending on the same day of the same month of the year as did the 60449
term which it succeeds. No member shall serve more than two 60450
consecutive terms, except that any former member may be appointed 60451
if one year or longer has elapsed since the member served two 60452
consecutive terms. Each member shall hold office from the date of 60453

appointment until the end of the term for which the member was 60454
appointed. Any vacancy shall be filled in the same manner in which 60455
the original appointment was made, and the appointee to a vacancy 60456
in an unexpired term shall serve the balance of the term of the 60457
original appointee. Any member shall continue in office subsequent 60458
to the expiration date of the member's term until the member's 60459
successor takes office, or until a period of sixty days has 60460
elapsed, whichever occurs first. 60461

(C) Each citizen's advisory council shall elect from its 60462
appointed members a chairperson, vice-chairperson, and secretary. 60463
A person elected to an office may serve in that position until the 60464
person is no longer a member of the council. 60465

(D) Members of a citizen's advisory council shall be expected 60466
to attend all meetings of the advisory council. ~~Unexcused absence~~ 60467
~~from two successive regularly scheduled meetings shall be~~ 60468
~~considered prima facie evidence of intent not to continue as a~~ 60469
~~member. The chairperson of the board shall, after a member has~~ 60470
~~been absent for two successive regularly scheduled meetings,~~ 60471
~~direct a letter to the member asking if the member wishes to~~ 60472
~~remain in membership. If an affirmative reply is received, the~~ 60473
~~member shall be retained as a member except that, if, after having~~ 60474
~~expressed a desire to remain a member, the member then misses a~~ 60475
~~third successive regularly scheduled meeting without being~~ 60476
~~excused, the chairperson shall terminate the member's membership.~~ 60477
A majority of the members constitutes a quorum. 60478

~~(E)~~ A citizen's advisory council shall meet six times 60479
annually, or more frequently if three ~~council~~ members request the 60480
chairperson to call a meeting. The council shall keep minutes of 60481
each meeting and shall submit them to the managing officer of the 60482
institution with which the council is associated ~~and the~~ 60483
~~department of developmental disabilities. 60484~~

~~(F)~~(E) Members of citizen's advisory councils shall receive 60485

no compensation for their services, except that they shall be 60486
reimbursed for their actual and necessary expenses incurred in the 60487
performance of their official duties by the institution with which 60488
they are associated from funds allocated to it, provided that 60489
reimbursement for those expenses shall not exceed limits imposed 60490
upon the department of developmental disabilities by 60491
administrative rules regulating travel within this state. 60492

~~(G)~~(F) The councils shall have reasonable access to all 60493
patient treatment and living areas and records of the institution, 60494
except those records of a strictly personal or confidential 60495
nature. The councils shall have access to a patient's personal 60496
records with the consent of the patient or the patient's legal 60497
guardian or, if the patient is a minor, with the consent of the 60498
parent or legal guardian of the patient. 60499

~~(H)~~(G) As used in this section, "branch institution" means a 60500
facility that is located apart from an institution and is under 60501
the control of the managing officer of the institution. 60502

Sec. 5123.166. (A) If good cause exists as specified in 60503
division (B) of this section and determined in accordance with 60504
procedures established in rules adopted under section 5123.1611 of 60505
the Revised Code, the director of developmental disabilities may 60506
issue an adjudication order requiring that one or more of the 60507
following actions be taken against a person or government entity 60508
seeking or holding a supported living certificate: 60509

(1) Refusal to issue or renew a supported living certificate; 60510

(2) Revocation of a supported living certificate; 60511

(3) Suspension of a supported living certificate holder's 60512
authority to do ~~either or both~~ any of the following: 60513

(a) Continue to provide supported living to one or more 60514
individuals ~~from one or more counties~~ who receive supported living 60515

from the certificate holder at the time the director takes the 60516
action; 60517

(b) Begin to provide supported living to one or more 60518
individuals ~~from one or more counties~~ who do not receive supported 60519
living from the certificate holder at the time the director takes 60520
the action; 60521

(c) Expand or add supported living services to one or more 60522
individuals who receive supported living from the certificate 60523
holder at the time the director takes action. 60524

(B) The following constitute good cause for taking action 60525
under division (A) of this section against a person or government 60526
entity seeking or holding a supported living certificate: 60527

(1) The person or government entity's failure to meet or 60528
continue to meet the applicable certification standards 60529
established in rules adopted under section 5123.1611 of the 60530
Revised Code; 60531

(2) The person or government entity violates section 5123.165 60532
of the Revised Code; 60533

(3) The person or government entity's failure to satisfy the 60534
requirements of section 5123.081 or 5123.52 of the Revised Code; 60535

(4) Misfeasance; 60536

(5) Malfeasance; 60537

(6) Nonfeasance; 60538

(7) Confirmed abuse or neglect; 60539

(8) Financial irresponsibility; 60540

(9) Other conduct the director determines is or would be 60541
injurious to individuals who receive or would receive supported 60542
living from the person or government entity. 60543

(C) Except as provided in division (D) of this section, the 60544

director shall issue an adjudication order under division (A) of 60545
this section in accordance with Chapter 119. of the Revised Code. 60546

(D)(1) The director may issue an order requiring that action 60547
specified in division (A)(3)(b) or (c) of this section be taken 60548
before a provider is provided notice and an opportunity for a 60549
hearing if ~~all~~ both of the following are the case: 60550

(a) The director determines such action is warranted by the 60551
provider's failure to continue to meet the applicable 60552
certification standards; 60553

(b) The director determines that the failure either 60554
represents a pattern of serious noncompliance or creates a 60555
substantial risk to the health or safety of an individual who 60556
receives or would receive supported living from the provider; 60557

~~(c) If the order will suspend the provider's authority to 60558
continue to provide supported living to an individual who receives 60559
supported living from the provider at the time the director issues 60560
the order, both. 60561~~

(2) The director may issue an order requiring that the action 60562
specified in division (A)(3)(a) of this section be taken before a 60563
provider is provided notice and an opportunity for a hearing if 60564
either of the following ~~are~~ is the case: 60565

(a) The conditions identified in division (D)(1) of this 60566
section are met and all of the following apply: 60567

(i) The director makes the individual, or the individual's 60568
guardian, aware of the director's determination under division 60569
(D)(1)(b) of this section ~~and the~~. 60570

(ii) The individual or guardian does not select another 60571
provider. 60572

~~(ii)~~ (iii) A county board of developmental disabilities has 60573
filed a complaint with a probate court under section 5126.33 of 60574

the Revised Code that includes facts describing the nature of 60575
abuse or neglect that the individual has suffered due to the 60576
provider's actions that are the basis for the director making the 60577
determination under division (D)(1)(b) of this section and the 60578
probate court does not issue an order authorizing the county board 60579
to arrange services for the individual pursuant to an 60580
individualized service plan developed for the individual under 60581
section 5126.31 of the Revised Code. 60582

~~(2)~~(b) Both of the following apply: 60583

(i) There is clear and convincing evidence that the provider 60584
has violated division (B) of this section. 60585

(ii) Allowing the provider to continue to provide supported 60586
living would present a danger of immediate and serious harm. 60587

(E) If the director issues an order under division (D)(1) or 60588
(2) of this section, sections 119.091 to 119.13 of the Revised 60589
Code and all of the following apply: 60590

~~(a)~~(1) The director shall send the provider notice of the 60591
order by ~~registered~~ certified mail, return receipt requested, not 60592
later than twenty-four hours after issuing the order and shall 60593
include in the notice the reasons for the order, the citation to 60594
the law or rule directly involved, and a statement that the 60595
provider will be afforded a hearing if the provider requests it in 60596
writing within ten days of the time of receiving the notice. 60597

~~(b)~~(2) If the provider requests a hearing within the required 60598
time and the provider has provided the director the provider's 60599
current address, the date for the hearing shall be as follows: 60600

(a) In the case of an order issued under division (D)(1) of 60601
this section, the director shall immediately set, and notify the 60602
provider of, the date, time, and place for the hearing. If the 60603
provider's written request for a hearing includes a request that 60604
the hearing be held not later than thirty days after the director 60605

receives the provider's timely request for the hearing, the date 60606
set for the hearing by the director shall be within thirty days. 60607

(b) In the case of an order issued under division (D)(2) of 60608
this section, the date set for the hearing by the director shall 60609
be within fifteen days, but not earlier than seven days, after the 60610
director receives the provider's timely request for the hearing, 60611
unless otherwise agreed to by the director and the provider. 60612

~~(c) The date of the hearing shall be not later than thirty~~ 60613
~~days after the director receives the provider's timely request for~~ 60614
~~the hearing.~~ 60615

~~(d)(3)~~ The hearing shall be conducted in accordance with 60616
section 119.09 of the Revised Code, except for all of the 60617
following: 60618

(i) The hearing shall continue uninterrupted until its close, 60619
except for weekends, legal holidays, and other interruptions the 60620
provider and director agree to. 60621

(ii) If the director appoints a referee or examiner to 60622
conduct the hearing, the referee or examiner, not later than ten 60623
days after the date the referee or examiner receives a transcript 60624
of the testimony and evidence presented at the hearing or, if the 60625
referee or examiner does not receive the transcript or no such 60626
transcript is made, the date that the referee or examiner closes 60627
the record of the hearing, shall submit to the director a written 60628
report setting forth the referee or examiner's findings of fact 60629
and conclusions of law and a recommendation of the action the 60630
director should take. 60631

(iii) The provider may, not later than five days after the 60632
date the director, in accordance with section 119.09 of the 60633
Revised Code, sends the provider or the provider's attorney or 60634
other representative of record a copy of the referee or examiner's 60635
report and recommendation, file with the director written 60636

objections to the report and recommendation. 60637

(iv) The director shall approve, modify, or disapprove the 60638
referee or examiner's report and recommendation not earlier than 60639
six days, and not later than ~~fifteen~~ ten days, after the date the 60640
director, in accordance with section 119.09 of the Revised Code, 60641
sends a copy of the report and recommendation to the provider or 60642
the provider's attorney or other representative of record. 60643

~~(3)~~(F)(1) The director may lift an order issued under 60644
division (D)(1) of this section even though a hearing regarding 60645
the order is occurring or pending if the director determines that 60646
the provider has taken action eliminating the good cause for 60647
issuing the order. The hearing shall proceed unless the provider 60648
withdraws the request for the hearing in a written letter to the 60649
director. 60650

~~(4)~~(2) The director shall lift an order issued under division 60651
(D)(1) of this section if both of the following are the case: 60652

(a) The provider provides the director a plan of compliance 60653
the director determines is acceptable. 60654

(b) The director determines that the provider has implemented 60655
the plan of compliance correctly. 60656

(G) Any order issued under division (D)(2) of this section 60657
shall remain in effect, unless reversed on appeal, until a final 60658
adjudication order issued by the director pursuant to Chapter 119. 60659
of the Revised Code becomes effective. The director shall issue 60660
the final adjudication order within ten days after completion of 60661
the hearing. A failure to issue the order within ten days shall 60662
result in dissolution of the order issued under division (D)(2) of 60663
this section but shall not invalidate any subsequent final 60664
adjudication order. A final adjudication order shall not be 60665
subject to suspension by the court during pendency of any appeal 60666
filed under section 119.12 of the Revised Code. 60667

Sec. 5123.193. The director of developmental disabilities 60668
shall include on the internet web site maintained by the 60669
department of developmental disabilities a searchable database of 60670
vacancies in licensed residential facilities. Each person or 60671
government entity operating a licensed residential facility shall 60672
provide current and accurate vacancy information to the department 60673
in accordance with procedures that the director shall establish. 60674

Sec. 5123.603. Every two years, the president of the senate 60675
and speaker of the house of representative shall establish a joint 60676
committee to examine whether a new entity should be designated to 60677
serve as the state's protection and advocacy system and client 60678
assistance program. The joint committee shall consist of a number 60679
of members of the senate appointed by the president and an equal 60680
number of members of the house of representatives appointed by the 60681
speaker. The president and speaker shall determine the total 60682
number of members of the joint committee. The president and 60683
speaker also shall determine the dates on which members' terms on 60684
the joint committee are to begin and end. Vacancies shall be 60685
filled in the manner of the original appointments. 60686

Every two years, the president and speaker shall specify a 60687
deadline for the joint committee to complete a new report 60688
containing the joint committee's recommendations. The joint 60689
committee shall submit the report to the president, speaker, and 60690
governor by the deadline. 60691

Sec. 5123.691. (A) As used in this section, "mental illness" 60692
has the same meaning as in section 5122.01 of the Revised Code. 60693

(B) The managing officer of an institution, with the 60694
concurrence of the chief program director, may admit into a 60695
specialized treatment unit for minors a minor ages ten to 60696
seventeen who is in behavior crisis and has serious behavioral 60697

challenges if one of the following applies: 60698

(1) The minor has an intellectual disability. 60699

(2) The minor has autism spectrum disorder. 60700

(3) The minor has a dual diagnosis of an intellectual disability and mental illness. 60701
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(4) The minor has a dual diagnosis of autism spectrum disorder and mental illness. 60703
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(C)(1) The admission of a minor into a specialized treatment unit shall be based upon the availability of beds at the institution and the clinical treatment needs of the minor. 60705
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(2) The department of developmental disabilities may establish other criteria for admitting a minor into a specialized treatment unit. 60708
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(D) Before a minor may be admitted into a specialized treatment unit, the minor's parent or legal guardian, the county board of developmental disabilities, and the department shall enter into a memorandum of understanding setting forth the roles and responsibilities of each of the parties regarding the care and treatment of the minor and specifying the duration of admission in the specialized treatment unit. 60711
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(E)(1) The initial duration of admission for a minor in a specialized treatment unit shall not exceed one hundred eighty days. 60718
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(2) The parent or legal guardian of a minor may petition the department to extend the duration of a minor's admission in a specialized treatment unit at least thirty days before the expiration of the minor's term of admission in the specialized treatment unit. The department, in its discretion, may grant or deny a petition for extended admission, but may not extend a minor's duration of admission in a specialized treatment unit 60721
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beyond one year. 60728

(3) Upon the expiration of a minor's term of admission in a specialized treatment unit, the minor shall be returned to the care of the minor's parent or legal guardian. 60729
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(F) The managing officer of an institution may discharge a minor from a specialized treatment unit in accordance with division (C) of section 5123.69 of the Revised Code. The uniform procedures of discharge established by rules adopted under division (G)(7) of section 5123.19 of the Revised Code shall not apply to the discharge of a minor from a specialized treatment unit. 60732
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Sec. 5126.01. As used in this chapter: 60739

(A) As used in this division, "adult" means an individual who is eighteen years of age or over and not enrolled in a program or service under Chapter 3323. of the Revised Code and an individual sixteen or seventeen years of age who is eligible for adult services under rules adopted by the director of developmental disabilities pursuant to Chapter 119. of the Revised Code. 60740
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(1) "Adult services" means services provided to an adult outside the home, except when they are provided within the home according to an individual's assessed needs and identified in an individual service plan, that support learning and assistance in the area of self-care, sensory and motor development, socialization, daily living skills, communication, community living, social skills, or vocational skills. 60746
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(2) "Adult services" includes all of the following: 60753

(a) Adult day habilitation services; 60754

(b) Employment services; 60755

(c) Educational experiences and training obtained through entities and activities that are not expressly intended for 60756
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individuals with developmental disabilities, including trade 60758
schools, vocational or technical schools, adult education, job 60759
exploration and sampling, unpaid work experience in the community, 60760
volunteer activities, and spectator sports. 60761

(B)(1) "Adult day habilitation services" means adult services 60762
that do the following: 60763

(a) Provide access to and participation in typical activities 60764
and functions of community life that are desired and chosen by the 60765
general population, including such activities and functions as 60766
opportunities to experience and participate in community 60767
exploration, companionship with friends and peers, leisure 60768
activities, hobbies, maintaining family contacts, community 60769
events, and activities where individuals without disabilities are 60770
involved; 60771

(b) Provide supports or a combination of training and 60772
supports that afford an individual a wide variety of opportunities 60773
to facilitate and build relationships and social supports in the 60774
community. 60775

(2) "Adult day habilitation services" includes all of the 60776
following: 60777

(a) Personal care services needed to ensure an individual's 60778
ability to experience and participate in vocational services, 60779
educational services, community activities, and any other adult 60780
day habilitation services; 60781

(b) Skilled services provided while receiving adult day 60782
habilitation services, including such skilled services as behavior 60783
management intervention, occupational therapy, speech and language 60784
therapy, physical therapy, and nursing services; 60785

(c) Training and education in self-determination designed to 60786
help the individual do one or more of the following: develop 60787
self-advocacy skills, exercise the individual's civil rights, 60788

acquire skills that enable the individual to exercise control and responsibility over the services received, and acquire skills that enable the individual to become more independent, integrated, or productive in the community;

(d) Recreational and leisure activities identified in the individual's service plan as therapeutic in nature or assistive in developing or maintaining social supports;

(e) Transportation necessary to access adult day habilitation services;

(f) Habilitation management, as described in section 5126.14 of the Revised Code.

(3) "Adult day habilitation services" does not include activities that are components of the provision of residential services, family support services, or supported living services.

(C) "Appointing authority" means the following:

(1) In the case of a member of a county board of developmental disabilities appointed by, or to be appointed by, a board of county commissioners, the board of county commissioners;

(2) In the case of a member of a county board appointed by, or to be appointed by, a senior probate judge, the senior probate judge.

(D) "Community employment," "competitive employment," and "integrated setting" have the same meanings as in section 5123.022 of the Revised Code.

(E) "Supported employment services" means vocational assessment, job training and coaching, job development and placement, worksite accessibility, and other services related to employment outside a sheltered workshop. "Supported employment services" includes both of the following:

(1) Job training resulting in the attainment of community

employment, supported work in a typical work environment, or 60819
self-employment; 60820

(2) Support for ongoing community employment, supported work 60821
at community-based sites, or self-employment. 60822

(F) "Developmental disability" means a severe, chronic 60823
disability that is characterized by all of the following: 60824

(1) It is attributable to a mental or physical impairment or 60825
a combination of mental and physical impairments, other than a 60826
mental or physical impairment solely caused by mental illness as 60827
defined in division (A) of section 5122.01 of the Revised Code; 60828

(2) It is manifested before age twenty-two; 60829

(3) It is likely to continue indefinitely; 60830

(4) It results in one of the following: 60831

(a) In the case of a person under age three, at least one 60832
developmental delay, as defined in rules adopted under section 60833
5123.011 of the Revised Code, or a diagnosed physical or mental 60834
condition that has a high probability of resulting in a 60835
developmental delay, as defined in those rules; 60836

(b) In the case of a person at least age three but under age 60837
six, at least two developmental delays, as defined in rules 60838
adopted under section 5123.011 of the Revised Code; 60839

(c) In the case of a person age six or older, a substantial 60840
functional limitation in at least three of the following areas of 60841
major life activity, as appropriate for the person's age: 60842
self-care, receptive and expressive language, learning, mobility, 60843
self-direction, capacity for independent living, and, if the 60844
person is at least age sixteen, capacity for economic 60845
self-sufficiency. 60846

(5) It causes the person to need a combination and sequence 60847
of special, interdisciplinary, or other type of care, treatment, 60848

or provision of services for an extended period of time that is 60849
individually planned and coordinated for the person. 60850

"Developmental disability" includes intellectual disability. 60851

(G) "Early childhood services" means a planned program of 60852
habilitation designed to meet the needs of individuals with 60853
developmental disabilities who have not attained compulsory school 60854
age. 60855

(H) "Employment services" means prevocational services or 60856
supported employment services. 60857

(I)(1) "Environmental modifications" means the physical 60858
adaptations to an individual's home, specified in the individual's 60859
service plan, that are necessary to ensure the individual's 60860
health, safety, and welfare or that enable the individual to 60861
function with greater independence in the home, and without which 60862
the individual would require institutionalization. 60863

(2) "Environmental modifications" includes such adaptations 60864
as installation of ramps and grab-bars, widening of doorways, 60865
modification of bathroom facilities, and installation of 60866
specialized electric and plumbing systems necessary to accommodate 60867
the individual's medical equipment and supplies. 60868

(3) "Environmental modifications" does not include physical 60869
adaptations or improvements to the home that are of general 60870
utility or not of direct medical or remedial benefit to the 60871
individual, including such adaptations or improvements as 60872
carpeting, roof repair, and central air conditioning. 60873

(J) "Family support services" means the services provided 60874
under a family support services program operated under section 60875
5126.11 of the Revised Code. 60876

(K) "Habilitation" means the process by which the staff of 60877
the facility or agency assists an individual with a developmental 60878

disability in acquiring and maintaining those life skills that 60879
enable the individual to cope more effectively with the demands of 60880
the individual's own person and environment, and in raising the 60881
level of the individual's personal, physical, mental, social, and 60882
vocational efficiency. Habilitation includes, but is not limited 60883
to, programs of formal, structured education and training. 60884

(L) "Home and community-based services" has the same meaning 60885
as in section 5123.01 of the Revised Code. 60886

(M) "ICF/IID" ~~has~~ and "ICF/IID services" have the same 60887
~~meaning~~ meanings as in section 5124.01 of the Revised Code. 60888

(N) "Immediate family" means parents, grandparents, brothers, 60889
sisters, spouses, sons, daughters, aunts, uncles, mothers-in-law, 60890
fathers-in-law, brothers-in-law, sisters-in-law, sons-in-law, and 60891
daughters-in-law. 60892

(O) "Intellectual disability" means a mental impairment 60893
manifested during the developmental period characterized by 60894
significantly subaverage general intellectual functioning existing 60895
concurrently with deficiencies in the effectiveness or degree with 60896
which an individual meets the standards of personal independence 60897
and social responsibility expected of the individual's age and 60898
cultural group. 60899

(P) "Medicaid case management services" means case management 60900
services provided to an individual with a developmental disability 60901
that the state medicaid plan requires. 60902

(Q) "Prevocational services" means services that provide 60903
learning and work experiences, including volunteer work 60904
experiences, from which an individual can develop general 60905
strengths and skills that are not specific to a particular task or 60906
job but contribute to employability in community employment, 60907
supported work at community-based sites, or self-employment. 60908

(R) "Residential services" means services to individuals with 60909

developmental disabilities to provide housing, food, clothing, 60910
habilitation, staff support, and related support services 60911
necessary for the health, safety, and welfare of the individuals 60912
and the advancement of their quality of life. "Residential 60913
services" includes program management, as described in section 60914
5126.14 of the Revised Code. 60915

(S) "Resources" means available capital and other assets, 60916
including moneys received from the federal, state, and local 60917
governments, private grants, and donations; appropriately 60918
qualified personnel; and appropriate capital facilities and 60919
equipment. 60920

(T) "Senior probate judge" means the current probate judge of 60921
a county who has served as probate judge of that county longer 60922
than any of the other current probate judges of that county. If a 60923
county has only one probate judge, "senior probate judge" means 60924
that probate judge. 60925

(U) "Service and support administration" means the duties 60926
performed by a service and support administrator pursuant to 60927
section 5126.15 of the Revised Code. 60928

(V)(1) "Specialized medical, adaptive, and assistive 60929
equipment, supplies, and supports" means equipment, supplies, and 60930
supports that enable an individual to increase the ability to 60931
perform activities of daily living or to perceive, control, or 60932
communicate within the environment. 60933

(2) "Specialized medical, adaptive, and assistive equipment, 60934
supplies, and supports" includes the following: 60935

(a) Eating utensils, adaptive feeding dishes, plate guards, 60936
mylatex straps, hand splints, reaches, feeder seats, adjustable 60937
pointer sticks, interpreter services, telecommunication devices 60938
for the deaf, computerized communications boards, other 60939
communication devices, support animals, veterinary care for 60940

support animals, adaptive beds, supine boards, prone boards, 60941
wedges, sand bags, sidelayers, bolsters, adaptive electrical 60942
switches, hand-held shower heads, air conditioners, humidifiers, 60943
emergency response systems, folding shopping carts, vehicle lifts, 60944
vehicle hand controls, other adaptations of vehicles for 60945
accessibility, and repair of the equipment received. 60946

(b) Nondisposable items not covered by medicaid that are 60947
intended to assist an individual in activities of daily living or 60948
instrumental activities of daily living. 60949

(W) "Supportive home services" means a range of services to 60950
families of individuals with developmental disabilities to develop 60951
and maintain increased acceptance and understanding of such 60952
persons, increased ability of family members to teach the person, 60953
better coordination between school and home, skills in performing 60954
specific therapeutic and management techniques, and ability to 60955
cope with specific situations. 60956

(X)(1) "Supported living" means services provided for as long 60957
as twenty-four hours a day to an individual with a developmental 60958
disability through any public or private resources, including 60959
moneys from the individual, that enhance the individual's 60960
reputation in community life and advance the individual's quality 60961
of life by doing the following: 60962

(a) Providing the support necessary to enable an individual 60963
to live in a residence of the individual's choice, with any number 60964
of individuals who are not disabled, or with not more than three 60965
individuals with developmental disabilities unless the individuals 60966
are related by blood or marriage; 60967

(b) Encouraging the individual's participation in the 60968
community; 60969

(c) Promoting the individual's rights and autonomy; 60970

(d) Assisting the individual in acquiring, retaining, and 60971

improving the skills and competence necessary to live successfully 60972
in the individual's residence. 60973

(2) "Supported living" includes the provision of all of the 60974
following: 60975

(a) Housing, food, clothing, habilitation, staff support, 60976
professional services, and any related support services necessary 60977
to ensure the health, safety, and welfare of the individual 60978
receiving the services; 60979

(b) A combination of lifelong or extended-duration 60980
supervision, training, and other services essential to daily 60981
living, including assessment and evaluation and assistance with 60982
the cost of training materials, transportation, fees, and 60983
supplies; 60984

(c) Personal care services and homemaker services; 60985

(d) Household maintenance that does not include modifications 60986
to the physical structure of the residence; 60987

(e) Respite care services; 60988

(f) Program management, as described in section 5126.14 of 60989
the Revised Code. 60990

Sec. 5126.042. (A) As used in this section₇: 60991

(1) "Alternative services" means the various programs, 60992
funding mechanisms, and services and supports, other than home and 60993
community-based services, that exist as part of the developmental 60994
service system and other service systems. "Alternative services" 60995
include services offered through the medicaid state plan, such as 60996
home health services and ICF/IID services. 60997

(2) "Department department of developmental 60998
disabilities-administered medicaid waiver component" means a 60999
medicaid waiver component administered by the department of 61000

developmental disabilities pursuant to section 5166.21 of the Revised Code. 61001
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(B) If a county board of developmental disabilities determines that available resources are not sufficient to meet the needs of all individuals who request non-medicaid programs or services, it shall establish one or more waiting lists for the non-medicaid programs or services in accordance with its plan developed under section 5126.04 of the Revised Code. The board may establish priorities for making placements on its waiting lists established under this division. Any such priorities shall be consistent with the board's plan and applicable law. 61003
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(C) If a county board determines that available resources are insufficient to enroll in department of developmental disabilities-administered medicaid waiver components all individuals who are assessed as needing home and community-based services and have requested those services, it shall establish a waiting list for the services in accordance with rules adopted under this section. Before placing an individual on a waiting list established under this division, the board shall inform the individual of available alternative services. The board also shall inform the individual of the list of providers maintained on the department's internet web site pursuant to section 5123.193 of the Revised Code. 61012
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(D) The director of developmental disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code governing a county board's waiting list established under division (C) of this section, including rules that establish all of the following: 61024
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(1) Procedures a county board is to follow to transition individuals from a waiting list the county board established under division (C) of this section before ~~the effective date of this amendment~~ September 29, 2017, to the waiting list the county board 61029
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establishes under that division after that date; 61033

(2) Procedures by which a county board is to ensure that the 61034
due process rights of individuals placed on the county board's 61035
waiting list are observed; 61036

(3) Criteria a county board is to use to determine all of the 61037
following: 61038

(a) An individual's eligibility to be placed on the county 61039
board's waiting list; 61040

(b) The date an individual was assessed as needing home and 61041
community-based services; 61042

(c) The order in which individuals on the county board's 61043
waiting list are to be offered enrollment in a department of 61044
developmental disabilities-administered medicaid waiver component; 61045

(d) The department of developmental disabilities-administered 61046
medicaid waiver component in which an individual on the county 61047
board's waiting list is to be offered enrollment. 61048

(4) Grounds for removing an individual from the county 61049
board's waiting list. 61050

(E) The director shall consult with all of the following when 61051
adopting rules under division (D) of this section: 61052

(1) Individuals with developmental disabilities; 61053

(2) Associations representing individuals with developmental 61054
disabilities and the families of such individuals; 61055

(3) Associations representing providers of services to 61056
individuals with developmental disabilities; 61057

(4) The Ohio association of county boards serving people with 61058
developmental disabilities. 61059

(F) The following shall take precedence over the applicable 61060
provisions of this section: 61061

(1) Medicaid rules and regulations; 61062

(2) Any specific requirements that may be contained within a 61063
medicaid state plan amendment or department of 61064
disabilities-administered medicaid waiver component with respect 61065
to which a county board has authority to provide services, 61066
programs, or supports. 61067

Sec. 5126.046. (A) Except as otherwise provided by 42 C.F.R. 61068
431.51, an individual with a developmental disability who is 61069
eligible for home and community-based services has the right to 61070
obtain the services from any provider of the services that is 61071
qualified to furnish the services and is willing to furnish the 61072
services to the individual. A county board of developmental 61073
disabilities that has medicaid local administrative authority 61074
under division (A) of section 5126.055 of the Revised Code for 61075
home and community-based services and refuses to permit an 61076
individual to obtain home and community-based services from a 61077
qualified and willing provider shall provide the individual timely 61078
notice that the individual may appeal under section 5160.31 of the 61079
Revised Code. 61080

(B) Except as otherwise provided by 42 C.F.R. 431.51, an 61081
individual with a developmental disability who is eligible for 61082
ICF/IID services has the right to obtain the services from any 61083
provider that is qualified to furnish the services and is willing 61084
to furnish the services to the individual. 61085

(C) An individual with a developmental disability who is 61086
eligible for both home and community-based services and ICF/IID 61087
services has the right to choose whether to receive home and 61088
community-based services or ICF/IID services. 61089

(D) An individual with a developmental disability who is 61090
eligible for nonmedicaid residential services or nonmedicaid 61091
supported living has the right to obtain the services from any 61092

provider of the residential services or supported living that is 61093
qualified to furnish the residential services or supported living 61094
and is willing to furnish the residential services or supported 61095
living to the individual. 61096

~~(C) The department of developmental disabilities shall make 61097
available to the public on its internet web site an up to date 61098
list of all providers of home and community based services, 61099
nonmedicaid residential services, and nonmedicaid supported 61100
living. County boards shall assist individuals with developmental 61101
disabilities and the families of such individuals access the list 61102
on the department's internet web site. 61103~~

~~(D)~~(E) The director of developmental disabilities shall adopt 61104
rules in accordance with Chapter 119. of the Revised Code 61105
governing the implementation of this section. The rules shall 61106
include procedures for individuals to choose their providers. 61107

Sec. 5126.047. (A) When an individual with a developmental 61108
disability or a person acting on such an individual's behalf 61109
contacts a county board of developmental disabilities about 61110
residential services, the county board shall inform the individual 61111
or person about the different types of residential services, 61112
including ICF/IID services, nonmedicaid residential services, and 61113
home and community-based services. When informing the individual 61114
or person about residential services, the county board shall do 61115
both of the following: 61116

(1) Provide the individual or person a written explanation of 61117
residential services, including ICF/IID services, developed by the 61118
department of developmental disabilities; 61119

(2) Inform the individual or person of the list of providers 61120
that the department of developmental disabilities maintains on its 61121
internet web site pursuant to section 5123.193 of the Revised 61122
Code. 61123

Sec. 5126.053. (A) Beginning April 1, 2020, and then annually 61124
thereafter on or before the first day of April each year, each 61125
county board of developmental disabilities shall submit to the 61126
department of developmental disabilities, in the format 61127
established pursuant to division (B) of this section, a five-year 61128
projection of revenues and expenditures. Each five-year projection 61129
shall be approved by the superintendent of the county board. 61130

The department shall review each five-year projection and may 61131
require a county board to do any of the following within the time 61132
frame specified by the department: 61133

(1) Submit additional information; 61134

(2) Permit employees or agents of the department to visit the 61135
county board to review documents and other records that are 61136
relevant to the department's review of the five-year projection; 61137

(3) Submit a revised five-year projection; 61138

(4) Complete any other action the director of developmental 61139
disabilities considers necessary in order to obtain an accurate 61140
five-year projection. 61141

(B) The department, in consultation with the Ohio association 61142
of county boards of developmental disabilities, shall establish 61143
guidelines for completing and formatting the five-year projection 61144
required by division (A) of this section. 61145

(C) In addition to reviewing a five-year projection submitted 61146
pursuant to division (A) of this section, the department, or an 61147
entity designated by or working under contract with the 61148
department, may conduct additional reviews as the department 61149
considers necessary to assess any county board's fiscal condition. 61150
The department shall provide prior notice to a county board of any 61151
planned review. 61152

The department may issue recommendations to discontinue or 61153

correct fiscal practices or budgetary conditions that prompted, or 61154
were discovered by, an additional review under this division. The 61155
superintendent of a county board shall respond in writing to any 61156
such recommendations within the time frame specified by the 61157
department. 61158

(D) If a county board fails to submit a five-year projection 61159
to the department on or before the date specified in division (A) 61160
of this section, the department may do any or all of the 61161
following: 61162

(1) Withhold any funds that it otherwise would distribute to 61163
the county board; 61164

(2) Conduct further reviews as necessary to complete the 61165
five-year projections at full cost to the county board; 61166

(3) Revoke the certification of the superintendent or the 61167
accreditation of the county board. 61168

(E) If the department determines that a county board 61169
willfully provided erroneous, inaccurate, or incomplete data as 61170
part of its five-year projection submitted pursuant to division 61171
(A) of this section, the department may take action as provided 61172
under division (D)(2) or (3) of this section. 61173

Sec. 5126.054. ~~(A) Each~~ Annually, on or before the 61174
thirty-first day of December each year, each county board of 61175
developmental disabilities shall, by resolution, develop a 61176
~~three-calendar year~~ and submit to the department of developmental 61177
disabilities an annual plan that includes the following ~~three~~ 61178
components: 61179

~~(1) An assessment component that includes all of the~~ 61180
~~following:~~ 61181

~~(a)(A)~~ (A) The number of individuals with developmental 61182
disabilities residing in the county who ~~need the level of care~~ 61183

~~provided by an ICF/IID, may seek home and community based services, and are placed on the county board's waiting list established for the services pursuant to section 5126.042 of the Revised Code; the service needs of those individuals; and the projected annualized cost for services;~~

~~(b) The source of funds available to the county board to pay the nonfederal share of medicaid expenditures that the county board is required by sections 5126.059 and 5126.0510 of the Revised Code to pay;~~

~~(e)(B) The projected number of individuals to whom the board intends to provide home and community-based services based on available funding as projected in the board's annual five-year projection report submitted pursuant to section 5126.053 of the Revised Code;~~

~~(C) How the services are to be phased in over the period the plan covers, including how the county board will serve the individuals identified in divisions (A)(1) and (2) of this section;~~

~~(D) Any other applicable information or conditions that the department of developmental disabilities requires as a condition of approving the component plan under section 5123.046 of the Revised Code.~~

~~(2) A preliminary implementation component that specifies the number of individuals to be provided, during the first year that the plan is in effect, home and community-based services pursuant to their placement on the county board's waiting list established for the services pursuant to section 5126.042 of the Revised Code and the types of home and community based services the individuals are to receive;~~

~~(3) A component that provides for the implementation of medicaid case management services and home and community based~~

~~services for individuals who begin to receive the services on or 61215
after the date the plan is approved under section 5123.046 of the 61216
Revised Code. A county board shall include all of the following in 61217
the component: 61218~~

~~(a) If the department of developmental disabilities or 61219
department of medicaid requires, an agreement to pay the 61220
nonfederal share of medicaid expenditures that the county board is 61221
required by sections 5126.059 and 5126.0510 of the Revised Code to 61222
pay: 61223~~

~~(b) How the services are to be phased in over the period the 61224
plan covers, including how the county board will serve individuals 61225
placed on the county board's waiting list established for the 61226
services pursuant to section 5126.042 of the Revised Code: 61227~~

~~(c) Any agreement or commitment regarding the county board's 61228
funding of home and community based services that the county board 61229
has with the department at the time the county board develops the 61230
component: 61231~~

~~(d) Assurances adequate to the department that the county 61232
board will comply with all of the following requirements: 61233~~

~~(i) To provide the types of home and community based services 61234
specified in the preliminary implementation component required by 61235
division (A)(2) of this section to at least the number of 61236
individuals specified in that component: 61237~~

~~(ii) To use any additional funds the county board receives 61238
for the services to improve the county board's resource 61239
capabilities for supporting such services available in the county 61240
at the time the component is developed and to expand the services 61241
to accommodate the unmet need for those services in the county: 61242~~

~~(iii) To employ or contract with a business manager or enter 61243
into an agreement with another county board of developmental 61244
disabilities that employs or contracts with a business manager to 61245~~

~~have the business manager serve both county boards. No 61246
superintendent of a county board may serve as the county board's 61247
business manager. 61248~~

~~(iv) To employ or contract with a medicaid services manager 61249
or enter into an agreement with another county board of 61250
developmental disabilities that employs or contracts with a 61251
medicaid services manager to have the medicaid services manager 61252
serve both county boards. No superintendent of a county board may 61253
serve as the county board's medicaid services manager. 61254~~

~~(e) Programmatic and financial accountability measures and 61255
projected outcomes expected from the implementation of the plan; 61256~~

~~(f) Any other applicable information or conditions that the 61257
department requires as a condition of approving the component 61258
under section 5123.046 of the Revised Code. 61259~~

~~(B) A county board whose plan developed under division (A) of 61260
this section is approved by the department under section 5123.046 61261
of the Revised Code shall update and renew the plan in accordance 61262
with a schedule the department shall develop. 61263~~

Sec. 5126.055. (A) Except as provided in section 5126.056 of 61265
the Revised Code, a county board of developmental disabilities has 61266
medicaid local administrative authority to, and shall, do all of 61267
the following for an individual with a developmental disability 61268
who resides in the county that the county board serves and seeks 61269
or receives home and community-based services: 61270

(1) Perform assessments and evaluations of the individual. As 61271
part of the assessment and evaluation process, all of the 61272
following apply: 61273

(a) The county board shall make a recommendation to the 61274
department of developmental disabilities on whether the department 61275
should approve or deny the individual's application for the 61276

services, including on the basis of whether the individual needs 61277
the level of care an ICF/IID provides. 61278

(b) If the individual's application is denied because of the 61279
county board's recommendation and the individual appeals pursuant 61280
to section 5160.31 of the Revised Code, the county board shall 61281
present, with the department of developmental disabilities or 61282
department of medicaid, whichever denies the application, the 61283
reasons for the recommendation and denial at the hearing. 61284

(c) If the individual's application is approved, the county 61285
board shall recommend to the departments of developmental 61286
disabilities and medicaid the services that should be included in 61287
the individual service plan. If either department under section 61288
5166.21 of the Revised Code approves, reduces, denies, or 61289
terminates a service included in the plan because of the county 61290
board's recommendation, the board shall present, with the 61291
department that made the approval, reduction, denial, or 61292
termination, the reasons for the recommendation and approval, 61293
reduction, denial, or termination at a hearing held pursuant to an 61294
appeal made under section 5160.31 of the Revised Code. 61295

(2) Perform any duties assigned to the county board in rules 61296
adopted under section 5126.046 of the Revised Code regarding the 61297
individual's right to choose a qualified and willing provider of 61298
the services and, at a hearing held pursuant to an appeal made 61299
under section 5160.31 of the Revised Code, present evidence of the 61300
process for appropriate assistance in choosing providers; 61301

(3) If the county board is certified under section 5123.161 61302
of the Revised Code to provide the services and agrees to provide 61303
the services to the individual and the individual chooses the 61304
county board to provide the services, furnish, in accordance with 61305
the county board's medicaid provider agreement and for the 61306
authorized reimbursement rate, the services the individual 61307
requires; 61308

(4) Monitor the services provided to the individual and ensure the individual's health, safety, and welfare. The monitoring shall include quality assurance activities. If the county board provides the services, the department of developmental disabilities shall also monitor the services.

(5) Develop, with the individual and the provider of the individual's services, an effective individual service plan that includes coordination of services, recommend that the departments of developmental disabilities and medicaid approve the plan, and implement the plan unless either department disapproves it. The plan shall include a summary page, agreed to by the county board, provider, and individual receiving services, that clearly outlines the amount, duration, and scope of services to be provided under the plan.

(6) Have an investigative agent conduct investigations under section 5126.313 of the Revised Code that concern the individual;

(7) Have a service and support administrator perform the duties under division (B)~~(9)~~(8) of section 5126.15 of the Revised Code that concern the individual.

(B) A county board shall perform its medicaid local administrative authority under this section in accordance with all of the following:

(1) The county board's plan that the department of developmental disabilities approves under section 5123.046 of the Revised Code;

(2) All applicable federal and state laws;

(3) All applicable policies of the departments of developmental disabilities and medicaid and the United States department of health and human services;

(4) The department of medicaid's supervision under its

authority as the single state medicaid agency; 61339

(5) The department of developmental disabilities' oversight. 61340

(C) The departments of developmental disabilities and 61341
medicaid shall communicate with and provide training to county 61342
boards regarding medicaid local administrative authority granted 61343
by this section. The communication and training shall include 61344
issues regarding audit protocols and other standards established 61345
by the United States department of health and human services that 61346
the departments determine appropriate for communication and 61347
training. County boards shall participate in the training. The 61348
departments shall assess the county board's compliance against 61349
uniform standards that the departments shall establish. 61350

(D) A county board may not delegate its medicaid local 61351
administrative authority granted under this section but may 61352
contract with a person or government entity, including a council 61353
of governments, for assistance with its medicaid local 61354
administrative authority. A county board that enters into such a 61355
contract shall notify the director of developmental disabilities. 61356
The notice shall include the tasks and responsibilities that the 61357
contract gives to the person or government entity. The person or 61358
government entity shall comply in full with all requirements to 61359
which the county board is subject regarding the person or 61360
government entity's tasks and responsibilities under the contract. 61361
The county board remains ultimately responsible for the tasks and 61362
responsibilities. 61363

(E) A county board that has medicaid local administrative 61364
authority under this section shall, through the departments of 61365
developmental disabilities and medicaid, reply to, and cooperate 61366
in arranging compliance with, a program or fiscal audit or program 61367
violation exception that a state or federal audit or review 61368
discovers. The department of medicaid shall timely notify the 61369
department of developmental disabilities and the county board of 61370

any adverse findings. After receiving the notice, the county board, in conjunction with the department of developmental disabilities, shall cooperate fully with the department of medicaid and timely prepare and send to the department a written plan of correction or response to the adverse findings. The county board is liable for any adverse findings that result from an action it takes or fails to take in its implementation of medicaid local administrative authority.

(F) If the department of developmental disabilities or department of medicaid determines that a county board's implementation of its medicaid local administrative authority under this section is deficient, the department that makes the determination shall require that county board do the following:

(1) If the deficiency affects the health, safety, or welfare of an individual with a developmental disability, correct the deficiency within twenty-four hours;

(2) If the deficiency does not affect the health, safety, or welfare of an individual with a developmental disability, receive technical assistance from the department or submit a plan of correction to the department that is acceptable to the department within sixty days and correct the deficiency within the time required by the plan of correction.

Sec. 5126.056. (A) The department of developmental disabilities shall take action under division (B) of this section against a county board of developmental disabilities if any of the following are the case:

(1) The county board fails to submit to the department all the components of its ~~three-year~~ annual plan required by section 5126.054 of the Revised Code.

(2) The department disapproves the county board's ~~three-year~~

annual plan under section 5123.046 of the Revised Code. 61401

~~(3) The county board fails, as required by division (B) of section 5126.054 of the Revised Code, to update and renew its three year plan in accordance with a schedule the department develops under that section.~~ 61402
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~~(4) The county board fails to implement its initial or renewed three year annual plan approved by the department.~~ 61406
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~~(5)~~(4) The county board fails to correct a deficiency within the time required by division (F) of section 5126.055 of the Revised Code to the satisfaction of the department. 61408
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~~(6)~~(5) The county board fails to submit an acceptable plan of correction to the department within the time required by division (F)(2) of section 5126.055 of the Revised Code. 61411
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(B) If required by division (A) of this section to take action against a county board, the department shall issue an order terminating the county board's medicaid local administrative authority over all or part of home and community-based services, medicaid case management services, or all or part of both of those services. The department shall provide a copy of the order to the board of county commissioners, senior probate judge, county auditor, and president and superintendent of the county board. The department shall specify in the order the medicaid local administrative authority that the department is terminating, the reason for the termination, and the county board's option and responsibilities under this division. 61414
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A county board whose medicaid local administrative authority is terminated may, not later than thirty days after the department issues the termination order, recommend to the department that another county board that has not had any of its medicaid local administrative authority terminated or another entity the department approves administer the services for which the county 61426
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board's medicaid local administrative authority is terminated. The 61432
department may contract with the other county board or entity to 61433
administer the services. If the department enters into such a 61434
contract, the county board shall adopt a resolution giving the 61435
other county board or entity full medicaid local administrative 61436
authority over the services that the other county board or entity 61437
is to administer. The other county board or entity shall be known 61438
as the contracting authority. 61439

If the department rejects the county board's recommendation 61440
regarding a contracting authority, the county board may appeal the 61441
rejection under section 5123.043 of the Revised Code. 61442

If the county board does not submit a recommendation to the 61443
department regarding a contracting authority within the required 61444
time or the department rejects the county board's recommendation 61445
and the rejection is upheld pursuant to an appeal, if any, under 61446
section 5123.043 of the Revised Code, the department shall appoint 61447
an administrative receiver to administer the services for which 61448
the county board's medicaid local administrative authority is 61449
terminated. To the extent necessary for the department to appoint 61450
an administrative receiver, the department may utilize employees 61451
of the department, management personnel from another county board, 61452
or other individuals who are not employed by or affiliated with in 61453
any manner a person that provides home and community-based 61454
services or medicaid case management services pursuant to a 61455
contract with any county board. The administrative receiver shall 61456
assume full administrative responsibility for the county board's 61457
services for which the county board's medicaid local 61458
administrative authority is terminated. 61459

The contracting authority or administrative receiver shall 61460
develop and submit to the department a plan of correction to 61461
remediate the problems that caused the department to issue the 61462
termination order. If, after reviewing the plan, the department 61463

approves it, the contracting authority or administrative receiver 61464
shall implement the plan. 61465

The county board shall transfer control of state and federal 61466
funds it is otherwise eligible to receive for the services for 61467
which the county board's medicaid local administrative authority 61468
is terminated and funds the county board may use under division 61469
(A) of section 5126.0511 of the Revised Code to pay the nonfederal 61470
share of the services that the county board is required by 61471
sections 5126.059 and 5126.0510 of the Revised Code to pay. The 61472
county board shall transfer control of the funds to the 61473
contracting authority or administrative receiver administering the 61474
services. The amount the county board shall transfer shall be the 61475
amount necessary for the contracting authority or administrative 61476
receiver to fulfill its duties in administering the services, 61477
including its duties to pay its personnel for time worked, travel, 61478
and related matters. If the county board fails to make the 61479
transfer, the department may withhold the state and federal funds 61480
from the county board and bring a mandamus action against the 61481
county board in the court of common pleas of the county served by 61482
the county board or in the Franklin county court of common pleas. 61483
The mandamus action may not require that the county board transfer 61484
any funds other than the funds the county board is required by 61485
division (B) of this section to transfer. 61486

The contracting authority or administrative receiver has the 61487
right to authorize the payment of bills in the same manner that 61488
the county board may authorize payment of bills under this chapter 61489
and section 319.16 of the Revised Code. 61490

Sec. 5126.15. (A) A county board of developmental 61491
disabilities shall provide service and support administration to 61492
each individual three years of age or older who is eligible for 61493
service and support administration if the individual requests, or 61494

a person on the individual's behalf requests, service and support 61495
administration. A board shall provide service and support 61496
administration to each individual receiving home and 61497
community-based services. A board may provide, in accordance with 61498
the service coordination requirements of 34 C.F.R. 303.23, service 61499
and support administration to an individual under three years of 61500
age eligible for early intervention services under 34 C.F.R. part 61501
303. A board may provide service and support administration to an 61502
individual who is not eligible for other services of the board. 61503
Service and support administration shall be provided in accordance 61504
with rules adopted under section 5126.08 of the Revised Code. 61505

A board may provide service and support administration by 61506
directly employing service and support administrators or by 61507
contracting with entities for the performance of service and 61508
support administration. Individuals employed or under contract as 61509
service and support administrators shall not be in the same 61510
collective bargaining unit as employees who perform duties that 61511
are not administrative. 61512

A service and support administrator shall perform only the 61513
duties specified in division (B) of this section. While employed 61514
by or under contract with a board, a service and support 61515
administrator shall neither be employed by or serve in a 61516
decision-making or policy-making capacity for any other entity 61517
that provides programs or services to individuals with 61518
developmental disabilities nor provide programs or services to 61519
individuals with ~~mental retardation or~~ developmental disabilities 61520
through self-employment. 61521

(B) A service and support administrator shall do all of the 61522
following: 61523

(1) Establish an individual's eligibility for the services of 61524
the county board of developmental disabilities; 61525

- (2) Assess individual needs for services; 61526
- (3) Develop individual service plans with the active 61527
participation of the individual to be served, other persons 61528
selected by the individual, and, when applicable, the provider 61529
selected by the individual, and recommend the plans for approval 61530
by the department of developmental disabilities when services 61531
included in the plans are funded through medicaid; 61532
- (4) Establish budgets for services based on the individual's 61533
assessed needs and preferred ways of meeting those needs; 61534
- (5) Assist individuals in making selections from among the 61535
providers they have chosen; 61536
- (6) Ensure that services are effectively coordinated and 61537
provided by appropriate providers; 61538
- (7) Establish and implement an ongoing system of monitoring 61539
the implementation of individual service plans to achieve 61540
consistent implementation and the desired outcomes for the 61541
individual; 61542
- (8) ~~Perform quality assurance reviews as a distinct function~~ 61543
~~of service and support administration;~~ 61544
- ~~(9) Incorporate the results of quality assurance reviews and~~ 61545
~~identified trends and patterns of unusual incidents and major~~ 61546
~~unusual incidents into amendments of an individual's service plan~~ 61547
~~for the purpose of improving and enhancing the quality and~~ 61548
~~appropriateness of services rendered to the individual.~~ 61549
- Sec. 5139.87.** (A) The department of youth services shall 61550
serve as the state agent for the administration of ~~all~~ federal 61551
juvenile justice grants awarded to the state. 61552
- (B) There ~~are~~ is hereby created in the state treasury the 61553
~~federal~~ juvenile justice ~~programs funds~~ and delinquency prevention 61554
fund. ~~A separate fund shall be established each federal fiscal~~ 61555

~~year.~~ All federal grants and other moneys received for federal 61556
juvenile programs shall be deposited into the ~~funds~~ fund. All 61557
receipts deposited into the ~~funds~~ fund shall be used for federal 61558
juvenile programs. All investment earnings on the cash balance in 61559
~~a federal juvenile program~~ the fund shall be credited to ~~that~~ the 61560
fund for the appropriate federal fiscal year. The department of 61561
youth services shall maintain a financial activity report of each 61562
individual grant within the fund, including any expenses or 61563
revenues credited to those individual grants. 61564

~~(C) All rules, orders, and determinations of the office of~~ 61565
~~eriminal justice services regarding the administration of federal~~ 61566
~~juvenile justice grants that are in effect on the effective date~~ 61567
~~of this amendment shall continue in effect as rules, orders, and~~ 61568
~~determinations of the department of youth services.~~ 61569

Sec. 5145.162. (A) There is hereby created the office of 61570
enterprise development advisory board to advise and assist the 61571
department of rehabilitation and correction with the creation of 61572
training programs and jobs for inmates and releasees through 61573
partnerships with private sector businesses. The board shall 61574
consist of at least five appointed members and the staff 61575
representative assigned by the correctional institution inspection 61576
committee, who shall serve as an ex officio member. Each member 61577
shall have experience in labor relations, marketing, business 61578
management, or business. The members and chairperson shall be 61579
appointed by the director of the department of rehabilitation and 61580
correction. 61581

(B) Each member of the advisory board shall receive no 61582
compensation but may be reimbursed for expenses actually and 61583
necessarily incurred in the performance of official duties of the 61584
board. Members of the board who are state employees shall be 61585
reimbursed for expenses pursuant to travel rules promulgated by 61586

the office of budget and management. 61587

(C) The advisory board shall adopt procedures for the conduct 61588
of the board's meetings. The board shall meet at least once every 61589
quarter, and otherwise shall meet at the call of the chairperson 61590
or the director of the department of rehabilitation and 61591
correction. Sixty per cent of the members shall constitute a 61592
quorum. No transaction of the board's business shall be taken 61593
without the concurrence of a quorum of the members. The board may 61594
have committees with persons who are not members of the board but 61595
whose experience and expertise is relevant and useful to the work 61596
of the committee. 61597

(D) The advisory board shall have the following duties: 61598

(1) Solicit business proposals offering job training, 61599
apprenticeship, education programs, and employment opportunities 61600
for inmates and, releasees, and Ohio penal industries; 61601

(2) Provide information and input to the office of enterprise 61602
development to support the job training and employment program of 61603
inmates and releasees and any additional, related duties as 61604
requested by the director of the department of rehabilitation and 61605
correction; 61606

(3) Recommend to the office of enterprise development any 61607
legislation, administrative rule, or department policy change that 61608
the board believes is necessary to implement the department's 61609
program; 61610

(4) Promote public awareness of the office of enterprise 61611
development and the office's employment program; 61612

(5) Familiarize itself and the public with avenues to access 61613
the office of enterprise development on employment program 61614
concerns; 61615

(6) Advocate for the needs and concerns of the office of 61616

enterprise development in local communities, counties, and the state; 61617
61618

(7) Play an active role in the office of enterprise development's efforts to reduce recidivism in the state by doing all of the following: 61619
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61621

(a) Providing input and making recommendations for the office's consideration in monitoring employment program compliance and effectiveness; 61622
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(b) Making suggestions on the appropriate priorities for the office's grant award criteria; 61625
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(c) Being a liaison between the office and constituents of the board's members; 61627
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(d) Working to develop constituent groups interested in employment program issues; 61629
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(8) Aid in the employment program development process by playing a leadership role in professional associations by discussing employment program issues. 61631
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(E) The department of rehabilitation and correction shall initially screen each proposal obtained under division (D)(1) of this section to ensure that the proposal is a viable venture to pursue. If the department determines that a proposal is a viable venture to pursue, the department shall submit the proposal to the board for objective review against established guidelines. The board shall determine whether to recommend the implementation of the program to the department. 61634
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Sec. 5149.38. (A) In each ~~target county and in each~~ voluntary county, subject to division (B) of this section and not later than ~~thirty days after the effective date of this section~~ October 29, 2017, a county commissioner representing the board of county commissioners of the county, the administrative judge of the 61642
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general division of the court of common pleas of the county, the 61647
sheriff of the county, and an official from any municipality 61648
operating a local correctional facility in the county to which 61649
courts of the county sentence offenders shall agree to, sign, and 61650
submit to the department of rehabilitation and correction for its 61651
approval a memorandum of understanding that does both of the 61652
following: 61653

(1) Sets forth the plans by which the county will use grant 61654
money provided to the county in state fiscal year 2018 and 61655
succeeding state fiscal years under the targeting community 61656
alternatives to prison (T-CAP) program. ~~i~~ 61657

(2) Specifies the manner in which the county will address a 61658
per diem reimbursement of local correctional facilities for 61659
prisoners who serve a prison term in the facility pursuant to 61660
division (B)(3)(c) of section 2929.34 of the Revised Code. The per 61661
diem reimbursement rate shall be the rate determined in division 61662
(F)(1) of this section and shall be specified in the memorandum. 61663

(B) Two or more ~~target counties or~~ voluntary counties may 61664
join together to jointly establish a memorandum of understanding 61665
of the type described in division (A) of this section. Not later 61666
than ~~thirty days after the effective date of this section~~ October 61667
29, 2017, a county commissioner from each of the affiliating 61668
~~target counties or~~ voluntary counties representing the county's 61669
board of county commissioners, the administrative judge of the 61670
general division of the court of common pleas of each affiliating 61671
~~target county or~~ voluntary county, the sheriff of each affiliating 61672
~~target county or~~ voluntary county, and an official from any 61673
municipality operating a local correctional facility in the 61674
affiliating ~~target counties and~~ voluntary counties to which courts 61675
of the counties sentence offenders shall agree to, sign, and 61676
submit to the department of rehabilitation and correction for its 61677

approval the memorandum of understanding. The memorandum of 61678
understanding shall set forth the plans by which, and specify the 61679
manner in which, the affiliating counties will complete the tasks 61680
identified in divisions (A)(1) and (2) of this section. 61681

(C) The department of rehabilitation and correction shall 61682
adopt rules establishing standards for approval of memorandums of 61683
understanding submitted to it under division (A) or (B) of this 61684
section. The department shall review the memorandums of 61685
understanding submitted to it and may require the county or 61686
counties that submit a memorandum to modify the memorandum. The 61687
director of rehabilitation and correction shall approve 61688
memorandums of understanding submitted to it under division (A) or 61689
(B) of this section that the director determines satisfy the 61690
standards adopted by the department within thirty days after 61691
receiving each memorandum submitted. 61692

(D) Any person responsible for agreeing to, signing, and 61693
submitting a memorandum of understanding under division (A) or (B) 61694
of this section may delegate the person's authority to do so to an 61695
employee of the agency, entity, or office served by the person. 61696

(E) The persons signing a memorandum of understanding under 61697
division (A) or (B) of this section, or their successors in 61698
office, may revise the memorandum as they determine necessary. Any 61699
revision of the memorandum shall be signed by the parties 61700
specified in division (A) or (B) of this section and submitted to 61701
the department of rehabilitation and correction for its approval 61702
under division (C) of this section within thirty days after the 61703
beginning of the state fiscal year. 61704

(F)(1) In each county, ~~the sheriff shall determine the per~~ 61705
~~diem costs for local correctional facilities in the county for the~~ 61706
~~housing of prisoners who serve a term in the facility pursuant to~~ 61707
~~division (B)(3)(c) of section 2929.34 of the Revised Code, as~~ 61708
~~follows:~~ 61709

~~(a) In calendar year 2017, not later than the date on which the appropriate representatives of the county enter into a contract with the department of rehabilitation and correction under the targeting community alternatives to prison (T-CAP) program, the sheriff shall determine the per diem costs for each of the facilities for the housing in the facility of prisoners serving a prison term for a felony in calendar year 2016. The per diem cost so determined shall apply in calendar year 2017.~~

~~(b) Commencing commencing in calendar year 2018, on or before the first day of February of each calendar year the sheriff shall determine the per diem costs for the preceding calendar year for each of the local correctional facilities for the housing in the facility of prisoners who serve a term in it pursuant to division (B)(3)(c) of section 2929.34 of the Revised Code. The per diem cost so determined shall apply in the calendar year in which the determination is made.~~

(2) For each county, the per diem cost determined under division (F)(1) of this section that applies with respect to a facility in a specified calendar year shall be the per diem rate of reimbursement in that calendar year, under the targeting community alternatives to prison (T-CAP) program, for prisoners who serve a term in the facility pursuant to division (B)(3)(c) of section 2929.34 of the Revised Code.

(3) The per diem costs of housing determined under division (F)(1) of this section for a facility shall be the actual costs of housing the specified prisoners in the facility, on a per diem basis.

(G) As used in this section:

(1) "Local correctional facility" means a facility of a type described in division (C) or (D) of section 2929.34 of the Revised Code.

(2) ~~"Target county" and "voluntary~~ "Voluntary county" have 61741
has the same meanings as in section 2929.34 of the Revised Code. 61742

Sec. 5160.01. As used in this chapter: 61743

(A) "Assisted living program" has the same meaning as in 61744
section 173.51 of the Revised Code. 61745

(B) "Dual eligible individual" has the same meaning as in the 61746
"Social Security Act," section 1915(h)(2)(B), 42 U.S.C. 61747
1396n(h)(2)(B). A dual eligible individual is a medicare-medicaid 61748
enrollee (MME). 61749

~~(B)~~(C) "Exchange" has the same meaning as in 45 C.F.R. 61750
155.20. 61751

~~(C)~~(D) "Federal financial participation" means the federal 61752
government's share of expenditures made by an entity in 61753
implementing a medical assistance program. 61754

~~(D)~~(E) "Medical assistance program" means all of the 61755
following: 61756

(1) The medicaid program; 61757

(2) The children's health insurance program; 61758

(3) The refugee medical assistance program; 61759

(4) Any other program that provides medical assistance and 61760
state statutes authorize the department of medicaid to administer. 61761

~~(E)~~(F) "Medical assistance recipient" means a recipient of a 61762
medical assistance program. To the extent appropriate in the 61763
context, "medical assistance recipient" includes an individual 61764
applying for a medical assistance program, a former medical 61765
assistance recipient, or both. 61766

~~(F)~~(G) "Medicaid managed care organization" has the same 61767
meaning as in section 5167.01 of the Revised Code. 61768

(H) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code. 61769
61770

~~(G)~~(I) "Refugee medical assistance program" means the program 61771
that the department of medicaid administers pursuant to section 61772
5160.50 of the Revised Code. 61773

(J) "Residential care facility" has the same meaning as in section 3721.01 of the Revised Code. 61774
61775

Sec. 5160.48. (A)(1) The medicaid director shall adopt rules 61776
under section 5160.02 of the Revised Code implementing sections 61777
5160.45 to 5160.481 of the Revised Code and governing the custody, 61778
use, disclosure, and preservation of the information generated or 61779
received by the department of medicaid, county departments of job 61780
and family services, other state and county entities, contractors, 61781
grantees, private entities, or officials participating in the 61782
administration of medical assistance programs. ~~The~~ 61783

Subject to division (A)(2) of this section, the rules shall 61784
be adopted in accordance with Chapter 119. of the Revised Code. 61785
The rules may define who is an "authorized representative" for 61786
purposes of sections 5160.45 and 5160.46 of the Revised Code. The 61787
rules shall specify conditions and procedures for the release of 61788
information, which may include both of the following: 61789

~~(1)~~(a) Permitting a provider of a service under a medical 61790
assistance program limited access to information that is essential 61791
for the provider to render the service or to bill for the service 61792
rendered; 61793

~~(2)~~(b) Permitting a contractor, grantee, or other state or 61794
county entity limited access to information that is essential for 61795
the contractor, grantee, or entity to perform administrative or 61796
other duties on behalf of the department or a county department. 61797

(2) In the case of a medical assistance recipient who is a 61798

resident of a nursing facility or residential care facility, and 61799
the facility participates in the assisted living program, a county 61800
department of job and family services shall automatically 61801
designate the nursing facility or residential care facility as the 61802
recipient's primary authorized representative at the time of the 61803
application for medical assistance. Both of the following apply to 61804
a facility that is automatically designated as an authorized 61805
representative pursuant to this division: 61806

(a) The facility shall be considered an authorized 61807
representative for purposes of sections 5160.45 and 5160.46 of the 61808
Revised Code and shall be subject to all rules regarding 61809
authorized representatives that are adopted under division (A)(1) 61810
of this section; 61811

(b) The facility may resign as an authorized representative. 61812

A medical assistance recipient may designate additional 61813
authorized representatives in the manner provided for in rules. 61814

(B) The department of aging, when investigating a complaint 61815
under section 173.20 of the Revised Code, shall be granted any 61816
limited access permitted in the rules authorized by division 61817
(A)(1)(a) of this section. 61818

A contractor, grantee, or entity given access to information 61819
pursuant to the rules authorized by division (A)~~(2)~~(1)(b) of this 61820
section is bound by the director's rules. Disclosure of the 61821
information by the contractor, grantee, or entity in a manner not 61822
authorized by the rules is a violation of section 5160.45 of the 61823
Revised Code. 61824

Sec. 5162.01. (A) As used in the Revised Code: 61825

(1) "Medicaid" and "medicaid program" mean the program of 61826
medical assistance established by Title XIX of the "Social 61827
Security Act," 42 U.S.C. 1396 et seq., including any medical 61828

assistance provided under the medicaid state plan or a federal
medicaid waiver granted by the United States secretary of health
and human services.

(2) "Medicare" and "medicare program" mean the federal health
insurance program established by Title XVIII of the "Social
Security Act," 42 U.S.C. 1395 et seq.

(B) As used in this chapter:

~~(1) "Dual eligible individual" has the same meaning as in
section 5160.01 of the Revised Code.~~

~~(2)~~ "Exchange" has the same meaning as in 45 C.F.R. 155.20.

~~(3)~~(2) "Federal financial participation" has the same meaning
as in section 5160.01 of the Revised Code.

~~(4)~~(3) "Federal poverty line" means the official poverty line
defined by the United States office of management and budget based
on the most recent data available from the United States bureau of
the census and revised by the United States secretary of health
and human services pursuant to the "Omnibus Budget Reconciliation
Act of 1981," section 673(2), 42 U.S.C. 9902(2).

~~(5)~~(4) "Healthcheck" has the same meaning as in section
5164.01 of the Revised Code.

~~(6)~~(5) "Healthy start component" means the component of the
medicaid program that covers pregnant women and children and is
identified in rules adopted under section 5162.02 of the Revised
Code as the healthy start component.

~~(7)~~(6) "Home and community-based services" means services
provided under a home and community-based services medicaid waiver
component.

~~(8)~~(7) "Home and community-based services medicaid waiver
component" has the same meaning as in section 5166.01 of the
Revised Code.

~~(9)~~(8) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code. 61859
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~~(10)~~(9) "Individualized education program" has the same meaning as in section 3323.011 of the Revised Code. 61861
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~~(11)~~(10) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code. 61863
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~~(12)~~(11) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code. 61865
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~~(13)~~(12) "Medicaid services" has the same meaning as in section 5164.01 of the Revised Code. 61867
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~~(14)~~(13) "Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code; 61869
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~~(15)~~(14) "Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code. 61871
61872

~~(16)~~(15) "Ordering or referring only provider" means a medicaid provider who orders, prescribes, refers, or certifies a service or item reported on a claim for medicaid payment but does not bill for medicaid services. 61873
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~~(17)~~(16) "Political subdivision" means a municipal corporation, township, county, school district, or other body corporate and politic responsible for governmental activities only in a geographical area smaller than that of the state. 61877
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~~(18)~~(17) "Prescribed drug" has the same meaning as in section 5164.01 of the Revised Code. 61881
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~~(19)~~(18) "Provider agreement" has the same meaning as in section 5164.01 of the Revised Code. 61883
61884

~~(20)~~(19) "Qualified medicaid school provider" means the board of education of a city, local, or exempted village school district, the governing board of an educational service center, the governing authority of a community school established under 61885
61886
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61888

Chapter 3314. of the Revised Code, the state school for the deaf, 61889
and the state school for the blind to which both of the following 61890
apply: 61891

(a) It holds a valid provider agreement. 61892

(b) It meets all other conditions for participation in the 61893
medicaid school component of the medicaid program established in 61894
rules authorized by section 5162.364 of the Revised Code. 61895

~~(21)~~(20) "State agency" means every organized body, office, 61896
or agency, other than the department of medicaid, established by 61897
the laws of the state for the exercise of any function of state 61898
government. 61899

~~(22)~~(21) "Vendor offset" means a reduction of a medicaid 61900
payment to a medicaid provider to correct a previous, incorrect 61901
medicaid payment to that provider. 61902

Sec. 5162.12. (A) The medicaid director shall enter into a 61903
contract with one or more persons to receive and process, on the 61904
director's behalf, requests for medicaid recipient or claims 61905
payment data, data from reports of audits conducted under section 61906
5165.109 of the Revised Code, or extracts or analyses of any of 61907
the foregoing data made by persons who intend to use the items 61908
prepared pursuant to the requests for commercial or academic 61909
purposes. 61910

(B) At a minimum, a contract entered into under this section 61911
shall do both of the following: 61912

(1) Authorize the contracting person to engage in the 61913
activities described in division (A) of this section for 61914
compensation, which must be stated as a percentage of the fees 61915
paid by persons who are provided the items; 61916

(2) Require the contracting person to charge for an item 61917
prepared pursuant to a request a fee in an amount equal to one 61918

hundred two per cent of the cost the department of medicaid incurs 61919
in making the data used to prepare the item available to the 61920
contracting person. 61921

(C) Except as required by federal or state law and subject to 61922
division (E) of this section, both of the following conditions 61923
apply with respect to a request for data described in division (A) 61924
of this section: 61925

(1) The request shall be made through a person who has 61926
entered into a contract with the medicaid director under this 61927
section. 61928

(2) An item prepared pursuant to the request may be provided 61929
to the department of medicaid and is confidential and not subject 61930
to disclosure under section 149.43 or 1347.08 of the Revised Code. 61931

(D) The medicaid director shall use fees the director 61932
receives pursuant to a contract entered into under this section to 61933
pay obligations specified in contracts entered under this section. 61934
Any money remaining after the obligations are paid shall be 61935
deposited in the health care/medicaid support and recoveries fund 61936
created under section 5162.52 of the Revised Code. 61937

(E) This section does not apply to requests for medicaid 61938
recipient or claims payment data, data from reports of audits 61939
conducted under section 5165.109 of the Revised Code, or extracts 61940
or analyses of any of the foregoing data that are for any of the 61941
following purposes: 61942

(1) Treatment of medicaid recipients; 61943

(2) Payment of medicaid claims; 61944

(3) Establishment or management of medicaid third party 61945
liability pursuant to sections 5160.35 to 5160.43 of the Revised 61946
Code; 61947

(4) Compliance with the terms of an agreement the medicaid 61948

director enters into for purposes of administering the medicaid 61949
program+ 61950

~~(5) Compliance with an operating protocol the executive 61951
director of the office of health transformation or the executive 61952
director's designee adopts under division (D) of section 191.06 of 61953
the Revised Code. 61954~~

Sec. 5162.137. The department of medicaid shall develop 61955
findings based on the quarterly reports provided to the department 61956
by pharmacy benefit managers under section 5167.242 of the Revised 61957
Code. The department shall complete a report detailing the 61958
findings not later than sixty days after receiving each quarterly 61959
report. The report shall be submitted to the general assembly in 61960
accordance with section 101.68 of the Revised Code. Upon request, 61961
the department also shall testify about its findings before, 61962
either chamber of the general assembly or the joint medicaid 61963
oversight committee. The department shall keep as confidential any 61964
document or information marked "confidential" or "proprietary" and 61965
shall redact any information as necessary before it becomes 61966
public, except that the department may share the document or 61967
information with other state agencies or entities. 61968

Sec. 5162.138. At the end of each year that the shared 61969
savings program established under section 5167.35 of the Revised 61970
Code is operated, the department of medicaid shall complete a 61971
report detailing the department's findings and recommendations 61972
regarding the program for that year. The department shall submit 61973
the reports to the governor and, in accordance with section 101.68 61974
of the Revised Code, the general assembly. 61975

Sec. 5162.139. At the end of each year that the quality 61976
incentive program established under section 5167.36 of the Revised 61977
Code is operated, the department of medicaid shall complete a 61978

report detailing the department's findings and recommendations 61979
regarding the program for that year. The department shall submit 61980
the reports to the governor and, in accordance with section 101.68 61981
of the Revised Code, the general assembly. 61982

Sec. 5162.364. The medicaid director shall adopt rules under 61983
section 5162.02 of the Revised Code as necessary to implement the 61984
medicaid school component of the medicaid program, including rules 61985
that establish or specify all of the following: 61986

(A) Conditions a board of education of a city, local, or 61987
exempted school district, a governing board of an educational 61988
service center, governing authority of a community school 61989
established under Chapter 3314. of the Revised Code, the state 61990
school for the deaf, and the state school for the blind must meet 61991
to participate in the component; 61992

(B) Services the component covers; 61993

(C) Payment rates for the services the component covers. 61994

The rules shall be adopted in accordance with Chapter 119. of 61995
the Revised Code. 61996

Sec. 5162.52. (A) The health care/medicaid support and 61997
recoveries fund is hereby created in the state treasury. All of 61998
the following shall be credited to the fund: 61999

(1) Except as otherwise provided by statute or as authorized 62000
by the controlling board, the nonfederal share of all 62001
medicaid-related revenues, collections, and recoveries; 62002

(2) Federal reimbursement received for payment adjustments 62003
made pursuant to section 1923 of the "Social Security Act," 62004
~~section 1923,~~ 42 U.S.C. 1396r-4, under the medicaid program to 62005
state mental health hospitals maintained and operated by the 62006
department of mental health and addiction services under division 62007

(A) of section 5119.14 of the Revised Code;	62008
(3) Revenues the department of medicaid receives from another state agency for medicaid services pursuant to an interagency agreement;	62009 62010 62011
(4) The money the department of medicaid receives in a fiscal year for performing eligibility verification services necessary for compliance with the independent, certified audit requirement of 42 C.F.R. 455.304;	62012 62013 62014 62015
(5) The nonfederal share of all rebates paid by drug manufacturers to the department of medicaid in accordance with a rebate agreement required by <u>section 1927 of</u> the "Social Security Act," section 1927, 42 U.S.C. 1396r-8;	62016 62017 62018 62019
(6) The nonfederal share of all supplemental rebates paid by drug manufacturers to the department of medicaid in accordance with the supplemental drug rebate program established under section 5164.755 of the Revised Code;	62020 62021 62022 62023
(7) Amounts deposited into the fund pursuant to sections 5162.12, 5162.40, and 5162.41 of the Revised Code;	62024 62025
(8) The application fees charged to providers under section 5164.31 of the Revised Code;	62026 62027
(9) The fines collected under section 5165.1010 of the Revised Code;	62028 62029
(10) Amounts from assessments on hospitals under section 5168.06 of the Revised Code and intergovernmental transfers by governmental hospitals under section 5168.07 of the Revised Code that are deposited into the fund in accordance with the law.	62030 62031 62032 62033
(B) The department of medicaid shall use money credited to the health care/medicaid support and recoveries fund to pay for medicaid <u>all of the following:</u>	62034 62035 62036
(1) <u>Medicaid services and costs;</u>	62037

(2) Costs associated with the administration of the medicaid program; 62038
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(3) Programs that serve youth involved with multiple government agencies; 62040
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(4) Innovative programs that the department has statutory authority to implement and that promote access to health care or help achieve long-term cost savings to the state. 62042
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Sec. 5164.01. As used in this chapter: 62045

(A) "Adjudication" has the same meaning as in section 119.01 of the Revised Code. 62046
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(B) "Behavioral health redesign" means ~~proposals developed in a collaborative effort by the office of health transformation, department of medicaid, and department of mental health and addiction services to make~~ revisions to the medicaid program's coverage of community behavioral health services beginning July 1, 2017, including revisions that update medicaid billing codes and payment rates for community behavioral health services. 62048
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(C) "Clean claim" has the same meaning as in 42 C.F.R. 447.45(b). 62055
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(D) "Community behavioral health services" means both of the following: 62057
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(1) Alcohol and drug addiction services provided by a community addiction services provider, as defined in section 5119.01 of the Revised Code; 62059
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(2) Mental health services provided by a community mental health services provider, as defined in section 5119.01 of the Revised Code. 62062
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(E) "Early and periodic screening, diagnostic, and treatment services" has the same meaning as in the "Social Security Act," 62065
62066

section 1905(r), 42 U.S.C. 1396d(r). 62067

(F) "Federal financial participation" has the same meaning as 62068
in section 5160.01 of the Revised Code. 62069

(G) "Federal poverty line" has the same meaning as in section 62070
5162.01 of the Revised Code. 62071

(H) "Federally-qualified health center" has the same meaning 62072
as in section 1905(l)(2)(B) of the "Social Security Act," 42 62073
U.S.C. 1396d(l)(2)(B). 62074

(I) "Healthcheck" means the component of the medicaid program 62075
that provides early and periodic screening, diagnostic, and 62076
treatment services. 62077

~~(I)~~(J) "Home and community-based services medicaid waiver 62078
component" has the same meaning as in section 5166.01 of the 62079
Revised Code. 62080

~~(J)~~(K) "Hospital" has the same meaning as in section 3727.01 62081
of the Revised Code. 62082

~~(K)~~(L) "ICDS participant" means a dual eligible individual 62083
who participates in the integrated care delivery system. 62084

~~(L)~~(M) "ICF/IID" has the same meaning as in section 5124.01 62085
of the Revised Code. 62086

~~(M)~~(N) "Integrated care delivery system" and "ICDS" mean the 62087
demonstration project authorized by section 5164.91 of the Revised 62088
Code. 62089

~~(N)~~(O) "Mandatory services" means the health care services 62090
and items that must be covered by the medicaid state plan as a 62091
condition of the state receiving federal financial participation 62092
for the medicaid program. 62093

~~(O)~~(P) "Medicaid managed care organization" has the same 62094
meaning as in section 5167.01 of the Revised Code. 62095

~~(P)~~(Q) "Medicaid provider" means a person or government 62096
entity with a valid provider agreement to provide medicaid 62097
services to medicaid recipients. To the extent appropriate in the 62098
context, "medicaid provider" includes a person or government 62099
entity applying for a provider agreement, a former medicaid 62100
provider, or both. 62101

~~(Q)~~(R) "Medicaid services" means either or both of the 62102
following: 62103

(1) Mandatory services; 62104

(2) Optional services that the medicaid program covers. 62105

~~(R)~~(S) "Nursing facility" has the same meaning as in section 62106
5165.01 of the Revised Code. 62107

~~(S)~~(T) "Optional services" means the health care services and 62108
items that may be covered by the medicaid state plan or a federal 62109
medicaid waiver and for which the medicaid program receives 62110
federal financial participation. 62111

~~(T)~~(U) "Prescribed drug" has the same meaning as in 42 C.F.R. 62112
440.120. 62113

~~(U)~~(V) "Provider agreement" means an agreement to which all 62114
of the following apply: 62115

(1) It is between a medicaid provider and the department of 62116
medicaid; 62117

(2) It provides for the medicaid provider to provide medicaid 62118
services to medicaid recipients; 62119

(3) It complies with 42 C.F.R. 431.107(b). 62120

~~(V)~~(W) "State plan home and community-based services" means 62121
home and community-based services that, as authorized by section 62122
1915(i) of the "Social Security Act," 42 U.S.C. 1396n(i), may be 62123
covered by the medicaid program pursuant to an amendment to the 62124
medicaid state plan. 62125

~~(W)~~(X) "Terminal distributor of dangerous drugs" has the same 62126
meaning as in section 4729.01 of the Revised Code. 62127

Sec. 5164.05. (A) As used in this section: 62128

(1) "Outpatient health facility" means a facility that 62129
provides comprehensive primary health services by or under the 62130
direction of a physician at least five days per week on a 62131
forty-hour per week basis to outpatients, is operated by the board 62132
of health of a city or general health district or another public 62133
agency or by a nonprofit private agency or organization under the 62134
direction and control of a governing board that has no 62135
health-related responsibilities other than the direction and 62136
control of one or more such outpatient health facilities, and 62137
receives at least seventy-five per cent of its operating funds 62138
from public sources, except that it does not include an outpatient 62139
hospital facility or a ~~federally-qualified~~ federally-qualified 62140
health center ~~as defined in the "Social Security Act," section~~ 62141
~~1905(1)(2)(B), 42 U.S.C. 1396d(1)(2)(B).~~ 62142

(2) "Comprehensive primary health services" means preventive, 62143
diagnostic, therapeutic, rehabilitative, or palliative items or 62144
services that include all of the following: 62145

(a) Services of physicians, physician assistants, and 62146
certified nurse practitioners; 62147

(b) Diagnostic laboratory and radiological services; 62148

(c) Preventive health services, such as children's eye and 62149
ear examinations, perinatal services, well child services, and 62150
family planning services; 62151

(d) Arrangements for emergency medical services; 62152

(e) Transportation services. 62153

(3) "Certified nurse practitioner" has the same meaning as in 62154
section 4723.01 of the Revised Code. 62155

(B) Subject to division (C) of this section, the medicaid program shall cover comprehensive primary health services provided by outpatient health facilities with valid provider agreements. The department of medicaid shall prospectively determine the medicaid payment rates for such comprehensive primary health services not less often than once each year. The rates shall not be subject to retroactive adjustment based on actual costs incurred. The rates shall not exceed the maximum fee schedule or rates of payment, limitations based on reasonable costs or customary charges, and limitations based on combined payments received for furnishing comparable services, as are applicable to outpatient hospital facilities under the medicare program. In determining an outpatient health facility's rate prospectively, the department shall take into account the historic expenses of the facility, the operating requirements and services offered by the facility, and the geographical location of the facility, shall provide incentives for the efficient and economical utilization of the facility's resources, and shall ensure that the facility does not discriminate between classes of persons for whom or by whom payment for the services is made.

(C) An outpatient health facility does not qualify for medicaid payments under this section unless it:

(1) Has health and medical care policies developed with the advice of and subject to review by an advisory committee of professional personnel, including one or more physicians, one or more dentists if dental care is provided, and one or more registered nurses;

(2) Has a medical director, a dental director, if dental care is provided, and a nursing director responsible for the execution of such policies, and has physicians, dentists, nursing, and ancillary staff appropriate to the scope of services provided;

(3) Requires that the care of every patient be under the

supervision of a physician, provides for medical care in case of 62188
emergency, has in effect a written agreement with one or more 62189
hospitals and one or more other outpatient facilities, and has an 62190
established system for the referral of patients to other resources 62191
and a utilization review plan and program; 62192

(4) Maintains clinical records on all patients; 62193

(5) Provides nursing services and other therapeutic services 62194
in compliance with applicable laws and rules and under the 62195
supervision of a registered nurse, and has a registered nurse on 62196
duty at all times when the facility is in operation; 62197

(6) Follows approved methods and procedures for the 62198
dispensing and administration of drugs and biologicals; 62199

(7) Maintains the accounting and record-keeping system 62200
required under federal laws and regulations for the determination 62201
of reasonable and allowable costs. 62202

Sec. 5164.302. As used in this section, "post-hospital 62203
extended care agreement" means a contract between a hospital and a 62204
nursing home regarding inpatients' discharges from the hospital 62205
and admissions to the nursing home for post-hospital extended 62206
care. 62207

The department of medicaid shall not enter into a provider 62208
agreement with, or revalidate the provider agreement of, a 62209
hospital if any of the following applies: 62210

(A) The hospital has a post-hospital extended care agreement 62211
with a nursing home that does any of the following: 62212

(1) Permits the hospital to do either of the following: 62213

(a) Negotiate with a third-party payer the rates the nursing 62214
home is to be paid for providing extended care under the 62215
agreement; 62216

<u>(b) Receive payment for the services the nursing home provides under the agreement.</u>	62217 62218
<u>(2) Requires, incentivizes, or coerces the nursing home to do any of the following:</u>	62219 62220
<u>(a) Use or make referrals to the hospital's staff, including physicians, medical directors, and nurses;</u>	62221 62222
<u>(b) Use a specific technology or software program unless both of the following apply:</u>	62223 62224
<u>(i) The technology or software program is standardized, uniform, and compatible with the technology or software programs used by all hospitals in this state;</u>	62225 62226 62227
<u>(ii) Unless the nursing home already has and uses the technology or software program, the hospital compensates the nursing home for the costs associated with acquiring the technology or software program, subscription payments for the technology or software program, and training individuals to use the technology or software program.</u>	62228 62229 62230 62231 62232 62233
<u>(c) Provide a service without prior authorization from a managed care organization if the organization requires the nursing home to obtain prior authorization for the service as a condition of being paid for the service.</u>	62234 62235 62236 62237
<u>(3) Permits the hospital to do either of the following regarding a service the nursing facility provides if prior authorization from a managed care organization is needed for the nursing home to receive payment for the service:</u>	62238 62239 62240 62241
<u>(a) Obtain the prior authorization;</u>	62242
<u>(b) Represent the nursing home in obtaining the prior authorization.</u>	62243 62244
<u>(4) Supersedes, negates, or otherwise interferes with a contract between the nursing home and a third-party payer.</u>	62245 62246

(B) When the hospital selects a nursing home with which to enter into a post-hospital extended care agreement, either of the following applies: 62247
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(1) The hospital fails to do either of the following: 62250

(a) Include quality measures and other necessary outcome measures and define thresholds for the measures as part of the selection process; 62251
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(b) Ensure that the nursing home can meet the needs of persons admitted to the nursing home under the agreement. 62254
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(2) The hospital does either of the following: 62256

(a) Uses referrals or patient utilization of services as part of the selection process; 62257
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(b) Considers the use of any of the hospital's staff, resources, or downstream services, as defined in rules the medicaid director shall adopt under section 5164.02 of the Revised Code, that create revenue for the hospital. 62259
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(C) The hospital fails to make either of the following available to a nursing home or the department of medicaid on request: 62263
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(1) The hospital's process for selecting nursing homes with which to enter into post-hospital extended care agreements; 62266
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(2) An explanation of how the hospital complied with division (B) of this section when selecting nursing homes for such agreements. 62268
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Sec. 5164.342. (A) As used in this section: 62271

"Applicant" means a person who is under final consideration for employment with a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based services. 62272
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"Community-based long-term care provider" means a provider as defined in section 173.39 of the Revised Code. 62276
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"Community-based long-term care subcontractor" means a subcontractor as defined in section 173.38 of the Revised Code. 62278
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"Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 62280
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"Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code. 62282
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"Employee" means a person employed by a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based services. 62285
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"Waiver agency" means a person or government entity that provides home and community-based services under a home and community-based services medicaid waiver component administered by the department of medicaid, other than such a person or government entity that is certified under the medicare program. "Waiver agency" does not mean an independent provider as defined in section 5164.341 of the Revised Code. 62288
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(B) This section does not apply to any individual who is subject to a database review or criminal records check under section 3701.881 of the Revised Code. If a waiver agency also is a community-based long-term care provider or community-based long-term care subcontractor, the waiver agency may provide for any of its applicants and employees who are not subject to database reviews and criminal records checks under section 173.38 of the Revised Code to undergo database reviews and criminal records checks in accordance with that ~~section 173.38 of the Revised Code~~ rather than this section. 62295
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(C) No waiver agency shall employ an applicant or continue to employ an employee in a position that involves providing home and 62305
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community-based services if any of the following apply: 62307

(1) A review of the databases listed in division (E) of this 62308
section reveals any of the following: 62309

(a) That the applicant or employee is included in one or more 62310
of the databases listed in divisions (E)(1) to (5) of this 62311
section; 62312

(b) That there is in the state nurse aide registry 62313
established under section 3721.32 of the Revised Code a statement 62314
detailing findings by the director of health that the applicant or 62315
employee abused, neglected, or exploited a long-term care facility 62316
or residential care facility resident or misappropriated property 62317
of such a resident; 62318

(c) That the applicant or employee is included in one or more 62319
of the databases, if any, specified in rules authorized by this 62320
section and the rules prohibit the waiver agency from employing an 62321
applicant or continuing to employ an employee included in such a 62322
database in a position that involves providing home and 62323
community-based services. 62324

(2) After the applicant or employee is given the information 62325
and notification required by divisions (F)(2)(a) and (b) of this 62326
section, the applicant or employee fails to do either of the 62327
following: 62328

(a) Access, complete, or forward to the superintendent of the 62329
bureau of criminal identification and investigation the form 62330
prescribed to division (C)(1) of section 109.572 of the Revised 62331
Code or the standard impression sheet prescribed pursuant to 62332
division (C)(2) of that section; 62333

(b) Instruct the superintendent to submit the completed 62334
report of the criminal records check required by this section 62335
directly to the chief administrator of the waiver agency. 62336

(3) Except as provided in rules authorized by this section, 62337
the applicant or employee is found by a criminal records check 62338
required by this section to have been convicted of or have pleaded 62339
guilty to a disqualifying offense, regardless of the date of the 62340
conviction or date of entry of the guilty plea. 62341

(D) At the time of each applicant's initial application for 62342
employment in a position that involves providing home and 62343
community-based services, the chief administrator of a waiver 62344
agency shall inform the applicant of both of the following: 62345

(1) That a review of the databases listed in division (E) of 62346
this section will be conducted to determine whether the waiver 62347
agency is prohibited by division (C)(1) of this section from 62348
employing the applicant in the position; 62349

(2) That, unless the database review reveals that the 62350
applicant may not be employed in the position, a criminal records 62351
check of the applicant will be conducted and the applicant is 62352
required to provide a set of the applicant's fingerprint 62353
impressions as part of the criminal records check. 62354

(E) As a condition of employing any applicant in a position 62355
that involves providing home and community-based services, the 62356
chief administrator of a waiver agency shall conduct a database 62357
review of the applicant in accordance with rules authorized by 62358
this section. If rules authorized by this section so require, the 62359
chief administrator of a waiver agency shall conduct a database 62360
review of an employee in accordance with the rules as a condition 62361
of continuing to employ the employee in a position that involves 62362
providing home and community-based services. A database review 62363
shall determine whether the applicant or employee is included in 62364
any of the following: 62365

(1) The excluded parties list system that is maintained by 62366
the United States general services administration pursuant to 62367

subpart 9.4 of the federal acquisition regulation and available at 62368
the federal web site known as the system for award management; 62369

(2) The list of excluded individuals and entities maintained 62370
by the office of inspector general in the United States department 62371
of health and human services pursuant to the "Social Security 62372
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 62373

(3) The registry of developmental disabilities employees 62374
established under section 5123.52 of the Revised Code; 62375

(4) The internet-based sex offender and child-victim offender 62376
database established under division (A)(11) of section 2950.13 of 62377
the Revised Code; 62378

(5) The internet-based database of inmates established under 62379
section 5120.66 of the Revised Code; 62380

(6) The state nurse aide registry established under section 62381
3721.32 of the Revised Code; 62382

(7) Any other database, if any, specified in rules authorized 62383
by this section. 62384

(F)(1) As a condition of employing any applicant in a 62385
position that involves providing home and community-based 62386
services, the chief administrator of a waiver agency shall require 62387
the applicant to request that the superintendent of the bureau of 62388
criminal identification and investigation conduct a criminal 62389
records check of the applicant. If rules authorized by this 62390
section so require, the chief administrator of a waiver agency 62391
shall require an employee to request that the superintendent 62392
conduct a criminal records check of the employee at times 62393
specified in the rules as a condition of continuing to employ the 62394
employee in a position that involves providing home and 62395
community-based services. However, a criminal records check is not 62396
required for an applicant or employee if the waiver agency is 62397
prohibited by division (C)(1) of this section from employing the 62398

applicant or continuing to employ the employee in a position that 62399
involves providing home and community-based services. If an 62400
applicant or employee for whom a criminal records check request is 62401
required by this section does not present proof of having been a 62402
resident of this state for the five-year period immediately prior 62403
to the date the criminal records check is requested or provide 62404
evidence that within that five-year period the superintendent has 62405
requested information about the applicant or employee from the 62406
federal bureau of investigation in a criminal records check, the 62407
chief administrator shall require the applicant or employee to 62408
request that the superintendent obtain information from the 62409
federal bureau of investigation as part of the criminal records 62410
check. Even if an applicant or employee for whom a criminal 62411
records check request is required by this section presents proof 62412
of having been a resident of this state for the five-year period, 62413
the chief administrator may require the applicant or employee to 62414
request that the superintendent include information from the 62415
federal bureau of investigation in the criminal records check. 62416

(2) The chief administrator shall provide the following to 62417
each applicant and employee for whom a criminal records check is 62418
required by this section: 62419

(a) Information about accessing, completing, and forwarding 62420
to the superintendent of the bureau of criminal identification and 62421
investigation the form prescribed pursuant to division (C)(1) of 62422
section 109.572 of the Revised Code and the standard impression 62423
sheet prescribed pursuant to division (C)(2) of that section; 62424

(b) Written notification that the applicant or employee is to 62425
instruct the superintendent to submit the completed report of the 62426
criminal records check directly to the chief administrator. 62427

(3) A waiver agency shall pay to the bureau of criminal 62428
identification and investigation the fee prescribed pursuant to 62429
division (C)(3) of section 109.572 of the Revised Code for any 62430

criminal records check required by this section. However, a waiver 62431
agency may require an applicant to pay to the bureau the fee for a 62432
criminal records check of the applicant. If the waiver agency pays 62433
the fee for an applicant, it may charge the applicant a fee not 62434
exceeding the amount the waiver agency pays to the bureau under 62435
this section if the waiver agency notifies the applicant at the 62436
time of initial application for employment of the amount of the 62437
fee and that, unless the fee is paid, the applicant will not be 62438
considered for employment. 62439

(G)(1) A waiver agency may employ conditionally an applicant 62440
for whom a criminal records check is required by this section 62441
prior to obtaining the results of the criminal records check if 62442
both of the following apply: 62443

(a) The waiver agency is not prohibited by division (C)(1) of 62444
this section from employing the applicant in a position that 62445
involves providing home and community-based services. 62446

(b) The chief administrator of the waiver agency requires the 62447
applicant to request a criminal records check regarding the 62448
applicant in accordance with division (F)(1) of this section not 62449
later than five business days after the applicant begins 62450
conditional employment. 62451

(2) A waiver agency that employs an applicant conditionally 62452
under division (G)(1) of this section shall terminate the 62453
applicant's employment if the results of the criminal records 62454
check, other than the results of any request for information from 62455
the federal bureau of investigation, are not obtained within the 62456
period ending sixty days after the date the request for the 62457
criminal records check is made. Regardless of when the results of 62458
the criminal records check are obtained, if the results indicate 62459
that the applicant has been convicted of or has pleaded guilty to 62460
a disqualifying offense, the waiver agency shall terminate the 62461
applicant's employment unless circumstances specified in rules 62462

authorized by this section exist that permit the waiver agency to 62463
employ the applicant and the waiver agency chooses to employ the 62464
applicant. 62465

(H) The report of any criminal records check conducted 62466
pursuant to a request made under this section is not a public 62467
record for the purposes of section 149.43 of the Revised Code and 62468
shall not be made available to any person other than the 62469
following: 62470

(1) The applicant or employee who is the subject of the 62471
criminal records check or the representative of the applicant or 62472
employee; 62473

(2) The chief administrator of the waiver agency that 62474
requires the applicant or employee to request the criminal records 62475
check or the administrator's representative; 62476

(3) The medicaid director and the staff of the department who 62477
are involved in the administration of the medicaid program; 62478

(4) The director of aging or the director's designee if the 62479
waiver agency also is a community-based long-term care provider or 62480
community-based long-term care subcontractor; 62481

(5) An individual receiving or deciding whether to receive 62482
home and community-based services from the subject of the criminal 62483
records check; 62484

(6) A court, hearing officer, or other necessary individual 62485
involved in a case dealing with any of the following: 62486

(a) A denial of employment of the applicant or employee; 62487

(b) Employment or unemployment benefits of the applicant or 62488
employee; 62489

(c) A civil or criminal action regarding the medicaid 62490
program. 62491

(I) The medicaid director shall adopt rules under section 62492

5164.02 of the Revised Code to implement this section.	62493
(1) The rules may do the following:	62494
(a) Require employees to undergo database reviews and criminal records checks under this section;	62495 62496
(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;	62497 62498 62499
(c) For the purpose of division (E)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.	62500 62501 62502
(2) The rules shall specify all of the following:	62503
(a) The procedures for conducting a database review under this section;	62504 62505
(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;	62506 62507 62508 62509
(c) If the rules specify other databases to be checked as part of a database review, the circumstances under which a waiver agency is prohibited from employing an applicant or continuing to employ an employee who is found by the database review to be included in one or more of those databases;	62510 62511 62512 62513 62514
(d) The circumstances under which a waiver agency may employ an applicant or employee who is found by a criminal records check required by this section to have been convicted of or have pleaded guilty to a disqualifying offense.	62515 62516 62517 62518
(J) The amendments made by H.B. 487 of the 129th general assembly to this section do not preclude the department of medicaid from taking action against a person for failure to comply with former division (H) of this section as that division existed	62519 62520 62521 62522

on the day preceding January 1, 2013. 62523

Sec. 5164.36. (A) As used in this section: 62524

(1) "Credible allegation of fraud" has the same meaning as in 62525
42 C.F.R. 455.2, except that for purposes of this section any 62526
reference in that regulation to the "state" or the "state medicaid 62527
agency" means the department of medicaid. 62528

(2) "Disqualifying indictment" means an indictment of a 62529
medicaid provider or its officer, authorized agent, associate, 62530
manager, employee, or, if the provider is a noninstitutional 62531
provider, its owner, if either of the following applies: 62532

(a) The indictment charges the person with committing an act 62533
to which both of the following apply: 62534

(i) The act would be a felony or misdemeanor under the laws 62535
of this state or the jurisdiction within which the act occurred. 62536

(ii) The act relates to or results from furnishing or billing 62537
for medicaid services under the medicaid program or relates to or 62538
results from performing management or administrative services 62539
relating to furnishing medicaid services under the medicaid 62540
program. 62541

(b) If the medicaid provider is an independent provider, the 62542
indictment charges the person with committing an act that would 62543
constitute a disqualifying offense. 62544

(3) "Disqualifying offense" means any of the offenses listed 62545
or described in divisions (A)(3)(a) to (e) of section 109.572 of 62546
the Revised Code. 62547

(4) "Independent provider" has the same meaning as in section 62548
5164.341 of the Revised Code. 62549

(5) "Noninstitutional medicaid provider" means any person or 62550
entity with a provider agreement other than a hospital, nursing 62551

facility, or ICF/IID. 62552

~~(6) "Owner" has the same meaning as in section 5164.37 of the~~ 62553
Revised Code means any person having at least five per cent 62554
ownership in a noninstitutional medicaid provider. 62555

(B)(1) Except as provided in division (C) of this section and 62556
in rules authorized by this section, ~~on determining there is a~~ 62557
~~credible allegation of fraud for which an investigation is pending~~ 62558
~~under the medicaid program against a medicaid provider,~~ the 62559
department of medicaid shall suspend the provider agreement held 62560
by ~~the~~ a medicaid provider on determining either of the following: 62561

(a) There is a credible allegation of fraud against any of 62562
the following for which an investigation is pending under the 62563
medicaid program: 62564

(i) The medicaid provider; 62565

(ii) The medicaid provider's owner, officer, authorized 62566
agent, associate, manager, or employee. 62567

(b) A disqualifying indictment has been issued against any of 62568
the following: 62569

(i) The medicaid provider; 62570

(ii) The medicaid provider's officer, authorized agent, 62571
associate, manager, or employee; 62572

(iii) If the medicaid provider is a noninstitutional 62573
provider, its owner. Subject 62574

(2) Subject to division (C) of this section, the department 62575
shall also ~~terminate~~ suspend all medicaid payments to ~~the~~ a 62576
medicaid provider for services rendered, regardless of the date 62577
that the services are rendered, when the department suspends the 62578
provider's provider agreement under this section. 62579

~~(2)(a)(3)~~ (3) The suspension of a provider agreement shall 62580
continue in effect until either of the following ~~is the case~~ 62581

occurs: 62582

~~(i) The (a) If the suspension is the result of a credible~~ 62583
~~allegation of fraud, the~~ department or a prosecuting authority 62584
determines that there is insufficient evidence of fraud by the 62585
medicaid provider; 62586

~~(ii) The (b) Regardless of whether the suspension is the~~ 62587
~~result of a credible allegation of fraud or a disqualifying~~ 62588
~~indictment, the~~ proceedings in any related criminal case are 62589
completed through dismissal of the indictment or through 62590
conviction, entry of a guilty plea, or finding of not guilty. 62591

~~(b) If or, if~~ the department commences a process to terminate 62592
the suspended provider agreement, ~~the suspension shall also~~ 62593
~~continue in effect until~~ the termination process is concluded. 62594

~~(3)(4)(a) When subject to a suspension provider agreement is~~ 62595
~~suspended~~ under this section, ~~a medicaid provider, owner, officer,~~ 62596
~~authorized agent, associate, manager, or employee shall not own~~ 62597
~~none of the following shall take, during the period of the~~ 62598
~~suspension, any of the actions specified in division (B)(4)(b) of~~ 62599
~~this section:~~ 62600

(i) The medicaid provider; 62601

(ii) If the suspension is the result of an action taken by an 62602
officer, authorized agent, associate, manager, or employee of the 62603
medicaid provider, that person; 62604

(iii) If the medicaid provider is a noninstitutional provider 62605
and the suspension is the result of an action taken by the owner 62606
of the provider, the owner. 62607

(b) The following are the actions that persons specified in 62608
division (B)(4)(a) of this section cannot take during the 62609
suspension of a provider agreement: 62610

(i) Own services provided, or provide services, to any other 62611

medicaid provider or risk contractor ~~or arrange;~~ 62612

(ii) Arrange for, render to, or order services to any other 62613

medicaid provider or risk contractor ~~or arrange;~~ 62614

(iii) Arrange for, render to, or order services for medicaid 62615

recipients ~~during the period of suspension. During the period of~~ 62616

~~suspension, the provider, owner, officer, authorized agent,~~ 62617

~~associate, manager, or employee shall not receive;~~ 62618

(iv) Receive direct payments under the medicaid program or 62619

indirect payments of medicaid funds in the form of salary, shared 62620

fees, contracts, kickbacks, or rebates from or through any other 62621

medicaid provider or risk contractor. 62622

(C) The department shall not suspend a provider agreement or 62623

~~terminate~~ medicaid payments under division (B) of this section if 62624

the medicaid provider or, if the provider is a noninstitutional 62625

provider, the owner can demonstrate through the submission of 62626

written evidence that the provider or owner did not directly or 62627

indirectly sanction the action of its authorized agent, associate, 62628

manager, or employee that resulted in the credible allegation of 62629

fraud or disqualifying indictment. 62630

(D) ~~The termination of medicaid payment under division (B) of~~ 62631

~~this section applies only to payments for medicaid services~~ 62632

~~rendered subsequent to the date on which the notice required by~~ 62633

~~division (E) of this section is sent. Claims for payment of~~ 62634

~~medicaid services rendered by the medicaid provider prior to the~~ 62635

~~issuance of the notice may be subject to prepayment review~~ 62636

~~procedures whereby the department reviews claims to determine~~ 62637

~~whether they are supported by sufficient documentation, are in~~ 62638

~~compliance with state and federal statutes and rules, and are~~ 62639

~~otherwise complete.~~ 62640

(E) After suspending a provider agreement under division (B) 62641

of this section, the department shall, ~~as specified in 42 C.F.R.~~ 62642

~~455.23(b)~~, send notice of the suspension to the affected medicaid provider or, if the provider is a noninstitutional provider, the owner in accordance with the following ~~timeframes~~ time frames:

(1) Not later than five days after the suspension, unless a law enforcement agency makes a written request to temporarily delay the notice;

(2) If a law enforcement agency makes a written request to temporarily delay the notice, not later than thirty days after the suspension occurs subject to the conditions specified in division ~~(F)~~(E) of this section.

~~(F)~~(E) A written request for a temporary delay described in division ~~(E)~~(D)(2) of this section may be renewed in writing by a law enforcement agency not more than two times except that under no circumstances shall the notice be issued more than ninety days after the suspension occurs.

~~(G)~~(F) The notice required by division ~~(E)~~(D) of this section shall do all of the following:

(1) State that payments are being suspended in accordance with this section and 42 C.F.R. 455.23;

(2) Set forth the general allegations related to the nature of the conduct leading to the suspension, except that it is not necessary to disclose any specific information concerning an ongoing investigation;

(3) State that the suspension continues to be in effect until either of the ~~following is the case~~:

~~(a) The department or a prosecuting authority determines that there is insufficient evidence of fraud by the provider;~~

~~(b) The proceedings in any related criminal case are completed through dismissal of the indictment or through conviction, entry of a guilty plea, or finding of not guilty and,~~

~~if the department commences a process to terminate the suspended
provider agreement, until the termination process is concluded.
circumstances specified in division (B)(3) of this section occur;~~ 62673
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(4) Specify, if applicable, the type or types of medicaid 62676
claims or business units of the medicaid provider that are 62677
affected by the suspension; 62678

(5) Inform the medicaid provider or owner of the opportunity 62679
to submit to the department, not later than thirty days after 62680
receiving the notice, a request for reconsideration of the 62681
suspension in accordance with division ~~(H)~~(G) of this section. 62682

~~(H)~~(G)(1) Pursuant to the procedure specified in division 62683
~~(H)~~(G)(2) of this section, a medicaid provider ~~or owner~~ subject to 62684
a suspension under this section or, if the provider is a 62685
noninstitutional provider, the owner may request a reconsideration 62686
of the suspension. The request shall be made not later than thirty 62687
days after receipt of a notice required by division ~~(E)~~(D) of this 62688
section. The reconsideration is not subject to an adjudication 62689
hearing pursuant to Chapter 119. of the Revised Code. 62690

(2) In requesting a reconsideration, the medicaid provider or 62691
owner shall submit written information and documents to the 62692
department. The information and documents may pertain to any of 62693
the following issues: 62694

(a) Whether the determination to suspend the provider 62695
agreement was based on a mistake of fact, other than the validity 62696
of an indictment in a related criminal case. 62697

(b) If there has been an indictment in a related criminal 62698
case, whether ~~any offense charged in the indictment resulted from~~ 62699
~~an offense specified in division (E) of section 5164.37 of the~~ 62700
~~Revised Code~~ is a disqualifying indictment. 62701

(c) Whether the provider or owner can demonstrate that the 62702
provider or owner did not directly or indirectly sanction the 62703

action of its authorized agent, associate, manager, or employee 62704
that resulted in the suspension under this section or an 62705
indictment in a related criminal case. 62706

~~(I)~~(H) The department shall review the information and 62707
documents submitted in a request made under division ~~(H)~~(G) of 62708
this section for reconsideration of a suspension. After the 62709
review, the suspension may be affirmed, reversed, or modified, in 62710
whole or in part. The department shall notify the affected 62711
provider or owner of the results of the review. The review and 62712
notification of its results shall be completed not later than 62713
forty-five days after receiving the information and documents 62714
submitted in a request for reconsideration. 62715

~~(J)~~(I) Rules adopted under section 5164.02 of the Revised 62716
Code may specify circumstances under which the department would 62717
not suspend a provider agreement pursuant to this section. 62718

Sec. 5164.37. (A) The department of medicaid may suspend a 62719
medicaid provider's provider agreement without prior notice if the 62720
department has evidence that the provider presents a danger of 62721
immediate and serious harm to the health, safety, or welfare of 62722
medicaid recipients. The department also shall suspend all 62723
medicaid payments to the medicaid provider for services rendered, 62724
regardless of the date that the services were rendered, when the 62725
department suspends the provider agreement under this section. 62726

(B) If the department suspends a medicaid provider's provider 62727
agreement under this section, the department shall do both of the 62728
following: 62729

(1) Not later than five days after suspending the provider 62730
agreement, notify the medicaid provider of the suspension; 62731

(2) Not later than ten business days after suspending the 62732
provider agreement, notify the medicaid provider that the 62733

department intends to terminate the provider agreement. 62734

(C) The notice that the department provides to a medicaid provider under division (B)(2) of this section shall include the allegation that the provider presents a danger of immediate and serious harm to the health, safety, or welfare of medicaid recipients. It may also include other grounds for terminating the provider agreement. Section 5164.38 of the Revised Code applies to the termination of the provider agreement. 62735
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(D) The suspension of a medicaid provider's provider agreement and medicaid payments shall cease at the earliest of the following: 62742
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(1) The department's failure to provide a notice required by division (B) of this section by the time specified in that division; 62745
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(2) The department rescinds its notice to terminate the provider agreement. 62748
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(3) The department issues an order regarding the termination of the provider agreement pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code. 62750
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(E) This section does not limit the department's authority to suspend or terminate a provider agreement or medicaid payments to a medicaid provider under any other provision of the Revised Code. 62753
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Sec. 5164.38. (A) As used in this section: 62756

(1) "Party" has the same meaning as in division (G) of section 119.01 of the Revised Code. 62757
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(2) "Revalidate" means to approve a medicaid provider's continued enrollment as a medicaid provider in accordance with the revalidation process established in rules authorized by section 5164.32 of the Revised Code. 62759
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(B) This section does not apply to either of the following:	62763
(1) Any action taken or decision made by the department of medicaid with respect to entering into or refusing to enter into a contract with a managed care organization pursuant to section 5167.10 of the Revised Code;	62764 62765 62766 62767
(2) Any action taken by the department under division (D)(2) of section 5124.60, division (D)(1) or (2) of section 5124.61, or sections 5165.60 to 5165.89 of the Revised Code.	62768 62769 62770
(C) Except as provided in division (E) of this section and section 5164.58 of the Revised Code, the department shall do any of the following by issuing an order pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code:	62771 62772 62773 62774
(1) Refuse to enter into a provider agreement with a medicaid provider;	62775 62776
(2) Refuse to revalidate a medicaid provider's provider agreement;	62777 62778
(3) Suspend or terminate a medicaid provider's provider agreement;	62779 62780
(4) Take any action based upon a final fiscal audit of a medicaid provider;	62781 62782
<u>(5) Reduce a hospital emergency department's medicaid payment rates pursuant to division (B) of section 5164.722 of the Revised Code.</u>	62783 62784 62785
(D) Any party who is adversely affected by the issuance of an adjudication order under division (C) of this section may appeal to the court of common pleas of Franklin county in accordance with section 119.12 of the Revised Code.	62786 62787 62788 62789
(E) The department is not required to comply with division (C)(1), (2), or (3) of this section whenever any of the following occur:	62790 62791 62792

(1) The terms of a provider agreement require the medicaid provider to hold a license, permit, or certificate or maintain a certification issued by an official, board, commission, department, division, bureau, or other agency of state or federal government other than the department of medicaid, and the license, permit, certificate, or certification has been denied, revoked, not renewed, suspended, or otherwise limited.

(2) The terms of a provider agreement require the medicaid provider to hold a license, permit, or certificate or maintain certification issued by an official, board, commission, department, division, bureau, or other agency of state or federal government other than the department of medicaid, and the provider has not obtained the license, permit, certificate, or certification.

(3) The medicaid provider's application for a provider agreement is denied, or the provider's provider agreement is terminated or not revalidated, because of or pursuant to any of the following:

(a) The termination, refusal to renew, or denial of a license, permit, certificate, or certification by an official, board, commission, department, division, bureau, or other agency of this state other than the department of medicaid, notwithstanding the fact that the provider may hold a license, permit, certificate, or certification from an official, board, commission, department, division, bureau, or other agency of another state;

(b) Division (D) or (E) of section 5164.35 of the Revised Code;

(c) The provider's termination, suspension, or exclusion from the medicare program or from another state's medicaid program and, in either case, the termination, suspension, or exclusion is

binding on the provider's participation in the medicaid program in 62824
this state; 62825

(d) The provider's pleading guilty to or being convicted of a 62826
criminal activity materially related to either the medicare or 62827
medicaid program; 62828

(e) The provider or its owner, officer, authorized agent, 62829
associate, manager, or employee having been convicted of one of 62830
the offenses that caused the provider's provider agreement to be 62831
suspended pursuant to section 5164.36 of the Revised Code; 62832

(f) The provider's failure to provide the department the 62833
national provider identifier assigned the provider by the national 62834
provider system pursuant to 45 C.F.R. 162.408. 62835

(4) The medicaid provider's application for a provider 62836
agreement is denied, or the provider's provider agreement is 62837
terminated or suspended, as a result of action by the United 62838
States department of health and human services and that action is 62839
binding on the provider's medicaid participation. 62840

(5) ~~Pursuant to either section 5164.36 or 5164.37 of the~~ 62841
~~Revised Code, the~~ The medicaid provider's provider agreement ~~is~~ 62842
and medicaid payments to the provider are suspended ~~and payments~~ 62843
~~to the provider are suspended pending indictment of the provider~~ 62844
under section 5164.36 or 5164.37 of the Revised Code. 62845

(6) The medicaid provider's application for a provider 62846
agreement is denied because the provider's application was not 62847
complete; 62848

(7) The medicaid provider's provider agreement is converted 62849
under section 5164.32 of the Revised Code from a provider 62850
agreement that is not time-limited to a provider agreement that is 62851
time-limited. 62852

(8) Unless the medicaid provider is a nursing facility or 62853

ICF/IID, the provider's provider agreement is not revalidated 62854
pursuant to division (B)(1) of section 5164.32 of the Revised 62855
Code. 62856

(9) The medicaid provider's provider agreement is suspended, 62857
terminated, or not revalidated because of either of the following: 62858

(a) Any reason authorized or required by one or more of the 62859
following: 42 C.F.R. 455.106, 455.23, 455.416, 455.434, or 62860
455.450; 62861

(b) The provider has not billed or otherwise submitted a 62862
medicaid claim for two years or longer. 62863

(F) In the case of a medicaid provider described in division 62864
(E)(3)(f), (6), (7), or (9)(b) of this section, the department may 62865
take its action by sending a notice explaining the action to the 62866
provider. The notice shall be sent to the medicaid provider's 62867
address on record with the department. The notice may be sent by 62868
regular mail. 62869

(G) The department may withhold payments for medicaid 62870
services rendered by a medicaid provider during the pendency of 62871
proceedings initiated under division (C)(1), (2), or (3) of this 62872
section. If the proceedings are initiated under division (C)(4) of 62873
this section, the department may withhold payments only to the 62874
extent that they equal amounts determined in a final fiscal audit 62875
as being due the state. This division does not apply if the 62876
department fails to comply with section 119.07 of the Revised 62877
Code, requests a continuance of the hearing, or does not issue a 62878
decision within thirty days after the hearing is completed. This 62879
division does not apply to nursing facilities and ICFs/IID. 62880

Sec. 5164.65. The medicaid program shall comply with Chapter 62881
3962. of the Revised Code as if it were a health plan issuer. This 62882
requirement extends to medicaid managed care organizations. 62883

Sec. 5164.722. (A) If a hospital emergency department provides to a medicaid recipient medicaid services that are beyond those needed to comply with section 1867 of the "Social Security Act," 42 U.S.C. 1395dd, the medicaid payment rates for the medicaid services shall not exceed the medicaid payment rates that would be paid had the medicaid services been provided in the most appropriate health care setting. The department of medicaid or its designee shall determine what would have been the most appropriate health care setting for the purpose of this section. 62884
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(B) The department of medicaid shall conduct final fiscal audits of hospital emergency departments under section 5164.55 of the Revised Code to ensure that medicaid payments to hospital emergency departments do not exceed the limits established by this section. If a hospital emergency department does not cooperate with such an audit, the department may reduce for up to five years the medicaid payment rates for medicaid services the hospital emergency department provides. The amount of such a reduction shall not exceed fifty per cent of the amount that otherwise would have been paid. 62893
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Sec. 5164.723. (A) If a federally-qualified health center is located on the same campus as a hospital emergency department and the center provides medicaid services to a medicaid recipient referred to the center by the hospital emergency department, the medicaid payment rate for the medicaid services the center provides to the recipient at that visit shall equal the following: 62903
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(1) For the five-year period specified in division (B) of this section, the center's medicaid payment rate for the medicaid services plus the emergency room facility fee established in rules adopted under section 5164.02 of the Revised Code that the hospital emergency department would have been paid had the hospital emergency department provided the medicaid services to 62909
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the recipient; 62915

(2) For the five-year period immediately following the 62916
five-year period specified in division (B) of this section, the 62917
center's medicaid payment rate for the medicaid services plus 62918
fifty per cent of the emergency room facility fee described in 62919
division (A)(1) of this section. 62920

(B) The five-year period to which division (A)(1) of this 62921
section applies is the following: 62922

(1) If the federally-qualified health center participates in 62923
the medicaid program on the effective date of this section, the 62924
five-year period beginning on that date; 62925

(2) If the federally-qualified health center begins to 62926
participate in the medicaid program after the effective date of 62927
this section, the five-year period beginning on the date the 62928
center begins to participate in the medicaid program. 62929

Sec. 5164.724. The medicaid director shall adopt performance 62930
indicators to measure the quality of services provided by 62931
hospitals that are registered with the department of health under 62932
section 3701.07 of the Revised Code and classified pursuant to 62933
rules adopted under that section as children's hospitals. Each 62934
children's hospital shall submit a report annually to the 62935
department of medicaid on each of the performance indicators. The 62936
first report shall be submitted not later than January 1, 2021. 62937

Sec. 5164.7510. (A) There is hereby established the pharmacy 62938
and therapeutics committee of the department of medicaid. The 62939
committee shall assist the department with developing and 62940
maintaining a preferred drug list for the medicaid program. 62941

The committee shall review and recommend to the medicaid 62942
director the drugs that should be included on the preferred drug 62943
list. The recommendations shall be made based on the evaluation of 62944

competent evidence regarding the relative safety, efficacy, and 62945
effectiveness of prescribed drugs within a class or classes of 62946
prescribed drugs. 62947

(B) The committee shall consist of ten members and shall be 62948
appointed by the medicaid director. The director shall seek 62949
recommendations for membership from relevant professional 62950
organizations. A candidate for membership recommended by a 62951
professional organization shall have professional experience 62952
working with medicaid recipients. 62953

The membership of the committee shall include: 62954

(1) Three pharmacists licensed under Chapter 4729. of the 62955
Revised Code; 62956

(2) Two doctors of medicine and two doctors of osteopathy who 62957
hold ~~certificates to practice~~ licenses issued under Chapter 4731. 62958
of the Revised Code, one of whom is a family practice physician; 62959

(3) A registered nurse licensed under Chapter 4723. of the 62960
Revised Code; 62961

(4) A pharmacologist who has a doctoral degree; 62962

(5) A psychiatrist who holds a certificate to practice issued 62963
under Chapter 4731. of the Revised Code and specializes in 62964
psychiatry. 62965

(C) The committee shall elect from among its members a 62966
chairperson. Five committee members constitute a quorum. 62967

The committee shall establish guidelines necessary for the 62968
committee's operation. 62969

The committee may establish one or more subcommittees to 62970
investigate and analyze issues consistent with the duties of the 62971
committee under this section. The subcommittees may submit 62972
proposals regarding the issues to the committee and the committee 62973
may adopt, reject, or modify the proposals. 62974

A vote by a majority of a quorum is necessary to make 62975
recommendations to the director. In the case of a tie, the 62976
chairperson shall decide the outcome. 62977

(D) The director shall act on the committee's recommendations 62978
not later than thirty days after the recommendation is posted on 62979
the department's web site under division (F) of this section. If 62980
the director does not accept a recommendation of the committee, 62981
the director shall present the basis for this determination not 62982
later than fourteen days after making the determination or at the 62983
next scheduled meeting of the committee, whichever is sooner. 62984

(E) An interested party may request, and shall be permitted, 62985
to make a presentation or submit written materials to the 62986
committee during a committee meeting. The presentation or other 62987
materials shall be relevant to an issue under consideration by the 62988
committee and any written material, including a transcript of 62989
testimony to be given on the day of the meeting, may be submitted 62990
to the committee in advance of the meeting. 62991

(F) The department shall post the following on the 62992
department's web site: 62993

(1) Guidelines established by the committee under division 62994
(C) of this section; 62995

(2) A detailed committee agenda not later than fourteen days 62996
prior to the date of a regularly scheduled meeting and not later 62997
than seventy-two hours prior to the date of a special meeting 62998
called by the committee; 62999

(3) Committee recommendations not later than seven days after 63000
the meeting at which the recommendation was approved; 63001

(4) The director's final determination as to the 63002
recommendations made by the committee under this section. 63003

Sec. 5164.91. (A) The medicaid director may implement a 63004

demonstration project called the integrated care delivery system 63005
to test and evaluate the integration of the care that dual 63006
eligible individuals receive under medicare and medicaid. No 63007
provision of Title LI of the Revised Code applies to the 63008
integrated care delivery system if that provision implements or 63009
incorporates a provision of federal law governing medicaid and 63010
that provision of federal law does not apply to the system. 63011

(B) The director shall create a standardized claim form and 63012
standardized claim codes for the integrated care delivery system. 63013
The forms and codes shall allow a medical provider that renders a 63014
medically necessary health care service under the integrated care 63015
delivery system to use the same claim forms and codes for that 63016
service, regardless of the payor. 63017

Any claim for a medically necessary service that is properly 63018
submitted using the standardized claim form and claim codes shall 63019
be considered a clean claim and shall be paid by the department or 63020
its designee not later than thirty days from the date the claim is 63021
submitted. If the department or its designee fails to pay the 63022
claim within thirty-five calendar days, it shall pay interest on 63023
the claim equal to one per cent per month calculated from the 63024
expiration of the thirty-five-day period. Interest shall accrue 63025
until the claim and interest are paid in full to the provider. 63026

Sec. 5165.15. Except as otherwise provided by sections 63027
5165.151 to 5165.157 and 5165.34 of the Revised Code, the total 63028
per medicaid day payment rate that the department of medicaid 63029
shall pay a nursing facility provider for nursing facility 63030
services the provider's nursing facility provides during a state 63031
fiscal year shall be determined as follows: 63032

(A) Determine the sum of all of the following: 63033

(1) The per medicaid day payment rate for ancillary and 63034

support costs determined for the nursing facility under section 5165.16 of the Revised Code;	63035 63036
(2) The per medicaid day payment rate for capital costs determined for the nursing facility under section 5165.17 of the Revised Code;	63037 63038 63039
(3) The per medicaid day payment rate for direct care costs determined for the nursing facility under section 5165.19 of the Revised Code;	63040 63041 63042
(4) The per medicaid day payment rate for tax costs determined for the nursing facility under section 5165.21 of the Revised Code;	63043 63044 63045
(5) If the nursing facility qualifies as a critical access nursing facility, the nursing facility's critical access incentive payment paid under section 5165.23 of the Revised Code.	63046 63047 63048
(B) To the sum determined under division (A) of this section, add the following:	63049 63050
(1) For state fiscal years 2018 and 2019, sixteen dollars and forty-four cents;	63051 63052
(2) For state fiscal year 2020 and, except as provided in division (B)(3) of this section, each state fiscal year thereafter, the sum of the following:	63053 63054 63055
(a) The amount specified or determined for the purpose of division (B) of this section for the immediately preceding state fiscal year;	63056 63057 63058
(b) The difference between the following:	63059
(i) The medicare skilled nursing facility market basket index determined for the federal fiscal year that begins during the state fiscal year immediately preceding the state fiscal year for which the determination is being made under division (B) of this section;	63060 63061 63062 63063 63064

(ii) The budget reduction adjustment factor for the state 63065
fiscal year for which the determination is being made under 63066
division (B) of this section. 63067

(3) For the first state fiscal year in a group of consecutive 63068
state fiscal years for which a rebasing is conducted after state 63069
fiscal year 2020, the amount specified or determined for the 63070
purpose of division (B) of this section for the immediately 63071
preceding state fiscal year. 63072

(C) From the sum determined under division (B) of this 63073
section, subtract one dollar and seventy-nine cents. 63074

(D) To the difference determined under division (C) of this 63075
section, add the per medicaid day quality payment rate determined 63076
for the nursing facility under section 5165.25 of the Revised 63077
Code. 63078

(E) To the sum determined under division (D) of this section, 63079
add, for the second half of state fiscal year 2020 and all of each 63080
state fiscal year thereafter, the per medicaid day quality 63081
incentive payment rate determined for the nursing facility under 63082
section 5165.26 of the Revised Code. 63083

Sec. 5165.152. The total per medicaid day payment rate 63084
determined under section 5165.15 of the Revised Code shall not be 63085
paid for nursing facility services provided to low resource 63086
utilization residents. Instead, the total rate for such nursing 63087
facility services shall be ~~the following:~~ 63088

~~(A) One one hundred fifteen dollars per medicaid day if the~~ 63089
~~department of medicaid is satisfied that the nursing facility's~~ 63090
~~provider is cooperating with the long term care ombudsman program~~ 63091
~~in efforts to help the nursing facility's low resource utilization~~ 63092
~~residents receive the services that are most appropriate for such~~ 63093
~~residents' level of care needs;~~ 63094

~~(B) Ninety one dollars and seventy cents per medicaid day if
division (A) of this section does not apply to the nursing
facility.~~ 63095
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Sec. 5165.25. (A) As used in this section: 63098

(1) "Long-stay resident" means an individual who has resided 63099
in a nursing facility for at least one hundred one days. 63100

(2) "Measurement period" means the ~~following:~~ 63101

~~(a) For state fiscal year 2017, the period beginning July 1,
2015, and ending December 31, 2015;~~ 63102
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~~(b) For each subsequent state fiscal year, the calendar year
immediately preceding the calendar year in which ~~the~~ a state
fiscal year begins.~~ 63104
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(3) "Nurse aide" has the same meaning as in section 3721.21 63107
of the Revised Code. 63108

(4) "Short-stay resident" means a nursing facility resident 63109
who is not a long-stay resident. 63110

(B)(1) Using all of the funds made available for a state 63111
fiscal year by the rate reductions under division (C) of section 63112
5165.15 of the Revised Code, the department of medicaid shall 63113
determine a per medicaid day quality payment rate to be paid for 63114
that state fiscal year to each nursing facility that meets at 63115
least one of the quality indicators specified in division (B)(2) 63116
of this section ~~for the measurement period~~. The largest quality 63117
payment rate for a state fiscal year shall be paid to nursing 63118
facilities that meet all of the quality indicators ~~for the~~ 63119
~~measurement period~~. 63120

(2) The following are the quality indicators to be used for 63121
the purpose of division (B)(1) of this section: 63122

(a) Not more than the target percentage of the nursing 63123

facility's short-stay residents had new or worsened pressure
ulcers for the measurement period. 63124
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(b) Not more than the target percentage of long-stay
residents at high risk for pressure ulcers had pressure ulcers for
the measurement period. 63126
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(c) Not more than the target percentage of the nursing
facility's short-stay residents newly received an antipsychotic
medication for the measurement period. 63129
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(d) Not more than the target percentage of the nursing
facility's long-stay residents received an antipsychotic
medication for the measurement period. 63132
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(e) Not more than the target percentage of the nursing
facility's long-stay residents had an unplanned weight loss for
the measurement period. 63135
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(f) The nursing facility's employee retention rate is at
least the target rate for the measurement period. 63138
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(g) The nursing facility ~~utilized the nursing home version of~~
~~the preferences for everyday living inventory for all of its~~
~~residents~~ obtained at least the target score on the following: 63140
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63142

(i) For an even-numbered state fiscal year, the department of
aging's most recently published resident satisfaction survey
conducted pursuant to section 173.47 of the Revised Code; 63143
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(ii) For an odd-numbered state fiscal year, the department of
aging's most recently published family satisfaction survey
conducted pursuant to section 173.47 of the Revised Code. 63146
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(3) The department shall specify the target percentage for
the purpose of divisions (B)(2)(a) to (e) of this section at the
fortieth percentile of nursing facilities that have data for the
quality indicators. The department also shall specify the target
rate for the purpose of division (B)(2)(f) of this section and the 63149
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~~target score for the purpose of division (B)(2)(g) of this section. In determining whether a nursing facility meets the quality indicators specified in divisions (B)(2)(c) and (d) of this section, the department shall exclude from consideration the following:~~

~~(a) In the case of the quality indicator specified in division (B)(2)(c) of this section, all of the nursing facility's short stay residents who newly received an antipsychotic medication in conjunction with hospice care;~~

~~(b) In the case of the quality indicator specified in division (B)(2)(d) of this section, all of the nursing facility's long stay residents who received antipsychotic medication in conjunction with hospice care.~~

(C) If a nursing facility undergoes a change of operator during a state fiscal year, the per medicaid day quality payment rate to be paid to the entering operator for nursing facility services that the nursing facility provides during the period beginning on the effective date of the change of operator and ending on the last day of the state fiscal year shall be the same amount as the per medicaid day quality payment rate that was in effect on the day immediately preceding the effective date of the change of operator and paid to the nursing facility's exiting operator. For the immediately following state fiscal year, the per medicaid day quality payment rate shall be ~~the following:~~

~~(1) If the effective date of the change of operator is on or before the first day of October of the calendar year immediately preceding the state fiscal year, the amount determined for the nursing facility in accordance with division (B) of this section for the state fiscal year;~~

~~(2) If the effective date of the change of operator is after the first day of October of the calendar year immediately~~

~~preceding the state fiscal year, the mean per medicaid day quality~~ 63185
~~payment rate for all nursing facilities for the state fiscal year.~~ 63186

Sec. 5165.26. (A) As used in this section: 63187

(1) "Base rate" means the portion of a nursing facility's 63188
total per medicaid day payment rate determined under division (A) 63189
of section 5165.15 of the Revised Code. 63190

(2) "CMS" means the United States centers for medicare and 63191
medicaid services. 63192

(3) "Long-stay resident" and "measurement period" have the 63193
same meanings as in section 5165.25 of the Revised Code. 63194

(B) For the second half of with state fiscal year 2020 and 63195
all of each state fiscal year thereafter, and subject to divisions 63196
(D) and (E) of this section, the department of medicaid shall 63197
determine each nursing facility's per medicaid day quality 63198
incentive payment rate as follows: 63199

(1) Determine the sum of the quality scores determined under 63200
division (C) of this section for all nursing facilities. 63201

(2) Determine the average quality score by dividing the sum 63202
determined under division (B)(1) of this section by the number of 63203
nursing facilities for which a quality score was determined. 63204

(3) Determine the following: 63205

(a) For the second half of state fiscal year 2020, the sum of 63206
the total number of medicaid days for the second half of calendar 63207
year 2018 for all nursing facilities for which a quality score was 63208
determined; 63209

(b) For all of state fiscal year 2021 and each state fiscal 63210
year thereafter, the sum of the total number of medicaid days for 63211
the measurement period applicable to the state fiscal year for all 63212
nursing facilities for which a quality score was determined. 63213

<u>(4) Multiply the average quality score determined under</u>	63214
<u>division (B)(2) of this section by the sum determined under</u>	63215
<u>division (B)(3) of this section.</u>	63216
<u>(5) Determine the value per quality point by determining the</u>	63217
<u>quotient of the following:</u>	63218
<u>(a) The following:</u>	63219
<u>(i) For the second half of state fiscal year 2020, the sum</u>	63220
<u>determined under division (E)(1)(b) of this section;</u>	63221
<u>(ii) For all of state fiscal year 2021 and each state fiscal</u>	63222
<u>year thereafter, the sum determined under division (E)(2)(b) of</u>	63223
<u>this section.</u>	63224
<u>(b) The product determined under division (B)(4) of this</u>	63225
<u>section.</u>	63226
<u>(6) Multiply the value per quality point determined under</u>	63227
<u>division (B)(5) of this section by the nursing facility's quality</u>	63228
<u>score determined under division (C) of this section.</u>	63229
<u>(C)(1) Except as provided in divisions (C)(2) and (3) of this</u>	63230
<u>section, a nursing facility's quality score for a state fiscal</u>	63231
<u>year shall be the sum of the total number of points that CMS</u>	63232
<u>assigned to the nursing facility under CMS's nursing facility</u>	63233
<u>five-star quality rating system for the following quality metrics:</u>	63234
<u>(a) The percentage of the nursing facility's long-stay</u>	63235
<u>residents at high risk for pressure ulcers who had pressure ulcers</u>	63236
<u>during the measurement period;</u>	63237
<u>(b) The percentage of the nursing facility's long-stay</u>	63238
<u>residents who had a urinary tract infection during the measurement</u>	63239
<u>period;</u>	63240
<u>(c) The percentage of the nursing facility's long-stay</u>	63241
<u>residents whose ability to move independently worsened during the</u>	63242
<u>measurement period;</u>	63243

(d) The percentage of the nursing facility's long-stay residents who had a catheter inserted and left in their bladder during the measurement period. 63244
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(2) In determining a nursing facility's quality score for a state fiscal year, the department shall make the following adjustment to the number of points that CMS assigned to the nursing facility for each of the quality metrics specified in division (C)(1) of this section: 63247
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(a) Unless division (C)(2)(b) of this section applies, divide the number of the nursing facility's points for the quality metric by twenty. 63252
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(b) If CMS assigned the nursing facility to the lowest percentile for the quality metric, reduce the number of the nursing facility's points for the quality metric to zero. 63255
63256
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(3) A nursing facility's quality score shall be zero for a state fiscal year if it is not to receive a quality incentive payment for that state fiscal year because of division (D) of this section. 63258
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(D)(1) A nursing facility shall not receive a quality incentive payment for a state fiscal year if the following applies: 63262
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63264

(a) In the case of the quality incentive payment to be paid for the second half of state fiscal year 2020, the nursing facility's licensed occupancy percentage is less than eighty per cent; 63265
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(b) In the case of the quality incentive payment to be paid for all of state fiscal year 2021 and each state fiscal year thereafter, the nursing facility's licensed occupancy percentage is less than the statewide average licensed occupancy percentage. 63269
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(2) A nursing facility's licensed occupancy percentage for a 63273

<u>state fiscal year shall be determined as follows:</u>	63274
<u>(a) Multiply the nursing facility's licensed capacity on the last day of the measurement period applicable to the state fiscal year by the number of days in that measurement period;</u>	63275
	63276
	63277
<u>(b) Divide the product determined under division (D)(2)(a) of this section by the number of the nursing facility's inpatient days for the measurement period applicable to the state fiscal year.</u>	63278
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<u>(E) The total amount to be spent on quality incentive payments for a state fiscal year shall be the following:</u>	63282
	63283
<u>(1) For the second half of state fiscal year 2020, the amount determined as follows:</u>	63284
	63285
<u>(a) Determine the following amount for each nursing facility, including those that do not receive a quality incentive payment because of division (D) of this section:</u>	63286
	63287
	63288
<u>(i) The amount that is two and four-tenths per cent of the nursing facility's base rate for nursing facility services provided on January 1, 2020;</u>	63289
	63290
	63291
<u>(ii) Multiply the amount determined under division (E)(1)(a)(i) of this section by the number of the nursing facility's medicaid days for the second half of calendar year 2018.</u>	63292
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<u>(b) Determine the sum of the products determined under division (E)(1)(a)(ii) of this section for all nursing facilities for which the product was determined for the second half of state fiscal year 2020.</u>	63296
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	63299
<u>(2) For all of state fiscal year 2021 and each state fiscal year thereafter, the amount determined as follows:</u>	63300
	63301
<u>(a) Determine the following amount for each nursing facility, including those that do not receive a quality incentive payment</u>	63302
	63303

because of division (D) of this section: 63304

(i) The amount that is two and four-tenths per cent of the 63305
nursing facility's base rate for nursing facility services 63306
provided on the first day of the state fiscal year; 63307

(ii) Multiply the amount determined under division 63308
(E)(2)(a)(i) of this section by the number of the nursing 63309
facility's medicaid days for the measurement period applicable to 63310
the state fiscal year. 63311

(b) Determine the sum of the products determined under 63312
division (E)(2)(a)(ii) of this section for all nursing facilities 63313
for which the product was determined for the state fiscal year. 63314

Sec. 5166.01. As used in this chapter: 63315

"209(b) option" means the option described in section 1902(f) 63316
of the "Social Security Act," 42 U.S.C. 1396a(f), under which the 63317
medicaid program's eligibility requirements for aged, blind, and 63318
disabled individuals are more restrictive than the eligibility 63319
requirements for the supplemental security income program. 63320

"Administrative agency" means, with respect to a home and 63321
community-based services medicaid waiver component, the department 63322
of medicaid or, if a state agency or political subdivision 63323
contracts with the department under section 5162.35 of the Revised 63324
Code to administer the component, that state agency or political 63325
subdivision. 63326

"Care management system" ~~means the system established under~~ 63327
has the same meaning as in section 5167.03 5167.01 of the Revised 63328
Code. 63329

"Dual eligible individual" has the same meaning as in section 63330
5160.01 of the Revised Code. 63331

"Enrollee" has the same meaning as in section 5167.01 of the 63332
Revised Code. 63333

"Expansion eligibility group" has the same meaning as in section 5163.01 of the Revised Code. 63334
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"Federal poverty line" has the same meaning as in section 5162.01 of the Revised Code. 63336
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"Home and community-based services medicaid waiver component" means a medicaid waiver component under which home and community-based services are provided as an alternative to hospital services, nursing facility services, or ICF/IID services. 63338
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"Hospital" has the same meaning as in section 3727.01 of the Revised Code. 63342
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"Hospital long-term care unit" has the same meaning as in section 5168.40 of the Revised Code. 63344
63345

"ICDS participant" has the same meaning as in section 5164.01 of the Revised Code. 63346
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"ICF/IID" and "ICF/IID services" have the same meanings as in section 5124.01 of the Revised Code. 63348
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"Integrated care delivery system" and "ICDS" have the same meanings as in section 5164.01 of the Revised Code. 63350
63351

"Level of care determination" means a determination of whether an individual needs the level of care provided by a hospital, nursing facility, or ICF/IID and whether the individual, if determined to need that level of care, would receive hospital services, nursing facility services, or ICF/IID services if not for a home and community-based services medicaid waiver component. 63352
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"Medicaid buy-in for workers with disabilities program" has the same meaning as in section 5163.01 of the Revised Code. 63358
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"Medicaid MCO plan" has the same meaning as in section 5167.01 of the Revised Code. 63360
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"Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code. 63362
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"Medicaid services" has the same meaning as in section 63364
5164.01 of the Revised Code. 63365

"Medicaid waiver component" means a component of the medicaid 63366
program authorized by a waiver granted by the United States 63367
department of health and human services under the "Social Security 63368
Act," section 1115 or 1915, 42 U.S.C. 1315 or 1396n. "Medicaid 63369
waiver component" does not include ~~a the care management system~~ 63370
~~established under section 5167.03 of the Revised Code.~~ 63371

"Medically fragile child" means an individual who is under 63372
eighteen years of age, has intensive health care needs, and is 63373
considered blind or disabled under section 1614(a)(2) or (3) of 63374
the "Social Security Act," 42 U.S.C. 1382c(a)(2) or (3). 63375

"Nursing facility" and "nursing facility services" have the 63376
same meanings as in section 5165.01 of the Revised Code. 63377

"Ohio home care waiver program" means the home and 63378
community-based services medicaid waiver component that is known 63379
as Ohio home care and was created pursuant to section 5166.11 of 63380
the Revised Code. 63381

"Provider agreement" has the same meaning as in section 63382
5164.01 of the Revised Code. 63383

"Residential treatment facility" means a residential facility 63384
licensed by the department of mental health and addiction services 63385
under section 5119.34 of the Revised Code, or an institution 63386
certified by the department of job and family services under 63387
section 5103.03 of the Revised Code, that serves children and 63388
either has more than sixteen beds or is part of a campus of 63389
multiple facilities or institutions that, combined, have a total 63390
of more than sixteen beds. 63391

"Skilled nursing facility" has the same meaning as in section 63392
5165.01 of the Revised Code. 63393

"Unified long-term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5166.14 of the Revised Code.

Sec. 5166.04. The following requirements apply to each home and community-based services medicaid waiver component:

(A) Only an individual who qualifies for a component shall receive that component's medicaid services.

(B) A level of care determination shall be made as part of the process of determining whether an individual qualifies for a component and shall be made each year after the initial determination if, during such a subsequent year, the administrative agency determines there is a reasonable indication that the individual's needs have changed.

(C) A written plan of care or individual service plan based on an individual assessment of the medicaid services that an individual needs to avoid needing admission to a hospital, nursing facility, or ICF/IID shall be created for each individual determined eligible for a component.

(D) Each individual determined eligible for a component shall receive that component's medicaid services in accordance with the individual's level of care determination and written plan of care or individual service plan.

(E) No individual may receive medicaid services under a component while the individual is a hospital inpatient or resident of a skilled nursing facility, nursing facility, or ICF/IID.

(F) No individual may receive prevocational, educational, or supported employment services under a component if the individual is eligible for such services that are funded with federal funds provided under 29 U.S.C. 730 or the "Individuals with Disabilities Education Act," 111 Stat. 37 (1997), 20 U.S.C. 1400, as amended.

(G) Safeguards shall be taken to protect the health and 63424
welfare of individuals receiving medicaid services under a 63425
component, including safeguards established in rules adopted under 63426
section 5166.02 of the Revised Code and safeguards established by 63427
licensing and certification requirements that are applicable to 63428
the providers of that component's medicaid services. 63429

(H) No medicaid services may be provided under a component by 63430
a provider that is subject to standards that the "Social Security 63431
Act," section 1616(e)(1), 42 U.S.C. 1382e(e)(1), requires be 63432
established if the provider fails to comply with the standards 63433
applicable to the provider. 63434

(I) Individuals determined to be eligible for a component, or 63435
such individuals' representatives, shall be informed of that 63436
component's medicaid services, including any choices that the 63437
individual or representative may make regarding the component's 63438
medicaid services, and given the choice of either receiving 63439
medicaid services under that component or, as appropriate, 63440
hospital services, nursing facility services, or ICF/IID services. 63441

(J) No individual shall lose eligibility for services under a 63442
component, or have the services reduced or otherwise disrupted, on 63443
the basis that the individual also receives services under the 63444
medicaid buy-in for workers with disabilities program. 63445

(K) No individual shall lose eligibility for services under a 63446
component, or have the services reduced or otherwise disrupted, on 63447
the basis that the individual's income or resources increase to an 63448
amount above the eligibility limit for the component if the 63449
individual is participating in the medicaid buy-in for workers 63450
with disabilities program and the amount of the individual's 63451
income or resources does not exceed the eligibility limit for the 63452
medicaid buy-in for workers with disabilities program. 63453

(L) No individual receiving services under a component shall 63454

be required to pay any cost sharing expenses for the services for 63455
any period during which the individual also participates in the 63456
medicaid buy-in for workers with disabilities program. 63457

(M) If a component covers home-delivered meals, both of the 63458
following shall apply: 63459

(1) The format in which the meals are delivered to an 63460
individual and the frequency of the deliveries shall be consistent 63461
with the individual's needs as specified in the individual's 63462
written plan of care or individual service plan; 63463

(2) The individual who delivers the meals shall not leave the 63464
meals with the individual to whom they are delivered unless the 63465
individuals meet face-to-face at the time of the delivery. 63466

Sec. 5166.122. (A) As used in this section, "snack" has the 63467
same meaning as in section 173.30 of the Revised Code. 63468

(B) An entity that provides home-delivered meals under the 63469
Ohio home care waiver program shall not offer snacks in addition 63470
to the breakfast, lunch, or dinner meals provided to individuals 63471
enrolled in the program unless the entity does all of the 63472
following: 63473

(1) Offers an enrollee not more than five snack choices at a 63474
time; 63475

(2) Provides an enrollee with the amount of calories in, and 63476
the sugar and sodium contents of, each snack offered to the 63477
enrollee; 63478

(3) Provides an enrollee not more than one snack per each 63479
breakfast, lunch, and dinner meal that is provided to the enrollee 63480
at the same time as the snacks. 63481

Sec. 5166.162. (A) As used in this section, "snack" has the 63482
same meaning as in section 173.30 of the Revised Code. 63483

(B) An entity that provides home-delivered meals under the ICDS medicaid waiver component shall not offer snacks in addition to the breakfast, lunch, or dinner meals provided to ICDS participants unless the entity does all of the following: 63484
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(1) Offers a participant not more than five snack choices at a time; 63488
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(2) Provides a participant with the amount of calories in, and the sugar and sodium contents of, each snack offered to the participant; 63490
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63492

(3) Provides a participant not more than one snack per each breakfast, lunch, and dinner meal that is provided to the participant at the same time as the snacks. 63493
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Sec. 5166.22. (A) Subject to division (B) of this section, 63496
when the department of developmental disabilities allocates 63497
enrollment numbers to a county board of developmental disabilities 63498
for home and community-based services specified in division (A)(1) 63499
of section 5166.20 of the Revised Code and provided under any of 63500
the medicaid waiver components that the department administers 63501
under section 5166.21 of the Revised Code, the department shall 63502
consider ~~all~~ both of the following: 63503

(1) The number of individuals with developmental disabilities 63504
placed on the county board's waiting list established for the 63505
services pursuant to section 5126.042 of the Revised Code; 63506

~~(2) The implementation component required by division (A)(3) 63507
of section 5126.054 of the Revised Code of the county board's plan 63508
approved under section 5123.046 of the Revised Code;~~ 63509

~~(3) Anything else the department considers necessary to 63510
enable the county board to provide the services to individuals 63511
placed on the county board's waiting list established for the 63512
services pursuant to section 5126.042 of the Revised Code. 63513~~

(B) Division (A) of this section applies to home and 63514
community-based services provided under the medicaid waiver 63515
component known as the transitions developmental disabilities 63516
waiver only to the extent, if any, provided by the contract 63517
required by section 5166.21 of the Revised Code regarding the 63518
component. 63519

Sec. 5166.42. The medicaid director shall establish a 63520
medicaid waiver component that addresses social determinants of 63521
health, including housing, transportation, food, interpersonal 63522
safety, and toxic stress. 63523

Sec. 5166.43. The medicaid director shall establish a 63524
medicaid waiver component under which medicaid MCO plans may cover 63525
any service or product that would have a beneficial effect on the 63526
health of enrollees and, because of the beneficial effect, is 63527
likely to reduce the per recipient per month costs under the plan 63528
by the end of the first three years that the service or product is 63529
covered. 63530

Sec. 5166.50. (A) The medicaid director shall request that 63531
the United States secretary of health and human services enter 63532
into an enforceable agreement with the director that provides for 63533
no federal financial participation to be withheld due to any of 63534
the following: 63535

(1) Implementation of sections 5167.35 and 5167.36 of the 63536
Revised Code; 63537

(2) For the purpose of section 5167.10 of the Revised Code, 63538
enrollment of individuals designated for participation in the care 63539
management system pursuant to section 5167.03 of the Revised Code 63540
in medicaid managed care organizations that are regional networks 63541
consisting of hospitals. 63542

(B) Unless the agreement specified in division (A) of this section is in effect: 63543
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(1) Sections 5167.35 and 5167.36 of the Revised Code shall not be implemented. 63545
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(2) For the purpose of section 5167.10 of the Revised Code, the department shall not enroll individuals designated for participation in the care management system pursuant to section 5167.03 of the Revised Code in medicaid managed care organizations that are regional networks consisting of hospitals. 63547
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Sec. 5167.01. As used in this chapter: 63552

(A) "Affiliated company" means an entity, including a third-party payer or specialty pharmacy, with common ownership, members of a board of directors, or managers, or that is a parent company, subsidiary company, jointly held company, or holding company with respect to the other entity. 63553
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(B) "Care management system" means the system established under section 5167.03 of the Revised Code. 63558
63559

(C) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code. 63560
63561

~~(B)~~(D) "Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code. 63562
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~~(C)~~(E) "Emergency services" has the same meaning as in the "Social Security Act," section 1932(b)(2), 42 U.S.C. 1396u-2(b)(2). 63564
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~~(D)~~(F) "Enrollee" means a medicaid recipient who participates in the care management system and enrolls in a medicaid MCO plan. 63567
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(G) "Home health agency" has the same meaning as in 42 C.F.R. 440.70(d). 63569
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(H) "Home health services" has the same meaning as in 42 63571

C.F.R. 440.70(a). 63572

(I) "ICDS participant" has the same meaning as in section 5164.01 of the Revised Code. 63573
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(J) "Manufacturer of dangerous drugs" has the same meaning as in section 4729.01 of the Revised Code. 63575
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~~(E)~~(K) "Medicaid managed care organization" means a managed care organization under contract with the department of medicaid pursuant to section 5167.10 of the Revised Code. 63577
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~~(F)~~(L) "Medicaid MCO plan" means a plan that a medicaid managed care organization, pursuant to its contract with the department of medicaid under section 5167.10 of the Revised Code, makes available to medicaid recipients participating in the care management system. 63580
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(M) "Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code. 63585
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~~(G)~~(N) "Nursing facility services" has the same meaning as in section 5165.01 of the Revised Code. 63587
63588

(O) "Part B drug" means a drug or biological described in section 1842(o)(1)(C) of the "Social Security Act," 42 U.S.C. 1395u(o)(1)(C). 63589
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~~(H)~~(P) "Pharmacy benefit manager" has the same meaning as in section 3959.01 of the Revised Code. 63592
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(O) "Practice of pharmacy" has the same meaning as in section 4729.01 of the Revised Code. 63594
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(R) "Prescribed drug" has the same meaning as in section 5164.01 of the Revised Code. 63596
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~~(I)~~(S) "Provider" means any person or government entity that furnishes services to a medicaid recipient enrolled in a medicaid managed care organization MCO plan, regardless of whether the person or entity has a provider agreement. 63598
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~~(J)~~(T) "Provider agreement" has the same meaning as in 63602
section 5164.01 of the Revised Code. 63603

(U) "State pharmacy benefit manager" means the pharmacy 63604
benefit manager selected by and under contract with the director 63605
of administrative services under section 125.93 of the Revised 63606
Code. 63607

Sec. 5167.03. As part of the medicaid program, the department 63608
of medicaid shall establish a care management system. The 63609
department shall implement the system in some or all counties. 63610

The department shall designate the medicaid recipients who 63611
are required or permitted to participate in the care management 63612
system. ~~Those who shall be required to participate in the system 63613
include medicaid recipients who receive cognitive behavioral 63614
therapy as described in division (A)(2) of section 5167.16 of the 63615
Revised Code.~~ Except as provided in section 5166.406 of the 63616
Revised Code, no medicaid recipient participating in the healthy 63617
Ohio program established under section 5166.40 of the Revised Code 63618
shall participate in the system. 63619

The general assembly's authorization through the enactment of 63620
legislation is needed before home and community-based services 63621
available under a medicaid waiver component or nursing facility 63622
services are included in the care management system, except that 63623
ICDS participants may be required or permitted to obtain such 63624
services under the system. Medicaid recipients who receive such 63625
services may be designated for voluntary or mandatory 63626
participation in the system in order to receive other health care 63627
services included in the system. 63628

The department may require or permit participants in the care 63629
management system to ~~obtain~~ do either or both of the following: 63630

(A) Obtain health care services from providers designated by 63631

~~the department. The department may require or permit participants to obtain health care services through medicaid managed care organizations;~~

(B) Enroll in a medicaid MCO plan.

Sec. 5167.04. ~~The department of medicaid shall~~ may include alcohol, drug addiction, and mental health services covered by medicaid in the care management system ~~established under section 5167.03 of the Revised Code. The services shall not be included in the system before July 1, 2018.~~

Sec. 5167.05. The department of medicaid shall include prescribed drugs covered by the medicaid program in the care management system.

~~**Sec. 5167.121**~~ **5167.051.** If the medicaid program covers the pharmacist services described in section 5164.14 of the Revised Code, the department of medicaid may ~~require a medicaid managed care organization to provide coverage of the pharmacist services to the same extent when the services are provided to a medicaid recipient who is enrolled in the organization as a part of~~ include the services in the care management system ~~established under section 5167.03 of the Revised Code.~~

Sec. 5167.10. ~~(A)~~ The department of medicaid may enter into contracts with managed care organizations, ~~including health insuring corporations,~~ under which the organizations are authorized to provide, or arrange for the provision of, health care services to medicaid recipients who are required or permitted to ~~obtain health care services through managed care organizations as part of~~ participate in the care management system ~~established under section 5167.03 of the Revised Code.~~

~~(B)(1) Subject to division (B)(2)(a) of this section, the~~

~~department or its actuary shall base the hospital inpatient
capital payment portion of the payment made to managed care
organizations on data for services provided to all recipients
enrolled in managed care organizations with which the department
contracts, as reported by hospitals on relevant cost reports
submitted pursuant to rules adopted under section 5167.02 of the
Revised Code.~~ 63661
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~~(2)(a) The hospital inpatient capital payment portion of the
payment made to medicaid managed care organizations shall not
exceed any maximum rate established by the department pursuant to
rules adopted under this section.~~ 63668
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~~(b) If a maximum rate is established, a medicaid managed care
organization shall not compensate hospitals for inpatient capital
costs in an amount that exceeds that rate.~~ 63672
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~~(C) The department of medicaid shall allow a medicaid managed
care organization to use providers to render care upon completion
of the medicaid managed care organization's credentialing process.
There is no limit on the number of medicaid managed care
organizations the department may contract with at any one time.
The managed care organizations with which the department may enter
into contracts include both of the following:~~ 63675
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~~(A) Health insuring corporations;~~ 63682

~~(B) Subject to section 5166.50 of the Revised Code, regional
networks consisting of hospitals that accept a capitated payment
from the department that is not more than ninety per cent of the
lowest capitated payment made to a medicaid managed care
organization that is a health insuring corporation.~~ 63683
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~~Sec. 5167.101. (A) Subject to division (B) of this section,
the department of medicaid or its actuary shall base the hospital
inpatient capital payment portion of the payment made to a~~ 63688
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medicaid managed care organization on data for services provided 63691
to all of the organization's enrollees, as reported by hospitals 63692
on relevant cost reports submitted pursuant to rules adopted under 63693
section 5167.02 of the Revised Code. 63694

(B) The hospital inpatient capital payment portion of the 63695
payment made to medicaid managed care organizations shall not 63696
exceed any maximum rate established in rules adopted under section 63697
5167.02 of the Revised Code. 63698

If a maximum rate is established, a medicaid managed care 63699
organization shall not compensate hospitals for inpatient capital 63700
costs in an amount that exceeds that rate. 63701

Sec. 5167.102. The department of medicaid shall allow a 63702
medicaid managed care organization to use providers to render care 63703
to the organization's enrollees upon completion of the 63704
organization's credentialing process. 63705

Sec. 5167.103. The department of medicaid shall make 63706
available on its internet web site the metrics the department uses 63707
to determine how well medicaid managed care organizations perform 63708
under the contracts entered into under section 5167.10 of the 63709
Revised Code. The department shall update its internet web site 63710
each quarter to reflect any changes it makes to the metrics. 63711

Sec. 5167.104. If a medicaid managed care organization 63712
establishes a payment rate for a service covered by its medicaid 63713
MCO plan that is greater than the payment rate for the service 63714
under the fee-for-service component of the medicaid program, the 63715
organization shall require any provider of the service that seeks 63716
to be part of the organization's provider panel available to the 63717
organization's enrollees to enter into a value-based contract with 63718
the organization. 63719

Sec. 5167.105. A medicaid managed care organization shall not 63720
permit a provider to be part of the organization's provider panel 63721
available to the organization's enrollees unless the provider 63722
assures the organization that the provider, once a member of the 63723
provider panel, will, in accordance with section 3962.05 of the 63724
Revised Code, provide to the organization the information 63725
specified in that section if the provider chooses to have the 63726
organization provide to the organization's enrollees the 63727
reasonable, good faith cost estimate described in section 3962.04 63728
of the Revised Code. 63729

~~Sec. 5167.11.~~ ~~When contracting under section 5167.10 of the~~ 63730
~~Revised Code with a health insuring corporation that holds a~~ 63731
~~certificate of authority under Chapter 1751. of the Revised Code,~~ 63732
~~the department of medicaid~~ Each medicaid managed care organization 63733
~~shall require the health insuring corporation to provide a~~ 63734
~~grievance process for medicaid recipients~~ the organization's 63735
enrollees in accordance with 42 C.F.R. 438, subpart F. 63736

~~Sec. 5167.12.~~ (A) ~~When contracting under section 5167.10 of~~ 63737
~~the Revised Code with a managed care organization that is a health~~ 63738
~~insuring corporation, the department of medicaid shall require the~~ 63739
~~health insuring corporation to provide coverage of prescribed~~ 63740
~~drugs for medicaid recipients enrolled in the health insuring~~ 63741
~~corporation. In providing the required coverage, the health~~ 63742
~~insuring corporation may use~~ medicaid MCO plans may include 63743
~~strategies for the management of drug utilization, but any such~~ 63744
~~strategies are subject to the limitations and requirements of this~~ 63745
~~section and the department's approval~~ of the department of 63746
medicaid. 63747

(B) ~~The department~~ A medicaid MCO plan shall not ~~permit a~~ 63748
~~health insuring corporation to impose a prior authorization~~ 63749

requirement in the case of a drug to which all of the following 63750
apply: 63751

(1) The drug is an antidepressant or antipsychotic. 63752

(2) The drug is administered or dispensed in a standard 63753
tablet or capsule form, except that in the case of an 63754
antipsychotic, the drug also may be administered or dispensed in a 63755
long-acting injectable form. 63756

(3) The drug is prescribed by any of the following: 63757

(a) A physician who ~~is allowed by the health insuring~~ 63758
~~corporation~~ medicaid managed care organization that offers the 63759
plan allows to provide care as a psychiatrist through its 63760
credentialing process, as described in division (C) of section 63761
5167.10 of the Revised Code; 63762

(b) A psychiatrist who is practicing at a location on behalf 63763
of a community mental health services provider whose mental health 63764
services are certified by the department of mental health and 63765
addiction services under section 5119.36 of the Revised Code; 63766

(c) A certified nurse practitioner, as defined in section 63767
4723.01 of the Revised Code, who is certified in psychiatric 63768
mental health by a national certifying organization approved by 63769
the board of nursing under section 4723.46 of the Revised Code; 63770

(d) A clinical nurse specialist, as defined in section 63771
4723.01 of the Revised Code, who is certified in psychiatric 63772
mental health by a national certifying organization approved by 63773
the board of nursing under section 4723.46 of the Revised Code. 63774

(4) The drug is prescribed for a use that is indicated on the 63775
drug's labeling, as approved by the federal food and drug 63776
administration. 63777

(C) ~~Subject to division (E) of this section, the~~ The 63778
department shall authorize a ~~health insuring corporation~~ medicaid 63779

~~MCO plan to develop and implement~~ include a pharmacy utilization management program under which prior authorization through the program is established as a condition of obtaining a controlled substance pursuant to a prescription.

(D) ~~The department shall require a health insuring corporation to~~ Each medicaid managed care organization and medicaid MCO plan shall comply with sections 5164.091, 5164.7511, 5164.7512, and 5164.7514 of the Revised Code, as if the ~~health insuring corporation~~ organization were the department and the plan were the medicaid program.

Sec. 5167.13. ~~Each contract the department of medicaid enters into with a managed care organization under section 5167.10 of the Revised Code shall require the~~ medicaid managed care organization ~~to~~ shall implement a coordinated services program for ~~medicaid recipients enrolled in the organization~~ organization's enrollees who are found to have obtained prescribed drugs under the medicaid program at a frequency or in an amount that is not medically necessary. The program shall be implemented in a manner that is consistent with section 1915(a)(2) of the "Social Security Act," ~~section 1915(a)(2),~~ 42 U.S.C. 1396n(a)(2), and 42 C.F.R. 431.54(e).

Sec. 5167.14. ~~Each contract the department of medicaid enters into with a~~ medicaid managed care organization ~~under section 5167.10 of the Revised Code shall require the managed care organization to~~ enter into a data security agreement with the state board of pharmacy governing the managed care organization's use of the board's drug database established and maintained under section 4729.75 of the Revised Code.

This section does not apply if the board no longer maintains the drug database.

Sec. 5167.17. ~~When contracting under section 5167.10 of the~~ 63810
~~Revised Code with a~~ Each ~~medicaid~~ managed care organization that 63811
~~is a health insuring corporation, the department of medicaid shall~~ 63812
~~require the health insuring corporation to~~ provide enhanced care 63813
management services for pregnant women and women capable of 63814
becoming pregnant in the communities specified in rules adopted 63815
under section 3701.142 of the Revised Code. The ~~contract shall~~ 63816
~~specify that the services are to~~ shall be provided in a manner 63817
intended to decrease the incidence of prematurity, low birth 63818
weight, and infant mortality, as well as improve the overall 63819
health status of women capable of becoming pregnant for the 63820
purpose of ensuring optimal future birth outcomes. 63821

Sec. 5167.171. ~~When contracting with a~~ Each ~~medicaid~~ managed 63822
care organization ~~that is a health insuring corporation, the~~ 63823
~~department of medicaid shall require the organization, if the~~ 63824
organization requires practitioners to obtain prior approval 63825
before administering progesterone to the organization's enrollees 63826
who are pregnant medicaid recipients enrolled in the organization, 63827
~~to~~ use a uniform prior approval form for progesterone that is not 63828
more than one page. 63829

Sec. 5167.172. ~~When contracting with a~~ Each ~~medicaid~~ managed 63830
care organization ~~that is a health insuring corporation, the~~ 63831
~~department of medicaid shall require the organization to~~ promote 63832
the use of technology-based resources, such as mobile telephone or 63833
text messaging applications, that offer tips on having a healthy 63834
pregnancy and healthy baby to ~~medicaid recipients~~ the 63835
organization's enrollees ~~who are enrolled in the organization and~~ 63836
~~are~~ pregnant or have an infant who is less than one year of age. 63837

Sec. 5167.18. Each ~~contract the department of medicaid enters~~ 63838
~~into with a~~ medicaid managed care organization ~~under section~~ 63839

~~5167.10 of the Revised Code shall require the managed care organization to comply with federal and state efforts to identify fraud, waste, and abuse in the medicaid program.~~ 63840
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Sec. 5167.19. (A) As used in this section: 63843

(1) "Applicable percentage" means the following: 63844

(a) For the first year that incentive payments are made under this section, two per cent; 63845
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(b) For the second year that the incentive payments are made under this section, four per cent; 63847
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(c) For the third and subsequent years that the incentive payments are made under this section, six per cent. 63849
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(2) "Base operating DRG payment amount" has the meaning specified in rules authorized by this section. 63851
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(3) "Medicare hospital value-based purchasing program" means the program that the United States secretary of health and human services must establish under section 1886(o) of the "Social Security Act," 42 U.S.C. 1395ww(o). 63853
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(4) "Participating hospital" means a hospital under contract with a medicaid managed care organization to provide inpatient hospital services to medicaid recipients enrolled in a medicaid MCO plan offered by the organization. 63857
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(B) Each medicaid managed care organization shall implement a hospital value-based purchasing program that, except as otherwise provided by this section, is identical to the medicare hospital value-based purchasing program. Under the program, a medicaid managed care organization shall make incentive payments to participating hospitals based on their successes in meeting the measures used for the medicare hospital value-based purchasing program. The total amount that a medicaid managed care 63861
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organization makes available for the incentive payments for a year 63869
shall be equal to the total amount of the savings achieved for 63870
that year due to the reduced hospital payments the organization 63871
makes under division (C) of this section. 63872

(C) Each medicaid managed care organization shall reduce each 63873
participating hospital's base operating DRG payment amount for 63874
each discharge in a year by an amount equal to the applicable 63875
percentage of the participating hospital's base operating DRG 63876
payment amount for the discharge for that year. The reduction 63877
shall be made for all participating hospitals each year regardless 63878
of whether a participating hospital has earned an incentive 63879
payment under this section for that year. 63880

(D) The medicaid director shall adopt rules under section 63881
5167.02 of the Revised Code as necessary to implement this 63882
section, including rules that define the term "base operating DRG 63883
payment amount." 63884

Sec. 5167.20. (A) Except as provided in division (B) of this 63885
section, when a ~~participant in the care management system~~ 63886
~~established under this chapter is enrolled in a~~ medicaid managed 63887
~~care organization and the organization refers the participant an~~ 63888
enrollee to receive services, other than emergency services 63889
provided on or after January 1, 2007, at a hospital that 63890
participates in the medicaid program but is not under contract 63891
with the organization, the hospital shall provide the service for 63892
which the referral was made and shall accept from the 63893
organization, as payment in full, ~~the an amount derived from equal~~ 63894
to ninety per cent of the payment rate used by the department to 63895
pay other hospitals of the same type for providing the same 63896
service to a medicaid recipient who is not enrolled in a medicaid 63897
~~managed care organization~~ MCO plan. 63898

(B) A hospital is not subject to division (A) of this section 63899

if all of the following are the case: 63900

(1) The hospital is located in a county in which participants 63901
in the care management system are required before January 1, 2006, 63902
to be enrolled in a medicaid ~~managed care organization that is a~~ 63903
~~health insuring corporation~~ MCO plan; 63904

(2) The hospital has entered into a contract before January 63905
1, 2006, with at least one health insuring corporation serving the 63906
participants specified in division (B)(1) of this section; 63907

(3) The hospital remains under contract with at least one 63908
health insuring corporation serving participants in the care 63909
management system who are required to be enrolled in a ~~health~~ 63910
~~insuring corporation~~ medicaid MCO plan. 63911

(C) The medicaid director shall adopt rules under section 63912
5167.02 of the Revised Code specifying the circumstances under 63913
which a medicaid managed care organization is permitted to refer a 63914
~~participant in the care management system~~ an enrollee to a 63915
hospital that is not under contract with the organization. 63916

Sec. 5167.201. (A) When a ~~participant in the care management~~ 63917
~~system established under this chapter is enrolled in a medicaid~~ 63918
~~managed care organization and~~ organization's enrollee receives 63919
emergency services on or after January 1, 2007, from a provider 63920
that is not under contract with the organization, the provider 63921
shall accept from the organization, as payment in full, not more 63922
than the amounts (less any payments for indirect costs of medical 63923
education and direct costs of graduate medical education) that the 63924
provider could collect if the ~~participant~~ enrollee received 63925
medicaid other than through enrollment in a ~~managed care~~ 63926
~~organization~~ medicaid MCO plan. 63927

(B) This section does not apply to any treatment that is not 63928
an emergency service if, before providing the service, the 63929

provider obtains the patient's consent after disclosing the 63930
following to the patient: 63931

(1) The medical service is not necessary for the patient's 63932
immediate health or welfare and can be completed at a later date. 63933

(2) The patient may be liable for payment of part or all of 63934
the medical service if the patient does not obtain approval from 63935
the patient's medicaid MCO plan before receiving the service. 63936

(C) An agreement entered into by a ~~participant~~ an enrollee, a 63937
~~participant's~~ an enrollee's parent, or a ~~participant's~~ an 63938
enrollee's legal guardian that requires payment for emergency 63939
services in violation of this section is void and unenforceable. 63940

Sec. 5167.22. Both of the following shall apply to each 63941
medicaid managed care organization that seeks to recoup an 63942
overpayment made to a provider: 63943

(A) The medicaid managed care organization shall not initiate 63944
the recoupment later than one year after the date that the payment 63945
for the services was made. 63946

(B) When the medicaid managed care organization seeks to 63947
recoup the overpayment, it shall provide the provider all of the 63948
details of the recoupment, including all of the following 63949
information: 63950

(1) The name, address, and medicaid identification number of 63951
the medicaid recipient to whom the services were provided; 63952

(2) The date or dates that the services were provided; 63953

(3) The reason for the recoupment; 63954

(4) The method by which the provider may contest the proposed 63955
recoupment. 63956

Sec. 5167.221. If the care management system covers home 63957

health services provided by a home health agency, a medicaid
managed care organization shall not do either of the following: 63958
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(A) Require a medicaid recipient to obtain prior
authorization for the first ten days of the services if a
physician, nursing facility, or hospital referred the recipient to
the services; 63960
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(B) Require a medicaid recipient to obtain prior
authorization for any of the services if the recipient is a
hospice patient, as defined in section 3712.01 of the Revised
Code. 63964
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Sec. 5167.24. (A) If the department of medicaid includes
prescribed drugs in the care management system as authorized by
section 5167.05 of the Revised Code and the department contracts
with medicaid managed care organizations under section 5167.10 of
the Revised Code, the organizations shall use the state pharmacy
benefit manager selected under section 125.93 of the Revised Code
pursuant to the terms of the master contract entered into under
that section. The state pharmacy benefit manager shall be
responsible for processing all pharmacy claims under the care
management system. 63968
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(B) Notwithstanding division (A) of this section, a medicaid
managed care organization may contract directly with a pharmacy
regarding the practice of pharmacy. 63978
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Sec. 5167.241. (A) In consultation with the medicaid
director, the state pharmacy benefit manager shall develop a
medicaid prescribed drug formulary that it will use when
administering prescription drug benefits on behalf of a medicaid
managed care organization under the care management system. At
minimum, the medicaid prescribed drug formulary shall list
prescribed drugs and shall specify the per unit price for each 63981
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drug. The state pharmacy benefit manager shall price drugs on the 63988
formulary at the cheapest rate for the state. The formulary price 63989
is the total price ceiling, including any supplemental rebates or 63990
discounts received for the prescribed drug. The formulary shall 63991
not become effective until the medicaid director approves it. 63992

(B) The state pharmacy benefit manager shall disclose 63993
immediately and in writing to the department of medicaid any 63994
changes to the medicaid prescribed drug formulary. The director 63995
may disapprove any changes to the formulary. 63996

(C) If the centers for medicare and medicaid services (CMS) 63997
adopts rules to include the international pricing index model, as 63998
described in the advance notice of proposed rulemaking issued by 63999
CMS on October 30, 2018 (Federal Register Vol. 83, No. 210, pp. 64000
54546-54561), the medicaid director shall apply for a waiver 64001
component as needed and amend the state medicaid plan to implement 64002
the international pricing index model as the formulary under the 64003
care management system. 64004

(D)(1) If those rules are adopted, the state pharmacy benefit 64005
manager shall use them as a model for the medicaid prescribed drug 64006
formulary instead of the standards under division (A) of this 64007
section. At a minimum, the formulary shall contain all part B 64008
drugs that the CMS includes in the international pricing index 64009
model. 64010

The per unit price shall not be more than the target price 64011
for the prescribed drug derived from the international pricing 64012
index model described in Federal Register Vol. 83, No. 210, pp. 64013
54556. The formulary shall not become effective until the medicaid 64014
director approves it. 64015

(2) The state pharmacy benefit manager shall review the 64016
medicaid prescribed drug formulary at least monthly and update it 64017
based on changes that CMS makes to the list of drugs included in 64018

the international pricing index model and the per unit prices 64019
described in division (D) of this section. The state pharmacy 64020
benefit manager shall disclose immediately and in writing to the 64021
department of medicaid any changes to the medicaid prescribed drug 64022
formulary. The director may disapprove any changes to the 64023
formulary. 64024

(E) The state pharmacy benefit manager shall not make any 64025
payment for a prescribed drug included in the medicaid prescribed 64026
drug formulary in an amount that exceeds the per unit price for 64027
the drug as described in division (A) of this section. 64028

(F) In developing the medicaid prescribed drug formulary 64029
under this section in consultation with the department, the state 64030
pharmacy benefit manager shall negotiate prices for and price 64031
prescribed drugs at the lowest prices possible to maximize the 64032
health of medicaid recipients and promote the efficiency of the 64033
medicaid program. 64034

Sec. 5167.242. (A) The state pharmacy benefit manager shall 64035
provide to the medicaid director a written quarterly report 64036
containing the following information from the immediately 64037
preceding quarter: 64038

(1) The prices that the state pharmacy benefit manager 64039
negotiated for prescribed drugs under the care management system. 64040
The price must include any rebates the state pharmacy benefit 64041
manager received from the drug manufacturer; 64042

(2) The prices the state pharmacy benefit manager paid to 64043
pharmacies for prescribed drugs; 64044

(3) Any rebate amounts the state pharmacy benefit manager 64045
passed on to individual pharmacies; 64046

(4) The percentage of savings in drug prices that are passed 64047
on to participants in the care management system; 64048

(5) The information described in division (D) of section 125.93 of the Revised Code; 64049
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(6) Any other information required by the director. 64051

(B) The director may ask the state pharmacy benefit manager to provide additional information as necessary. 64052
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(C) At the time of contract execution, renewal, or modification, the department shall modify the reporting requirements under its medicaid managed care organization contracts as necessary to meet the requirements of this section. 64054
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Sec. 5167.243. No person shall violate section 5167.24 or 5167.241 of the Revised Code. Whoever violates those sections is subject to a civil penalty in an amount to be determined by the medicaid director. 64058
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Sec. 5167.244. The medicaid director shall adopt rules under section 5167.02 of the Revised Code as necessary to implement and enforce sections 5167.24 to 5167.243 of the Revised Code, including all of the following: 64062
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(A) Specifying the information that must be disclosed to the department by the state pharmacy benefit manager under section 5167.242 of the Revised Code; 64066
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(B) Establishing the amount of the civil penalties for violations of sections 5167.24 to 5167.243 of the Revised Code; 64069
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(C) Adjusting its capitation payments to medicaid managed care organizations as necessary as a result of the state pharmacy benefit manager processing all pharmacy claims under the care management system under section 5167.24 of the Revised Code; 64071
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(D) In accordance with section 4729.261 of the Revised Code, consulting with the state board of pharmacy to develop a definition for "specialty drug" and "specialty pharmacy" and to 64075
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prohibit the state pharmacy benefit manager from requiring a 64078
medicaid recipient to obtain a specialty drug from a specialty 64079
pharmacy owned or otherwise associated with the state pharmacy 64080
benefit manager. 64081

Sec. 5167.26. For the purpose of determining the amount the 64082
department of medicaid pays hospitals under section 5168.09 of the 64083
Revised Code and the amount of disproportionate share hospital 64084
payments paid by the medicare program pursuant to section 1915 of 64085
the "Social Security Act," ~~section 1915,~~ 42 U.S.C. 1396n, a 64086
medicaid managed care organization shall keep detailed records for 64087
each hospital with which it contracts, including records regarding 64088
the cost to the hospital of providing hospital services for the 64089
organization, payments made by the organization to the hospital 64090
for the services, utilization of hospital services by ~~medicaid~~ 64091
~~recipients enrolled in the organization~~ organization's enrollees, 64092
and other utilization data required by the department. 64093

Sec. 5167.28. (A) Each medicaid managed care organization 64094
shall establish an employment connection incentive program to 64095
assist medicaid recipients enrolled in a medicaid MCO plan offered 64096
by the organization in obtaining and maintaining employment. 64097

(B) A medicaid recipient enrolled in a medicaid managed care 64098
organization's medicaid MCO plan may volunteer to participate in 64099
the organization's employment connection incentive program. No 64100
recipient is required to participate. 64101

(C) Each medicaid managed care organization shall do both of 64102
the following for each medicaid recipient participating in the 64103
organization's employment connection incentive program: 64104

(1) Identify the barriers that the recipient has to achieving 64105
greater financial independence, including all of the following 64106
barriers: 64107

<u>(a) Education;</u>	64108
<u>(b) Employment;</u>	64109
<u>(c) Physical and behavioral health care;</u>	64110
<u>(d) Transportation;</u>	64111
<u>(e) Child care;</u>	64112
<u>(f) Housing;</u>	64113
<u>(g) Legal problems, including criminal records;</u>	64114
<u>(h) Other barriers identified for the recipient.</u>	64115
<u>(2) Assist the recipient in overcoming the barriers identified for the recipient.</u>	64116 64117
<u>(D) The assistance provided to a medicaid recipient pursuant to division (C)(2) of this section shall include assistance in obtaining and maintaining meaningful employment. Such assistance shall include all of the following as appropriate for the recipient:</u>	64118 64119 64120 64121 64122
<u>(1) Education programs, including the following types of education programs:</u>	64123 64124
<u>(a) English as a second language;</u>	64125
<u>(b) Literacy;</u>	64126
<u>(c) Programs designed to lead to the attainment of the equivalent of a high school diploma;</u>	64127 64128
<u>(d) Post-secondary.</u>	64129
<u>(2) Job training, placement, and retention programs;</u>	64130
<u>(3) Apprenticeship programs;</u>	64131
<u>(4) Mentoring programs;</u>	64132
<u>(5) Other activities the department of medicaid shall specify.</u>	64133 64134

(E) The department of medicaid shall establish criteria it shall use to determine the success that medicaid managed care organizations have with their employment connection incentive programs. The criteria shall include the length of time that a medicaid recipient who participated in a medicaid managed care organization's employment connective incentive program has ceased to be eligible for medicaid due to increased earnings resulting from employment that the program helped the recipient obtain or maintain. 64135
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(F) The department shall provide incentive payments to medicaid managed care organizations according to their successes with their employment connection incentive programs. The department shall determine the amount of each payment and the times at which medicaid managed care organizations earn payments. The amount of a payment to be made to a medicaid managed care organization shall be based on the savings in the nonfederal share of the per recipient per month cost of the capitation payments to the organization resulting from the organization's success with its employment connection incentive program. 64144
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Sec. 5167.29. (A) As used in this section: 64154

(1) "Covered health care" means a health care product, service, or procedure covered by a medicaid MCO plan. 64155
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(2) "Emergency service" has the same meaning as in section 1753.28 of the Revised Code. 64157
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(3) "High quality and efficient participating provider" means a participating provider to which both of the following apply: 64159
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(a) The provider has a high rating under division (C) of this section. 64161
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(b) The cost to a medicaid managed care organization for covered health care the provider furnishes to an enrollee is less 64163
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than the cost the organization would have incurred if the enrollee 64165
had obtained the covered health care from another participating 64166
provider with which the enrollee initially scheduled an 64167
appointment for the covered health care. 64168

(4) "Participating provider" means a provider who is a member 64169
of a medicaid managed care organization's provider panel. 64170

(B) Each medicaid managed care organization shall establish 64171
and implement a program that incentivizes enrollees to obtain 64172
covered health care from high quality and efficient participating 64173
providers. The incentives shall be in the form of points awarded 64174
to enrollees under division (E) of this section which the 64175
organization shall enable the enrollees to redeem for merchandise 64176
available through the organization's internet web site. 64177

(C) As part of the program instituted under this section, a 64178
medicaid managed care organization shall do both of the following: 64179

(1) Rate participating providers based on quality metrics. 64180
The quality metrics for hospitals shall be the measures used for 64181
the medicare hospital value-based purchasing program. The 64182
department of medicaid shall establish the quality metrics for 64183
other types of providers. In rating participating providers, an 64184
organization shall award providers between one and five stars 64185
based on the providers' scores on the quality metrics. 64186

(2) Establish on the organization's internet web site a 64187
system under which enrollees rate and provide comments about 64188
participating providers after appointments with the providers. The 64189
system shall be similar to internet web sites that enable 64190
consumers to rate and provide comments about commercial products. 64191
The organization shall encourage enrollees to use the system after 64192
each appointment with a participating provider. The system shall 64193
enable all enrollees to see the ratings and comments that other 64194
enrollees have made for each participating provider. 64195

(D) A medicaid managed care organization shall provide an enrollee all of the following before any covered health care, other than an emergency service, is furnished to the enrollee by a participating provider with which the enrollee has scheduled an appointment for the covered health care:

(1) A reasonable, good faith cost estimate for the covered health care described in section 3962.04 of the Revised Code, regardless of whether the provider also provides the cost estimate to the enrollee or the enrollee's representative;

(2) The provider's quality rating under division (C)(1) of this section and average enrollee rating under division (C)(2) of this section;

(3) The address of the organization's internet web site at which the enrollee may access the enrollee rating system established under division (C)(2) of this section so that the enrollee can read the ratings and comments made by other enrollees about the provider and other participating providers;

(4) A list of high quality and efficient participating providers who could furnish the covered health care to the enrollee and the providers' quality ratings under division (C)(1) of this section and average enrollee ratings under division (C)(2) of this section.

(E)(1) Subject to division (E)(2) of this section, a medicaid managed care organization shall award points to an enrollee if the enrollee cancels an appointment for covered health care with a participating provider that is not a high quality and efficient participating provider and instead obtains the covered health care from a high quality and efficient participating provider. The number of points awarded shall be sufficient to incentivize the enrollee to cancel the initial appointment and obtain the covered health care from the high quality and efficient participating

provider. 64227

(2) A medicaid managed care organization shall monitor 64228
enrollees' behavior under the program to thwart abuse of the 64229
program. An enrollee found to have abused or attempted to abuse 64230
the program shall not be awarded points. 64231

(F) The department of medicaid shall monitor each medicaid 64232
managed care organization as the organization establishes and 64233
implements the program under this section and determine the 64234
effectiveness of each organization's program. 64235

Sec. 5167.35. (A) As used in this section: 64236

(1) "Mandatory services" has the same meaning as in section 64237
5164.01 of the Revised Code. 64238

(2) "Optional services" has the same meaning as in section 64239
5164.01 of the Revised Code. 64240

(3) "Specified states" means the following states: Illinois, 64241
Indiana, Michigan, Ohio, Pennsylvania, and West Virginia. 64242

(B) This section is subject to section 5166.50 of the Revised 64243
Code. 64244

(C) The department of medicaid shall establish the shared 64245
savings bonus program. Under the program, the department shall, 64246
subject to division (D) of this section, do both of the following 64247
before the beginning of each fiscal year: 64248

(1) Determine the average of the per recipient capitated 64249
payment rate, not including any shared savings bonus received 64250
under division (D) of this section, for each medicaid managed care 64251
organization for the three fiscal years immediately preceding the 64252
fiscal year for which the determination is made; 64253

(2) Determine the average per recipient cost to the medicaid 64254
programs in the specified states for the eligibility groups that 64255

are designated for participation in the care management system 64256
pursuant to section 5167.03 of the Revised Code for the three 64257
fiscal years immediately preceding the fiscal year for which the 64258
determination is made. 64259

(D) In making the determinations under divisions (C)(1) and 64260
(2) of this section, the department shall include only the costs 64261
for mandatory services and the costs for those optional services 64262
that are covered by the medicaid program in this state and the 64263
medicaid programs in all of the specified states. 64264

(E)(1) Subject to division (E)(3) of this section, the amount 64265
of a medicaid managed care organization's shared savings bonus for 64266
a fiscal year shall be determined as follows: 64267

(a) Subtract the organization's three-year average determined 64268
under division (C)(1) of this section for the fiscal year from the 64269
three-year average determined under division (C)(2) of this 64270
section for the fiscal year; 64271

(b) Subject to division (E)(2) of this section, subtract the 64272
organization's three-year average determined under division (C)(1) 64273
of this section for the fiscal year from the organization's 64274
initial three-year average determined under that division; 64275

(c) Determine the sum of the differences determined under 64276
divisions (E)(1)(a) and (b) of this section; 64277

(d) Multiply the sum determined under division (E)(1)(c) of 64278
this section by twenty per cent. 64279

(2) The amount determined under division (E)(1)(b) of this 64280
section for a medicaid managed care organization for the first 64281
fiscal year that the determination is made for the organization 64282
shall be zero. 64283

(3) If the amount determined under division (E)(1)(c) of this 64284
section for a medicaid managed care organization for the first or 64285

second fiscal year for which the determination is made is a 64286
negative number, the organization's shared savings bonus for that 64287
fiscal year shall be zero. If the amount determined under that 64288
division for a medicaid managed care organization for the third or 64289
a subsequent fiscal year for which the determination is made is a 64290
negative number, the department shall terminate the organization's 64291
contract with the department and enter into a contract with 64292
another managed care organization under section 5167.10 of the 64293
Revised Code. The effective date of the contract termination shall 64294
be the same as the effective date of the contract with the other 64295
managed care organization so as to avoid a disruption in medicaid 64296
recipients' access to services under the care management system. 64297

Sec. 5167.36. (A) As used in this section: 64298

(1) "Assignment share percentage" means the percentage of 64299
medicaid recipients who are randomly assigned to enroll in a 64300
particular participating MCO's medicaid MCO plan under division 64301
(D) of this section. 64302

(2) "Participating MCO" means a medicaid managed care 64303
organization participating in the quality incentive program 64304
established under this section. 64305

(B) This section is subject to section 5166.50 of the Revised 64306
Code. 64307

(C) The department of medicaid shall establish the quality 64308
incentive program. Under the program, if a medicaid recipient 64309
participating in the care management system does not select a 64310
medicaid MCO plan in which to enroll, the department shall 64311
randomly assign the recipient to enroll in a medicaid MCO plan 64312
offered by one of the participating MCOs. The number of recipients 64313
randomly assigned to enroll in each participating MCO's medicaid 64314
MCO plan shall be determined in accordance with that participating 64315
MCO's assignment share percentage calculated under division (D) of 64316

this section for the year the enrollment takes place. 64317

All of the following shall participate in the quality incentive program: 64318
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(1) Each medicaid managed care organization that has a contract under section 5167.10 of the Revised Code on the effective date of this section; 64320
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(2) Other managed care organizations that become medicaid managed care organizations after the effective date of this section and are selected by the department. 64323
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(D)(1) During the first calendar year that the quality incentive program is operated, the assignment share percentage shall be the same for all of the participating MCOs. Each year thereafter, each participating MCO shall be ranked according to the number of points it is awarded under division (E) of this section, and each participating MCO's assignment share percentage shall be adjusted as follows: 64326
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(a) The assignment share percentage of the participating MCO ranked at the top shall be increased by twenty-five per cent. 64333
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(b) The assignment share percentage of the participating MCO ranked at the bottom shall be decreased by twenty-five per cent. 64335
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(c) The assignment share percentage of all of the other participating MCOs shall be increased or decreased in a corresponding, linear, and proportional manner based on their ranks. 64337
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(2) If a medicaid managed care organization becomes a participating MCO after the other participating MCOs' assignment share percentages have been assigned, the department shall do both of the following: 64341
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(a) Assign to the new participating MCO an initial assignment share percentage which shall be the percentage determined by 64345
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dividing one hundred by the total number of participating MCOs; 64347

(b) Adjust the assignment share percentages of all of the 64348
other participating MCOs proportionally. 64349

(E)(1) The department shall award points annually to each 64350
participating MCO based on health and quality metrics taken from 64351
the previous calendar year. Subject to divisions (E)(2) and (3) of 64352
this section, the department shall determine how points are 64353
awarded to participating MCOs. The number of points awarded to a 64354
participating MCO based on quality metrics shall not be more than 64355
twenty per cent of the total number of points awarded to the 64356
participating MCO. 64357

(2) The health metrics used to determine the number of points 64358
awarded to a participating MCO shall include the following health 64359
measurements for the group of medicaid recipients who have been 64360
randomly assigned under division (C) of this section to enroll in 64361
a medicaid MCO plan offered by the participating MCO: 64362

(a) Smoking rate; 64363

(b) Infant mortality rate; 64364

(c) Hemoglobin a1c levels; 64365

(d) Obesity rate; 64366

(e) Incidence of relapse of alcohol or drug addiction; 64367

(f) Health measurements developed by the department in 64368
consultation with groups representing individuals with 64369
developmental disabilities. 64370

(3) The quality metrics used to determine the number of 64371
points awarded to a participating MCO shall include the following 64372
quality measurements as measured through a survey established by 64373
the department: 64374

(a) How promptly the participating MCO pays claims for 64375
services rendered to enrollees; 64376

<u>(b) The participating MCO's responsiveness to provider and enrollee requests;</u>	64377
	64378
<u>(c) Provider user satisfaction;</u>	64379
<u>(d) The effectiveness of the participating MCO's program established under section 5167.29 of the Revised Code;</u>	64380
	64381
<u>(e) Any other measurements the department considers appropriate.</u>	64382
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<u>(4) The department shall publish each participating MCO's point totals annually and provide the information to medicaid recipients before they enroll in a medicaid MCO plan.</u>	64384
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	64386
<u>(F) If, for the second or a subsequent calendar year that the quality incentive program is operated, a participating MCO's assignment share percentage is decreased under division (D)(1) of this section to an amount that is equal to or less than fifty per cent of its assignment share percentage for the first calendar year that the program is operated, the department shall terminate the participating MCO's participation in the program.</u>	64387
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<u>(G) A participating MCO shall not treat medicaid recipients who are randomly assigned to enroll in the participating MCO's medicaid MCO plan under division (C) of this section differently than how the participating MCO treats medicaid recipients who select the plan on their own.</u>	64394
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Sec. 5167.41. The department of medicaid may disenroll some or all medicaid recipients <u>enrolled in from a medicaid MCO plan offered by a medicaid</u> managed care organization if the department proposes to terminate or not to renew the contract <u>entered into under section 5167.10 of the Revised Code</u> and determines that the recipients' access to medically necessary services is jeopardized by the proposal to terminate or not to renew the contract. The disenrollment is not subject to Chapter 119. of the Revised Code,	64399
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but the medicaid managed care organization may request a 64407
reconsideration of the disenrollment. Reconsiderations shall be 64408
requested and conducted in accordance with rules the medicaid 64409
director shall adopt under section 5167.02 of the Revised Code. 64410
The request for, or conduct of, a reconsideration regarding a 64411
proposed disenrollment shall not delay the disenrollment. 64412

Sec. 5168.03. The requirements of sections 5168.06 to 5168.09 64413
of the Revised Code apply only as long as the United States ~~health~~ 64414
~~care financing administration~~ centers for medicare and medicaid 64415
services determines that the assessment imposed under section 64416
5168.06 of the Revised Code is a permissible health care-related 64417
tax pursuant to the "Social Security Act," section 1903(w), 42 64418
U.S.C. 1396b(w). Whenever the department of medicaid is informed 64419
that the assessment is an impermissible health care-related tax, 64420
the department shall promptly refund to each hospital the amount 64421
of money currently in the hospital care assurance program fund 64422
created by section 5168.11 of the Revised Code that has been paid 64423
by the hospital under section 5168.06 or 5168.07 of the Revised 64424
Code, plus any investment earnings on that amount. 64425
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Sec. 5168.05. (A) Except as provided in division (C) of this 64427
section, each hospital, on or before the first day of July of each 64428
year or at a later date approved by the medicaid director, shall 64429
submit to the department of medicaid a financial statement for the 64430
preceding calendar year that accurately reflects the income, 64431
expenses, assets, liabilities, and net worth of the hospital, and 64432
accompanying notes. A hospital that has a fiscal year different 64433
from the calendar year shall file its financial statement within 64434
one hundred eighty days of the end of its fiscal year or at a 64435
later date approved by the director. The financial statement shall 64436

be prepared by an independent certified public accountant and 64437
reflect an official audit report prepared in a manner consistent 64438
with generally accepted accounting principles. The financial 64439
statement shall, to the extent that the hospital has sufficient 64440
financial records, show bad debt and charity care separately from 64441
courtesy care and contractual allowances. 64442

(B) Except as provided in division (C) of this section, each 64443
hospital, within one hundred eighty days after the end of the 64444
hospital's cost reporting period, shall submit to the department a 64445
cost report in a format prescribed in rules adopted under section 64446
5168.02 of the Revised Code. The department shall grant a hospital 64447
an extension of the one hundred eighty day period if the ~~health~~ 64448
~~care financing administration of the United States department of~~ 64449
~~health and human~~ centers for medicare and medicaid services 64450
extends the date by which the hospital must submit its cost report 64451
for the hospital's cost reporting period. 64452

(C) The director may adopt rules under section 5168.02 of the 64453
Revised Code specifying financial information that must be 64454
submitted by hospitals for which no financial statement or cost 64455
report is available. The rules shall specify deadlines for 64456
submitting the information. Each such hospital shall submit the 64457
information specified in the rules not later than the deadline 64458
specified in the rules. 64459

Sec. 5168.06. (A) For the purpose of distributing funds to 64460
hospitals under the medicaid program pursuant to sections 5168.01 64461
to 5168.14 of the Revised Code and depositing funds into the 64462
health care/medicaid support and recoveries fund created under 64463
section 5162.52 of the Revised Code, there is hereby imposed an 64464
assessment on all hospitals. Each hospital's assessment shall be 64465
based on total facility costs. All hospitals shall be assessed 64466
according to the rate or rates established each program year in 64467

rules adopted under section 5168.02 of the Revised Code. The 64468
department shall assess all hospitals uniformly and in a manner 64469
consistent with federal statutes and regulations. During any 64470
program year, the department shall not assess any hospital more 64471
than two per cent of the hospital's total facility costs. 64472

The department shall establish an assessment rate or rates 64473
each program year that will do both of the following: 64474

(1) Yield funds that, when combined with intergovernmental 64475
transfers and federal matching funds, will produce a program of 64476
sufficient size to pay a substantial portion of the indigent care 64477
provided by hospitals; 64478

(2) Yield funds that, when combined with intergovernmental 64479
transfers and federal matching funds, will produce amounts for 64480
distribution to disproportionate share hospitals that do not 64481
exceed, in the aggregate, the limits prescribed by the United 64482
States ~~health care financing administration~~ centers for medicare
and medicaid services under the "Social Security Act," section 64483
1923(f), 42 U.S.C. 1396r-4(f). 64484
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(B)(1) Except as provided in division (B)(3) of this section, 64486
each hospital shall pay its assessment in periodic installments in 64487
accordance with a schedule established in rules adopted under 64488
section 5168.02 of the Revised Code. 64489

(2) The installments shall be equal in amount, unless either 64490
of the following applies: 64491

(a) The department makes adjustments during a program year 64492
under division (D) of section 5168.08 of the Revised Code in the 64493
total amount of hospitals' assessments; 64494

(b) The medicaid director determines that adjustments in the 64495
amounts of installments are necessary for the administration of 64496
sections 5168.01 to 5168.14 of the Revised Code and that unequal 64497
installments will not create cash flow difficulties for hospitals. 64498

(3) The director may adopt rules under section 5168.02 of the Revised Code establishing alternate schedules for hospitals to pay assessments under this section in order to reduce hospitals' cash flow difficulties.

Sec. 5168.07. (A) The department of medicaid may require governmental hospitals to make intergovernmental transfers each program year for the purpose of distributing funds to hospitals under the medicaid program pursuant to sections 5168.01 to 5168.14 of the Revised Code and depositing funds into the health care/medicaid support and recoveries fund created under section 5162.52 of the Revised Code. The department shall not require transfers in an amount that, when combined with hospital assessments paid under section 5168.06 of the Revised Code and federal matching funds, produce amounts for distribution to disproportionate share hospitals that, in the aggregate, exceed limits prescribed by the United States ~~health care financing administration~~ centers for medicare and medicaid services under the "Social Security Act," section 1923(f), 42 U.S.C. 1396r-4(f).

(B) Before or during each program year, the department shall notify each governmental hospital of the amount of the intergovernmental transfer it is required to make during the program year. Each governmental hospital shall make intergovernmental transfers as required by the department under this section in periodic installments, executed by electronic fund transfer, in accordance with a schedule established in rules adopted under section 5168.02 of the Revised Code.

Sec. 5168.08. (A) Before or during each program year, the department of medicaid shall mail to each hospital by certified mail, return receipt requested, the preliminary determination of the amount that the hospital is assessed under section 5168.06 of the Revised Code during the program year. The preliminary

determination of a hospital's assessment shall be calculated for a 64530
cost-reporting period that is specified in rules adopted under 64531
section 5168.02 of the Revised Code. 64532

The department shall consult with hospitals each year when 64533
determining the date on which it will mail the preliminary 64534
determinations in order to minimize hospitals' cash flow 64535
difficulties. 64536

If no hospital submits a request for reconsideration under 64537
division (B) of this section, the preliminary determination 64538
constitutes the final reconciliation of each hospital's assessment 64539
under section 5168.06 of the Revised Code. The final 64540
reconciliation is subject to adjustments under division (D) of 64541
this section. 64542

(B) Not later than fourteen days after the preliminary 64543
determinations are mailed, any hospital may submit to the 64544
department a written request to reconsider the preliminary 64545
determinations. The request shall be accompanied by written 64546
materials setting forth the basis for the reconsideration. If one 64547
or more hospitals submit a request, the department shall hold a 64548
public hearing not later than thirty days after the preliminary 64549
determinations are mailed to reconsider the preliminary 64550
determinations. The department shall mail to each hospital a 64551
written notice of the date, time, and place of the hearing at 64552
least ten days prior to the hearing. On the basis of the evidence 64553
submitted to the department or presented at the public hearing, 64554
the department shall reconsider and may adjust the preliminary 64555
determinations. The result of the reconsideration is the final 64556
reconciliation of the hospital's assessment under section 5168.06 64557
of the Revised Code. The final reconciliation is subject to 64558
adjustments under division (D) of this section. 64559

(C) The department shall mail to each hospital a written 64560
notice of its assessment for the program year under the final 64561

reconciliation. A hospital may appeal the final reconciliation of 64562
its assessment to the court of common pleas of Franklin county. 64563
While a judicial appeal is pending, the hospital shall pay, in 64564
accordance with the schedules required by division (B) of section 64565
5168.06 of the Revised Code, any amount of its assessment that is 64566
not in dispute into the hospital care assurance program fund 64567
created in section 5168.11 of the Revised Code. 64568

(D) In the course of any program year, the department may 64569
adjust the assessment rate or rates established in rules pursuant 64570
to section 5168.06 of the Revised Code or adjust the amounts of 64571
intergovernmental transfers required under section 5168.07 of the 64572
Revised Code and, as a result of the adjustment, adjust each 64573
hospital's assessment and intergovernmental transfer, to reflect 64574
refinements made by the United States ~~health care financing~~ 64575
~~administration~~ centers for medicare and medicaid services during 64576
that program year to the limits it prescribed under the "Social 64577
Security Act," section 1923(f), 42 U.S.C. 1396r-4(f). When 64578
adjusted, the assessment rate or rates must comply with division 64579
(A) of section 5168.06 of the Revised Code. An adjusted 64580
intergovernmental transfer must comply with division (A) of 64581
section 5168.07 of the Revised Code. The department shall notify 64582
hospitals of adjustments made under this division and adjust for 64583
the remainder of the program year the installments paid by 64584
hospitals under sections 5168.06 and 5168.07 of the Revised Code 64585
in accordance with rules adopted under section 5168.02 of the 64586
Revised Code. 64587

Sec. 5168.75. As used in sections 5168.75 to 5168.86 of the 64588
Revised Code: 64589

(A) "Basic health care services" means all of the services 64590
listed in division (A)(1) of section 1751.01 of the Revised Code. 64591

(B) "Care management system" ~~means the system established~~ 64592

~~under~~ has the same meaning as in section 5167.03 5167.01 of the Revised Code. 64593
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(C) "Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code. 64595
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(D) "Franchise fee" means the fee imposed on health insuring corporation plans under section 5168.76 of the Revised Code. 64597
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(E) "Health insuring corporation" has the same meaning as in section 1751.01 of the Revised Code, except it does not mean a corporation that, pursuant to a policy, contract, certificate, or agreement, pays for, reimburses, or provides, delivers, arranges for, or otherwise makes available, only supplemental health care services or only specialty health care services. 64599
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(F) "Health insuring corporation plan" means a policy, contract, certificate, or agreement of a health insuring corporation under which the corporation pays for, reimburses, provides, delivers, arranges for, or otherwise makes available basic health care services. "Health insuring corporation plan" does not mean any of the following: 64605
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(1) A policy, contract, certificate, or agreement under which a health insuring corporation pays for, reimburses, provides, delivers, arranges for, or otherwise makes available only supplemental health care services or only specialty health care services; 64611
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(2) An approved health benefits plan described in 5 U.S.C. 8903 or 8903a, if imposing the franchise fee on the plan would violate 5 U.S.C. 8909(f); 64616
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(3) A medicare advantage plan authorized by Part C of Title XVIII of the "Social Security Act," 42 U.S.C. 1395w-21 et seq. 64619
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(G) "Indirect guarantee percentage" means the percentage specified in section 1903(w)(4)(C)(ii) of the "Social Security 64621
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Act," 42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in 64623
determining whether a health care class is indirectly held 64624
harmless for any portion of the costs of a broad-based 64625
health-care-related tax. If the indirect guarantee percentage 64626
changes during a fiscal year, the indirect guarantee percentage is 64627
the following: 64628

(1) For the part of the fiscal year before the change takes 64629
effect, the percentage in effect before the change; 64630

(2) For the part of the fiscal year beginning with the date 64631
the indirect guarantee percentage changes, the new percentage. 64632

(H) "Medicaid managed care organization" has the same meaning 64633
as in section 5167.01 of the Revised Code. 64634

(I) "Medicaid provider" has the same meaning as in section 64635
5164.01 of the Revised Code. 64636

(J) "Ohio medicaid member month" means a month in which a 64637
medicaid recipient residing in this state is enrolled in a health 64638
insuring corporation plan. 64639

(K) "Other Ohio member month" means a month in which a 64640
resident of this state who is not a medicaid recipient is enrolled 64641
in a health insuring corporation plan. 64642

(L) "Rate year" means the fiscal year for which a franchise 64643
fee is imposed. 64644

Sec. 5501.20. (A) As used in this section: 64645

(1) "Career professional service" means that part of the 64646
competitive classified service that consists of employees of the 64647
department of transportation who, regardless of job 64648
classification, meet both of the following qualifications: 64649

(a) They are supervisors, professional employees who are not 64650
in a collective bargaining unit, confidential employees, or 64651

management level employees, all as defined in section 4117.01 of
the Revised Code. 64652
64653

(b) They exercise authority that is not merely routine or 64654
clerical in nature and report only to a higher level unclassified 64655
employee or employee in the career professional service. 64656

(2) "Demoted" means that an employee is placed in a position 64657
where the employee's wage rate equals, or is not more than twenty 64658
per cent less than, the employee's wage rate immediately prior to 64659
demotion or where the employee's job responsibilities are reduced, 64660
or both. 64661

(3) "Employee in the career professional service with 64662
restoration rights" means an employee in the career professional 64663
service who has been in the classified civil service for at least 64664
two years and who has a cumulative total of at least ten years of 64665
continuous service with the department of transportation. 64666

~~(B) Not later than the first day of July of each odd numbered 64667
year, the director of transportation shall adopt a rule in 64668
accordance with section 111.15 of the Revised Code that 64669
establishes a business plan for the department of transportation 64670
that states the department's mission, business objectives, and 64671
strategies and that establishes a procedure by which employees in 64672
the career professional service will be held accountable for their 64673
performance. The director shall adopt a rule that establishes a 64674
business plan for the department only once in each two years. 64675
Within sixty days after the effective date of a rule that 64676
establishes a business plan for the department, the The director 64677
shall adopt a rule in accordance with section 111.15 of the 64678
Revised Code that identifies specific positions within the 64679
department of transportation that are included in the career 64680
professional service. The director may amend the rule that 64681
identifies the specific positions included in the career 64682
professional service whenever the director determines necessary. 64683~~

Any rule adopted under this division is subject to review and 64684
invalidation by the joint committee on agency rule review as 64685
provided in division (D) of section 111.15 of the Revised Code. 64686
The director shall provide a copy of any rule adopted under this 64687
division to the director of budget and management. 64688

~~Except as otherwise provided in this section, an~~ An employee 64689
in the career professional service is subject to the provisions of 64690
Chapter 124. of the Revised Code that govern employees in the 64691
classified civil service. 64692

~~(C) After an employee is appointed to a position in the~~ 64693
~~career professional service, the employee's direct supervisor~~ 64694
~~shall provide the employee appointed to that position with a~~ 64695
~~written performance action plan that describes the department's~~ 64696
~~expectations for that employee in fulfilling the mission, business~~ 64697
~~objectives, and strategies stated in the department's business~~ 64698
~~plan. No sooner than four months after being appointed to a~~ 64699
~~position in the career professional service, an employee appointed~~ 64700
~~to that position shall receive a written performance review based~~ 64701
~~on the employee's fulfillment of the mission, business objectives,~~ 64702
~~and strategies stated in the department's business plan. After the~~ 64703
~~initial performance review, the~~ An employee in the career 64704
professional service shall receive a written performance review at 64705
least once each year or as often as the director considers 64706
necessary. The department shall give an employee whose performance 64707
is unsatisfactory an opportunity to improve performance for a 64708
period of at least six months, by means of a written ~~corrective~~ 64709
action performance improvement plan, before the department takes 64710
any disciplinary action under this section ~~or section 124.34 of~~ 64711
~~the Revised Code. The department shall base its performance review~~ 64712
~~forms on its business plan.~~ 64713

(D) An employee in the career professional service may be 64714
suspended, demoted, or removed ~~because of performance that hinders~~ 64715

~~or restricts the fulfillment of the department's business plan~~ 64716
~~pursuant to division (C) of this section~~ or for disciplinary 64717
reasons under section 124.34 or 124.57 of the Revised Code. An 64718
employee in the career professional service may appeal only the 64719
employee's removal to the state personnel board of review. An 64720
employee in the career professional service may appeal a demotion 64721
or a suspension of more than three days pursuant to rules the 64722
director adopts in accordance with section 111.15 of the Revised 64723
Code. 64724

(E) An employee in the career professional service with 64725
restoration rights has restoration rights if demoted because of 64726
performance ~~that hinders or restricts fulfillment of the mission,~~ 64727
~~business objectives, or strategies stated in the department's~~ 64728
~~business plan,~~ but not if involuntarily demoted or removed for any 64729
of the reasons described in section 124.34 or for a violation of 64730
section 124.57 of the Revised Code. The director shall demote an 64731
employee who has restoration rights of that nature to a position 64732
in the classified service that in the director's judgment is 64733
similar in nature to the position the employee held immediately 64734
prior to being appointed to the position in the career 64735
professional service. The director shall assign to an employee who 64736
is demoted to a position in the classified service as provided in 64737
this division a wage rate that equals, or that is not more than 64738
twenty per cent less than, the wage rate assigned to the employee 64739
in the career professional service immediately prior to the 64740
employee's demotion. 64741

Sec. 5501.91. (A) As used in this section, "port authority" 64742
means a port authority created under Chapter 4582. of the Revised 64743
Code. 64744

(B) There is hereby established the Ohio maritime assistance 64745
program, which the department of transportation shall administer. 64746

Under the program, a port authority may apply to the department for a grant to be used as prescribed in division (D) of this section. In order to be eligible for a grant under this section, a port authority is required to meet either of the following requirements: 64747
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(1) At the time of application for a grant, the port authority owns an active marine cargo terminal located on the shore of Lake Erie or the Ohio river or on a Lake Erie tributary. 64752
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(2) The grant application is for the planning and construction of a new marine cargo terminal located on the shore of Lake Erie or the Ohio river or on a Lake Erie tributary. 64755
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(C)(1) Every applicant for a grant shall submit with its application a written business justification for the investment that indicates the operational and market need for the project in a form the director of transportation shall prescribe. 64758
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(2) The department shall evaluate all grant applications according to the following criteria: 64762
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(a) The degree to which the proposed project will increase the efficiency or capacity of maritime cargo terminal operations; 64764
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(b) Whether the project will result in the handling of new types of cargo or an increase in cargo volume; 64766
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(c) Whether the project will meet an identified supply chain need or benefit Ohio firms that export goods to foreign markets, or import goods to Ohio for use in manufacturing or for value-added distribution; 64768
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(d) Any other criteria the director determines to be appropriate. 64772
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(3) If a grant application does not meet the criteria specified in divisions (C)(2)(b) and (c) of this section, an applicant is not eligible for a grant under this section. 64774
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(D) A port authority shall use a grant awarded under this section only for any of the following purposes: 64777
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(1) Land acquisition and site development for marine cargo terminal and associated uses, including demolition and environmental remediation; 64779
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(2) Construction of wharves, quay walls, bulkheads, jetties, revetments, breakwaters, shipping channels, dredge disposal facilities, projects for the beneficial use of dredge material, and other structures and improvements directly related to maritime commerce and harbor infrastructure; 64782
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(3) Construction and repair of warehouses, transit sheds, railroad tracks, roadways, gates and gatehouses, fencing, bridges, offices, shipyards, and other improvements needed for marine cargo terminal and associated uses, including shipyards; 64787
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(4) Acquisition of cargo handling equipment, including mobile shore cranes, stationary cranes, tow motors, fork lifts, yard tractors, craneways, conveyor and bulk material handling equipment, and all types of ship loading and unloading equipment; 64791
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(5) Planning and design services and other services associated with construction. 64795
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(E) A port authority shall pay a matching amount of at least one dollar for each grant dollar received for the proposed project. 64797
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(F) The director of transportation, in accordance with Chapter 119. of the Revised Code, shall adopt rules governing the program established under this section, including the grant application, evaluation, award processes, and how the grant money may be spent by a port authority. 64800
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Sec. 5502.63. (A) The division of criminal justice services in the department of public safety shall prepare a poster and a 64805
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brochure that describe safe firearms practices. The poster and 64807
brochure shall contain typeface that is at least one-quarter inch 64808
tall. The division shall furnish copies of the poster and brochure 64809
free of charge to each federally licensed firearms dealer in this 64810
state. 64811

As used in this division, "federally licensed firearms 64812
dealer" means an importer, manufacturer, or dealer having a 64813
license to deal in destructive devices or their ammunition, issued 64814
and in effect pursuant to the federal "Gun Control Act of 1968," 64815
82 Stat. 1213, 18 U.S.C. 923 et seq., and any amendments or 64816
additions to that act or reenactments of that act. 64817

(B)(1) The division of criminal justice services shall create 64818
a poster that provides information regarding the national human 64819
trafficking resource center hotline. The poster shall be no 64820
smaller than eight and one-half inches by eleven inches in size 64821
and shall include a statement in substantially the following form: 64822

"If you or someone you know is being forced to engage in any 64823
activity and cannot leave - whether it is commercial sex, 64824
housework, farm work, or any other activity - call the National 64825
Human Trafficking Resource Center Hotline at 1-888-373-7888 to 64826
access help and services. 64827

Victims of human trafficking are protected under U.S. and 64828
Ohio law. 64829

The toll-free Hotline is: 64830

- Available 24 hours a day, 7 days a week 64831
- Operated by a non-profit, non-governmental organization 64832
- Anonymous & confidential 64833
- Accessible in 170 languages 64834
- Able to provide help, referral to services, training, 64835
and general information." 64836

The statement shall appear on each poster in English, 64837
Spanish, and, for each county, any other language required for 64838
voting materials in that county under section 1973aa-1a of the 64839
"Voting Rights Act of 1965," 79 Stat. 437, 42 U.S.C. 1973, as 64840
amended. In addition to the national human trafficking resource 64841
center hotline, the statement may contain any additional hotlines 64842
regarding human trafficking for access to help and services. 64843

(2) The division shall make the poster available for print on 64844
its public web site and shall make the poster available to and 64845
encourage its display at each of the following places: 64846

(a) A highway truck stop; 64847

(b) A hotel, as defined in section 3731.01 of the Revised 64848
Code; 64849

(c) An adult entertainment establishment, as defined in 64850
section 2907.39 of the Revised Code; 64851

(d) A beauty salon, as defined in section 4713.01 of the 64852
Revised Code; 64853

(e) An agricultural labor camp, as defined in section 3733.41 64854
of the Revised Code; 64855

(f) A hospital or urgent care center; 64856

(g) Any place where there is occurring a contest for the 64857
championship of a division, conference, or league of a 64858
professional athletic association or of a national collegiate 64859
athletic association division I intercollegiate sport or where 64860
there is occurring an athletic competition at which cash prizes 64861
are awarded to individuals or teams; 64862

(h) Any establishment operating as a massage parlor, massage 64863
spa, alternative health clinic, or similar entity by persons who 64864
do not hold a valid ~~certificate~~ license from the state medical 64865
board to practice massage therapy under Chapter 4731. of the 64866

Revised Code;	64867
(i) A fair.	64868
(3) As used in this section:	64869
(a) "Fair" means the annual exposition conducted by any county or independent agricultural society or the Ohio expositions commission.	64870 64871 64872
(b) "Highway truck stop" means a gas station with a sign that is visible from a highway, as defined in section 5501.01 of the Revised Code, that offers amenities to commercial vehicles.	64873 64874 64875
Sec. 5505.068. (A) As used in this section and in section 5505.0610 of the Revised Code:	64876 64877
(1) "Agent" means a dealer, as defined in section 1707.01 of the Revised Code, who is licensed under sections 1707.01 to 1707.45 <u>1707.50</u> of the Revised Code or under comparable laws of another state or of the United States.	64878 64879 64880 64881
(2) "Minority business enterprise" has the same meaning as in section 122.71 of the Revised Code.	64882 64883
(3) "Ohio-qualified agent" means an agent designated as such by the state highway patrol retirement board.	64884 64885
(4) "Ohio-qualified investment manager" means an investment manager designated as such by the state highway patrol retirement board.	64886 64887 64888
(5) "Principal place of business" means an office in which the agent regularly provides securities or investment advisory services and solicits, meets with, or otherwise communicates with clients.	64889 64890 64891 64892
(B) The state highway patrol retirement board shall, for the purposes of this section, designate an agent as an Ohio-qualified agent if the agent meets all of the following requirements:	64893 64894 64895

- (1) The agent is subject to taxation under Chapter 5725., 64896
5726., 5733., 5747., or 5751. of the Revised Code. 64897
- (2) The agent is authorized to conduct business in this 64898
state; 64899
- (3) The agent maintains a principal place of business in this 64900
state and employs at least five residents of this state. 64901
- (C) The state highway patrol retirement board shall adopt and 64902
implement a written policy to establish criteria and procedures 64903
used to select agents to execute securities transactions on behalf 64904
of the retirement system. The policy shall address each of the 64905
following: 64906
- (1) Commissions charged by the agent, both in the aggregate 64907
and on a per share basis; 64908
- (2) The execution speed and trade settlement capabilities of 64909
the agent; 64910
- (3) The responsiveness, reliability, and integrity of the 64911
agent; 64912
- (4) The nature and value of research provided by the agent; 64913
- (5) Any special capabilities of the agent. 64914
- (D)(1) The board shall, at least annually, establish a policy 64915
with the goal to increase utilization by the board of 64916
Ohio-qualified agents for the execution of domestic equity and 64917
fixed income trades on behalf of the retirement system, when an 64918
Ohio-qualified agent offers quality, services, and safety 64919
comparable to other agents otherwise available to the board and 64920
meets the criteria established under division (C) of this section. 64921
- (2) The board shall review, at least annually, the 64922
performance of the agents that execute securities transactions on 64923
behalf of the board. 64924
- (3) The board shall determine whether an agent is an 64925

Ohio-qualified agent, meets the criteria established by the board 64926
pursuant to division (C) of this section, and offers quality, 64927
services, and safety comparable to other agents otherwise 64928
available to the board. The board's determination shall be final. 64929

Sec. 5513.06. (A) The director of transportation may debar a 64930
vendor from consideration for contract awards upon a finding based 64931
upon a reasonable belief that the vendor has done any of the 64932
following: 64933

(1) Abused the solicitation process by repeatedly withdrawing 64934
bids before purchase orders or contracts are issued or failing to 64935
accept orders based upon firm bids; 64936

(2) Failed to substantially perform a contract according to 64937
its terms, conditions, and specifications within specified time 64938
limits; 64939

(3) Failed to cooperate in monitoring contract performance by 64940
refusing to provide information or documents required in a 64941
contract, failed to respond and correct matters related to 64942
complaints to the vendor, or accumulated repeated justified 64943
complaints regarding performance of a contract; 64944

(4) Attempted to influence a public employee to breach 64945
ethical conduct standards; 64946

(5) Colluded with other bidders to restrain competition by 64947
any means; 64948

(6) Been convicted of a criminal offense related to the 64949
application for or performance of any public or private contract, 64950
including, but not limited to, embezzlement, theft, forgery, 64951
bribery, falsification or destruction of records, receiving stolen 64952
property, and any other offense that directly reflects on the 64953
vendor's business integrity; 64954

(7) Been convicted under state or federal antitrust laws; 64955

(8) Deliberately or willfully submitted false or misleading information in connection with the application for or performance of a public contract; 64956
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(9) Has been debarred by a state agency, another state, or by any agency or department of the federal government; 64959
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(10) Violated any other responsible business practice or performed in an unsatisfactory manner as determined by the director. 64961
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(B) When the director reasonably believes that grounds for debarment exist, the director shall send the vendor a notice of proposed debarment. If the vendor is a partnership, association, or corporation, the director also may debar from consideration for contract awards any partner of the partnership, or the officers and directors of the association or corporation, being debarred. When the director reasonably believes that grounds for debarment exist, the director shall send the individual involved a notice of proposed debarment. A notice of proposed debarment shall indicate the grounds for the debarment of the vendor or individual and the procedure for requesting a hearing. The notice and hearing shall be in accordance with Chapter 119. of the Revised Code. If the vendor or individual does not respond with a request for a hearing in the manner specified in Chapter 119. of the Revised Code, the director shall issue the debarment decision without a hearing and shall notify the vendor or individual of the decision by certified mail, return receipt requested. The debarment period may be of any length determined by the director and the director may modify or rescind the debarment at any time. During the period of debarment, the director shall not include on a bidder list or consider for a contract award any partnership, association, or corporation affiliated with a debarred individual. After the debarment period expires, the vendor or individual, and any partnership, association, or corporation affiliated with the individual, may 64964
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reapply for inclusion on bidder lists through the regular 64988
application process if such entity or individual is not otherwise 64989
debarred. 64990

Sec. 5525.03. (A) All prospective bidders other than 64991
environmental remediators and specialty contractors for which 64992
there are no classes of work provided for in the rules adopted by 64993
the director of transportation shall apply for qualification on 64994
forms prescribed and furnished by the director. The application 64995
shall be accompanied by a certificate of compliance with 64996
affirmative action programs issued pursuant to section 9.47 of the 64997
Revised Code and dated no earlier than one hundred eighty days 64998
~~prior to~~ before the date fixed for the opening of bids for a 64999
particular project. ~~The~~ 65000

(B) The director shall act upon an application for 65001
qualification within thirty days after it is presented to the 65002
director. Upon the receipt of any application for qualification, 65003
the director shall examine the application to determine whether 65004
the applicant is competent and responsible and possesses the 65005
financial resources required by section 5525.04 of the Revised 65006
Code. If the applicant is found to possess the qualifications 65007
prescribed by sections 5525.02 to 5525.09 of the Revised Code and 65008
by rules adopted by the director, including a certificate of 65009
compliance with affirmative action programs, a certificate of 65010
qualification shall be issued to the applicant, which shall be 65011
valid for the period of one year or such shorter period of time as 65012
the director prescribes, unless revoked by the director for cause 65013
as defined by rules adopted by the director under section 5525.05 65014
of the Revised Code. ~~The~~ 65015

(C) The certificate of qualification shall contain a 65016
statement fixing the aggregate amount of work, for any or all 65017
owners, that the applicant may have under construction and 65018

uncompleted at any one time and may contain a statement limiting 65019
such bidder to the submission of bids upon a certain class of 65020
work. Subject to any restriction as to amount or class of work 65021
therein contained, the certificate of qualification shall 65022
authorize its holder to bid on all work on which bids are taken by 65023
the department of transportation during the period of time therein 65024
specified. ~~An~~ 65025

(D) An applicant who has received a certificate of 65026
qualification and desires to amend the certificate by the dollar 65027
amount or by the classes of work may submit to the director such 65028
documentation as the director considers appropriate. The director 65029
shall review the documentation submitted by the applicant and, 65030
within fifteen days, shall either amend the certificate of 65031
qualification or deny the request. If the director denies the 65032
request to amend the certificate, the applicant may appeal that 65033
decision to the ~~director's~~ director's prequalification 65034
review board in accordance with section 5525.07 of the Revised 65035
Code. Two or more persons, partnerships, or corporations may bid 65036
jointly on any one project, but only on condition that prior to 65037
the time bids are taken on the project the bidders make a joint 65038
application for qualification and obtain a joint certificate 65039
qualification. 65040

(E) The director may debar from participating in future 65041
contracts with the department any bidding company as well as any 65042
partner of a partnership, or the officers and directors of an 65043
association or corporation if the certificate of qualification of 65044
the company, partnership, association, or corporation is revoked 65045
or not renewed by the director. When the director reasonably 65046
believes that grounds for revocation and debarment exist, the 65047
director shall send the bidding company and any individual 65048
involved a notice of proposed revocation and debarment indicating 65049
the grounds for such action as established in rules adopted by the 65050

director under section 5525.05 of the Revised Code and the 65051
procedure for requesting a hearing. The notice and hearing shall 65052
be in accordance with Chapter 119. of the Revised Code. If the 65053
bidding company or individual does not respond with a request for 65054
a hearing in the manner specified in Chapter 119. of the Revised 65055
Code, the director shall revoke the certificate and issue the 65056
debarment decision without a hearing and shall notify the bidding 65057
company or individual of the decision by certified mail, return 65058
receipt requested. ~~The~~ 65059

(F) The debarment period may be of any length determined by 65060
the director and the director may modify or rescind the debarment 65061
at any time. During the period of debarment, the director shall 65062
not issue a certificate of qualification for any company, 65063
partnership, association, or corporation affiliated with a 65064
debarred individual. After the debarment period expires, the 65065
bidding company or individual, and any partnership, association, 65066
or corporation affiliated with the individual may make an 65067
application for qualification if such entity or individual is not 65068
otherwise debarred. 65069

Sec. 5537.07. (A) When the cost to the Ohio turnpike and 65070
infrastructure commission under any contract with a person other 65071
than a governmental agency involves an expenditure of more than 65072
fifty thousand dollars, the commission shall make a written 65073
contract with the lowest responsive and responsible bidder, in 65074
accordance with section 9.312 of the Revised Code, after 65075
advertisement, in accordance with section 7.16 of the Revised 65076
Code, for not less than two consecutive weeks in a newspaper of 65077
general circulation ~~in Franklin county,~~ and in such other 65078
publications as the commission determines, ~~which.~~ The notice shall 65079
state the general character of the work and the general character 65080
of the materials to be furnished, the place where plans and 65081
specifications therefor may be examined, and the time and place of 65082

receiving bids. The commission may require that the cost estimate 65083
for the construction, demolition, alteration, repair, improvement, 65084
renovation, or reconstruction of roadways and bridges for which 65085
the commission is required to receive bids be kept confidential 65086
and remain confidential until after all bids for the public 65087
improvement have been received or the deadline for receiving bids 65088
has passed. Thereafter, and before opening the bids submitted for 65089
the roadways and bridges, the commission shall make the cost 65090
estimate public knowledge by reading the cost estimate in a public 65091
place. The commission may reject any and all bids. The 65092
requirements of this division do not apply to contracts for the 65093
acquisition of real property or compensation for professional or 65094
other personal services. 65095

(B) Each bid for a contract for construction, demolition, 65096
alteration, repair, improvement, renovation, or reconstruction 65097
shall contain the full name of every person interested in it and 65098
shall meet the requirements of section 153.54 of the Revised Code. 65099

(C) Other than for a contract referred to in division (B) of 65100
this section, each bid for a contract that involves an expenditure 65101
in excess of ~~one~~ five hundred ~~fifty~~ thousand dollars or any 65102
contract with a service facility operator shall contain the full 65103
name of every person interested in it and shall be accompanied by 65104
a sufficient bond or certified check on a solvent bank that if the 65105
bid is accepted a contract will be entered into and the 65106
performance of its proposal secured. 65107

(D) Other than a contract referred to in division (B) of this 65108
section, a bond with good and sufficient surety, in a form as 65109
prescribed and approved by the commission, shall be required of 65110
every contractor awarded a contract that involves an expenditure 65111
in excess of ~~one~~ five hundred ~~fifty~~ thousand dollars or any 65112
contract with a service facility operator. The bond shall be in an 65113
amount equal to at least fifty per cent of the contract price and 65114

shall be conditioned upon the faithful performance of the 65115
contract. 65116

(E)(1) Notwithstanding any other provisions of this section, 65117
the commission may establish a program to expedite special 65118
turnpike projects by combining the design and construction 65119
elements of any public improvement project into a single contract. 65120
The commission shall prepare and distribute a scope of work 65121
document upon which the bidders shall base their bids. At a 65122
minimum, bidders shall meet the requirements of section 4733.161 65123
of the Revised Code. Except in regard to those requirements 65124
relating to providing plans, the commission shall award contracts 65125
following the requirements set forth in divisions (A), (B), (C), 65126
and (D) of this section. 65127

(2) Notwithstanding any other provision of this section or 65128
any other provision of the Revised Code to the contrary, the 65129
commission may use a value-based selection process when selecting 65130
a contractor to perform a project that contains both design and 65131
construction elements in a single contract under this division. 65132

(F) Notwithstanding any other provision of this section or 65133
any other provision of the Revised Code to the contrary, the 65134
commission may enter into a written contract after submission of 65135
competitive proposals when the commission determines that 65136
competitive bidding is not practical or advantageous to the 65137
commission. The commission may conduct discussions with anyone 65138
that submits a competitive proposal when that proposal might be 65139
selected to ensure that the person understands and is responsive 65140
to the requirements of the project. The commission may award the 65141
contract to the person that submits the best proposal, as 65142
determined by the commission. The commission shall consider 65143
multiple factors in awarding a contract under this division, 65144
including price and the evaluation criteria set forth in the 65145
request for competitive proposals. 65146

(G) The commission may contract for the purchase of 65147
equipment, materials, and services without public advertisement in 65148
any of the following circumstances: 65149

(1) The construction of a temporary bridge; 65150

(2) The making of temporary emergency repairs to a highway or 65151
bridge when necessary because of a storm, flood, landslide, or 65152
other natural disaster; 65153

(3) While responding to circumstances created by an 65154
extraordinary emergency, as determined by the commission. 65155

Sec. 5537.13. (A) Subject to division (C)(1) of this section 65156
and section 5537.26 of the Revised Code, the Ohio turnpike and 65157
infrastructure commission may fix, revise, charge, and collect 65158
tolls for each turnpike project, and contract in the manner 65159
provided by this section with any person desiring the use of any 65160
part thereof, including the right-of-way adjoining the paved 65161
portion, for placing thereon telephone, electric light, or power 65162
lines, service facilities, or for any other purpose, and fix the 65163
terms, conditions, rents, and rates of charge for such use, 65164
provided that no toll, charge, or rental may be made by the 65165
commission for placing in, on, along, over, or under the turnpike 65166
project, equipment or public utility facilities that are necessary 65167
to serve service facilities or to interconnect any public utility 65168
facilities. 65169

(B) Contracts for the operation of service facilities shall 65170
be made in writing. Such contracts, except contracts with state 65171
agencies or other governmental agencies, shall be made with the 65172
bidder whose bid is determined by the commission to be the best 65173
bid received, after advertisement, in accordance with section 7.16 65174
of the Revised Code, for two consecutive weeks in a newspaper of 65175
general circulation in ~~Franklin county,~~ and in other publications 65176
that the commission determines. The notice shall state the general 65177

character of the service facilities operation proposed, the place 65178
where plans and specifications may be examined, and the time and 65179
place of receiving bids. Bids shall contain the full name of each 65180
person interested in them, and shall be in such form as the 65181
commission requires. The commission may reject any and all bids. 65182
All contracts for service facilities shall be preserved in the 65183
principal office of the commission. 65184

(C)(1) Except as necessary to comply with covenants in bond 65185
proceedings in existence before July 1, 2013, for calendar years 65186
2013 through 2023, the commission shall not increase the toll 65187
rates for any class of passenger vehicle as fixed on ~~the effective~~ 65188
~~date of this amendment~~ July 1, 2013, when both of the following 65189
apply: 65190

(a) The tolls are collected and remitted in accordance with a 65191
multi-jurisdiction electronic toll collection agreement; and 65192

(b) The distance traveled is thirty miles or less. 65193

(2) Subject to division (C)(1) of this section, tolls shall 65194
be so fixed and adjusted as to provide funds at least sufficient 65195
with other revenues of the Ohio turnpike system, if any, to pay: 65196

(a) The cost of maintaining, improving, repairing, 65197
constructing, and operating the Ohio turnpike system and its 65198
different parts and sections, and to create and maintain any 65199
reserves for those purposes; 65200

(b) Any unpaid bond service charges on outstanding bonds 65201
payable from pledged revenues as such charges become due and 65202
payable, and to create and maintain any reserves for that purpose. 65203

(D) Toll is not subject to supervision, approval, or 65204
regulation by any state agency other than the turnpike and 65205
infrastructure commission. 65206

(E) Revenues derived from each turnpike project shall be 65207

first applied to pay the cost of maintenance, improvement, repair, 65208
and operation and to provide any reserves therefor that are 65209
provided for in the bond proceedings authorizing the issuance of 65210
those outstanding bonds, and otherwise as provided by the 65211
commission. The bond proceedings also shall provide, subject to 65212
the provisions of any other applicable bond proceedings, for the 65213
pledge of all, or such part as the commission may determine of the 65214
pledged revenues and the applicable special fund or funds to the 65215
payment of the bond service charges, which pledge may be made to 65216
secure the bonds senior or subordinate to or on a parity with 65217
bonds theretofore or thereafter issued, if and to the extent 65218
provided in the bond proceedings. The pledge shall be valid and 65219
binding from the time the pledge is made; the revenues and the 65220
pledged revenues thereafter received by the commission immediately 65221
shall be subject to the lien of the pledge without any physical 65222
delivery thereof or further act, and the lien of the pledge shall 65223
be valid and binding as against all parties having claims of any 65224
kind in tort, contract, or otherwise against the commission, 65225
whether or not those parties have notice thereof. The bond 65226
proceedings by which a pledge is created need not be filed or 65227
recorded except in the records of the commission. The use and 65228
disposition of moneys to the credit of a bond service fund shall 65229
be subject to the applicable bond proceedings. 65230

(F) The proceeds of bonds issued for the payment of the costs 65231
of infrastructure projects, net of the payment of all financing 65232
expenses and deposits into debt service reserves or other special 65233
funds as may be required in the applicable bond proceedings, shall 65234
be deposited to the infrastructure fund or funds and shall be 65235
exclusively used to pay the cost of infrastructure projects 65236
approved by the commission, except that income earned by the 65237
infrastructure fund may be used by the commission towards the 65238
payment of bond service charges. 65239

Sec. 5537.17. (A) Each turnpike project open to traffic shall 65240
be maintained and kept in good condition and repair by the Ohio 65241
turnpike and infrastructure commission. The Ohio turnpike system 65242
shall be policed and operated by a force of police, toll 65243
collectors, and other employees and agents that the commission 65244
employs or contracts for. 65245

(B) All public or private property damaged or destroyed in 65246
carrying out the powers granted by this chapter shall be restored 65247
or repaired and placed in its original condition, as nearly as 65248
practicable, or adequate compensation or consideration made 65249
therefor out of moneys provided under this chapter. 65250

(C) All governmental agencies may lease, lend, grant, or 65251
convey to the commission at its request, upon terms that the 65252
proper authorities of the governmental agencies consider 65253
reasonable and fair and without the necessity for an 65254
advertisement, order of court, or other action or formality, other 65255
than the regular and formal action of the authorities concerned, 65256
any property that is necessary or convenient to the effectuation 65257
of the purposes of the commission, including public roads and 65258
other property already devoted to public use. 65259

(D) Each bridge constituting part of a turnpike project shall 65260
be inspected at least once each year by a professional engineer 65261
employed or retained by the commission. 65262

(E) ~~On or before the first day of July in each year, the 65263
commission shall make an annual report of its activities for the 65264
preceding calendar year to the governor and the general assembly. 65265
Each such report shall set forth a complete operating and 65266
financial statement covering the commission's operations and 65267
funding of any turnpike projects and infrastructure projects 65268
during the year. The commission shall cause an audit of its books 65269
and accounts to be made at least once each year by certified 65270~~

public accountants approved by the auditor of state, and the cost 65271
thereof may be treated as a part of the cost of operations of the 65272
commission. ~~The auditor of state, at least once a year and without~~ 65273
~~previous notice to the commission, shall audit the accounts and~~ 65274
~~transactions of the commission~~ On or before the first day of July 65275
in each year, the commission shall submit a comprehensive annual 65276
financial report containing its audited financial statements for 65277
the preceding calendar year to the governor, the general assembly, 65278
and the director of budget and management. Each such report shall 65279
set forth a complete operating and financial statement covering 65280
the commission's operations and funding of any turnpike projects 65281
and infrastructure projects during the year. 65282

(F) The commission shall submit a copy of its ~~annual audit by~~ 65283
~~the auditor of state and~~ its proposed annual budget for each 65284
calendar or fiscal year to the governor, the presiding officers of 65285
each house of the general assembly, the director of budget and 65286
management, and the legislative service commission no later than 65287
the first day of that calendar or fiscal year. 65288

(G) Upon request of the chairperson of the appropriate 65289
standing committee or subcommittee of the senate and house of 65290
representatives that is primarily responsible for considering 65291
transportation budget matters, the commission shall appear at 65292
least one time before each committee or subcommittee during the 65293
period when that committee or subcommittee is considering the 65294
biennial appropriations for the department of transportation and 65295
shall provide testimony outlining its budgetary results for the 65296
last two calendar years, including a comparison of budget and 65297
actual revenue and expenditure amounts. The commission also shall 65298
address its current budget and long-term capital plan. 65299

(H) Not more than sixty nor less than thirty days before 65300
adopting its annual budget, the commission shall submit a copy of 65301
its proposed annual budget to the governor, the presiding officers 65302

of each house of the general assembly, the director of budget and 65303
management, and the legislative service commission. The office of 65304
budget and management shall review the proposed budget and may 65305
provide recommendations to the commission for its consideration. 65306

Sec. 5705.091. The board of county commissioners of each 65307
county shall establish a county developmental disabilities general 65308
fund. Notwithstanding section 5705.10 of the Revised Code, 65309
proceeds from levies under section 5705.222 and division (L) of 65310
section 5705.19 of the Revised Code shall be deposited to the 65311
credit of the county developmental disabilities general fund. 65312
Accounts shall be established within the county developmental 65313
disabilities general fund for each of the several particular 65314
purposes of the levies as specified in the resolutions under which 65315
the levies were approved, and proceeds from different levies that 65316
were approved for the same particular purpose shall be credited to 65317
accounts for that purpose. Other money received by the county for 65318
the purposes of Chapters 3323. and 5126. of the Revised Code and 65319
not required by state or federal law to be deposited to the credit 65320
of a different fund shall also be deposited to the credit of the 65321
county developmental disabilities general fund, in an account 65322
appropriate to the particular purpose for which the money was 65323
received. Unless otherwise provided by law, an unexpended balance 65324
at the end of a fiscal year in any account in the county 65325
developmental disabilities general fund shall be appropriated the 65326
next fiscal year to the same fund. 65327

A county board of developmental disabilities may request, by 65328
resolution, that the board of county commissioners establish a 65329
county developmental disabilities capital fund for money to be 65330
used for acquisition, construction, or improvement of capital 65331
facilities or acquisition of capital equipment used in providing 65332
services to persons with developmental disabilities. The county 65333
board of developmental disabilities shall transmit a certified 65334

copy of the resolution to the board of county commissioners. Upon 65335
receiving the resolution, the board of county commissioners shall 65336
establish a county developmental disabilities capital fund. 65337

A county board of developmental disabilities may request, by 65338
resolution, that the board of county commissioners establish a 65339
county developmental disability medicaid reserve fund. On receipt 65340
of the resolution, the board of county commissioners shall 65341
establish a county developmental disability medicaid reserve fund. 65342
Funds needed for the county board of developmental disabilities to 65343
pay for extraordinary costs, including, but not limited to, costs 65344
for services to individuals with developmental disabilities, or to 65345
ensure the availability of adequate funds in the event a tax levy 65346
for services for individuals with developmental disabilities 65347
fails, may be deposited into the fund. The county board of 65348
developmental disabilities shall use money in the fund for such 65349
purposes as needed. 65350

Sec. 5705.21. (A) At any time, the board of education of any 65351
city, local, exempted village, cooperative education, or joint 65352
vocational school district, by a vote of two-thirds of all its 65353
members, may declare by resolution that the amount of taxes that 65354
may be raised within the ten-mill limitation by levies on the 65355
current tax duplicate will be insufficient to provide an adequate 65356
amount for the necessary requirements of the school district, that 65357
it is necessary to levy a tax in excess of such limitation for one 65358
of the purposes specified in division (A), (D), (F), (H), or (DD) 65359
of section 5705.19 of the Revised Code, for general permanent 65360
improvements, for the purpose of operating a cultural center, for 65361
the purpose of providing for school safety and security, or for 65362
the purpose of providing education technology, and that the 65363
question of such additional tax levy shall be submitted to the 65364
electors of the school district at a special election on a day to 65365
be specified in the resolution. In the case of a qualifying 65366

library levy for the support of a library association or private 65367
corporation, the question shall be submitted to the electors of 65368
the association library district. If the resolution states that 65369
the levy is for the purpose of operating a cultural center, the 65370
ballot shall state that the levy is "for the purpose of operating 65371
the..... (name of cultural center)."

As used in this division, "cultural center" means a 65373
freestanding building, separate from a public school building, 65374
that is open to the public for educational, musical, artistic, and 65375
cultural purposes; "education technology" means, but is not 65376
limited to, computer hardware, equipment, materials, and 65377
accessories, equipment used for two-way audio or video, and 65378
software; "general permanent improvements" means permanent 65379
improvements without regard to the limitation of division (F) of 65380
section 5705.19 of the Revised Code that the improvements be a 65381
specific improvement or a class of improvements that may be 65382
included in a single bond issue; and "providing for school safety 65383
and security" includes but is not limited to providing for 65384
permanent improvements to provide or enhance security, employment 65385
of or contracting for the services of safety personnel, providing 65386
mental health services and counseling, or providing training in 65387
safety and security practices and responses. 65388

A resolution adopted under this division shall be confined to 65389
a single purpose and shall specify the amount of the increase in 65390
rate that it is necessary to levy, the purpose of the levy, and 65391
the number of years during which the increase in rate shall be in 65392
effect. The number of years may be any number not exceeding five 65393
or, if the levy is for current expenses of the district or for 65394
general permanent improvements, for a continuing period of time. 65395

(B)(1) The board of education of a qualifying school 65396
district, by resolution, may declare that it is necessary to levy 65397

a tax in excess of the ten-mill limitation for the purpose of 65398
paying the current expenses of partnering community schools and, 65399
if any of the levy proceeds are so allocated, of the district. A 65400
qualifying school district that is not a municipal school district 65401
may allocate all of the levy proceeds to partnering community 65402
schools. A municipal school district shall allocate a portion of 65403
the levy proceeds to the current expenses of the district. The 65404
resolution shall declare that the question of the additional tax 65405
levy shall be submitted to the electors of the school district at 65406
a special election on a day to be specified in the resolution. The 65407
resolution shall state the purpose of the levy, the rate of the 65408
tax expressed in mills per dollar of taxable value, the number of 65409
such mills to be levied for the current expenses of the partnering 65410
community schools and the number of such mills, if any, to be 65411
levied for the current expenses of the school district, the number 65412
of years the tax will be levied, and the first year the tax will 65413
be levied. The number of years the tax may be levied may be any 65414
number not exceeding ten years, or for a continuing period of 65415
time. 65416

The levy of a tax for the current expenses of a partnering 65417
community school under this section and the distribution of 65418
proceeds from the tax by a qualifying school district to 65419
partnering community schools is hereby determined to be a proper 65420
public purpose. 65421

(2)(a) If any portion of the levy proceeds are to be 65422
allocated to the current expenses of the qualifying school 65423
district, the form of the ballot at an election held pursuant to 65424
division (B) of this section shall be as follows: 65425

"Shall a levy be imposed by the..... (insert the name of 65426
the qualifying school district) for the purpose of current 65427
expenses of the school district and of partnering community 65428
schools at a rate not exceeding..... (insert the number of mills) 65429

mills for each one dollar of valuation, of which..... (insert the 65430
number of mills to be allocated to partnering community schools) 65431
mills is to be allocated to partnering community schools), which 65432
amounts to..... (insert the rate expressed in dollars and cents) 65433
for each one hundred dollars of valuation, for..... (insert the 65434
number of years the levy is to be imposed, or that it will be 65435
levied for a continuing period of time), beginning..... (insert 65436
first year the tax is to be levied), which will first be payable 65437
in calendar year..... (insert the first calendar year in which 65438
the tax would be payable)? 65439

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

65440
" 65441

(b) If all of the levy proceeds are to be allocated to the 65442
current expenses of partnering community schools, the form of the 65443
ballot shall be as follows: 65444

"Shall a levy be imposed by the..... (insert the name of 65445
the qualifying school district) for the purpose of current 65446
expenses of partnering community schools at a rate not 65447
exceeding..... (insert the number of mills) mills for each one 65448
dollar of valuation which amounts to..... (insert the rate 65449
expressed in dollars and cents) for each one hundred dollars of 65450
valuation, for..... (insert the number of years the levy is to be 65451
imposed, or that it will be levied for a continuing period of 65452
time), beginning..... (insert first year the tax is to be 65453
levied), which will first be payable in calendar year..... 65454
(insert the first calendar year in which the tax would be 65455
payable)? 65456

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

65457
" 65458

(3) Upon each receipt of a tax distribution by the qualifying 65459
school district, the board of education shall credit the portion 65460
allocated to partnering community schools to the partnering 65461

community schools fund. All income from the investment of money in 65462
the partnering community schools fund shall be credited to that 65463
fund. 65464

(a) If the qualifying school district is a municipal school 65465
district, the board of education shall distribute the partnering 65466
community schools amount among the then qualifying community 65467
schools not more than forty-five days after the school district 65468
receives and deposits each tax distribution. From each tax 65469
distribution, each such partnering community school shall receive 65470
a portion of the partnering community schools amount in the 65471
proportion that the number of its resident students bears to the 65472
aggregate number of resident students of all such partnering 65473
community schools as of the date of receipt and deposit of the tax 65474
distribution. 65475

(b) If the qualifying school district is not a municipal 65476
school district, the board of education may distribute all or a 65477
portion of the amount in the partnering community schools fund 65478
during a fiscal year to partnering community schools on or before 65479
the first day of June of the preceding fiscal year. Each such 65480
partnering community school shall receive a portion of the amount 65481
distributed by the board from the partnering community schools 65482
fund during the fiscal year in the proportion that the number of 65483
its resident students bears to the aggregate number of resident 65484
students of all such partnering community schools as of the date 65485
the school district received and deposited the most recent tax 65486
distribution. On or before the fifteenth day of June of each 65487
fiscal year, the board of education shall announce an estimated 65488
allocation to partnering community schools for the ensuing fiscal 65489
year. The board is not required to allocate to partnering 65490
community schools the entire partnering community schools amount 65491
in the fiscal year in which a tax distribution is received and 65492
deposited in the partnering community schools fund. The estimated 65493

allocation shall be published on the web site of the school 65494
district and expressed as a dollar amount per resident student. 65495
The actual allocation to community schools in a fiscal year need 65496
not conform to the estimate published by the school district so 65497
long if the estimate was made in good faith. 65498

Distributions by a school district under division (B)(3)(b) 65499
of this section shall be made in accordance with distribution 65500
agreements entered into by the board of education and each 65501
partnering community school eligible for distributions under this 65502
division. The distribution agreements shall be certified to the 65503
department of education each fiscal year before the thirtieth day 65504
of July. Each agreement shall provide for at least three 65505
distributions by the school district to the partnering community 65506
school during the fiscal year and shall require the initial 65507
distribution be made on or before the thirtieth day of July. 65508

(c) For the purposes of division (B) of this section, the 65509
number of resident students shall be the number of such students 65510
reported under section 3317.03 of the Revised Code and established 65511
by the department of education as of the date of receipt and 65512
deposit of the tax distribution. 65513

(4) To the extent an agreement whereby the qualifying school 65514
district and a community school endorse each other's programs is 65515
necessary for the community school to qualify as a partnering 65516
community school under division (B)(6)(b) of this section, the 65517
board of education of the school district shall certify to the 65518
department of education the agreement along with the determination 65519
that such agreement satisfies the requirements of that division. 65520
The board's determination is conclusive. 65521

(5) For the purposes of Chapter 3317. of the Revised Code or 65522
other laws referring to the "taxes charged and payable" for a 65523
school district, the taxes charged and payable for a qualifying 65524
school district that levies a tax under division (B) of this 65525

section includes only the taxes charged and payable under that 65526
levy for the current expenses of the school district, and does not 65527
include the taxes charged and payable for the current expenses of 65528
partnering community schools. The taxes charged and payable for 65529
the current expenses of partnering community schools shall not 65530
affect the calculation of "state education aid" as defined in 65531
section 5751.20 of the Revised Code. 65532

(6) As used in division (B) of this section: 65533

(a) "Qualifying school district" means a municipal school 65534
district, as defined in section 3311.71 of the Revised Code or a 65535
school district that contains within its territory a partnering 65536
community school. 65537

(b) "Partnering community school" means a community school 65538
established under Chapter 3314. of the Revised Code that is 65539
located within the territory of the qualifying school district and 65540
meets one of the following criteria: 65541

(i) If the qualifying school district is a municipal school 65542
district, the community school is sponsored by the district or is 65543
a party to an agreement with the district whereby the district and 65544
the community school endorse each other's programs; 65545

(ii) If the qualifying school district is not a municipal 65546
school district, the community school is sponsored by a sponsor 65547
that was rated as "exemplary" in the ratings most recently 65548
published under section 3314.016 of the Revised Code before the 65549
resolution proposing the levy is certified to the board of 65550
elections. 65551

(c) "Partnering community schools amount" means the product 65552
obtained, as of the receipt and deposit of the tax distribution, 65553
by multiplying the amount of a tax distribution by a fraction, the 65554
numerator of which is the number of mills per dollar of taxable 65555
value of the property tax to be allocated to partnering community 65556

schools, and the denominator of which is the total number of mills 65557
per dollar of taxable value authorized by the electors in the 65558
election held under division (B) of this section, each as set 65559
forth in the resolution levying the tax. If the resolution 65560
allocates all of the levy proceeds to partnering community 65561
schools, the "partnering schools amount" equals the amount of the 65562
tax distribution. 65563

(d) "Partnering community schools fund" means a separate fund 65564
established by the board of education of a qualifying school 65565
district for the deposit of partnering community school amounts 65566
under this section. 65567

(e) "Resident student" means a student enrolled in a 65568
partnering community school who is entitled to attend school in 65569
the qualifying school district under section 3313.64 or 3313.65 of 65570
the Revised Code. 65571

(f) "Tax distribution" means a distribution of proceeds of 65572
the tax authorized by division (B) of this section under section 65573
321.24 of the Revised Code and distributions that are attributable 65574
to that tax under sections 323.156 and 4503.068 of the Revised 65575
Code or other applicable law. 65576

(C) A resolution adopted under this section shall specify the 65577
date of holding the election, which shall not be earlier than 65578
ninety days after the adoption and certification of the resolution 65579
and which shall be consistent with the requirements of section 65580
3501.01 of the Revised Code. 65581

A resolution adopted under this section may propose to renew 65582
one or more existing levies imposed under division (A) or (B) of 65583
this section or to increase or decrease a single levy imposed 65584
under either such division. 65585

If the board of education imposes one or more existing levies 65586
for the purpose specified in division (F) of section 5705.19 of 65587

the Revised Code, the resolution may propose to renew one or more 65588
of those existing levies, or to increase or decrease a single such 65589
existing levy, for the purpose of general permanent improvements. 65590

If the resolution proposes to renew two or more existing 65591
levies, the levies shall be levied for the same purpose. The 65592
resolution shall identify those levies and the rates at which they 65593
are levied. The resolution also shall specify that the existing 65594
levies shall not be extended on the tax lists after the year 65595
preceding the year in which the renewal levy is first imposed, 65596
regardless of the years for which those levies originally were 65597
authorized to be levied. 65598

If the resolution proposes to renew an existing levy imposed 65599
under division (B) of this section, the rates allocated to the 65600
qualifying school district and to partnering community schools 65601
each may be increased or decreased or remain the same, and the 65602
total rate may be increased, decreased, or remain the same. The 65603
resolution and notice of election shall specify the number of the 65604
mills to be levied for the current expenses of the partnering 65605
community schools and the number of the mills, if any, to be 65606
levied for the current expenses of the qualifying school district. 65607

A resolution adopted under this section shall go into 65608
immediate effect upon its passage, and no publication of the 65609
resolution shall be necessary other than that provided for in the 65610
notice of election. A copy of the resolution shall immediately 65611
after its passing be certified to the board of elections of the 65612
proper county in the manner provided by section 5705.25 of the 65613
Revised Code. That section shall govern the arrangements for the 65614
submission of such question and other matters concerning the 65615
election to which that section refers, including publication of 65616
notice of the election, except that the election shall be held on 65617
the date specified in the resolution. In the case of a resolution 65618
adopted under division (B) of this section, the publication of 65619

notice of that election shall state the number of the mills, if 65620
any, to be levied for the current expenses of partnering community 65621
schools and the number of the mills to be levied for the current 65622
expenses of the qualifying school district. If a majority of the 65623
electors voting on the question so submitted in an election vote 65624
in favor of the levy, the board of education may make the 65625
necessary levy within the school district or, in the case of a 65626
qualifying library levy for the support of a library association 65627
or private corporation, within the association library district, 65628
at the additional rate, or at any lesser rate in excess of the 65629
ten-mill limitation on the tax list, for the purpose stated in the 65630
resolution. A levy for a continuing period of time may be reduced 65631
pursuant to section 5705.261 of the Revised Code. The tax levy 65632
shall be included in the next tax budget that is certified to the 65633
county budget commission. 65634

(D)(1) After the approval of a levy on the current tax list 65635
and duplicate for current expenses, for recreational purposes, for 65636
community centers provided for in section 755.16 of the Revised 65637
Code, or for a public library of the district under division (A) 65638
of this section, and prior to the time when the first tax 65639
collection from the levy can be made, the board of education may 65640
anticipate a fraction of the proceeds of the levy and issue 65641
anticipation notes in a principal amount not exceeding fifty per 65642
cent of the total estimated proceeds of the levy to be collected 65643
during the first year of the levy. 65644

(2) After the approval of a levy for general permanent 65645
improvements for a specified number of years or for permanent 65646
improvements having the purpose specified in division (F) of 65647
section 5705.19 of the Revised Code, the board of education may 65648
anticipate a fraction of the proceeds of the levy and issue 65649
anticipation notes in a principal amount not exceeding fifty per 65650
cent of the total estimated proceeds of the levy remaining to be 65651

collected in each year over a period of five years after the 65652
issuance of the notes. 65653

The notes shall be issued as provided in section 133.24 of 65654
the Revised Code, shall have principal payments during each year 65655
after the year of their issuance over a period not to exceed five 65656
years, and may have a principal payment in the year of their 65657
issuance. 65658

(3) After approval of a levy for general permanent 65659
improvements for a continuing period of time, the board of 65660
education may anticipate a fraction of the proceeds of the levy 65661
and issue anticipation notes in a principal amount not exceeding 65662
fifty per cent of the total estimated proceeds of the levy to be 65663
collected in each year over a specified period of years, not 65664
exceeding ten, after the issuance of the notes. 65665

The notes shall be issued as provided in section 133.24 of 65666
the Revised Code, shall have principal payments during each year 65667
after the year of their issuance over a period not to exceed ten 65668
years, and may have a principal payment in the year of their 65669
issuance. 65670

(4) After the approval of a levy on the current tax list and 65671
duplicate under division (B) of this section, and prior to the 65672
time when the first tax collection from the levy can be made, the 65673
board of education may anticipate a fraction of the proceeds of 65674
the levy for the current expenses of the school district and issue 65675
anticipation notes in a principal amount not exceeding fifty per 65676
cent of the estimated proceeds of the levy to be collected during 65677
the first year of the levy and allocated to the school district. 65678
The portion of the levy proceeds to be allocated to partnering 65679
community schools under that division shall not be included in the 65680
estimated proceeds anticipated under this division and shall not 65681
be used to pay debt charges on any anticipation notes. 65682

The notes shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

(E) The submission of questions to the electors under this section is subject to the limitation on the number of election dates established by section 5705.214 of the Revised Code.

(F) The board of education of any school district that levies a tax under this section for the purpose of providing for school safety and security may report to the department of education how the district is using revenue from that tax.

The board of education of any school district that proposes to levy a tax for the purpose of providing for school safety and security may share the proceeds of the tax with chartered nonpublic schools, as defined by section 3310.01 of the Revised Code, that are located in the territory of the school district as provided in this division. The resolution levying the tax and the form of the ballot shall state that proceeds from the levy are to be shared with chartered nonpublic schools and shall state the percentage of the proceeds that is to be shared with those schools.

If a percentage of the proceeds of such a tax are to be shared with chartered nonpublic schools under this division, such proceeds shall be shared with all chartered nonpublic schools located in the territory of the school district. Of the percentage of the proceeds to be shared with chartered nonpublic schools, each such school shall receive an amount that bears the same proportion of that percentage that the number of resident students attending that school bears to the total number of resident students attending all such schools in the territory of the school district. For the purposes of this section, a resident student is

a student enrolled in a chartered nonpublic school located in the 65715
territory of the school district who is entitled to attend school 65716
in the school district under section 3313.64 or 3313.65 of the 65717
Revised Code. 65718

All proceeds of the levy shall be credited to a fund of the 65719
school district created for that purpose, and the board of 65720
education shall pay each chartered nonpublic school its share of 65721
the proceeds from that fund not less frequently than once after 65722
each settlement of taxes under divisions (A) and (C) of section 65723
321.24 of the Revised Code. Any chartered nonpublic school 65724
receiving payments under this section shall use all of such 65725
payments only for providing for school safety and security. 65726

Sec. 5709.17. The following property shall be exempted from 65727
taxation: 65728

(A) Real estate held or occupied by an association or 65729
corporation, organized or incorporated under the laws of this 65730
state relative to soldiers' memorial associations or monumental 65731
building associations and that, in the opinion of the trustees, 65732
directors, or managers thereof, is necessary and proper to carry 65733
out the object intended for such association or corporation; 65734

(B) Real estate and tangible personal property held or 65735
occupied by a qualifying veterans' organization and used primarily 65736
for meetings and administration of the qualifying veterans' 65737
organization or for providing, on a not-for-profit basis, programs 65738
and supportive services to past or present members of the armed 65739
forces of the United States and their families, except real estate 65740
held by such an organization for the production of rental income 65741
in excess of thirty-six thousand dollars in a tax year, before 65742
accounting for any cost or expense incurred in the production of 65743
such income. For the purposes of this division, rental income 65744
includes only income arising directly from renting the real estate 65745

to others for consideration, but does not include income arising 65746
from renting the real estate to a qualifying veterans' 65747
organization. 65748

As used in this division, "qualifying veterans' organization" 65749
means an organization that is incorporated under the laws of this 65750
state or the United States and that meets either of the following 65751
requirements: 65752

(1) The organization qualifies for exemption from taxation 65753
under section 501(c)(19) or 501(c)(23) of the Internal Revenue 65754
Code. 65755

(2) The organization meets the criteria for exemption under 65756
section 501(c)(19) of the Internal Revenue Code and regulations 65757
adopted pursuant thereto, but is exempt from taxation under 65758
section 501(c)(4) of the Internal Revenue Code. 65759

(C) Tangible personal property held by a corporation 65760
chartered under 112 Stat. 1335, 36 U.S.C. 40701, described in 65761
section 501(c)(3) of the Internal Revenue Code, and exempt from 65762
taxation under section 501(a) of the Internal Revenue Code shall 65763
be exempt from taxation if it is property obtained as described in 65764
112 Stat. 1335-1341, 36 U.S.C.A. Chapter 407. 65765

(D) Real estate held or occupied by a fraternal organization 65766
and used primarily for meetings of and the administration of the 65767
fraternal organization or for providing, on a not-for-profit 65768
basis, educational or health services, except real estate held by 65769
such an organization for the production of rental income in excess 65770
of thirty-six thousand dollars in a tax year before accounting for 65771
any cost or expense incurred in the production of such income. For 65772
the purposes of this division, rental income includes only income 65773
arising directly from renting the real estate to others for 65774
consideration, but does not include income arising from renting 65775
the real estate to any fraternal organization for use primarily 65776

for meetings of and the administration of such fraternal 65777
organization or for providing, on a not-for-profit basis, 65778
educational or health services. As used in this division, ~~"rental~~ 65779
~~income" has the same meaning as in division (B) of this section,~~ 65780
and "fraternal organization" means a domestic fraternal society, 65781
order, or association operating under the lodge, council, or 65782
grange system that qualifies for exemption from taxation under 65783
section 501(c)(5), 501(c)(8), or 501(c)(10) of the "Internal 65784
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended; 65785
that provides financial support for charitable purposes, as 65786
defined in division (B)(12) of section 5739.02 of the Revised 65787
Code; and that operates under a state governing body that has been 65788
operating in this state for at least eighty-five years. 65789

Sec. 5709.40. (A) As used in this section: 65790

(1) "Blighted area" and "impacted city" have the same 65791
meanings as in section 1728.01 of the Revised Code. 65792

(2) "Business day" means a day of the week excluding 65793
Saturday, Sunday, and a legal holiday as defined under section 65794
1.14 of the Revised Code. 65795

(3) "Housing renovation" means a project carried out for 65796
residential purposes. 65797

(4) "Improvement" means the increase in the assessed value of 65798
any real property that would first appear on the tax list and 65799
duplicate of real and public utility property after the effective 65800
date of an ordinance adopted under this section were it not for 65801
the exemption granted by that ordinance. 65802

(5) "Incentive district" means an area not more than three 65803
hundred acres in size enclosed by a continuous boundary in which a 65804
project is being, or will be, undertaken and having one or more of 65805
the following distress characteristics: 65806

(a) At least fifty-one per cent of the residents of the district have incomes of less than eighty per cent of the median income of residents of the political subdivision in which the district is located, as determined in the same manner specified under section 119(b) of the "Housing and Community Development Act of 1974," 88 Stat. 633, 42 U.S.C. 5318, as amended;

(b) The average rate of unemployment in the district during the most recent twelve-month period for which data are available is equal to at least one hundred fifty per cent of the average rate of unemployment for this state for the same period.

(c) At least twenty per cent of the people residing in the district live at or below the poverty level as defined in the federal Housing and Community Development Act of 1974, 42 U.S.C. 5301, as amended, and regulations adopted pursuant to that act.

(d) The district is a blighted area.

(e) The district is in a situational distress area as designated by the director of development services under division (F) of section 122.23 of the Revised Code.

(f) As certified by the engineer for the political subdivision, the public infrastructure serving the district is inadequate to meet the development needs of the district as evidenced by a written economic development plan or urban renewal plan for the district that has been adopted by the legislative authority of the subdivision.

(g) The district is comprised entirely of unimproved land that is located in a distressed area as defined in section 122.23 of the Revised Code.

(6) "Overlay" means an area of not more than three hundred acres that is a square, or that is a rectangle having two longer sides that are not more than twice the length of the two shorter sides, that the legislative authority of a municipal corporation

delineates on a map of a proposed incentive district. 65838

(7) "Project" means development activities undertaken on one 65839
or more parcels, including, but not limited to, construction, 65840
expansion, and alteration of buildings or structures, demolition, 65841
remediation, and site development, and any building or structure 65842
that results from those activities. 65843

(8) "Public infrastructure improvement" includes, but is not 65844
limited to, public roads and highways; water and sewer lines; the 65845
continued maintenance of those public roads and highways and water 65846
and sewer lines; environmental remediation; land acquisition, 65847
including acquisition in aid of industry, commerce, distribution, 65848
or research; demolition, including demolition on private property 65849
when determined to be necessary for economic development purposes; 65850
stormwater and flood remediation projects, including such projects 65851
on private property when determined to be necessary for public 65852
health, safety, and welfare; the provision of gas, electric, and 65853
communications service facilities, including the provision of gas 65854
or electric service facilities owned by nongovernmental entities 65855
when such improvements are determined to be necessary for economic 65856
development purposes; and the enhancement of public waterways 65857
through improvements that allow for greater public access. 65858

(B) The legislative authority of a municipal corporation, by 65859
ordinance, may declare improvements to certain parcels of real 65860
property located in the municipal corporation to be a public 65861
purpose. Improvements with respect to a parcel that is used or to 65862
be used for residential purposes may be declared a public purpose 65863
under this division only if the parcel is located in a blighted 65864
area of an impacted city. For this purpose, "parcel that is used 65865
or to be used for residential purposes" means a parcel that, as 65866
improved, is used or to be used for purposes that would cause the 65867
tax commissioner to classify the parcel as residential property in 65868
accordance with rules adopted by the commissioner under section 65869

5713.041 of the Revised Code. Except ~~with the approval as~~ 65870
~~otherwise provided~~ under division (D) of this section ~~of the board~~ 65871
~~of education of each city, local, or exempted village school~~ 65872
~~district within which the improvements are located~~ or section 65873
5709.51 of the Revised Code, not more than seventy-five per cent 65874
of an improvement thus declared to be a public purpose may be 65875
exempted from real property taxation for a period of not more than 65876
ten years. The ordinance shall specify the percentage of the 65877
improvement to be exempted from taxation and the life of the 65878
exemption. 65879

An ordinance adopted or amended under this division shall 65880
designate the specific public infrastructure improvements made, to 65881
be made, or in the process of being made by the municipal 65882
corporation that directly benefit, or that once made will directly 65883
benefit, the parcels for which improvements are declared to be a 65884
public purpose. The service payments provided for in section 65885
5709.42 of the Revised Code shall be used to finance the public 65886
infrastructure improvements designated in the ordinance, for the 65887
purpose described in division (D)(1) of this section or as 65888
provided in section 5709.43 of the Revised Code. 65889

(C)(1) The legislative authority of a municipal corporation 65890
may adopt an ordinance creating an incentive district and 65891
declaring improvements to parcels within the district to be a 65892
public purpose and, except as provided in division (C)(2) of this 65893
section, exempt from taxation as provided in this section, but no 65894
legislative authority of a municipal corporation that has a 65895
population that exceeds twenty-five thousand, as shown by the most 65896
recent federal decennial census, shall adopt an ordinance that 65897
creates an incentive district if the sum of the taxable value of 65898
real property in the proposed district for the preceding tax year 65899
and the taxable value of all real property in the municipal 65900
corporation that would have been taxable in the preceding year 65901

were it not for the fact that the property was in an existing 65902
incentive district and therefore exempt from taxation exceeds 65903
twenty-five per cent of the taxable value of real property in the 65904
municipal corporation for the preceding tax year. The ordinance 65905
shall delineate the boundary of the proposed district and 65906
specifically identify each parcel within the district. A proposed 65907
district may not include any parcel that is or has been exempted 65908
from taxation under division (B) of this section or that is or has 65909
been within another district created under this division. An 65910
ordinance may create more than one such district, and more than 65911
one ordinance may be adopted under division (C)(1) of this 65912
section. 65913

(2)(a) Not later than thirty days prior to adopting an 65914
ordinance under division (C)(1) of this section, if the municipal 65915
corporation intends to apply for exemptions from taxation under 65916
section 5709.911 of the Revised Code on behalf of owners of real 65917
property located within the proposed incentive district, the 65918
legislative authority of the municipal corporation shall conduct a 65919
public hearing on the proposed ordinance. Not later than thirty 65920
days prior to the public hearing, the legislative authority shall 65921
give notice of the public hearing and the proposed ordinance by 65922
first class mail to every real property owner whose property is 65923
located within the boundaries of the proposed incentive district 65924
that is the subject of the proposed ordinance. The notice shall 65925
include a map of the proposed incentive district on which the 65926
legislative authority of the municipal corporation shall have 65927
delineated an overlay. The notice shall inform the property owner 65928
of the owner's right to exclude the owner's property from the 65929
incentive district if the owner's entire parcel of property will 65930
not be located within the overlay, by submitting a written 65931
response in accordance with division (C)(2)(b) of this section. 65932
The notice also shall include information detailing the required 65933
contents of the response, the address to which the response may be 65934

mailed, and the deadline for submitting the response. 65935

(b) Any owner of real property located within the boundaries 65936
of an incentive district proposed under division (C)(1) of this 65937
section whose entire parcel of property is not located within the 65938
overlay may exclude the property from the proposed incentive 65939
district by submitting a written response to the legislative 65940
authority of the municipal corporation not later than forty-five 65941
days after the postmark date on the notice required under division 65942
(C)(2)(a) of this section. The response shall be sent by first 65943
class mail or delivered in person at a public hearing held by the 65944
legislative authority under division (C)(2)(a) of this section. 65945
The response shall conform to any content requirements that may be 65946
established by the municipal corporation and included in the 65947
notice provided under division (C)(2)(a) of this section. In the 65948
response, property owners may identify a parcel by street address, 65949
by the manner in which it is identified in the ordinance, or by 65950
other means allowing the identity of the parcel to be ascertained. 65951

(c) Before adopting an ordinance under division (C)(1) of 65952
this section, the legislative authority of a municipal corporation 65953
shall amend the ordinance to exclude any parcel located wholly or 65954
partly outside the overlay for which a written response has been 65955
submitted under division (C)(2)(b) of this section. A municipal 65956
corporation shall not apply for exemptions from taxation under 65957
section 5709.911 of the Revised Code for any such parcel, and 65958
service payments may not be required from the owner of the parcel. 65959
Improvements to a parcel excluded from an incentive district under 65960
this division may be exempted from taxation under division (B) of 65961
this section pursuant to an ordinance adopted under that division 65962
or under any other section of the Revised Code under which the 65963
parcel qualifies. 65964

(3)(a) An ordinance adopted under division (C)(1) of this 65965
section shall specify the life of the incentive district and the 65966

percentage of the improvements to be exempted, shall designate the 65967
public infrastructure improvements made, to be made, or in the 65968
process of being made, that benefit or serve, or, once made, will 65969
benefit or serve parcels in the district. The ordinance also shall 65970
identify one or more specific projects being, or to be, undertaken 65971
in the district that place additional demand on the public 65972
infrastructure improvements designated in the ordinance. The 65973
project identified may, but need not be, the project under 65974
division (C)(3)(b) of this section that places real property in 65975
use for commercial or industrial purposes. Except as otherwise 65976
permitted under that division, the service payments provided for 65977
in section 5709.42 of the Revised Code shall be used to finance 65978
the designated public infrastructure improvements, for the purpose 65979
described in division (D)(1), (E), or (F) of this section, or as 65980
provided in section 5709.43 of the Revised Code. 65981

An ordinance adopted under division (C)(1) of this section on 65982
or after March 30, 2006, shall not designate police or fire 65983
equipment as public infrastructure improvements, and no service 65984
payment provided for in section 5709.42 of the Revised Code and 65985
received by the municipal corporation under the ordinance shall be 65986
used for police or fire equipment. 65987

(b) An ordinance adopted under division (C)(1) of this 65988
section may authorize the use of service payments provided for in 65989
section 5709.42 of the Revised Code for the purpose of housing 65990
renovations within the incentive district, provided that the 65991
ordinance also designates public infrastructure improvements that 65992
benefit or serve the district, and that a project within the 65993
district places real property in use for commercial or industrial 65994
purposes. Service payments may be used to finance or support 65995
loans, deferred loans, and grants to persons for the purpose of 65996
housing renovations within the district. The ordinance shall 65997
designate the parcels within the district that are eligible for 65998

housing renovation. The ordinance shall state separately the 65999
amounts or the percentages of the expected aggregate service 66000
payments that are designated for each public infrastructure 66001
improvement and for the general purpose of housing renovations. 66002

(4) Except with the approval of the board of education of 66003
each city, local, or exempted village school district within the 66004
territory of which the incentive district is or will be located, 66005
and subject to division (E) of this section, the life of an 66006
incentive district shall not exceed ten years, and the percentage 66007
of improvements to be exempted shall not exceed seventy-five per 66008
cent. With approval of the board of education, the life of a 66009
district may be not more than thirty years, and the percentage of 66010
improvements to be exempted may be not more than one hundred per 66011
cent. The approval of a board of education shall be obtained in 66012
the manner provided in division (D) of this section. 66013

(D)(1) If the ordinance declaring improvements to a parcel to 66014
be a public purpose or creating an incentive district specifies 66015
that payments in lieu of taxes provided for in section 5709.42 of 66016
the Revised Code shall be paid to the city, local, or exempted 66017
village, and joint vocational school district in which the parcel 66018
or incentive district is located in the amount of the taxes that 66019
would have been payable to the school district if the improvements 66020
had not been exempted from taxation, the percentage of the 66021
improvement that may be exempted from taxation may exceed 66022
seventy-five per cent, and the exemption may be granted for up to 66023
thirty years, without the approval of the board of education as 66024
otherwise required under division (D)(2) of this section. 66025

(2) Improvements with respect to a parcel may be exempted 66026
from taxation under division (B) of this section, and improvements 66027
to parcels within an incentive district may be exempted from 66028
taxation under division (C) of this section, for up to ten years 66029
or, with the approval under this paragraph of the board of 66030

education of the city, local, or exempted village school district 66031
within which the parcel or district is located, for up to thirty 66032
years. The percentage of the improvement exempted from taxation 66033
may, with such approval, exceed seventy-five per cent, but shall 66034
not exceed one hundred per cent. Not later than forty-five 66035
business days prior to adopting an ordinance under this section 66036
declaring improvements to be a public purpose that is subject to 66037
approval by a board of education under this division, the 66038
legislative authority shall deliver to the board of education a 66039
notice stating its intent to adopt an ordinance making that 66040
declaration. The notice regarding improvements with respect to a 66041
parcel under division (B) of this section shall identify the 66042
parcels for which improvements are to be exempted from taxation, 66043
provide an estimate of the true value in money of the 66044
improvements, specify the period for which the improvements would 66045
be exempted from taxation and the percentage of the improvement 66046
that would be exempted, and indicate the date on which the 66047
legislative authority intends to adopt the ordinance. The notice 66048
regarding improvements to parcels within an incentive district 66049
under division (C) of this section shall delineate the boundaries 66050
of the district, specifically identify each parcel within the 66051
district, identify each anticipated improvement in the district, 66052
provide an estimate of the true value in money of each such 66053
improvement, specify the life of the district and the percentage 66054
of improvements that would be exempted, and indicate the date on 66055
which the legislative authority intends to adopt the ordinance. 66056
The board of education, by resolution adopted by a majority of the 66057
board, may approve the exemption for the period or for the 66058
exemption percentage specified in the notice; may disapprove the 66059
exemption for the number of years in excess of ten, may disapprove 66060
the exemption for the percentage of the improvement to be exempted 66061
in excess of seventy-five per cent, or both; or may approve the 66062
exemption on the condition that the legislative authority and the 66063

board negotiate an agreement providing for compensation to the 66064
school district equal in value to a percentage of the amount of 66065
taxes exempted in the eleventh and subsequent years of the 66066
exemption period or, in the case of exemption percentages in 66067
excess of seventy-five per cent, compensation equal in value to a 66068
percentage of the taxes that would be payable on the portion of 66069
the improvement in excess of seventy-five per cent were that 66070
portion to be subject to taxation, or other mutually agreeable 66071
compensation. If an agreement is negotiated between the 66072
legislative authority and the board to compensate the school 66073
district for all or part of the taxes exempted, including 66074
agreements for payments in lieu of taxes under section 5709.42 of 66075
the Revised Code, the legislative authority shall compensate the 66076
joint vocational school district within which the parcel or 66077
district is located at the same rate and under the same terms 66078
received by the city, local, or exempted village school district. 66079

(3) The board of education shall certify its resolution to 66080
the legislative authority not later than fourteen days prior to 66081
the date the legislative authority intends to adopt the ordinance 66082
as indicated in the notice. If the board of education and the 66083
legislative authority negotiate a mutually acceptable compensation 66084
agreement, the ordinance may declare the improvements a public 66085
purpose for the number of years specified in the ordinance or, in 66086
the case of exemption percentages in excess of seventy-five per 66087
cent, for the exemption percentage specified in the ordinance. In 66088
either case, if the board and the legislative authority fail to 66089
negotiate a mutually acceptable compensation agreement, the 66090
ordinance may declare the improvements a public purpose for not 66091
more than ten years, and shall not exempt more than seventy-five 66092
per cent of the improvements from taxation. If the board fails to 66093
certify a resolution to the legislative authority within the time 66094
prescribed by this division, the legislative authority thereupon 66095
may adopt the ordinance and may declare the improvements a public 66096

purpose for up to thirty years, or, in the case of exemption 66097
percentages proposed in excess of seventy-five per cent, for the 66098
exemption percentage specified in the ordinance. The legislative 66099
authority may adopt the ordinance at any time after the board of 66100
education certifies its resolution approving the exemption to the 66101
legislative authority, or, if the board approves the exemption on 66102
the condition that a mutually acceptable compensation agreement be 66103
negotiated, at any time after the compensation agreement is agreed 66104
to by the board and the legislative authority. 66105

(4) If a board of education has adopted a resolution waiving 66106
its right to approve exemptions from taxation under this section 66107
and the resolution remains in effect, approval of exemptions by 66108
the board is not required under division (D) of this section. If a 66109
board of education has adopted a resolution allowing a legislative 66110
authority to deliver the notice required under division (D) of 66111
this section fewer than forty-five business days prior to the 66112
legislative authority's adoption of the ordinance, the legislative 66113
authority shall deliver the notice to the board not later than the 66114
number of days prior to such adoption as prescribed by the board 66115
in its resolution. If a board of education adopts a resolution 66116
waiving its right to approve agreements or shortening the 66117
notification period, the board shall certify a copy of the 66118
resolution to the legislative authority. If the board of education 66119
rescinds such a resolution, it shall certify notice of the 66120
rescission to the legislative authority. 66121

(5) If the legislative authority is not required by division 66122
(D) of this section to notify the board of education of the 66123
legislative authority's intent to declare improvements to be a 66124
public purpose, the legislative authority shall comply with the 66125
notice requirements imposed under section 5709.83 of the Revised 66126
Code, unless the board has adopted a resolution under that section 66127
waiving its right to receive such a notice. 66128

(6) Nothing in division (D) of this section prohibits the 66129
legislative authority of a municipal corporation from amending the 66130
ordinance or resolution under section 5709.51 of the Revised Code 66131
to extend the term of the exemption. 66132

(E)(1) If a proposed ordinance under division (C)(1) of this 66133
section exempts improvements with respect to a parcel within an 66134
incentive district for more than ten years, or the percentage of 66135
the improvement exempted from taxation exceeds seventy-five per 66136
cent, not later than forty-five business days prior to adopting 66137
the ordinance the legislative authority of the municipal 66138
corporation shall deliver to the board of county commissioners of 66139
the county within which the incentive district will be located a 66140
notice that states its intent to adopt an ordinance creating an 66141
incentive district. The notice shall include a copy of the 66142
proposed ordinance, identify the parcels for which improvements 66143
are to be exempted from taxation, provide an estimate of the true 66144
value in money of the improvements, specify the period of time for 66145
which the improvements would be exempted from taxation, specify 66146
the percentage of the improvements that would be exempted from 66147
taxation, and indicate the date on which the legislative authority 66148
intends to adopt the ordinance. 66149

(2) The board of county commissioners, by resolution adopted 66150
by a majority of the board, may object to the exemption for the 66151
number of years in excess of ten, may object to the exemption for 66152
the percentage of the improvement to be exempted in excess of 66153
seventy-five per cent, or both. If the board of county 66154
commissioners objects, the board may negotiate a mutually 66155
acceptable compensation agreement with the legislative authority. 66156
In no case shall the compensation provided to the board exceed the 66157
property taxes forgone due to the exemption. If the board of 66158
county commissioners objects, and the board and legislative 66159
authority fail to negotiate a mutually acceptable compensation 66160

agreement, the ordinance adopted under division (C)(1) of this 66161
section shall provide to the board compensation in the eleventh 66162
and subsequent years of the exemption period equal in value to not 66163
more than fifty per cent of the taxes that would be payable to the 66164
county or, if the board's objection includes an objection to an 66165
exemption percentage in excess of seventy-five per cent, 66166
compensation equal in value to not more than fifty per cent of the 66167
taxes that would be payable to the county, on the portion of the 66168
improvement in excess of seventy-five per cent, were that portion 66169
to be subject to taxation. The board of county commissioners shall 66170
certify its resolution to the legislative authority not later than 66171
thirty days after receipt of the notice. 66172

(3) If the board of county commissioners does not object or 66173
fails to certify its resolution objecting to an exemption within 66174
thirty days after receipt of the notice, the legislative authority 66175
may adopt the ordinance, and no compensation shall be provided to 66176
the board of county commissioners. If the board timely certifies 66177
its resolution objecting to the ordinance, the legislative 66178
authority may adopt the ordinance at any time after a mutually 66179
acceptable compensation agreement is agreed to by the board and 66180
the legislative authority, or, if no compensation agreement is 66181
negotiated, at any time after the legislative authority agrees in 66182
the proposed ordinance to provide compensation to the board of 66183
fifty per cent of the taxes that would be payable to the county in 66184
the eleventh and subsequent years of the exemption period or on 66185
the portion of the improvement in excess of seventy-five per cent, 66186
were that portion to be subject to taxation. 66187

(F) Service payments in lieu of taxes that are attributable 66188
to any amount by which the effective tax rate of either a renewal 66189
levy with an increase or a replacement levy exceeds the effective 66190
tax rate of the levy renewed or replaced, or that are attributable 66191
to an additional levy, for a levy authorized by the voters for any 66192

of the following purposes on or after January 1, 2006, and which 66193
are provided pursuant to an ordinance creating an incentive 66194
district under division (C)(1) of this section that is adopted on 66195
or after January 1, 2006, or a later date as specified in this 66196
division, shall be distributed to the appropriate taxing authority 66197
as required under division (C) of section 5709.42 of the Revised 66198
Code in an amount equal to the amount of taxes from that 66199
additional levy or from the increase in the effective tax rate of 66200
such renewal or replacement levy that would have been payable to 66201
that taxing authority from the following levies were it not for 66202
the exemption authorized under division (C) of this section: 66203

(1) A tax levied under division (L) of section 5705.19 or 66204
section 5705.191 or 5705.222 of the Revised Code for community 66205
developmental disabilities programs and services pursuant to 66206
Chapter 5126. of the Revised Code; 66207

(2) A tax levied under division (Y) of section 5705.19 of the 66208
Revised Code for providing or maintaining senior citizens services 66209
or facilities; 66210

(3) A tax levied under section 5705.22 of the Revised Code 66211
for county hospitals; 66212

(4) A tax levied by a joint-county district or by a county 66213
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 66214
for alcohol, drug addiction, and mental health services or 66215
facilities; 66216

(5) A tax levied under section 5705.23 of the Revised Code 66217
for library purposes; 66218

(6) A tax levied under section 5705.24 of the Revised Code 66219
for the support of children services and the placement and care of 66220
children; 66221

(7) A tax levied under division (Z) of section 5705.19 of the 66222
Revised Code for the provision and maintenance of zoological park 66223

services and facilities under section 307.76 of the Revised Code; 66224

(8) A tax levied under section 511.27 or division (H) of 66225
section 5705.19 of the Revised Code for the support of township 66226
park districts; 66227

(9) A tax levied under division (A), (F), or (H) of section 66228
5705.19 of the Revised Code for parks and recreational purposes of 66229
a joint recreation district organized pursuant to division (B) of 66230
section 755.14 of the Revised Code; 66231

(10) A tax levied under section 1545.20 or 1545.21 of the 66232
Revised Code for park district purposes; 66233

(11) A tax levied under section 5705.191 of the Revised Code 66234
for the purpose of making appropriations for public assistance; 66235
human or social services; public relief; public welfare; public 66236
health and hospitalization; and support of general hospitals; 66237

(12) A tax levied under section 3709.29 of the Revised Code 66238
for a general health district program. 66239

(13) A tax levied by a township under section 505.39, 66240
division (I) of section 5705.19, or division (JJ) of section 66241
5705.19 of the Revised Code to the extent the proceeds are used 66242
for the purposes described in division (I) of that section, for 66243
the purpose of funding fire, emergency medical, and ambulance 66244
services as described in that section and those divisions. 66245
Division (F)(13) of this section applies only if the township 66246
levying the tax provides fire, emergency medical, or ambulance 66247
services in the incentive district, and only to incentive 66248
districts created by an ordinance adopted on or after the 66249
effective date of the amendment of this section by H.B. 69 of the 66250
132nd general assembly, March 23, 2018. The board of township 66251
trustees may, by resolution, waive the application of this 66252
division or negotiate with the municipal corporation that created 66253
the district for a lesser amount of payments in lieu of taxes. 66254

(G) An exemption from taxation granted under this section 66255
commences with the tax year specified in the ordinance so long as 66256
the year specified in the ordinance commences after the effective 66257
date of the ordinance. If the ordinance specifies a year 66258
commencing before the effective date of the resolution or 66259
specifies no year whatsoever, the exemption commences with the tax 66260
year in which an exempted improvement first appears on the tax 66261
list and duplicate of real and public utility property and that 66262
commences after the effective date of the ordinance. In lieu of 66263
stating a specific year, the ordinance may provide that the 66264
exemption commences in the tax year in which the value of an 66265
improvement exceeds a specified amount or in which the 66266
construction of one or more improvements is completed, provided 66267
that such tax year commences after the effective date of the 66268
ordinance. With respect to the exemption of improvements to 66269
parcels under division (B) of this section, the ordinance may 66270
allow for the exemption to commence in different tax years on a 66271
parcel-by-parcel basis, with a separate exemption term specified 66272
for each parcel. 66273

Except as otherwise provided in this division or section 66274
5709.51 of the Revised Code, the exemption ends on the date 66275
specified in the ordinance as the date the improvement ceases to 66276
be a public purpose or the incentive district expires, or ends on 66277
the date on which the public infrastructure improvements and 66278
housing renovations are paid in full from the municipal public 66279
improvement tax increment equivalent fund established under 66280
division (A) of section 5709.43 of the Revised Code, whichever 66281
occurs first. The exemption of an improvement with respect to a 66282
parcel or within an incentive district may end on a later date, as 66283
specified in the ordinance, if the legislative authority and the 66284
board of education of the city, local, or exempted village school 66285
district within which the parcel or district is located have 66286
entered into a compensation agreement under section 5709.82 of the 66287

Revised Code with respect to the improvement, and the board of 66288
education has approved the term of the exemption under division 66289
(D)(2) of this section, but in no case shall the improvement be 66290
exempted from taxation for more than thirty years. Exemptions 66291
shall be claimed and allowed in the same manner as in the case of 66292
other real property exemptions. If an exemption status changes 66293
during a year, the procedure for the apportionment of the taxes 66294
for that year is the same as in the case of other changes in tax 66295
exemption status during the year. 66296

(H) Additional municipal financing of public infrastructure 66297
improvements and housing renovations may be provided by any 66298
methods that the municipal corporation may otherwise use for 66299
financing such improvements or renovations. If the municipal 66300
corporation issues bonds or notes to finance the public 66301
infrastructure improvements and housing renovations and pledges 66302
money from the municipal public improvement tax increment 66303
equivalent fund to pay the interest on and principal of the bonds 66304
or notes, the bonds or notes are not subject to Chapter 133. of 66305
the Revised Code. 66306

(I) The municipal corporation, not later than fifteen days 66307
after the adoption of an ordinance under this section, shall 66308
submit to the director of development services a copy of the 66309
ordinance. On or before the thirty-first day of March of each 66310
year, the municipal corporation shall submit a status report to 66311
the director of development services. The report shall indicate, 66312
in the manner prescribed by the director, the progress of the 66313
project during each year that an exemption remains in effect, 66314
including a summary of the receipts from service payments in lieu 66315
of taxes; expenditures of money from the funds created under 66316
section 5709.43 of the Revised Code; a description of the public 66317
infrastructure improvements and housing renovations financed with 66318
such expenditures; and a quantitative summary of changes in 66319

employment and private investment resulting from each project. 66320

(J) Nothing in this section shall be construed to prohibit a 66321
legislative authority from declaring to be a public purpose 66322
improvements with respect to more than one parcel. 66323

(K) If a parcel is located in a new community district in 66324
which the new community authority imposes a community development 66325
charge on the basis of rentals received from leases of real 66326
property as described in division (L)(2) of section 349.01 of the 66327
Revised Code, the parcel may not be exempted from taxation under 66328
this section. 66329

Sec. 5709.41. (A) As used in this section: 66330

(1) "Business day" means a day of the week excluding 66331
Saturday, Sunday, and a legal holiday as defined under section 66332
1.14 of the Revised Code. 66333

(2) "Improvement" means the increase in assessed value of any 66334
parcel of property subsequent to the acquisition of the parcel by 66335
a municipal corporation engaged in urban redevelopment. 66336

(B) The legislative authority of a municipal corporation, by 66337
ordinance, may declare to be a public purpose any improvement to a 66338
parcel of real property if both of the following apply: 66339

(1) The municipal corporation held fee title to the parcel 66340
prior to the adoption of the ordinance; 66341

(2) The parcel is leased, or the fee of the parcel is 66342
conveyed, to any person either before or after adoption of the 66343
ordinance. 66344

Improvements used or to be used for residential purposes may 66345
be declared a public purpose under this section only if the parcel 66346
is located in a blighted area of an impacted city as those terms 66347
are defined in section 1728.01 of the Revised Code. For this 66348
purpose, "parcel that is used or to be used for residential 66349

purposes" means a parcel that, as improved, is used or to be used 66350
for purposes that would cause the tax commissioner to classify the 66351
parcel as residential property in accordance with rules adopted by 66352
the commissioner under section 5713.041 of the Revised Code. 66353

(C) Except as otherwise provided in division (C)(1), (2), or 66354
(3) of this section, not more than seventy-five per cent of an 66355
improvement thus declared to be a public purpose may be exempted 66356
from real property taxation. The ordinance shall specify the 66357
percentage of the improvement to be exempted from taxation. If a 66358
parcel is located in a new community district in which the new 66359
community authority imposes a community development charge on the 66360
basis of rentals received from leases of real property as 66361
described in division (L)(2) of section 349.01 of the Revised 66362
Code, the parcel may not be exempted from taxation under this 66363
section. 66364

(1) If the ordinance declaring improvements to a parcel to be 66365
a public purpose specifies that payments in lieu of taxes provided 66366
for in section 5709.42 of the Revised Code shall be paid to the 66367
city, local, or exempted village school district in which the 66368
parcel is located in the amount of the taxes that would have been 66369
payable to the school district if the improvements had not been 66370
exempted from taxation, the percentage of the improvement that may 66371
be exempted from taxation may exceed seventy-five per cent, and 66372
the exemption may be granted for up to thirty years, without the 66373
approval of the board of education as otherwise required under 66374
division (C)(2) of this section. 66375

(2) Improvements may be exempted from taxation for up to ten 66376
years or, with the approval of the board of education of the city, 66377
local, or exempted village school district within the territory of 66378
which the improvements are or will be located, for up to thirty 66379
years. The percentage of the improvement exempted from taxation 66380
may, with such approval, exceed seventy-five per cent, but shall 66381

not exceed one hundred per cent. Not later than forty-five 66382
business days prior to adopting an ordinance under this section, 66383
the legislative authority shall deliver to the board of education 66384
a notice stating its intent to declare improvements to be a public 66385
purpose under this section. The notice shall describe the parcel 66386
and the improvements, provide an estimate of the true value in 66387
money of the improvements, specify the period for which the 66388
improvements would be exempted from taxation and the percentage of 66389
the improvements that would be exempted, and indicate the date on 66390
which the legislative authority intends to adopt the ordinance. 66391
The board of education, by resolution adopted by a majority of the 66392
board, may approve the exemption for the period or for the 66393
exemption percentage specified in the notice, may disapprove the 66394
exemption for the number of years in excess of ten, may disapprove 66395
the exemption for the percentage of the improvements to be 66396
exempted in excess of seventy-five per cent, or both, or may 66397
approve the exemption on the condition that the legislative 66398
authority and the board negotiate an agreement providing for 66399
compensation to the school district equal in value to a percentage 66400
of the amount of taxes exempted in the eleventh and subsequent 66401
years of the exemption period, or, in the case of exemption 66402
percentages in excess of seventy-five per cent, compensation equal 66403
in value to a percentage of the taxes that would be payable on the 66404
portion of the improvement in excess of seventy-five per cent were 66405
that portion to be subject to taxation. The board of education 66406
shall certify its resolution to the legislative authority not 66407
later than fourteen days prior to the date the legislative 66408
authority intends to adopt the ordinance as indicated in the 66409
notice. If the board of education approves the exemption on the 66410
condition that a compensation agreement be negotiated, the board 66411
in its resolution shall propose a compensation percentage. If the 66412
board of education and the legislative authority negotiate a 66413
mutually acceptable compensation agreement, the ordinance may 66414

declare the improvements a public purpose for the number of years 66415
specified in the ordinance or, in the case of exemption 66416
percentages in excess of seventy-five per cent, for the exemption 66417
percentage specified in the ordinance. In either case, if the 66418
board and the legislative authority fail to negotiate a mutually 66419
acceptable compensation agreement, the ordinance may declare the 66420
improvements a public purpose for not more than ten years, but 66421
shall not exempt more than seventy-five per cent of the 66422
improvements from taxation. If the board fails to certify a 66423
resolution to the legislative authority within the time prescribed 66424
by this division, the legislative authority thereupon may adopt 66425
the ordinance and may declare the improvements a public purpose 66426
for up to thirty years. The legislative authority may adopt the 66427
ordinance at any time after the board of education certifies its 66428
resolution approving the exemption to the legislative authority, 66429
or, if the board approves the exemption on the condition that a 66430
mutually acceptable compensation agreement be negotiated, at any 66431
time after the compensation agreement is agreed to by the board 66432
and the legislative authority. If a mutually acceptable 66433
compensation agreement is negotiated between the legislative 66434
authority and the board, including agreements for payments in lieu 66435
of taxes under section 5709.42 of the Revised Code, the 66436
legislative authority shall compensate the joint vocational school 66437
district within the territory of which the improvements are or 66438
will be located at the same rate and under the same terms received 66439
by the city, local, or exempted village school district. 66440

(3) If a board of education has adopted a resolution waiving 66441
its right to approve exemptions from taxation and the resolution 66442
remains in effect, approval of exemptions by the board is not 66443
required under this division. If a board of education has adopted 66444
a resolution allowing a legislative authority to deliver the 66445
notice required under this division fewer than forty-five business 66446
days prior to the legislative authority's adoption of the 66447

ordinance, the legislative authority shall deliver the notice to 66448
the board not later than the number of days prior to such adoption 66449
as prescribed by the board in its resolution. If a board of 66450
education adopts a resolution waiving its right to approve 66451
exemptions or shortening the notification period, the board shall 66452
certify a copy of the resolution to the legislative authority. If 66453
the board of education rescinds such a resolution, it shall 66454
certify notice of the rescission to the legislative authority. 66455

(4) If the legislative authority is not required by division 66456
(C)(1), (2), or (3) of this section to notify the board of 66457
education of the legislative authority's intent to declare 66458
improvements to be a public purpose, the legislative authority 66459
shall comply with the notice requirements imposed under section 66460
5709.83 of the Revised Code, unless the board has adopted a 66461
resolution under that section waiving its right to receive such a 66462
notice. 66463

(5) Nothing in division (C) of this section prohibits the 66464
legislative authority of a municipal corporation from amending the 66465
ordinance or resolution under section 5709.51 of the Revised Code 66466
to extend the term of the exemption. 66467

(D) The exemption commences on the effective date of the 66468
ordinance and ends on the date specified in the ordinance as the 66469
date the improvement ceases to be a public purpose. The exemption 66470
shall be claimed and allowed in the same or a similar manner as in 66471
the case of other real property exemptions. If an exemption status 66472
changes during a tax year, the procedure for the apportionment of 66473
the taxes for that year is the same as in the case of other 66474
changes in tax exemption status during the year. 66475

(E) A municipal corporation, not later than fifteen days 66476
after the adoption of an ordinance granting a tax exemption under 66477
this section, shall submit to the director of development services 66478
a copy of the ordinance. On or before the thirty-first day of 66479

March each year, the municipal corporation shall submit a status 66480
report to the director of development outlining the progress of 66481
the project during each year that the exemption remains in effect. 66482

Sec. 5709.51. (A) The legislative authority of a municipal 66483
corporation, a board of township trustees, or a board of county 66484
commissioners may amend an ordinance or resolution adopted in 66485
accordance with division (B) of section 5709.40, section 5709.41, 66486
division (B) of section 5709.73, or division (A) of section 66487
5709.78 of the Revised Code, as applicable, to extend the 66488
exemption from taxation of improvements to the parcel or parcels 66489
designated in the ordinance or resolution for an additional period 66490
of not more than thirty years if all of the following conditions 66491
are met: 66492

(1) The service payments made pursuant to section 5709.42, 66493
5709.74, or 5709.79 of the Revised Code by the owner or owners of 66494
the parcel or parcels designated in the ordinance or resolution 66495
exceeded one million five hundred thousand dollars in the calendar 66496
year preceding the adoption of the amendment. 66497

(2) The service payments described in division (A)(1) of this 66498
section did not exceed one million five hundred thousand dollars 66499
in any calendar year before the calendar year immediately 66500
preceding the adoption of the amendment. This condition applies 66501
only to amendments adopted under this section on or after January 66502
1, 2021. 66503

(3) The amendment extending the exemption provides for 66504
compensation to the city, local, or exempted village school 66505
district in which the parcel or parcels are located equal in value 66506
to the amount of taxes that would be payable to the school 66507
district if the improvements had not been exempted from taxation 66508
for the additional period. 66509

(B) Not later than fifteen days after amending an ordinance 66510

or resolution under this section, the legislative authority of the 66511
municipal corporation, board of township trustees, or board of 66512
county commissioners shall send a copy of the amendment to the 66513
director of development services. 66514

Sec. 5709.54. (A) As used in this section: 66515

(1) "Pre-residential development property" means a subdivided 66516
parcel of unimproved real property on which construction of one or 66517
more residential buildings is planned but has not yet commenced. 66518
The construction of streets, sidewalks, curbs, or driveways or the 66519
installation of water, sewer, or other utility lines on a 66520
subdivided parcel does not cause construction of a residential 66521
building to commence for purposes of division (A)(1) or (B) of 66522
this section. 66523

(2) "Residential building" means a building or structure any 66524
part of which is to be used as a dwelling. 66525

(3) "Unexempted value" means, for any subdivided parcel, one 66526
of the following: 66527

(a) Except as provided in division (A)(3)(b) of this section, 66528
the nonagricultural taxable value of the original property for the 66529
tax year preceding the tax year the subdivided property first 66530
appears on the tax list as a subdivided parcel multiplied by a 66531
fraction, the numerator of which is the true value in money of the 66532
subdivided parcel for the tax year the subdivided parcel first 66533
appears on the tax list and the denominator of which is the true 66534
value in money of all subdivided parcels subdivided from that 66535
original parcel for that tax year. 66536

(b) If a subdivided parcel exempted under this section is 66537
itself subdivided, the "unexempted value" of the newly subdivided 66538
parcel equals the unexempted value, as defined in division 66539
(A)(3)(a) of this section, of the parcel from which the newly 66540

subdivided parcel was subdivided for the tax year preceding the 66541
tax year the newly subdivided parcel first appears on the tax list 66542
multiplied by a fraction, the numerator of which is the true value 66543
in money of the newly subdivided parcel for the tax year it first 66544
appears on the tax list and the denominator of which is the true 66545
value in money for that year of all newly subdivided parcels 66546
resulting from the most recent subdivision. 66547

(4) "Subdivided parcel" means a parcel resulting from the 66548
subdivision of original property pursuant to a plat subdividing 66549
that property presented to the county auditor under section 66550
5713.18 of the Revised Code. 66551

(5) "Original property" means the parcel from which a 66552
subdivided parcel is subdivided. 66553

(6) "Qualifying owner" means the owner of pre-residential 66554
development property for any portion of a tax year ending on or 66555
after the effective date of the enactment of this section by H.B. 66556
166 of the 133rd general assembly that includes the date a plat 66557
subdividing land including such property is presented to the 66558
county auditor under section 5713.18 of the Revised Code, or any 66559
other person to which title to the property is transferred, 66560
without consideration, by another qualifying owner. 66561

(7) "Nonagricultural taxable value" means the taxable value 66562
of land as if such land were valued and assessed for a tax year 66563
pursuant to Section 2 of Article XII, Ohio Constitution, and not 66564
in accordance with Section 36 of Article II, Ohio Constitution. 66565

(B) Any increase in taxable value above the unexempted value 66566
of pre-residential development property owned by a qualifying 66567
owner is exempted from taxation beginning with the first tax year 66568
the pre-residential development property appears on the tax list 66569
after a plat subdividing land including that property is presented 66570
to the county auditor under section 5713.18 of the Revised Code 66571

and for each of the two ensuing tax years or, if later, each of 66572
the ensuing tax years until, but not including, the tax year in 66573
which a sexennial reappraisal is completed, except that the 66574
exemption shall not apply beginning with the tax year that begins 66575
after the tax year in which the earlier of the following occurs: 66576

(1) Construction of a residential building on that property 66577
commences; 66578

(2) Title to the property is transferred for consideration by 66579
a qualifying owner to another person. 66580

(C) The tax commissioner shall not approve an application for 66581
an exemption authorized under this section unless the applicant 66582
for the exemption certifies that the parcel that is the subject of 66583
the exemption satisfies the requirements of division (A)(1) of 66584
this section for pre-residential development property. 66585

(D) Nothing in this section shall be construed to authorize a 66586
parcel subject to the partial exemption authorized by this section 66587
to be valued and assessed for taxation in any manner other than in 66588
accordance with Section 36 of Article II or Section 2 of Article 66589
XII, Ohio Constitution, as applicable to the parcel. 66590

Sec. 5709.73. (A) As used in this section and section 5709.74 66591
of the Revised Code: 66592

(1) "Business day" means a day of the week excluding 66593
Saturday, Sunday, and a legal holiday as defined in section 1.14 66594
of the Revised Code. 66595

(2) "Further improvements" or "improvements" means the 66596
increase in the assessed value of real property that would first 66597
appear on the tax list and duplicate of real and public utility 66598
property after the effective date of a resolution adopted under 66599
this section were it not for the exemption granted by that 66600
resolution. For purposes of division (B) of this section, 66601

"improvements" do not include any property used or to be used for residential purposes. For this purpose, "property that is used or to be used for residential purposes" means property that, as improved, is used or to be used for purposes that would cause the tax commissioner to classify the property as residential property in accordance with rules adopted by the commissioner under section 5713.041 of the Revised Code.

(3) "Housing renovation" means a project carried out for residential purposes.

(4) "Incentive district" has the same meaning as in section 5709.40 of the Revised Code, except that a blighted area is in the unincorporated area of a township.

(5) "Overlay" has the same meaning as in section 5709.40 of the Revised Code, except that the overlay is delineated by the board of township trustees.

(6) "Project" and "public infrastructure improvement" have the same meanings as in section 5709.40 of the Revised Code.

(B) A board of township trustees may, by unanimous vote, adopt a resolution that declares to be a public purpose any public infrastructure improvements made that are necessary for the development of certain parcels of land located in the unincorporated area of the township. ~~Except with the approval as otherwise provided~~ under division (D) of this section ~~of the board of education of each city, local, or exempted village school district within which the improvements are located~~ or section 5709.51 of the Revised Code, the resolution may exempt from real property taxation not more than seventy-five per cent of further improvements to a parcel of land that directly benefits from the public infrastructure improvements, for a period of not more than ten years. The resolution shall specify the percentage of the further improvements to be exempted and the life of the exemption.

(C)(1) A board of township trustees may adopt, by unanimous 66633
vote, a resolution creating an incentive district and declaring 66634
improvements to parcels within the district to be a public purpose 66635
and, except as provided in division (C)(2) of this section, exempt 66636
from taxation as provided in this section, but no board of 66637
township trustees of a township that has a population that exceeds 66638
twenty-five thousand, as shown by the most recent federal 66639
decennial census, shall adopt a resolution that creates an 66640
incentive district if the sum of the taxable value of real 66641
property in the proposed district for the preceding tax year and 66642
the taxable value of all real property in the township that would 66643
have been taxable in the preceding year were it not for the fact 66644
that the property was in an existing incentive district and 66645
therefore exempt from taxation exceeds twenty-five per cent of the 66646
taxable value of real property in the township for the preceding 66647
tax year. The district shall be located within the unincorporated 66648
area of the township and shall not include any territory that is 66649
included within a district created under division (B) of section 66650
5709.78 of the Revised Code. The resolution shall delineate the 66651
boundary of the proposed district and specifically identify each 66652
parcel within the district. A proposed district may not include 66653
any parcel that is or has been exempted from taxation under 66654
division (B) of this section or that is or has been within another 66655
district created under this division. A resolution may create more 66656
than one such district, and more than one resolution may be 66657
adopted under division (C)(1) of this section. 66658

(2)(a) Not later than thirty days prior to adopting a 66659
resolution under division (C)(1) of this section, if the township 66660
intends to apply for exemptions from taxation under section 66661
5709.911 of the Revised Code on behalf of owners of real property 66662
located within the proposed incentive district, the board shall 66663
conduct a public hearing on the proposed resolution. Not later 66664
than thirty days prior to the public hearing, the board shall give 66665

notice of the public hearing and the proposed resolution by first 66666
class mail to every real property owner whose property is located 66667
within the boundaries of the proposed incentive district that is 66668
the subject of the proposed resolution. The notice shall include a 66669
map of the proposed incentive district on which the board of 66670
township trustees shall have delineated an overlay. The notice 66671
shall inform the property owner of the owner's right to exclude 66672
the owner's property from the incentive district if both of the 66673
following conditions are met: 66674

(i) The owner's entire parcel of property will not be located 66675
within the overlay. 66676

(ii) The owner has submitted a statement to the board of 66677
county commissioners of the county in which the parcel is located 66678
indicating the owner's intent to seek a tax exemption for 66679
improvements to the owner's parcel under division (A) or (B) of 66680
section 5709.78 of the Revised Code within the next five years. 66681

When both of the preceding conditions are met, the owner may 66682
exclude the owner's property from the incentive district by 66683
submitting a written response in accordance with division 66684
(C)(2)(b) of this section. The notice also shall include 66685
information detailing the required contents of the response, the 66686
address to which the response may be mailed, and the deadline for 66687
submitting the response. 66688

(b) Any owner of real property located within the boundaries 66689
of an incentive district proposed under division (C)(1) of this 66690
section who meets the conditions specified in divisions 66691
(C)(2)(a)(i) and (ii) of this section may exclude the property 66692
from the proposed incentive district by submitting a written 66693
response to the board not later than forty-five days after the 66694
postmark date on the notice required under division (C)(2)(a) of 66695
this section. The response shall include a copy of the statement 66696
submitted under division (C)(2)(a)(ii) of this section. The 66697

response shall be sent by first class mail or delivered in person 66698
at a public hearing held by the board under division (C)(2)(a) of 66699
this section. The response shall conform to any content 66700
requirements that may be established by the board and included in 66701
the notice provided under division (C)(2)(a) of this section. In 66702
the response, property owners may identify a parcel by street 66703
address, by the manner in which it is identified in the 66704
resolution, or by other means allowing the identity of the parcel 66705
to be ascertained. 66706

(c) Before adopting a resolution under division (C)(1) of 66707
this section, the board shall amend the resolution to exclude any 66708
parcel for which a written response has been submitted under 66709
division (C)(2)(b) of this section. A township shall not apply for 66710
exemptions from taxation under section 5709.911 of the Revised 66711
Code for any such parcel, and service payments may not be required 66712
from the owner of the parcel. Improvements to a parcel excluded 66713
from an incentive district under this division may be exempted 66714
from taxation under division (B) of this section pursuant to a 66715
resolution adopted under that division or under any other section 66716
of the Revised Code under which the parcel qualifies. 66717

(3)(a) A resolution adopted under division (C)(1) of this 66718
section shall specify the life of the incentive district and the 66719
percentage of the improvements to be exempted, shall designate the 66720
public infrastructure improvements made, to be made, or in the 66721
process of being made, that benefit or serve, or, once made, will 66722
benefit or serve parcels in the district. The resolution also 66723
shall identify one or more specific projects being, or to be, 66724
undertaken in the district that place additional demand on the 66725
public infrastructure improvements designated in the resolution. 66726
The project identified may, but need not be, the project under 66727
division (C)(3)(b) of this section that places real property in 66728
use for commercial or industrial purposes. 66729

A resolution adopted under division (C)(1) of this section on 66730
or after March 30, 2006, shall not designate police or fire 66731
equipment as public infrastructure improvements, and, except as 66732
provided in division (F) of this section, no service payment 66733
provided for in section 5709.74 of the Revised Code and received 66734
by the township under the resolution shall be used for police or 66735
fire equipment. 66736

(b) A resolution adopted under division (C)(1) of this 66737
section may authorize the use of service payments provided for in 66738
section 5709.74 of the Revised Code for the purpose of housing 66739
renovations within the incentive district, provided that the 66740
resolution also designates public infrastructure improvements that 66741
benefit or serve the district, and that a project within the 66742
district places real property in use for commercial or industrial 66743
purposes. Service payments may be used to finance or support 66744
loans, deferred loans, and grants to persons for the purpose of 66745
housing renovations within the district. The resolution shall 66746
designate the parcels within the district that are eligible for 66747
housing renovations. The resolution shall state separately the 66748
amount or the percentages of the expected aggregate service 66749
payments that are designated for each public infrastructure 66750
improvement and for the purpose of housing renovations. 66751

(4) Except with the approval of the board of education of 66752
each city, local, or exempted village school district within the 66753
territory of which the incentive district is or will be located, 66754
and subject to division (E) of this section, the life of an 66755
incentive district shall not exceed ten years, and the percentage 66756
of improvements to be exempted shall not exceed seventy-five per 66757
cent. With approval of the board of education, the life of a 66758
district may be not more than thirty years, and the percentage of 66759
improvements to be exempted may be not more than one hundred per 66760
cent. The approval of a board of education shall be obtained in 66761

the manner provided in division (D) of this section. 66762

(D) Improvements with respect to a parcel may be exempted 66763
from taxation under division (B) of this section, and improvements 66764
to parcels within an incentive district may be exempted from 66765
taxation under division (C) of this section, for up to ten years 66766
or, with the approval of the board of education of the city, 66767
local, or exempted village school district within which the parcel 66768
or district is located, for up to thirty years. The percentage of 66769
the improvements exempted from taxation may, with such approval, 66770
exceed seventy-five per cent, but shall not exceed one hundred per 66771
cent. Not later than forty-five business days prior to adopting a 66772
resolution under this section declaring improvements to be a 66773
public purpose that is subject to approval by a board of education 66774
under this division, the board of township trustees shall deliver 66775
to the board of education a notice stating its intent to adopt a 66776
resolution making that declaration. The notice regarding 66777
improvements with respect to a parcel under division (B) of this 66778
section shall identify the parcels for which improvements are to 66779
be exempted from taxation, provide an estimate of the true value 66780
in money of the improvements, specify the period for which the 66781
improvements would be exempted from taxation and the percentage of 66782
the improvements that would be exempted, and indicate the date on 66783
which the board of township trustees intends to adopt the 66784
resolution. The notice regarding improvements made under division 66785
(C) of this section to parcels within an incentive district shall 66786
delineate the boundaries of the district, specifically identify 66787
each parcel within the district, identify each anticipated 66788
improvement in the district, provide an estimate of the true value 66789
in money of each such improvement, specify the life of the 66790
district and the percentage of improvements that would be 66791
exempted, and indicate the date on which the board of township 66792
trustees intends to adopt the resolution. The board of education, 66793
by resolution adopted by a majority of the board, may approve the 66794

exemption for the period or for the exemption percentage specified 66795
in the notice; may disapprove the exemption for the number of 66796
years in excess of ten, may disapprove the exemption for the 66797
percentage of the improvements to be exempted in excess of 66798
seventy-five per cent, or both; or may approve the exemption on 66799
the condition that the board of township trustees and the board of 66800
education negotiate an agreement providing for compensation to the 66801
school district equal in value to a percentage of the amount of 66802
taxes exempted in the eleventh and subsequent years of the 66803
exemption period or, in the case of exemption percentages in 66804
excess of seventy-five per cent, compensation equal in value to a 66805
percentage of the taxes that would be payable on the portion of 66806
the improvements in excess of seventy-five per cent were that 66807
portion to be subject to taxation, or other mutually agreeable 66808
compensation. 66809

The board of education shall certify its resolution to the 66810
board of township trustees not later than fourteen days prior to 66811
the date the board of township trustees intends to adopt the 66812
resolution as indicated in the notice. If the board of education 66813
and the board of township trustees negotiate a mutually acceptable 66814
compensation agreement, the resolution may declare the 66815
improvements a public purpose for the number of years specified in 66816
the resolution or, in the case of exemption percentages in excess 66817
of seventy-five per cent, for the exemption percentage specified 66818
in the resolution. In either case, if the board of education and 66819
the board of township trustees fail to negotiate a mutually 66820
acceptable compensation agreement, the resolution may declare the 66821
improvements a public purpose for not more than ten years, and 66822
shall not exempt more than seventy-five per cent of the 66823
improvements from taxation. If the board of education fails to 66824
certify a resolution to the board of township trustees within the 66825
time prescribed by this section, the board of township trustees 66826
thereupon may adopt the resolution and may declare the 66827

improvements a public purpose for up to thirty years or, in the 66828
case of exemption percentages proposed in excess of seventy-five 66829
per cent, for the exemption percentage specified in the 66830
resolution. The board of township trustees may adopt the 66831
resolution at any time after the board of education certifies its 66832
resolution approving the exemption to the board of township 66833
trustees, or, if the board of education approves the exemption on 66834
the condition that a mutually acceptable compensation agreement be 66835
negotiated, at any time after the compensation agreement is agreed 66836
to by the board of education and the board of township trustees. 66837
If a mutually acceptable compensation agreement is negotiated 66838
between the board of township trustees and the board of education, 66839
including agreements for payments in lieu of taxes under section 66840
5709.74 of the Revised Code, the board of township trustees shall 66841
compensate the joint vocational school district within which the 66842
parcel or district is located at the same rate and under the same 66843
terms received by the city, local, or exempted village school 66844
district. 66845

If a board of education has adopted a resolution waiving its 66846
right to approve exemptions from taxation under this section and 66847
the resolution remains in effect, approval of such exemptions by 66848
the board of education is not required under division (D) of this 66849
section. If a board of education has adopted a resolution allowing 66850
a board of township trustees to deliver the notice required under 66851
division (D) of this section fewer than forty-five business days 66852
prior to adoption of the resolution by the board of township 66853
trustees, the board of township trustees shall deliver the notice 66854
to the board of education not later than the number of days prior 66855
to the adoption as prescribed by the board of education in its 66856
resolution. If a board of education adopts a resolution waiving 66857
its right to approve exemptions or shortening the notification 66858
period, the board of education shall certify a copy of the 66859
resolution to the board of township trustees. If the board of 66860

education rescinds the resolution, it shall certify notice of the 66861
rescission to the board of township trustees. 66862

If the board of township trustees is not required by division 66863
(D) of this section to notify the board of education of the board 66864
of township trustees' intent to declare improvements to be a 66865
public purpose, the board of township trustees shall comply with 66866
the notice requirements imposed under section 5709.83 of the 66867
Revised Code before taking formal action to adopt the resolution 66868
making that declaration, unless the board of education has adopted 66869
a resolution under that section waiving its right to receive the 66870
notice. 66871

Nothing in this division prohibits the board of township 66872
trustees from amending the resolution under section 5709.51 of the 66873
Revised Code to extend the term of the exemption. 66874

(E)(1) If a proposed resolution under division (C)(1) of this 66875
section exempts improvements with respect to a parcel within an 66876
incentive district for more than ten years, or the percentage of 66877
the improvement exempted from taxation exceeds seventy-five per 66878
cent, not later than forty-five business days prior to adopting 66879
the resolution the board of township trustees shall deliver to the 66880
board of county commissioners of the county within which the 66881
incentive district is or will be located a notice that states its 66882
intent to adopt a resolution creating an incentive district. The 66883
notice shall include a copy of the proposed resolution, identify 66884
the parcels for which improvements are to be exempted from 66885
taxation, provide an estimate of the true value in money of the 66886
improvements, specify the period of time for which the 66887
improvements would be exempted from taxation, specify the 66888
percentage of the improvements that would be exempted from 66889
taxation, and indicate the date on which the board of township 66890
trustees intends to adopt the resolution. 66891

(2) The board of county commissioners, by resolution adopted 66892

by a majority of the board, may object to the exemption for the 66893
number of years in excess of ten, may object to the exemption for 66894
the percentage of the improvement to be exempted in excess of 66895
seventy-five per cent, or both. If the board of county 66896
commissioners objects, the board may negotiate a mutually 66897
acceptable compensation agreement with the board of township 66898
trustees. In no case shall the compensation provided to the board 66899
of county commissioners exceed the property taxes foregone due to 66900
the exemption. If the board of county commissioners objects, and 66901
the board of county commissioners and board of township trustees 66902
fail to negotiate a mutually acceptable compensation agreement, 66903
the resolution adopted under division (C)(1) of this section shall 66904
provide to the board of county commissioners compensation in the 66905
eleventh and subsequent years of the exemption period equal in 66906
value to not more than fifty per cent of the taxes that would be 66907
payable to the county or, if the board of county commissioner's 66908
objection includes an objection to an exemption percentage in 66909
excess of seventy-five per cent, compensation equal in value to 66910
not more than fifty per cent of the taxes that would be payable to 66911
the county, on the portion of the improvement in excess of 66912
seventy-five per cent, were that portion to be subject to 66913
taxation. The board of county commissioners shall certify its 66914
resolution to the board of township trustees not later than thirty 66915
days after receipt of the notice. 66916

(3) If the board of county commissioners does not object or 66917
fails to certify its resolution objecting to an exemption within 66918
thirty days after receipt of the notice, the board of township 66919
trustees may adopt its resolution, and no compensation shall be 66920
provided to the board of county commissioners. If the board of 66921
county commissioners timely certifies its resolution objecting to 66922
the trustees' resolution, the board of township trustees may adopt 66923
its resolution at any time after a mutually acceptable 66924
compensation agreement is agreed to by the board of county 66925

commissioners and the board of township trustees, or, if no 66926
compensation agreement is negotiated, at any time after the board 66927
of township trustees agrees in the proposed resolution to provide 66928
compensation to the board of county commissioners of fifty per 66929
cent of the taxes that would be payable to the county in the 66930
eleventh and subsequent years of the exemption period or on the 66931
portion of the improvement in excess of seventy-five per cent, 66932
were that portion to be subject to taxation. 66933

(F) Service payments in lieu of taxes that are attributable 66934
to any amount by which the effective tax rate of either a renewal 66935
levy with an increase or a replacement levy exceeds the effective 66936
tax rate of the levy renewed or replaced, or that are attributable 66937
to an additional levy, for a levy authorized by the voters for any 66938
of the following purposes on or after January 1, 2006, and which 66939
are provided pursuant to a resolution creating an incentive 66940
district under division (C)(1) of this section that is adopted on 66941
or after January 1, 2006, or a later date as specified in this 66942
division, shall be distributed to the appropriate taxing authority 66943
as required under division (C) of section 5709.74 of the Revised 66944
Code in an amount equal to the amount of taxes from that 66945
additional levy or from the increase in the effective tax rate of 66946
such renewal or replacement levy that would have been payable to 66947
that taxing authority from the following levies were it not for 66948
the exemption authorized under division (C) of this section: 66949

(1) A tax levied under division (L) of section 5705.19 or 66950
section 5705.191 or 5705.222 of the Revised Code for community 66951
developmental disabilities programs and services pursuant to 66952
Chapter 5126. of the Revised Code; 66953

(2) A tax levied under division (Y) of section 5705.19 of the 66954
Revised Code for providing or maintaining senior citizens services 66955
or facilities; 66956

(3) A tax levied under section 5705.22 of the Revised Code 66957

for county hospitals;	66958
(4) A tax levied by a joint-county district or by a county	66959
under section 5705.19, 5705.191, or 5705.221 of the Revised Code	66960
for alcohol, drug addiction, and mental health services or	66961
families;	66962
(5) A tax levied under section 5705.23 of the Revised Code	66963
for library purposes;	66964
(6) A tax levied under section 5705.24 of the Revised Code	66965
for the support of children services and the placement and care of	66966
children;	66967
(7) A tax levied under division (Z) of section 5705.19 of the	66968
Revised Code for the provision and maintenance of zoological park	66969
services and facilities under section 307.76 of the Revised Code;	66970
(8) A tax levied under section 511.27 or division (H) of	66971
section 5705.19 of the Revised Code for the support of township	66972
park districts;	66973
(9) A tax levied under division (A), (F), or (H) of section	66974
5705.19 of the Revised Code for parks and recreational purposes of	66975
a joint recreation district organized pursuant to division (B) of	66976
section 755.14 of the Revised Code;	66977
(10) A tax levied under section 1545.20 or 1545.21 of the	66978
Revised Code for park district purposes;	66979
(11) A tax levied under section 5705.191 of the Revised Code	66980
for the purpose of making appropriations for public assistance;	66981
human or social services; public relief; public welfare; public	66982
health and hospitalization; and support of general hospitals;	66983
(12) A tax levied under section 3709.29 of the Revised Code	66984
for a general health district program;	66985
(13) A tax levied by a township under section 505.39, 505.51,	66986
or division (I), (J), (U), or (JJ) of section 5705.19 of the	66987

Revised Code for the purpose of funding fire, police, emergency 66988
medical, or ambulance services as described in those sections. 66989
Division (F)(13) of this section applies only to incentive 66990
districts created by a resolution adopted on or after March 22, 66991
2019, the effective date of the amendment of this section by H.B. 66992
500 of the 132nd general assembly, and only if that resolution 66993
specifies that division (F) of this section shall apply to such a 66994
tax. 66995

(G) An exemption from taxation granted under this section 66996
commences with the tax year specified in the resolution so long as 66997
the year specified in the resolution commences after the effective 66998
date of the resolution. If the resolution specifies a year 66999
commencing before the effective date of the resolution or 67000
specifies no year whatsoever, the exemption commences with the tax 67001
year in which an exempted improvement first appears on the tax 67002
list and duplicate of real and public utility property and that 67003
commences after the effective date of the resolution. In lieu of 67004
stating a specific year, the resolution may provide that the 67005
exemption commences in the tax year in which the value of an 67006
improvement exceeds a specified amount or in which the 67007
construction of one or more improvements is completed, provided 67008
that such tax year commences after the effective date of the 67009
resolution. With respect to the exemption of improvements to 67010
parcels under division (B) of this section, the resolution may 67011
allow for the exemption to commence in different tax years on a 67012
parcel-by-parcel basis, with a separate exemption term specified 67013
for each parcel. 67014

Except as otherwise provided in this division and section 67015
5709.51 of the Revised Code, the exemption ends on the date 67016
specified in the resolution as the date the improvement ceases to 67017
be a public purpose or the incentive district expires, or ends on 67018
the date on which the public infrastructure improvements and 67019

housing renovations are paid in full from the township public 67020
improvement tax increment equivalent fund established under 67021
section 5709.75 of the Revised Code, whichever occurs first. The 67022
exemption of an improvement with respect to a parcel or within an 67023
incentive district may end on a later date, as specified in the 67024
resolution, if the board of township trustees and the board of 67025
education of the city, local, or exempted village school district 67026
within which the parcel or district is located have entered into a 67027
compensation agreement under section 5709.82 of the Revised Code 67028
with respect to the improvement and the board of education has 67029
approved the term of the exemption under division (D) of this 67030
section, but in no case shall the improvement be exempted from 67031
taxation for more than thirty years. The board of township 67032
trustees may, by majority vote, adopt a resolution permitting the 67033
township to enter into such agreements as the board finds 67034
necessary or appropriate to provide for the construction or 67035
undertaking of public infrastructure improvements and housing 67036
renovations. Any exemption shall be claimed and allowed in the 67037
same or a similar manner as in the case of other real property 67038
exemptions. If an exemption status changes during a tax year, the 67039
procedure for the apportionment of the taxes for that year is the 67040
same as in the case of other changes in tax exemption status 67041
during the year. 67042

(H) The board of township trustees may issue the notes of the 67043
township to finance all costs pertaining to the construction or 67044
undertaking of public infrastructure improvements and housing 67045
renovations made pursuant to this section. The notes shall be 67046
signed by the board and attested by the signature of the township 67047
fiscal officer, shall bear interest not to exceed the rate 67048
provided in section 9.95 of the Revised Code, and are not subject 67049
to Chapter 133. of the Revised Code. The resolution authorizing 67050
the issuance of the notes shall pledge the funds of the township 67051
public improvement tax increment equivalent fund established 67052

pursuant to section 5709.75 of the Revised Code to pay the 67053
interest on and principal of the notes. The notes, which may 67054
contain a clause permitting prepayment at the option of the board, 67055
shall be offered for sale on the open market or given to the 67056
vendor or contractor if no sale is made. 67057

(I) The township, not later than fifteen days after the 67058
adoption of a resolution under this section, shall submit to the 67059
director of development services a copy of the resolution. On or 67060
before the thirty-first day of March of each year, the township 67061
shall submit a status report to the director of development 67062
services. The report shall indicate, in the manner prescribed by 67063
the director, the progress of the project during each year that 67064
the exemption remains in effect, including a summary of the 67065
receipts from service payments in lieu of taxes; expenditures of 67066
money from the fund created under section 5709.75 of the Revised 67067
Code; a description of the public infrastructure improvements and 67068
housing renovations financed with the expenditures; and a 67069
quantitative summary of changes in private investment resulting 67070
from each project. 67071

(J) Nothing in this section shall be construed to prohibit a 67072
board of township trustees from declaring to be a public purpose 67073
improvements with respect to more than one parcel. 67074

If a parcel is located in a new community district in which 67075
the new community authority imposes a community development charge 67076
on the basis of rentals received from leases of real property as 67077
described in division (L)(2) of section 349.01 of the Revised 67078
Code, the parcel may not be exempted from taxation under this 67079
section. 67080

(K) A board of township trustees that adopted a resolution 67081
under this section prior to July 21, 1994, may amend that 67082
resolution to include any additional public infrastructure 67083
improvement. A board of township trustees that seeks by the 67084

amendment to utilize money from its township public improvement 67085
tax increment equivalent fund for land acquisition in aid of 67086
industry, commerce, distribution, or research, demolition on 67087
private property, or stormwater and flood remediation projects may 67088
do so provided that the board currently is a party to a 67089
hold-harmless agreement with the board of education of the city, 67090
local, or exempted village school district within the territory of 67091
which are located the parcels that are subject to an exemption. 67092
For the purposes of this division, a "hold-harmless agreement" 67093
means an agreement under which the board of township trustees 67094
agrees to compensate the school district for one hundred per cent 67095
of the tax revenue that the school district would have received 67096
from further improvements to parcels designated in the resolution 67097
were it not for the exemption granted by the resolution. 67098

(L) Notwithstanding the limitation prescribed by division (D) 67099
of this section on the number of years that improvements to a 67100
parcel or parcels may be exempted from taxation, a board of 67101
trustees of a township with a population of fifteen thousand or 67102
more may amend a resolution originally adopted under this section 67103
before December 31, 1994, to extend the exemption of improvements 67104
to the parcel or parcels included in such resolution for an 67105
additional period not to exceed fifteen years. The amendment shall 67106
not increase the percentage of improvements to the parcel or 67107
parcels exempted from taxation. Before adopting an amendment 67108
authorized under this division, the board of township trustees 67109
shall obtain the approval of each board of education of the city, 67110
local, or exempted village school district within which the 67111
exempted parcels are located in the manner required under division 67112
(D) of this section, except that (1) the board of education may 67113
approve the exemption on the condition that the board of township 67114
trustees and the board of education negotiate an agreement 67115
providing for compensation to the school district equal in value 67116
to the amount of taxes the district forgoes in each year the 67117

exemption is extended pursuant to this division or any other 67118
mutually agreeable compensation and (2) if the board of education 67119
fails to certify a resolution approving the amendment to the board 67120
of township trustees within the time prescribed by division (D) of 67121
this section, the board of township trustees shall not adopt the 67122
amendment authorized under this division. 67123

No approval under this division shall be required from a 67124
board of education that has adopted a resolution waiving its right 67125
to approve exemptions from taxation pursuant to division (D) of 67126
this section. If the board of education has adopted such a 67127
resolution, the board of township trustees shall comply with the 67128
notice requirements imposed under section 5709.83 of the Revised 67129
Code before taking formal action to adopt an amendment authorized 67130
under this division unless the board of education has adopted a 67131
resolution under that section waiving its right to receive the 67132
notice. Not later than fourteen days before adopting an amendment 67133
authorized under this division, the board of township trustees 67134
shall deliver a notice identical to a notice required under 67135
section 5709.83 of the Revised Code to the board of county 67136
commissioners of each county in which the exempted parcels are 67137
located. 67138

Sec. 5709.78. (A) A board of county commissioners may, by 67139
resolution, declare improvements to certain parcels of real 67140
property located in the unincorporated territory of the county to 67141
be a public purpose. Except ~~with the approval as otherwise~~ 67142
~~provided~~ under division (C) of this section ~~of the board of~~ 67143
~~education of each city, local, or exempted village school district~~ 67144
~~within which the improvements are located~~ or section 5709.51 of 67145
the Revised Code, not more than seventy-five per cent of an 67146
improvement thus declared to be a public purpose may be exempted 67147
from real property taxation, for a period of not more than ten 67148
years. The resolution shall specify the percentage of the 67149

improvement to be exempted and the life of the exemption. 67150

A resolution adopted under this division shall designate the 67151
specific public infrastructure improvements made, to be made, or 67152
in the process of being made by the county that directly benefit, 67153
or that once made will directly benefit, the parcels for which 67154
improvements are declared to be a public purpose. The service 67155
payments provided for in section 5709.79 of the Revised Code shall 67156
be used to finance the public infrastructure improvements 67157
designated in the resolution, or as provided in section 5709.80 of 67158
the Revised Code. 67159

(B)(1) A board of county commissioners may adopt a resolution 67160
creating an incentive district and declaring improvements to 67161
parcels within the district to be a public purpose and, except as 67162
provided in division (B)(2) of this section, exempt from taxation 67163
as provided in this section, but no board of county commissioners 67164
of a county that has a population that exceeds twenty-five 67165
thousand, as shown by the most recent federal decennial census, 67166
shall adopt a resolution that creates an incentive district if the 67167
sum of the taxable value of real property in the proposed district 67168
for the preceding tax year and the taxable value of all real 67169
property in the county that would have been taxable in the 67170
preceding year were it not for the fact that the property was in 67171
an existing incentive district and therefore exempt from taxation 67172
exceeds twenty-five per cent of the taxable value of real property 67173
in the county for the preceding tax year. The district shall be 67174
located within the unincorporated territory of the county and 67175
shall not include any territory that is included within a district 67176
created under division (C) of section 5709.73 of the Revised Code. 67177
The resolution shall delineate the boundary of the proposed 67178
district and specifically identify each parcel within the 67179
district. A proposed district may not include any parcel that is 67180
or has been exempted from taxation under division (A) of this 67181

section or that is or has been within another district created 67182
under this division. A resolution may create more than one such 67183
district, and more than one resolution may be adopted under 67184
division (B)(1) of this section. 67185

(2)(a) Not later than thirty days prior to adopting a 67186
resolution under division (B)(1) of this section, if the county 67187
intends to apply for exemptions from taxation under section 67188
5709.911 of the Revised Code on behalf of owners of real property 67189
located within the proposed incentive district, the board of 67190
county commissioners shall conduct a public hearing on the 67191
proposed resolution. Not later than thirty days prior to the 67192
public hearing, the board shall give notice of the public hearing 67193
and the proposed resolution by first class mail to every real 67194
property owner whose property is located within the boundaries of 67195
the proposed incentive district that is the subject of the 67196
proposed resolution. The board also shall provide the notice by 67197
first class mail to the clerk of each township in which the 67198
proposed incentive district will be located. The notice shall 67199
include a map of the proposed incentive district on which the 67200
board of county commissioners shall have delineated an overlay. 67201
The notice shall inform property owners of the owner's right to 67202
exclude the owner's property from the incentive district if both 67203
of the following conditions are met: 67204

(i) The owner's entire parcel of property will not be located 67205
within the overlay. 67206

(ii) The owner has submitted a statement to the board of 67207
township trustees of the township in which the parcel is located 67208
indicating the owner's intent to seek a tax exemption for 67209
improvements to the owner's parcel under division (B) or (C) of 67210
section 5709.73 of the Revised Code within the next five years. 67211

When both of the preceding conditions are met, the owner may 67212
exclude the owner's property from the incentive district by 67213

submitting a written response in accordance with division 67214
(B)(2)(b) of this section. The notice also shall include 67215
information detailing the required contents of the response, the 67216
address to which the response may be mailed, and the deadline for 67217
submitting the response. 67218

(b) Any owner of real property located within the boundaries 67219
of an incentive district proposed under division (B) (1) of this 67220
section who meets the conditions specified in divisions 67221
(B)(2)(a)(i) and (ii) of this section may exclude the property 67222
from the proposed incentive district by submitting a written 67223
response to the board not later than forty-five days after the 67224
postmark date on the notice required under division (B)(2)(a) of 67225
this section. The response shall include a copy of the statement 67226
submitted under division (B)(2)(a)(ii) of this section. The 67227
response shall be sent by first class mail or delivered in person 67228
at a public hearing held by the board under division (B)(2)(a) of 67229
this section. The response shall conform to any content 67230
requirements that may be established by the board and included in 67231
the notice provided under division (B)(2)(a) of this section. In 67232
the response, property owners may identify a parcel by street 67233
address, by the manner in which it is identified in the 67234
resolution, or by other means allowing the identity of the parcel 67235
to be ascertained. 67236

(c) Before adopting a resolution under division (B)(1) of 67237
this section, the board shall amend the resolution to exclude any 67238
parcel for which a written response has been submitted under 67239
division (B)(2)(b) of this section. A county shall not apply for 67240
exemptions from taxation under section 5709.911 of the Revised 67241
Code for any such parcel, and service payments may not be required 67242
from the owner of the parcel. Improvements to a parcel excluded 67243
from an incentive district under this division may be exempted 67244
from taxation under division (A) of this section pursuant to a 67245

resolution adopted under that division or under any other section 67246
of the Revised Code under which the parcel qualifies. 67247

(3)(a) A resolution adopted under division (B)(1) of this 67248
section shall specify the life of the incentive district and the 67249
percentage of the improvements to be exempted, shall designate the 67250
public infrastructure improvements made, to be made, or in the 67251
process of being made, that benefit or serve, or, once made, will 67252
benefit or serve parcels in the district. The resolution also 67253
shall identify one or more specific projects being, or to be, 67254
undertaken in the district that place additional demand on the 67255
public infrastructure improvements designated in the resolution. 67256
The project identified may, but need not be, the project under 67257
division (B)(3)(b) of this section that places real property in 67258
use for commercial or industrial purposes. 67259

A resolution adopted under division (B)(1) of this section on 67260
or after March 30, 2006, shall not designate police or fire 67261
equipment as public infrastructure improvements, and no service 67262
payment provided for in section 5709.79 of the Revised Code and 67263
received by the county under the resolution shall be used for 67264
police or fire equipment. 67265

(b) A resolution adopted under division (B)(1) of this 67266
section may authorize the use of service payments provided for in 67267
section 5709.79 of the Revised Code for the purpose of housing 67268
renovations within the incentive district, provided that the 67269
resolution also designates public infrastructure improvements that 67270
benefit or serve the district, and that a project within the 67271
district places real property in use for commercial or industrial 67272
purposes. Service payments may be used to finance or support 67273
loans, deferred loans, and grants to persons for the purpose of 67274
housing renovations within the district. The resolution shall 67275
designate the parcels within the district that are eligible for 67276
housing renovations. The resolution shall state separately the 67277

amount or the percentages of the expected aggregate service 67278
payments that are designated for each public infrastructure 67279
improvement and for the purpose of housing renovations. 67280

(4) Except with the approval of the board of education of 67281
each city, local, or exempted village school district within the 67282
territory of which the incentive district is or will be located, 67283
and subject to division (D) of this section, the life of an 67284
incentive district shall not exceed ten years, and the percentage 67285
of improvements to be exempted shall not exceed seventy-five per 67286
cent. With approval of the board of education, the life of a 67287
district may be not more than thirty years, and the percentage of 67288
improvements to be exempted may be not more than one hundred per 67289
cent. The approval of a board of education shall be obtained in 67290
the manner provided in division (C) of this section. 67291

(C)(1) Improvements with respect to a parcel may be exempted 67292
from taxation under division (A) of this section, and improvements 67293
to parcels within an incentive district may be exempted from 67294
taxation under division (B) of this section, for up to ten years 67295
or, with the approval of the board of education of each city, 67296
local, or exempted village school district within which the parcel 67297
or district is located, for up to thirty years. The percentage of 67298
the improvements exempted from taxation may, with such approval, 67299
exceed seventy-five per cent, but shall not exceed one hundred per 67300
cent. Not later than forty-five business days prior to adopting a 67301
resolution under this section declaring improvements to be a 67302
public purpose that is subject to the approval of a board of 67303
education under this division, the board of county commissioners 67304
shall deliver to the board of education a notice stating its 67305
intent to adopt a resolution making that declaration. The notice 67306
regarding improvements with respect to a parcel under division (A) 67307
of this section shall identify the parcels for which improvements 67308
are to be exempted from taxation, provide an estimate of the true 67309

value in money of the improvements, specify the period for which 67310
the improvements would be exempted from taxation and the 67311
percentage of the improvements that would be exempted, and 67312
indicate the date on which the board of county commissioners 67313
intends to adopt the resolution. The notice regarding improvements 67314
to parcels within an incentive district under division (B) of this 67315
section shall delineate the boundaries of the district, 67316
specifically identify each parcel within the district, identify 67317
each anticipated improvement in the district, provide an estimate 67318
of the true value in money of each such improvement, specify the 67319
life of the district and the percentage of improvements that would 67320
be exempted, and indicate the date on which the board of county 67321
commissioners intends to adopt the resolution. The board of 67322
education, by resolution adopted by a majority of the board, may 67323
approve the exemption for the period or for the exemption 67324
percentage specified in the notice; may disapprove the exemption 67325
for the number of years in excess of ten, may disapprove the 67326
exemption for the percentage of the improvements to be exempted in 67327
excess of seventy-five per cent, or both; or may approve the 67328
exemption on the condition that the board of county commissioners 67329
and the board of education negotiate an agreement providing for 67330
compensation to the school district equal in value to a percentage 67331
of the amount of taxes exempted in the eleventh and subsequent 67332
years of the exemption period or, in the case of exemption 67333
percentages in excess of seventy-five per cent, compensation equal 67334
in value to a percentage of the taxes that would be payable on the 67335
portion of the improvements in excess of seventy-five per cent 67336
were that portion to be subject to taxation, or other mutually 67337
agreeable compensation. 67338

(2) The board of education shall certify its resolution to 67339
the board of county commissioners not later than fourteen days 67340
prior to the date the board of county commissioners intends to 67341
adopt its resolution as indicated in the notice. If the board of 67342

education and the board of county commissioners negotiate a 67343
mutually acceptable compensation agreement, the resolution of the 67344
board of county commissioners may declare the improvements a 67345
public purpose for the number of years specified in that 67346
resolution or, in the case of exemption percentages in excess of 67347
seventy-five per cent, for the exemption percentage specified in 67348
the resolution. In either case, if the board of education and the 67349
board of county commissioners fail to negotiate a mutually 67350
acceptable compensation agreement, the resolution may declare the 67351
improvements a public purpose for not more than ten years, and 67352
shall not exempt more than seventy-five per cent of the 67353
improvements from taxation. If the board of education fails to 67354
certify a resolution to the board of county commissioners within 67355
the time prescribed by this section, the board of county 67356
commissioners thereupon may adopt the resolution and may declare 67357
the improvements a public purpose for up to thirty years or, in 67358
the case of exemption percentages proposed in excess of 67359
seventy-five per cent, for the exemption percentage specified in 67360
the resolution. The board of county commissioners may adopt the 67361
resolution at any time after the board of education certifies its 67362
resolution approving the exemption to the board of county 67363
commissioners, or, if the board of education approves the 67364
exemption on the condition that a mutually acceptable compensation 67365
agreement be negotiated, at any time after the compensation 67366
agreement is agreed to by the board of education and the board of 67367
county commissioners. If a mutually acceptable compensation 67368
agreement is negotiated between the board of county commissioners 67369
and the board of education, including agreements for payments in 67370
lieu of taxes under section 5709.79 of the Revised Code, the board 67371
of county commissioners shall compensate the joint vocational 67372
school district within which the parcel or district is located at 67373
the same rate and under the same terms received by the city, 67374
local, or exempted village school district. 67375

(3) If a board of education has adopted a resolution waiving its right to approve exemptions from taxation under this section and the resolution remains in effect, approval of such exemptions by the board of education is not required under division (C) of this section. If a board of education has adopted a resolution allowing a board of county commissioners to deliver the notice required under division (C) of this section fewer than forty-five business days prior to approval of the resolution by the board of county commissioners, the board of county commissioners shall deliver the notice to the board of education not later than the number of days prior to such approval as prescribed by the board of education in its resolution. If a board of education adopts a resolution waiving its right to approve exemptions or shortening the notification period, the board of education shall certify a copy of the resolution to the board of county commissioners. If the board of education rescinds such a resolution, it shall certify notice of the rescission to the board of county commissioners.

(4) Nothing in division (C) of this section prohibits the board of county commissioners from amending the resolution under section 5709.51 of the Revised Code to extend the term of the exemption.

(D)(1) If a proposed resolution under division (B)(1) of this section exempts improvements with respect to a parcel within an incentive district for more than ten years, or the percentage of the improvement exempted from taxation exceeds seventy-five per cent, not later than forty-five business days prior to adopting the resolution the board of county commissioners shall deliver to the board of township trustees of any township within which the incentive district is or will be located a notice that states its intent to adopt a resolution creating an incentive district. The notice shall include a copy of the proposed resolution, identify

the parcels for which improvements are to be exempted from 67408
taxation, provide an estimate of the true value in money of the 67409
improvements, specify the period of time for which the 67410
improvements would be exempted from taxation, specify the 67411
percentage of the improvements that would be exempted from 67412
taxation, and indicate the date on which the board intends to 67413
adopt the resolution. 67414

(2) The board of township trustees, by resolution adopted by 67415
a majority of the board, may object to the exemption for the 67416
number of years in excess of ten, may object to the exemption for 67417
the percentage of the improvement to be exempted in excess of 67418
seventy-five per cent, or both. If the board of township trustees 67419
objects, the board of township trustees may negotiate a mutually 67420
acceptable compensation agreement with the board of county 67421
commissioners. In no case shall the compensation provided to the 67422
board of township trustees exceed the property taxes forgone due 67423
to the exemption. If the board of township trustees objects, and 67424
the board of township trustees and the board of county 67425
commissioners fail to negotiate a mutually acceptable compensation 67426
agreement, the resolution adopted under division (B)(1) of this 67427
section shall provide to the board of township trustees 67428
compensation in the eleventh and subsequent years of the exemption 67429
period equal in value to not more than fifty per cent of the taxes 67430
that would be payable to the township or, if the board of township 67431
trustee's objection includes an objection to an exemption 67432
percentage in excess of seventy-five per cent, compensation equal 67433
in value to not more than fifty per cent of the taxes that would 67434
be payable to the township on the portion of the improvement in 67435
excess of seventy-five per cent, were that portion to be subject 67436
to taxation. The board of township trustees shall certify its 67437
resolution to the board of county commissioners not later than 67438
thirty days after receipt of the notice. 67439

(3) If the board of township trustees does not object or 67440
fails to certify a resolution objecting to an exemption within 67441
thirty days after receipt of the notice, the board of county 67442
commissioners may adopt its resolution, and no compensation shall 67443
be provided to the board of township trustees. If the board of 67444
township trustees certifies its resolution objecting to the 67445
commissioners' resolution, the board of county commissioners may 67446
adopt its resolution at any time after a mutually acceptable 67447
compensation agreement is agreed to by the board of county 67448
commissioners and the board of township trustees. If the board of 67449
township trustees certifies a resolution objecting to the 67450
commissioners' resolution, the board of county commissioners may 67451
adopt its resolution at any time after a mutually acceptable 67452
compensation agreement is agreed to by the board of county 67453
commissioners and the board of township trustees, or, if no 67454
compensation agreement is negotiated, at any time after the board 67455
of county commissioners in the proposed resolution to provide 67456
compensation to the board of township trustees of fifty per cent 67457
of the taxes that would be payable to the township in the eleventh 67458
and subsequent years of the exemption period or on the portion of 67459
the improvement in excess of seventy-five per cent, were that 67460
portion to be subject to taxation. 67461

(E) Service payments in lieu of taxes that are attributable 67462
to any amount by which the effective tax rate of either a renewal 67463
levy with an increase or a replacement levy exceeds the effective 67464
tax rate of the levy renewed or replaced, or that are attributable 67465
to an additional levy, for a levy authorized by the voters for any 67466
of the following purposes on or after January 1, 2006, and which 67467
are provided pursuant to a resolution creating an incentive 67468
district under division (B)(1) of this section that is adopted on 67469
or after January 1, 2006, shall be distributed to the appropriate 67470
taxing authority as required under division (D) of section 5709.79 67471
of the Revised Code in an amount equal to the amount of taxes from 67472

that additional levy or from the increase in the effective tax rate of such renewal or replacement levy that would have been payable to that taxing authority from the following levies were it not for the exemption authorized under division (B) of this section:

(1) A tax levied under division (L) of section 5705.19 or section 5705.191 or 5705.222 of the Revised Code for community developmental disabilities programs and services pursuant to Chapter 5126. of the Revised Code;

(2) A tax levied under division (Y) of section 5705.19 of the Revised Code for providing or maintaining senior citizens services or facilities;

(3) A tax levied under section 5705.22 of the Revised Code for county hospitals;

(4) A tax levied by a joint-county district or by a county under section 5705.19, 5705.191, or 5705.221 of the Revised Code for alcohol, drug addiction, and mental health services or facilities;

(5) A tax levied under section 5705.23 of the Revised Code for library purposes;

(6) A tax levied under section 5705.24 of the Revised Code for the support of children services and the placement and care of children;

(7) A tax levied under division (Z) of section 5705.19 of the Revised Code for the provision and maintenance of zoological park services and facilities under section 307.76 of the Revised Code;

(8) A tax levied under section 511.27 or division (H) of section 5705.19 of the Revised Code for the support of township park districts;

(9) A tax levied under division (A), (F), or (H) of section

5705.19 of the Revised Code for parks and recreational purposes of 67503
a joint recreation district organized pursuant to division (B) of 67504
section 755.14 of the Revised Code; 67505

(10) A tax levied under section 1545.20 or 1545.21 of the 67506
Revised Code for park district purposes; 67507

(11) A tax levied under section 5705.191 of the Revised Code 67508
for the purpose of making appropriations for public assistance; 67509
human or social services; public relief; public welfare; public 67510
health and hospitalization; and support of general hospitals; 67511

(12) A tax levied under section 3709.29 of the Revised Code 67512
for a general health district program. 67513

(F) An exemption from taxation granted under this section 67514
commences with the tax year specified in the resolution so long as 67515
the year specified in the resolution commences after the effective 67516
date of the resolution. If the resolution specifies a year 67517
commencing before the effective date of the resolution or 67518
specifies no year whatsoever, the exemption commences with the tax 67519
year in which an exempted improvement first appears on the tax 67520
list and duplicate of real and public utility property and that 67521
commences after the effective date of the resolution. In lieu of 67522
stating a specific year, the resolution may provide that the 67523
exemption commences in the tax year in which the value of an 67524
improvement exceeds a specified amount or in which the 67525
construction of one or more improvements is completed, provided 67526
that such tax year commences after the effective date of the 67527
resolution. With respect to the exemption of improvements to 67528
parcels under division (A) of this section, the resolution may 67529
allow for the exemption to commence in different tax years on a 67530
parcel-by-parcel basis, with a separate exemption term specified 67531
for each parcel. 67532

Except as otherwise provided in this division, the exemption 67533

ends on the date specified in the resolution as the date the 67534
improvement ceases to be a public purpose or the incentive 67535
district expires, or ends on the date on which the county can no 67536
longer require annual service payments in lieu of taxes under 67537
section 5709.79 of the Revised Code, whichever occurs first. The 67538
exemption of an improvement with respect to a parcel or within an 67539
incentive district may end on a later date, as specified in the 67540
resolution, if the board of commissioners and the board of 67541
education of the city, local, or exempted village school district 67542
within which the parcel or district is located have entered into a 67543
compensation agreement under section 5709.82 of the Revised Code 67544
with respect to the improvement, and the board of education has 67545
approved the term of the exemption under division (C)(1) of this 67546
section, but in no case shall the improvement be exempted from 67547
taxation for more than thirty years. Exemptions shall be claimed 67548
and allowed in the same or a similar manner as in the case of 67549
other real property exemptions. If an exemption status changes 67550
during a tax year, the procedure for the apportionment of the 67551
taxes for that year is the same as in the case of other changes in 67552
tax exemption status during the year. 67553

(G) If the board of county commissioners is not required by 67554
this section to notify the board of education of the board of 67555
county commissioners' intent to declare improvements to be a 67556
public purpose, the board of county commissioners shall comply 67557
with the notice requirements imposed under section 5709.83 of the 67558
Revised Code before taking formal action to adopt the resolution 67559
making that declaration, unless the board of education has adopted 67560
a resolution under that section waiving its right to receive such 67561
a notice. 67562

(H) The county, not later than fifteen days after the 67563
adoption of a resolution under this section, shall submit to the 67564
director of development services a copy of the resolution. On or 67565

before the thirty-first day of March of each year, the county 67566
shall submit a status report to the director of development 67567
services. The report shall indicate, in the manner prescribed by 67568
the director, the progress of the project during each year that an 67569
exemption remains in effect, including a summary of the receipts 67570
from service payments in lieu of taxes; expenditures of money from 67571
the fund created under section 5709.80 of the Revised Code; a 67572
description of the public infrastructure improvements and housing 67573
renovations financed with such expenditures; and a quantitative 67574
summary of changes in employment and private investment resulting 67575
from each project. 67576

(I) Nothing in this section shall be construed to prohibit a 67577
board of county commissioners from declaring to be a public 67578
purpose improvements with respect to more than one parcel. 67579

(J) If a parcel is located in a new community district in 67580
which the new community authority imposes a community development 67581
charge on the basis of rentals received from leases of real 67582
property as described in division (L)(2) of section 349.01 of the 67583
Revised Code, the parcel may not be exempted from taxation under 67584
this section. 67585

Sec. 5713.08. (A) The county auditor shall make a list of all 67586
real and personal property in the auditor's county that is 67587
exempted from taxation. Such list shall show the name of the 67588
owner, the value of the property exempted, and a statement in 67589
brief form of the ground on which such exemption has been granted. 67590
It shall be corrected annually by adding thereto the items of 67591
property which have been exempted during the year, and by striking 67592
therefrom the items which in the opinion of the auditor have lost 67593
their right of exemption and which have been reentered on the 67594
taxable list, but no property shall be struck from the exempt 67595
property list solely because the property has been conveyed to a 67596

single member limited liability company with a nonprofit purpose 67597
from its nonprofit member or because the property has been 67598
conveyed by a single member limited liability company with a 67599
nonprofit purpose to its nonprofit member. No additions shall be 67600
made to such exempt lists and no additional items of property 67601
shall be exempted from taxation without the consent of the tax 67602
commissioner as is provided for in section 5715.27 of the Revised 67603
Code or without the consent of the housing officer under section 67604
3735.67 of the Revised Code, except for property exempted by the 67605
auditor under that section, property owned by a community school 67606
and subject to the exemption authorized under division (A)(1) of 67607
section 5709.07 of the Revised Code for tax years after the tax 67608
year for which the commissioner grants an application under 67609
section 5715.27 of the Revised Code, as described in division (I) 67610
of that section, or qualifying agricultural real property, as 67611
defined in section 5709.28 of the Revised Code, that is enrolled 67612
in an agriculture security area that is exempt under that section. 67613
The 67614

The commissioner may revise at any time the list in every 67615
county so that no property is improperly or illegally exempted 67616
from taxation. The auditor shall follow the orders of the 67617
commissioner given under this section. An abstract of such list 67618
shall be filed annually with the commissioner, on a form approved 67619
by the commissioner, and a copy thereof shall be kept on file in 67620
the office of each auditor for public inspection. 67621

An application for exemption of property shall include a 67622
certificate executed by the county treasurer certifying one of the 67623
following: 67624

(1) That all taxes, interest, and penalties levied and 67625
assessed against the property sought to be exempted have been paid 67626
in full for all of the tax years preceding the tax year for which 67627
the application for exemption is filed, except for such taxes, 67628

interest, and penalties that may be remitted under division (C) of 67629
this section; 67630

(2) That the applicant has entered into a valid delinquent 67631
tax contract with the county treasurer pursuant to division (A) of 67632
section 323.31 of the Revised Code to pay all of the delinquent 67633
taxes, interest, and penalties charged against the property, 67634
except for such taxes, interest, and penalties that may be 67635
remitted under division (C) of this section. If the auditor 67636
receives notice under section 323.31 of the Revised Code that such 67637
a written delinquent tax contract has become void, the auditor 67638
shall strike such property from the list of exempted property and 67639
reenter such property on the taxable list. If property is removed 67640
from the exempt list because a written delinquent tax contract has 67641
become void, current taxes shall first be extended against that 67642
property on the general tax list and duplicate of real and public 67643
utility property for the tax year in which the auditor receives 67644
the notice required by division (A) of section 323.31 of the 67645
Revised Code that the delinquent tax contract has become void or, 67646
if that notice is not timely made, for the tax year in which falls 67647
the latest date by which the treasurer is required by such section 67648
to give such notice. A county auditor shall not remove from any 67649
tax list and duplicate the amount of any unpaid delinquent taxes, 67650
assessments, interest, or penalties owed on property that is 67651
placed on the exempt list pursuant to this division. 67652

(3) That a tax certificate has been issued under section 67653
5721.32 or 5721.33 of the Revised Code with respect to the 67654
property that is the subject of the application, and the tax 67655
certificate is outstanding. 67656

(B) If the treasurer's certificate is not included with the 67657
application or the certificate reflects unpaid taxes, penalties, 67658
and interest that may not be remitted, the tax commissioner or 67659
county auditor with whom the application was filed shall notify 67660

the property owner of that fact, and the applicant shall be given 67661
sixty days from the date that notification was mailed in which to 67662
provide the tax commissioner or county auditor with a corrected 67663
treasurer's certificate. If a corrected treasurer's certificate is 67664
not received within the time permitted, the tax commissioner or 67665
county auditor does not have authority to consider the tax 67666
exemption application. 67667

(C) Any taxes, interest, and penalties which have become a 67668
lien after the property was first used for the exempt purpose, but 67669
in no case prior to the date of acquisition of the title to the 67670
property by the applicant, may be remitted by the commissioner or 67671
county auditor, except as is provided in division (A) of section 67672
5713.081 of the Revised Code. 67673

(D) Real property acquired by the state in fee simple is 67674
exempt from taxation from the date of acquisition of title or date 67675
of possession, whichever is the earlier date, provided that all 67676
taxes, interest, and penalties as provided in the apportionment 67677
provisions of section 319.20 of the Revised Code have been paid to 67678
the date of acquisition of title or date of possession by the 67679
state, whichever is earlier. The proportionate amount of taxes 67680
that are a lien but not yet determined, assessed, and levied for 67681
the year in which the property is acquired, shall be remitted by 67682
the county auditor for the balance of the year from date of 67683
acquisition of title or date of possession, whichever is earlier. 67684
This section shall not be construed to authorize the exemption of 67685
such property from taxation or the remission of taxes, interest, 67686
and penalties thereon until all private use has terminated. 67687

Sec. 5715.19. (A) As used in this section, "member" has the 67688
same meaning as in section 1705.01 of the Revised Code, and 67689
"internet identifier of record" has the same meaning as in section 67690
9.312 of the Revised Code. 67691

(1) Subject to division (A)(2) of this section, a complaint 67692
against any of the following determinations for the current tax 67693
year shall be filed with the county auditor on or before the 67694
thirty-first day of March of the ensuing tax year or the date of 67695
closing of the collection for the first half of real and public 67696
utility property taxes for the current tax year, whichever is 67697
later: 67698

(a) Any classification made under section 5713.041 of the 67699
Revised Code; 67700

(b) Any determination made under section 5713.32 or 5713.35 67701
of the Revised Code; 67702

(c) Any recoupment charge levied under section 5713.35 of the 67703
Revised Code; 67704

(d) The determination of the total valuation or assessment of 67705
any parcel that appears on the tax list, except parcels assessed 67706
by the tax commissioner pursuant to section 5727.06 of the Revised 67707
Code; 67708

(e) The determination of the total valuation of any parcel 67709
that appears on the agricultural land tax list, except parcels 67710
assessed by the tax commissioner pursuant to section 5727.06 of 67711
the Revised Code; 67712

(f) Any determination made under division (A) of section 67713
319.302 of the Revised Code. 67714

If such a complaint is filed by mail or certified mail, the 67715
date of the United States postmark placed on the envelope or 67716
sender's receipt by the postal service shall be treated as the 67717
date of filing. A private meter postmark on an envelope is not a 67718
valid postmark for purposes of establishing the filing date. 67719

Any person owning taxable real property in the county or in a 67720
taxing district with territory in the county; such a person's 67721

spouse; an individual who is retained by such a person and who 67722
holds a designation from a professional assessment organization, 67723
such as the institute for professionals in taxation, the national 67724
council of property taxation, or the international association of 67725
assessing officers; a public accountant who holds a permit under 67726
section 4701.10 of the Revised Code, a general or residential real 67727
estate appraiser licensed or certified under Chapter 4763. of the 67728
Revised Code, or a real estate broker licensed under Chapter 4735. 67729
of the Revised Code, who is retained by such a person; if the 67730
person is a firm, company, association, partnership, limited 67731
liability company, or corporation, an officer, a salaried 67732
employee, a partner, or a member of that person; if the person is 67733
a trust, a trustee of the trust; the board of county 67734
commissioners; the prosecuting attorney or treasurer of the 67735
county; the board of township trustees of any township with 67736
territory within the county; the board of education of any school 67737
district with any territory in the county; or the mayor or 67738
legislative authority of any municipal corporation with any 67739
territory in the county may file such a complaint regarding any 67740
such determination affecting any real property in the county, 67741
except that a person owning taxable real property in another 67742
county may file such a complaint only with regard to any such 67743
determination affecting real property in the county that is 67744
located in the same taxing district as that person's real property 67745
is located. The county auditor shall present to the county board 67746
of revision all complaints filed with the auditor. 67747

(2) As used in division (A)(2) of this section, "interim 67748
period" means, for each county, the tax year to which section 67749
5715.24 of the Revised Code applies and each subsequent tax year 67750
until the tax year in which that section applies again. 67751

No person, board, or officer shall file a complaint against 67752
the valuation or assessment of any parcel that appears on the tax 67753

list if it filed a complaint against the valuation or assessment 67754
of that parcel for any prior tax year in the same interim period, 67755
unless the person, board, or officer alleges that the valuation or 67756
assessment should be changed due to one or more of the following 67757
circumstances that occurred after the tax lien date for the tax 67758
year for which the prior complaint was filed and that the 67759
circumstances were not taken into consideration with respect to 67760
the prior complaint: 67761

(a) The property was sold in an arm's length transaction, as 67762
described in section 5713.03 of the Revised Code; 67763

(b) The property lost value due to some casualty; 67764

(c) Substantial improvement was added to the property; 67765

(d) An increase or decrease of at least fifteen per cent in 67766
the property's occupancy has had a substantial economic impact on 67767
the property. 67768

(3) If a county board of revision, the board of tax appeals, 67769
or any court dismisses a complaint filed under this section or 67770
section 5715.13 of the Revised Code for the reason that the act of 67771
filing the complaint was the unauthorized practice of law or the 67772
person filing the complaint was engaged in the unauthorized 67773
practice of law, the party affected by a decrease in valuation or 67774
the party's agent, or the person owning taxable real property in 67775
the county or in a taxing district with territory in the county, 67776
may refile the complaint, notwithstanding division (A)(2) of this 67777
section. 67778

(4)(a) No complaint filed under this section or section 67779
5715.13 of the Revised Code shall be dismissed for the reason that 67780
the complaint fails to accurately identify the owner of the 67781
property that is the subject of the complaint. 67782

(b) If a complaint fails to accurately identify the owner of 67783
the property that is the subject of the complaint, the board of 67784

revision shall exercise due diligence to ensure the correct 67785
property owner is notified as required by divisions (B) and (C) of 67786
this section. 67787

(5) Notwithstanding division (A)(2) of this section, a 67788
person, board, or officer may file a complaint against the 67789
valuation or assessment of any parcel that appears on the tax list 67790
if it filed a complaint against the valuation or assessment of 67791
that parcel for any prior tax year in the same interim period if 67792
the person, board, or officer withdrew the complaint before the 67793
complaint was heard by the board. 67794

(6) A board of county commissioners, a board of township 67795
trustees, the board of education of a school district, or the 67796
mayor or legislative authority of a municipal corporation may not 67797
file a complaint or a counterclaim to a complaint under this 67798
section with respect to property the political subdivision does 67799
not own unless the board or legislative authority or, in the case 67800
of a mayor, the legislative authority of the municipal corporation 67801
first adopts a resolution authorizing the filing of the complaint 67802
or counterclaim at a public meeting of the board or legislative 67803
authority. The resolution shall include all of the following 67804
information: 67805

(a) Identification of the parcel or parcels that are the 67806
subject of the complaint or counterclaim by street address, if 67807
available from online records of the county auditor, and by 67808
permanent parcel number; 67809

(b) The name of at least one of the record owners of the 67810
parcel or parcels; 67811

(c) If the resolution authorizes the filing of a complaint, 67812
the basis for the complaint under divisions (A)(1)(a) to (f) of 67813
this section relative to each parcel identified in the resolution. 67814

A board or legislative authority shall not adopt a resolution 67815

required under division (A)(6) of this section that identifies 67816
more than one parcel under division (A)(6)(a) of this section, 67817
except that a single resolution may identify more than one parcel 67818
under that division if each parcel has the same record owner or 67819
the same record owners, as applicable. Such a resolution shall not 67820
include any other matter and shall be adopted by a separate vote 67821
from the question of whether to adopt any other resolution except 67822
another resolution under division (A)(6) of this section. 67823

Before adopting a resolution required by division (A)(6) of 67824
this section, the board or legislative authority shall mail a 67825
written notice to at least one of the record owners of the parcel 67826
or parcels identified in the resolution stating the intent of the 67827
board or legislative authority in adopting the resolution, the 67828
proposed date of adoption, and, if the resolution is to authorize 67829
the filing of a complaint, the basis for the complaint under 67830
divisions (A)(1)(a) to (f) of this section relative to each parcel 67831
identified in the resolution. The notice shall be sent by 67832
certified mail to the last known tax-mailing address of at least 67833
one of the record owners and, if different from that tax-mailing 67834
address, to the street address of the parcel or parcels identified 67835
in the resolution. Alternatively, if the board has record of an 67836
internet identifier of record associated with at least one of the 67837
record owners, the board may send the notice by ordinary mail and 67838
by that internet identifier of record of the time and place the 67839
resolution will be heard. The notice shall be postmarked at least 67840
fourteen calendar days before the board or legislative authority 67841
adopts the resolution. 67842

A board of revision has jurisdiction to consider a complaint 67843
or counterclaim filed pursuant to a resolution adopted under 67844
division (A)(6) of this section only if the board, mayor, or 67845
legislative authority causes the resolution to be certified to the 67846
board of revision within thirty days after the last date such a 67847

complaint or counterclaim could be filed. The failure to 67848
accurately identify the street address or the name of the record 67849
owners of the parcel in the resolution shall not invalidate the 67850
resolution nor be a cause for dismissal of the complaint or 67851
counterclaim. 67852

(7) A complaint form prescribed by a board of revision or the 67853
tax commissioner for the purposes of this section shall include a 67854
box that a board, mayor, or legislative authority, when filing a 67855
complaint or counterclaim, must check indicating that a resolution 67856
authorizing the complaint was adopted in accordance with division 67857
(A)(6) of this section and that notice was provided before 67858
adoption of the resolution to at least one of the record owners of 67859
the property that is the subject of the complaint or counterclaim. 67860

(B) Within thirty days after the last date such complaints 67861
may be filed, the auditor shall give notice of each complaint in 67862
which the stated amount of overvaluation, undervaluation, 67863
discriminatory valuation, illegal valuation, or incorrect 67864
determination is at least seventeen thousand five hundred dollars 67865
to each property owner whose property is the subject of the 67866
complaint, if the complaint was not filed by the owner or the 67867
owner's spouse, and to each board of education whose school 67868
district may be affected by the complaint. For the purposes of 67869
this division, separate complaints filed with respect to parcels 67870
which together form an economic unit shall be treated as if the 67871
parcels were included on a single complaint. As used in this 67872
division, "economic unit" means property comprised of multiple 67873
parcels that is united by an economic function such that it will 67874
normally be sold as a single property. An economic unit may be 67875
comprised of parcels that are neither contiguous nor owned by the 67876
same owner, but the parcels must be managed and operated on a 67877
unitary basis and each parcel must make a positive contribution to 67878
the operation of the unit. 67879

Within thirty days after receiving such notice, a board of 67880
education; a property owner; the owner's spouse; an individual who 67881
is retained by such an owner and who holds a designation from a 67882
professional assessment organization, such as the institute for 67883
professionals in taxation, the national council of property 67884
taxation, or the international association of assessing officers; 67885
a public accountant who holds a permit under section 4701.10 of 67886
the Revised Code, a general or residential real estate appraiser 67887
licensed or certified under Chapter 4763. of the Revised Code, or 67888
a real estate broker licensed under Chapter 4735. of the Revised 67889
Code, who is retained by such a person; or, if the property owner 67890
is a firm, company, association, partnership, limited liability 67891
company, corporation, or trust, an officer, a salaried employee, a 67892
partner, a member, or trustee of that property owner, may file a 67893
complaint in support of or objecting to the amount of alleged 67894
overvaluation, undervaluation, discriminatory valuation, illegal 67895
valuation, or incorrect determination stated in a previously filed 67896
complaint or objecting to the current valuation. Upon the filing 67897
of a complaint under this division, the board of education or the 67898
property owner shall be made a party to the action. 67899

(C) Each board of revision shall notify any complainant and 67900
also the property owner, if the property owner's address is known, 67901
when a complaint is filed by one other than the property owner, 67902
not less than ten days prior to the hearing, either by certified 67903
mail or, if the board has record of an internet identifier of 67904
record associated with the owner, by ordinary mail and by that 67905
internet identifier of record of the time and place the same will 67906
be heard. The board of revision shall hear and render its decision 67907
on a complaint within ninety days after the filing thereof with 67908
the board, except that if a complaint is filed within thirty days 67909
after receiving notice from the auditor as provided in division 67910
(B) of this section, the board shall hear and render its decision 67911
within ninety days after such filing. 67912

(D) The determination of any such complaint shall relate back 67913
to the date when the lien for taxes or recoupment charges for the 67914
current year attached or the date as of which liability for such 67915
year was determined. Liability for taxes and recoupment charges 67916
for such year and each succeeding year until the complaint is 67917
finally determined and for any penalty and interest for nonpayment 67918
thereof within the time required by law shall be based upon the 67919
determination, valuation, or assessment as finally determined. 67920
Each complaint shall state the amount of overvaluation, 67921
undervaluation, discriminatory valuation, illegal valuation, or 67922
incorrect classification or determination upon which the complaint 67923
is based. The treasurer shall accept any amount tendered as taxes 67924
or recoupment charge upon property concerning which a complaint is 67925
then pending, computed upon the claimed valuation as set forth in 67926
the complaint. If a complaint filed under this section for the 67927
current year is not determined by the board within the time 67928
prescribed for such determination, the complaint and any 67929
proceedings in relation thereto shall be continued by the board as 67930
a valid complaint for any ensuing year until such complaint is 67931
finally determined by the board or upon any appeal from a decision 67932
of the board. In such case, the original complaint shall continue 67933
in effect without further filing by the original taxpayer, the 67934
original taxpayer's assignee, or any other person or entity 67935
authorized to file a complaint under this section. 67936

(E) If a taxpayer files a complaint as to the classification, 67937
valuation, assessment, or any determination affecting the 67938
taxpayer's own property and tenders less than the full amount of 67939
taxes or recoupment charges as finally determined, an interest 67940
charge shall accrue as follows: 67941

(1) If the amount finally determined is less than the amount 67942
billed but more than the amount tendered, the taxpayer shall pay 67943
interest at the rate per annum prescribed by section 5703.47 of 67944

the Revised Code, computed from the date that the taxes were due 67945
on the difference between the amount finally determined and the 67946
amount tendered. This interest charge shall be in lieu of any 67947
penalty or interest charge under section 323.121 of the Revised 67948
Code unless the taxpayer failed to file a complaint and tender an 67949
amount as taxes or recoupment charges within the time required by 67950
this section, in which case section 323.121 of the Revised Code 67951
applies. 67952

(2) If the amount of taxes finally determined is equal to or 67953
greater than the amount billed and more than the amount tendered, 67954
the taxpayer shall pay interest at the rate prescribed by section 67955
5703.47 of the Revised Code from the date the taxes were due on 67956
the difference between the amount finally determined and the 67957
amount tendered, such interest to be in lieu of any interest 67958
charge but in addition to any penalty prescribed by section 67959
323.121 of the Revised Code. 67960

(F) Upon request of a complainant, the tax commissioner shall 67961
determine the common level of assessment of real property in the 67962
county for the year stated in the request that is not valued under 67963
section 5713.31 of the Revised Code, which common level of 67964
assessment shall be expressed as a percentage of true value and 67965
the common level of assessment of lands valued under such section, 67966
which common level of assessment shall also be expressed as a 67967
percentage of the current agricultural use value of such lands. 67968
Such determination shall be made on the basis of the most recent 67969
available sales ratio studies of the commissioner and such other 67970
factual data as the commissioner deems pertinent. 67971

(G) A complainant shall provide to the board of revision all 67972
information or evidence within the complainant's knowledge or 67973
possession that affects the real property that is the subject of 67974
the complaint. A complainant who fails to provide such information 67975
or evidence is precluded from introducing it on appeal to the 67976

board of tax appeals or the court of common pleas, except that the 67977
board of tax appeals or court may admit and consider the evidence 67978
if the complainant shows good cause for the complainant's failure 67979
to provide the information or evidence to the board of revision. 67980

(H) In case of the pendency of any proceeding in court based 67981
upon an alleged excessive, discriminatory, or illegal valuation or 67982
incorrect classification or determination, the taxpayer may tender 67983
to the treasurer an amount as taxes upon property computed upon 67984
the claimed valuation as set forth in the complaint to the court. 67985
The treasurer may accept the tender. If the tender is not 67986
accepted, no penalty shall be assessed because of the nonpayment 67987
of the full taxes assessed. 67988

Sec. 5715.27. (A)(1) Except as provided in division (A)(2) of 67989
this section and in section 3735.67 of the Revised Code, the 67990
owner, a vendee in possession under a purchase agreement or a land 67991
contract, the beneficiary of a trust, or a lessee for an initial 67992
term of not less than thirty years of any property may file an 67993
application with the tax commissioner, on forms prescribed by the 67994
commissioner, requesting that such property be exempted from 67995
taxation and that taxes, interest, and penalties be remitted as 67996
provided in division (C) of section 5713.08 of the Revised Code. 67997

(2) If the property that is the subject of the application 67998
for exemption is any of the following, the application shall be 67999
filed with the county auditor of the county in which the property 68000
is listed for taxation: 68001

(a) A public road or highway; 68002

(b) Property belonging to the federal government of the 68003
United States; 68004

(c) Additions or other improvements to an existing building 68005
or structure that belongs to the state or a political subdivision, 68006

as defined in section 5713.081 of the Revised Code, and that is 68007
exempted from taxation as property used exclusively for a public 68008
purpose. 68009

(B) The board of education of any school district may request 68010
the tax commissioner or county auditor to provide it with 68011
notification of applications for exemption from taxation for 68012
property located within that district. If so requested, the 68013
commissioner or auditor shall send to the board on a monthly basis 68014
reports that contain sufficient information to enable the board to 68015
identify each property that is the subject of an exemption 68016
application, including, but not limited to, the name of the 68017
property owner or applicant, the address of the property, and the 68018
auditor's parcel number. The commissioner or auditor shall mail 68019
the reports by the fifteenth day of the month following the end of 68020
the month in which the commissioner or auditor receives the 68021
applications for exemption. 68022

(C) A board of education that has requested notification 68023
under division (B) of this section may, with respect to any 68024
application for exemption of property located in the district and 68025
included in the commissioner's or auditor's most recent report 68026
provided under that division, file a statement with the 68027
commissioner or auditor and with the applicant indicating its 68028
intent to submit evidence and participate in any hearing on the 68029
application. The statements shall be filed prior to the first day 68030
of the third month following the end of the month in which that 68031
application was docketed by the commissioner or auditor. A 68032
statement filed in compliance with this division entitles the 68033
district to submit evidence and to participate in any hearing on 68034
the property and makes the district a party for purposes of 68035
sections 5717.02 to 5717.04 of the Revised Code in any appeal of 68036
the commissioner's or auditor's decision to the board of tax 68037
appeals. 68038

(D) The commissioner or auditor shall not hold a hearing on 68039
or grant or deny an application for exemption of property in a 68040
school district whose board of education has requested 68041
notification under division (B) of this section until the end of 68042
the period within which the board may submit a statement with 68043
respect to that application under division (C) of this section. 68044
The commissioner or auditor may act upon an application at any 68045
time prior to that date upon receipt of a written waiver from each 68046
such board of education, or, in the case of exemptions authorized 68047
by section 725.02, 1728.10, 5709.40, 5709.41, 5709.411, 5709.45, 68048
5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 5709.84, or 5709.88 68049
of the Revised Code, upon the request of the property owner. 68050
Failure of a board of education to receive the report required in 68051
division (B) of this section shall not void an action of the 68052
commissioner or auditor with respect to any application. The 68053
commissioner or auditor may extend the time for filing a statement 68054
under division (C) of this section. 68055

(E) A complaint may also be filed with the commissioner or 68056
auditor by any person, board, or officer authorized by section 68057
5715.19 of the Revised Code to file complaints with the county 68058
board of revision against the continued exemption of any property 68059
granted exemption by the commissioner or auditor under this 68060
section. 68061

(F) An application for exemption and a complaint against 68062
exemption shall be filed prior to the thirty-first day of December 68063
of the tax year for which exemption is requested or for which the 68064
liability of the property to taxation in that year is requested. 68065
The commissioner or auditor shall consider such application or 68066
complaint in accordance with procedures established by the 68067
commissioner, determine whether the property is subject to 68068
taxation or exempt therefrom, and, if the commissioner makes the 68069
determination, certify the determination to the auditor. Upon 68070

making the determination or receiving the commissioner's 68071
determination, the auditor shall correct the tax list and 68072
duplicate accordingly. If a tax certificate has been sold under 68073
section 5721.32 or 5721.33 of the Revised Code with respect to 68074
property for which an exemption has been requested, the tax 68075
commissioner or auditor shall also certify the findings to the 68076
county treasurer of the county in which the property is located. 68077

(G) Applications and complaints, and documents of any kind 68078
related to applications and complaints, filed with the tax 68079
commissioner or county auditor under this section are public 68080
records within the meaning of section 149.43 of the Revised Code. 68081

(H) If the commissioner or auditor determines that the use of 68082
property or other facts relevant to the taxability of property 68083
that is the subject of an application for exemption or a complaint 68084
under this section has changed while the application or complaint 68085
was pending, the commissioner or auditor may make the 68086
determination under division (F) of this section separately for 68087
each tax year beginning with the year in which the application or 68088
complaint was filed or the year for which remission of taxes under 68089
division (C) of section 5713.08 of the Revised Code was requested, 68090
and including each subsequent tax year during which the 68091
application or complaint is pending before the commissioner or 68092
auditor. 68093

(I) If the tax commissioner grants an application filed by a 68094
community school under this section for the exemption authorized 68095
under division (A)(1) of section 5709.07 of the Revised Code, any 68096
property that is the subject of that application shall be exempt 68097
from property tax for each succeeding tax year regardless of 68098
whether the community school files an application under this 68099
section with respect to such property. The community school, on or 68100
before the thirty-first day of December of each such succeeding 68101
tax year, shall submit a statement to the commissioner attesting 68102

that the property that is the subject of that initial application 68103
qualifies for the exemption authorized under division (A)(1) of 68104
section 5709.07 of the Revised Code for that succeeding tax year. 68105
If the community school fails to file such a statement for a tax 68106
year or if the commissioner otherwise discovers that the property 68107
no longer qualifies for that exemption, the commissioner shall 68108
order the county auditor to return the property to the tax list. 68109

Sec. 5726.04. (A) The tax levied on a financial institution 68110
under this chapter shall be the greater of the following: 68111

(1) A minimum tax equal to one thousand dollars; 68112

(2) The product of the total Ohio equity capital of the 68113
financial institution, as determined under this section, 68114
multiplied by eight mills for each dollar of the first two hundred 68115
million dollars of total Ohio equity capital, by four mills for 68116
each dollar of total Ohio equity capital greater than two hundred 68117
million and less than one billion three hundred million dollars, 68118
and by two and one-half mills for each dollar of total Ohio equity 68119
capital equal to or greater than one billion three hundred million 68120
dollars. 68121

(B) If the reporting person for a financial institution files 68122
an FR Y-9 or call report, the total equity capital of the 68123
financial institution shall equal the total equity capital shown 68124
on the reporting person's FR Y-9 or call report as of the end of 68125
the taxable year. The total equity capital of all other financial 68126
institutions shall be reported as of the end of the taxable year 68127
in accordance with generally accepted accounting principles. 68128

(C) For the purposes of this section, "total Ohio equity 68129
capital" means the product of (1) the total equity capital of a 68130
financial institution as of the end of a taxable year to the 68131
extent that the total equity capital does not exceed fourteen per 68132
cent of the financial institution's total assets shown on the 68133

reporting person's FR-Y9 or call report as of the end of the 68134
taxable year, multiplied by (2) the Ohio apportionment ratio 68135
calculated for the financial institution under section 5726.05 of 68136
the Revised Code, except as provided in section 5726.041 of the 68137
Revised Code. 68138

(D) All payments received from the tax levied under this 68139
chapter shall be credited to the general revenue fund. 68140

~~(E)(1) As used in this division:~~ 68141

~~(a) "First target tax amount" means two hundred million~~ 68142
~~dollars.~~ 68143

~~(b) "Second target tax amount" means one hundred six per cent~~ 68144
~~of the first target tax amount or, if applicable, the first target~~ 68145
~~tax amount as adjusted under division (E)(2) or (3) of this~~ 68146
~~section.~~ 68147

~~(c) "Amount of taxes collected" means the amount of taxes~~ 68148
~~received by the tax commissioner from the tax levied under this~~ 68149
~~chapter for a tax year, plus the total amount of the tax credit~~ 68150
~~authorized by section 5726.57 of the Revised Code claimed on tax~~ 68151
~~year 2014 reports, less any amounts refunded to taxpayers for the~~ 68152
~~same tax year.~~ 68153

~~(2) If, for the tax year beginning on January 1, 2014, the~~ 68154
~~total amount of taxes collected from all taxpayers under this~~ 68155
~~chapter is greater than one hundred ten per cent of the first~~ 68156
~~target tax amount, the tax commissioner shall decrease each tax~~ 68157
~~rate provided in division (A)(2) of this section by a percentage~~ 68158
~~equal to the percentage by which the amount of taxes collected~~ 68159
~~exceeded the first target tax amount.~~ 68160

~~(3) If, for the tax year beginning on January 1, 2014, the~~ 68161
~~total amount of taxes collected from all taxpayers under this~~ 68162
~~chapter is less than ninety per cent of the first target tax~~ 68163
~~amount, the tax commissioner shall increase the tax rate for each~~ 68164

~~dollar of total Ohio equity capital equal to or greater than one 68165
billion three hundred million dollars as provided in division 68166
(A)(2) of this section by a percentage equal to a fraction, the 68167
denominator of which is the aggregate sum of each dollar of each 68168
taxpayer's Ohio equity capital greater than or equal to one 68169
billion three hundred million dollars, as reported by each 68170
taxpayer for tax year 2014, multiplied by the tax rate for each 68171
dollar of total Ohio equity capital greater than or equal to one 68172
billion three hundred million dollars provided under division 68173
(A)(2) of this section, and the numerator of which is the sum of 68174
the denominator and the difference obtained by subtracting the 68175
amount of taxes collected under this chapter in tax year 2014 from 68176
ninety per cent of the first target tax amount. 68177~~

~~(4) If, for the tax year beginning on January 1, 2016, the 68178
total amount of taxes collected from all taxpayers under this 68179
chapter is greater than one hundred ten per cent of the second 68180
target tax amount, the tax commissioner shall decrease each tax 68181
rate in effect on January 1, 2016, by a percentage equal to the 68182
percentage by which the amount of taxes collected exceeded the 68183
second target tax amount. 68184~~

~~(5) If, for the tax year beginning on January 1, 2016, the 68185
total amount of taxes collected from all taxpayers under this 68186
chapter is less than ninety per cent of the second target tax 68187
amount, the tax commissioner shall increase the tax rate for each 68188
dollar of total Ohio equity capital equal to or greater than one 68189
billion three hundred million dollars as provided in division 68190
(A)(2) of this section by a percentage equal to a fraction, the 68191
denominator of which is the aggregate sum of each dollar of each 68192
taxpayer's Ohio equity capital greater than or equal to one 68193
billion three hundred million dollars, as reported by each 68194
taxpayer for tax year 2016, multiplied by the tax rate for each 68195
dollar of total Ohio equity capital greater than or equal to one 68196~~

~~billion three hundred million dollars provided under division 68197
(A)(2) of this section, and the numerator of which is the sum of 68198
the denominator and the difference obtained by subtracting the 68199
amount of taxes collected under this chapter in tax year 2016 from 68200
ninety per cent of the second target tax amount. 68201~~

~~(6) Tax rates adjusted pursuant to division (E)(2), (3), (4), 68202
or (5) of this section shall be rounded to the nearest one tenth 68203
of one mill per dollar. The tax commissioner shall publish the new 68204
tax rates by journal entry and provide notice of the new tax rates 68205
to taxpayers. The new tax rates adjusted pursuant to division 68206
(E)(2) or (3) of this section shall apply to tax years beginning 68207
on or after January 1, 2015. The new tax rates adjusted pursuant 68208
to division (E)(4) or (5) of this section shall apply to tax years 68209
beginning on or after January 1, 2017. 68210~~

Sec. 5733.40. As used in sections 5733.40 and 5733.41 and 68211
Chapter 5747. of the Revised Code: 68212

(A)(1) "Adjusted qualifying amount" means either of the 68213
following: 68214

(a) The sum of each qualifying investor's distributive share 68215
of the income, gain, expense, or loss of a qualifying pass-through 68216
entity for the qualifying taxable year of the qualifying 68217
pass-through entity multiplied by the apportionment fraction 68218
defined in division (B) of this section, subject to section 68219
5733.401 of the Revised Code and divisions (A)(2) to (7) of this 68220
section; 68221

(b) The sum of each qualifying beneficiary's share of the 68222
qualifying net income and qualifying net gain distributed by a 68223
qualifying trust for the qualifying taxable year of the qualifying 68224
trust multiplied by the apportionment fraction defined in division 68225
(B) of this section, subject to section 5733.401 of the Revised 68226
Code and divisions (A)(2) to (7) of this section. 68227

(2) The sum shall exclude any amount which, pursuant to the Constitution of the United States, the Constitution of Ohio, or any federal law is not subject to a tax on or measured by net income.

(3) For the purposes of Chapters 5733. and 5747. of the Revised Code, the profit or net income of the qualifying entity shall be increased by disallowing all amounts representing expenses, other than amounts described in division (A)(7) of this section, that the qualifying entity paid to or incurred with respect to direct or indirect transactions with one or more related members, excluding the cost of goods sold calculated in accordance with section 263A of the Internal Revenue Code and United States department of the treasury regulations issued thereunder. Nothing in division (A)(3) of this section shall be construed to limit solely to this chapter the application of section 263A of the Internal Revenue Code and United States department of the treasury regulations issued thereunder.

(4) For the purposes of Chapters 5733. and 5747. of the Revised Code, the profit or net income of the qualifying entity shall be increased by disallowing all recognized losses, other than losses from sales of inventory the cost of which is calculated in accordance with section 263A of the Internal Revenue Code and United States department of the treasury regulations issued thereunder, with respect to all direct or indirect transactions with one or more related members. For the purposes of Chapters 5733. and 5747. of the Revised Code, losses from the sales of such inventory shall be allowed only to the extent calculated in accordance with section 482 of the Internal Revenue Code and United States department of the treasury regulations issued thereunder. Nothing in division (A)(4) of this section shall be construed to limit solely to this section the application of section 263A and section 482 of the Internal Revenue Code and

United States department of the treasury regulations issued 68260
thereunder. 68261

(5) The sum shall be increased or decreased by an amount 68262
equal to the qualifying investor's or qualifying beneficiary's 68263
distributive or proportionate share of the amount that the 68264
qualifying entity would be required to add or deduct under 68265
divisions (A)(20) and (21) of section 5747.01 of the Revised Code 68266
if the qualifying entity were a taxpayer for the purposes of 68267
Chapter 5747. of the Revised Code. 68268

(6) The sum shall be computed without regard to section 68269
5733.051 or division (D) of section 5733.052 of the Revised Code. 68270

(7) For the purposes of Chapters 5733. and 5747. of the 68271
Revised Code, guaranteed payments or compensation paid to 68272
investors by a qualifying entity that is not subject to the tax 68273
imposed by section 5733.06 of the Revised Code shall be considered 68274
a distributive share of income of the qualifying entity. Division 68275
(A)(7) of this section applies only to such payments or such 68276
compensation paid to an investor who at any time during the 68277
qualifying entity's taxable year holds at least a twenty per cent 68278
direct or indirect interest in the profits or capital of the 68279
qualifying entity. For the purposes of this division, guaranteed 68280
payments and compensation shall be considered to be paid to an 68281
investor by a qualifying entity if the qualifying entity in which 68282
the investor holds at least a twenty per cent direct or indirect 68283
interest is a client employer of a professional employer 68284
organization, as those terms are defined in section 4125.01 of the 68285
Revised Code, and the guaranteed payments or compensation are paid 68286
to the investor by that professional employer organization. 68287

(B) "Apportionment fraction" means: 68288

(1) With respect to a qualifying pass-through entity other 68289
than a financial institution, the fraction calculated pursuant to 68290

division (B)(2) of section 5733.05 of the Revised Code as if the 68291
qualifying pass-through entity were a corporation subject to the 68292
tax imposed by section 5733.06 of the Revised Code; 68293

(2) With respect to a qualifying pass-through entity that is 68294
a financial institution, the fraction calculated pursuant to 68295
division (C) of section 5733.056 of the Revised Code as if the 68296
qualifying pass-through entity were a financial institution 68297
subject to the tax imposed by section 5733.06 of the Revised Code. 68298

(3) With respect to a qualifying trust, the fraction 68299
calculated pursuant to division (B)(2) of section 5733.05 of the 68300
Revised Code as if the qualifying trust were a corporation subject 68301
to the tax imposed by section 5733.06 of the Revised Code, except 68302
that the property, payroll, and sales fractions shall be 68303
calculated by including in the numerator and denominator of the 68304
fractions only the property, payroll, and sales, respectively, 68305
directly related to the production of income or gain from 68306
acquisition, ownership, use, maintenance, management, or 68307
disposition of tangible personal property located in this state at 68308
any time during the qualifying trust's qualifying taxable year or 68309
of real property located in this state. 68310

(C) "Qualifying beneficiary" means any individual that, 68311
during the qualifying taxable year of a qualifying trust, is a 68312
beneficiary of that trust, but does not include an individual who 68313
is a resident taxpayer for the purposes of Chapter 5747. of the 68314
Revised Code for the entire qualifying taxable year of the 68315
qualifying trust. 68316

(D) "Fiscal year" means an accounting period ending on any 68317
day other than the thirty-first day of December. 68318

(E) "Individual" means a natural person. 68319

(F) "Month" means a calendar month. 68320

(G) "Partnership" has the same meaning as in section 5747.01 68321

of the Revised Code. 68322

(H) "Investor" means any person that, during any portion of a taxable year of a qualifying pass-through entity, is a partner, member, shareholder, or investor in that qualifying pass-through entity. 68323
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(I) Except as otherwise provided in section 5733.402 or 5747.401 of the Revised Code, "qualifying investor" means any investor except those described in divisions (I)(1) to ~~(9)~~(11) of this section. 68327
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(1) An investor satisfying one of the descriptions under section 501(a) or (c) of the Internal Revenue Code, a partnership with equity securities registered with the United States securities and exchange commission under section 12 of the "Securities Exchange Act of 1934," as amended, or an investor described in division (F) of section 3334.01, or division (A) or (C) of section 5733.09 of the Revised Code for the entire qualifying taxable year of the qualifying pass-through entity. 68331
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(2) An investor who is either an individual or an estate and is a resident taxpayer for the purposes of section 5747.01 of the Revised Code for the entire qualifying taxable year of the qualifying pass-through entity. 68339
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(3) An investor who is an individual for whom the qualifying pass-through entity makes a good faith and reasonable effort to comply fully and timely with the filing and payment requirements set forth in division (D) of section 5747.08 of the Revised Code and section 5747.09 of the Revised Code with respect to the individual's adjusted qualifying amount for the entire qualifying taxable year of the qualifying pass-through entity. 68343
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(4) An investor that is another qualifying pass-through entity having only investors described in division (I)(1), (2), (3), ~~(6)~~, (10), or (11) of this section during the three-year 68350
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period beginning twelve months prior to the first day of the 68353
qualifying taxable year of the qualifying pass-through entity. 68354

(5) An investor that is another pass-through entity having no 68355
investors other than individuals and estates during the qualifying 68356
taxable year of the qualifying pass-through entity in which it is 68357
an investor, and that makes a good faith and reasonable effort to 68358
comply fully and timely with the filing and payment requirements 68359
set forth in division (D) of section 5747.08 of the Revised Code 68360
and section 5747.09 of the Revised Code with respect to investors 68361
that are not resident taxpayers of this state for the purposes of 68362
Chapter 5747. of the Revised Code for the entire qualifying 68363
taxable year of the qualifying pass-through entity in which it is 68364
an investor. 68365

(6) An investor that is a financial institution required to 68366
calculate the tax in accordance with division (E) of section 68367
5733.06 of the Revised Code on the first day of January of the 68368
calendar year immediately following the last day of the financial 68369
institution's calendar or fiscal year in which ends the taxpayer's 68370
taxable year. 68371

(7) An investor other than an individual that satisfies all 68372
the following: 68373

(a) The investor submits a written statement to the 68374
qualifying pass-through entity stating that the investor 68375
irrevocably agrees that the investor has nexus with this state 68376
under the Constitution of the United States and is subject to and 68377
liable for the tax calculated under division (A) or (B) of section 68378
5733.06 of the Revised Code with respect to the investor's 68379
adjusted qualifying amount for the entire qualifying taxable year 68380
of the qualifying pass-through entity. The statement is subject to 68381
the penalties of perjury, shall be retained by the qualifying 68382
pass-through entity for no fewer than seven years, and shall be 68383
delivered to the tax commissioner upon request. 68384

(b) The investor makes a good faith and reasonable effort to 68385
comply timely and fully with all the reporting and payment 68386
requirements set forth in Chapter 5733. of the Revised Code with 68387
respect to the investor's adjusted qualifying amount for the 68388
entire qualifying taxable year of the qualifying pass-through 68389
entity. 68390

(c) Neither the investor nor the qualifying pass-through 68391
entity in which it is an investor, before, during, or after the 68392
qualifying pass-through entity's qualifying taxable year, carries 68393
out any transaction or transactions with one or more related 68394
members of the investor or the qualifying pass-through entity 68395
resulting in a reduction or deferral of tax imposed by Chapter 68396
5733. of the Revised Code with respect to all or any portion of 68397
the investor's adjusted qualifying amount for the qualifying 68398
pass-through entity's taxable year, or that constitute a sham, 68399
lack economic reality, or are part of a series of transactions the 68400
form of which constitutes a step transaction or transactions or 68401
does not reflect the substance of those transactions. 68402

(8) Any other investor that the tax commissioner may 68403
designate by rule. The tax commissioner may adopt rules including 68404
a rule defining "qualifying investor" or "qualifying beneficiary" 68405
and governing the imposition of the withholding tax imposed by 68406
section 5747.41 of the Revised Code with respect to an individual 68407
who is a resident taxpayer for the purposes of Chapter 5747. of 68408
the Revised Code for only a portion of the qualifying taxable year 68409
of the qualifying entity. 68410

(9) An investor that is a trust or fund the beneficiaries of 68411
which, during the qualifying taxable year of the qualifying 68412
pass-through entity, are limited to the following: 68413

(a) A person that is or may be the beneficiary of a trust 68414
subject to Subchapter D of Chapter 1 of Subtitle A of the Internal 68415
Revenue Code. 68416

(b) A person that is or may be the beneficiary of or the recipient of payments from a trust or fund that is a nuclear decommissioning reserve fund, a designated settlement fund, or any other trust or fund established to resolve and satisfy claims that may otherwise be asserted by the beneficiary or a member of the beneficiary's family. Sections 267(c)(4), 468A(e), and 468B(d)(2) of the Internal Revenue Code apply to the determination of whether such a person satisfies division (I)(9) of this section.

(c) A person who is or may be the beneficiary of a trust that, under its governing instrument, is not required to distribute all of its income currently. Division (I)(9)(c) of this section applies only if the trust, prior to the due date for filing the qualifying pass-through entity's return for taxes imposed by section 5733.41 and sections 5747.41 to 5747.453 of the Revised Code, irrevocably agrees in writing that for the taxable year during or for which the trust distributes any of its income to any of its beneficiaries, the trust is a qualifying trust and will pay the estimated tax, and will withhold and pay the withheld tax, as required under sections 5747.40 to 5747.453 of the Revised Code.

For the purposes of division (I)(9) of this section, a trust or fund shall be considered to have a beneficiary other than persons described under divisions (I)(9)(a) to (c) of this section if a beneficiary would not qualify under those divisions under the doctrines of "economic reality," "sham transaction," "step doctrine," or "substance over form." A trust or fund described in division (I)(9) of this section bears the burden of establishing by a preponderance of the evidence that any transaction giving rise to the tax benefits provided under division (I)(9) of this section does not have as a principal purpose a claim of those tax benefits. Nothing in this section shall be construed to limit solely to this section the application of the doctrines referred

to in this paragraph. 68449

(10) An investor who is an individual and a nonresident of this state for the purposes of Chapter 5747. of the Revised Code, if the investor submits a written statement to the qualifying pass-through entity stating that the investor irrevocably agrees that the investor has nexus with this state under the Constitution of the United States and is subject to and liable for the tax levied under section 5747.02 of the Revised Code, and if the investor makes a good faith and reasonable effort to comply fully and timely with the filing and payment requirements for individuals set forth in Chapter 5747. of the Revised Code with respect to the investor's adjusted qualifying amount for the entire qualifying taxable year of the qualifying pass-through entity in which the individual is an investor. The statement is subject to the penalties of perjury, shall be retained by the qualifying pass-through entity for not fewer than seven years, and shall be delivered to the tax commissioner upon request. 68450
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(11) Any investor that is not described in divisions (A)(1) to (10) of this section, that submits a written statement to the qualifying pass-through entity in which it is in an investor stating that the investor irrevocably agrees that the investor has nexus with this state under the Constitution of the United States, and that makes a good faith and reasonable effort to comply fully and timely with the filing and payment requirements set forth in section 5733.41 and sections 5747.41 to 5747.453 of the Revised Code, to the extent such requirements apply to the investor, with respect to the investor's adjusted qualifying amount for the entire qualifying taxable year of the qualifying pass-through entity in which it is an investor. 68466
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(J) "Qualifying net gain" means any recognized net gain with respect to the acquisition, ownership, use, maintenance, management, or disposition of tangible personal property located 68478
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in this state at any time during a trust's qualifying taxable year 68481
or real property located in this state. 68482

(K) "Qualifying net income" means any recognized income, net 68483
of related deductible expenses, other than distributions 68484
deductions with respect to the acquisition, ownership, use, 68485
maintenance, management, or disposition of tangible personal 68486
property located in this state at any time during the trust's 68487
qualifying taxable year or real property located in this state. 68488

(L) "Qualifying entity" means a qualifying pass-through 68489
entity or a qualifying trust. 68490

(M) "Qualifying trust" means a trust subject to subchapter J 68491
of the Internal Revenue Code that, during any portion of the 68492
trust's qualifying taxable year, has income or gain from the 68493
acquisition, management, ownership, use, or disposition of 68494
tangible personal property located in this state at any time 68495
during the trust's qualifying taxable year or real property 68496
located in this state. "Qualifying trust" does not include a 68497
person described in section 501(c) of the Internal Revenue Code or 68498
a person described in division (C) of section 5733.09 of the 68499
Revised Code. 68500

(N) "Qualifying pass-through entity" means a pass-through 68501
entity as defined in section 5733.04 of the Revised Code, 68502
excluding: a person described in section 501(c) of the Internal 68503
Revenue Code; a partnership with equity securities registered with 68504
the United States securities and exchange commission under section 68505
12 of the Securities Exchange Act of 1934, as amended; or a person 68506
described in division (C) of section 5733.09 of the Revised Code. 68507

(O) "Quarter" means the first three months, the second three 68508
months, the third three months, or the last three months of a 68509
qualifying entity's qualifying taxable year. 68510

(P) "Related member" has the same meaning as in division 68511

(A)(6) of section 5733.042 of the Revised Code without regard to 68512
division (B) of that section. However, for the purposes of 68513
divisions (A)(3) and (4) of this section only, "related member" 68514
has the same meaning as in division (A)(6) of section 5733.042 of 68515
the Revised Code without regard to division (B) of that section, 68516
but shall be applied by substituting "forty per cent" for "twenty 68517
per cent" wherever "twenty per cent" appears in division (A) of 68518
that section. 68519

(Q) "Return" or "report" means the notifications and reports 68520
required to be filed pursuant to sections 5747.42 to 5747.45 of 68521
the Revised Code for the purpose of reporting the tax imposed 68522
under section 5733.41 or 5747.41 of the Revised Code, and included 68523
declarations of estimated tax when so required. 68524

(R) "Qualifying taxable year" means the calendar year or the 68525
qualifying entity's fiscal year ending during the calendar year, 68526
or fractional part thereof, for which the adjusted qualifying 68527
amount is calculated pursuant to sections 5733.40 and 5733.41 or 68528
sections 5747.40 to 5747.453 of the Revised Code. 68529

(S) "Distributive share" includes the sum of the income, 68530
gain, expense, or loss of a disregarded entity or qualified 68531
subchapter S subsidiary. 68532

Sec. 5733.41. The purpose of the tax imposed by this section 68533
is to complement and to reinforce the tax imposed under section 68534
5733.06 of the Revised Code. 68535

For the same purposes for which the tax is levied under 68536
section 5733.06 of the Revised Code, there is hereby levied a tax 68537
on every qualifying pass-through entity having at least one 68538
qualifying investor that is not an individual. The tax imposed by 68539
this section is imposed on the sum of the adjusted qualifying 68540
amounts of the qualifying pass-through entity's qualifying 68541
investors that are not individuals as follows: for qualifying 68542

investors subject to division (G)(2) of section 5733.01 of the Revised Code, at six and eight-tenths per cent for the entity's taxable year ending in 2005, at five and one-tenth per cent for the entity's taxable year ending in 2006, at three and four-tenths per cent for the entity's taxable year ending in 2007, at one and seven-tenths per cent for the entity's taxable year ending in 2008, and at zero per cent for the entity's taxable year ending in 2009 or in subsequent years; and for all other qualifying investors that are not individuals, at the rate of ~~eight and one-half~~ three per cent.

The tax imposed by this section applies only if the qualifying entity has nexus with this state under the Constitution of the United States for any portion of the qualifying entity's qualifying taxable year, and the sum of the qualifying entity's adjusted qualifying amounts exceeds one thousand dollars for the qualifying entity's qualifying taxable year. This section does not apply to a pass-through entity if all of the partners, shareholders, members, or investors of the pass-through entity are taxpayers for the purposes of section 5733.04 of the Revised Code without regard to section 5733.09 of the Revised Code for the entire qualifying taxable year of the pass-through entity.

If, prior to the due date of the return, a qualifying pass-through entity receives from an investor a written representation, under penalties of perjury, that the investor is described in division (I)(1), (2), (6), (7), (8), ~~or (9), (10), or (11)~~ (11) of section 5733.40 of the Revised Code for the qualifying pass-through entity's entire qualifying taxable year, the qualifying pass-through entity is not required to withhold or pay the taxes or estimated taxes imposed under this section or sections 5747.41 to 5747.453 of the Revised Code with respect to that investor for that qualifying taxable year, and is not subject to any interest or interest penalties for failure to withhold or

pay those taxes or estimated taxes with respect to that investor 68575
for that qualifying taxable year. 68576

If, prior to the due date of the return, a qualifying trust 68577
receives from a beneficiary of that trust a written 68578
representation, under penalties of perjury, that the beneficiary 68579
is a resident taxpayer for the purposes of Chapter 5747. of the 68580
Revised Code for the qualifying trust's entire qualifying taxable 68581
year, the qualifying trust is not required to withhold or pay the 68582
taxes or estimated taxes imposed under this section or sections 68583
5747.41 to 5747.453 of the Revised Code with respect to that 68584
beneficiary for that qualifying taxable year, and is not subject 68585
to any interest or interest penalties for failure to withhold or 68586
pay those taxes or estimated taxes with respect to that 68587
beneficiary for that qualifying taxable year. 68588

The tax commissioner may adopt rules for the purpose of the 68589
tax levied by this section or section 5747.41 of the Revised Code, 68590
including a rule defining "qualifying investor" or "qualifying 68591
beneficiary," and a rule requiring or permitting a qualifying 68592
entity to combine its income with related members and to pay the 68593
tax and estimated tax on a combined basis. 68594

Sections 5747.10 to 5747.19 and 5747.42 to 5747.453 of the 68595
Revised Code apply to a qualifying entity subject to the tax 68596
imposed under this section. 68597

The levy of the tax under this section does not prevent a 68598
municipal corporation or a joint economic development district 68599
created under section 715.70, 715.71, or 715.72 of the Revised 68600
Code from levying a tax on income. 68601

Sec. 5739.01. As used in this chapter: 68602

(A) "Person" includes individuals, receivers, assignees, 68603
trustees in bankruptcy, estates, firms, partnerships, 68604

associations, joint-stock companies, joint ventures, clubs, 68605
societies, corporations, the state and its political subdivisions, 68606
and combinations of individuals of any form. 68607

(B) "Sale" and "selling" include all of the following 68608
transactions for a consideration in any manner, whether absolutely 68609
or conditionally, whether for a price or rental, in money or by 68610
exchange, and by any means whatsoever: 68611

(1) All transactions by which title or possession, or both, 68612
of tangible personal property, is or is to be transferred, or a 68613
license to use or consume tangible personal property is or is to 68614
be granted; 68615

(2) All transactions by which lodging by a hotel is or is to 68616
be furnished to transient guests; 68617

(3) All transactions by which: 68618

(a) An item of tangible personal property is or is to be 68619
repaired, except property, the purchase of which would not be 68620
subject to the tax imposed by section 5739.02 of the Revised Code; 68621

(b) An item of tangible personal property is or is to be 68622
installed, except property, the purchase of which would not be 68623
subject to the tax imposed by section 5739.02 of the Revised Code 68624
or property that is or is to be incorporated into and will become 68625
a part of a production, transmission, transportation, or 68626
distribution system for the delivery of a public utility service; 68627

(c) The service of washing, cleaning, waxing, polishing, or 68628
painting a motor vehicle is or is to be furnished; 68629

(d) Until August 1, 2003, industrial laundry cleaning 68630
services are or are to be provided and, on and after August 1, 68631
2003, laundry and dry cleaning services are or are to be provided; 68632

(e) Automatic data processing, computer services, or 68633
electronic information services are or are to be provided for use 68634

in business when the true object of the transaction is the receipt 68635
by the consumer of automatic data processing, computer services, 68636
or electronic information services rather than the receipt of 68637
personal or professional services to which automatic data 68638
processing, computer services, or electronic information services 68639
are incidental or supplemental. Notwithstanding any other 68640
provision of this chapter, such transactions that occur between 68641
members of an affiliated group are not sales. An "affiliated 68642
group" means two or more persons related in such a way that one 68643
person owns or controls the business operation of another member 68644
of the group. In the case of corporations with stock, one 68645
corporation owns or controls another if it owns more than fifty 68646
per cent of the other corporation's common stock with voting 68647
rights. 68648

(f) Telecommunications service, including prepaid calling 68649
service, prepaid wireless calling service, or ancillary service, 68650
is or is to be provided, but not including coin-operated telephone 68651
service; 68652

(g) Landscaping and lawn care service is or is to be 68653
provided; 68654

(h) Private investigation and security service is or is to be 68655
provided; 68656

(i) Information services or tangible personal property is 68657
provided or ordered by means of a nine hundred telephone call; 68658

(j) Building maintenance and janitorial service is or is to 68659
be provided; 68660

(k) Employment service is or is to be provided; 68661

(l) Employment placement service is or is to be provided; 68662

(m) Exterminating service is or is to be provided; 68663

(n) Physical fitness facility service is or is to be 68664

provided; 68665

(o) Recreation and sports club service is or is to be 68666
provided; 68667

(p) On and after August 1, 2003, satellite broadcasting 68668
service is or is to be provided; 68669

(q) On and after August 1, 2003, personal care service is or 68670
is to be provided to an individual. As used in this division, 68671
"personal care service" includes skin care, the application of 68672
cosmetics, manicuring, pedicuring, hair removal, tattooing, body 68673
piercing, tanning, massage, and other similar services. "Personal 68674
care service" does not include a service provided by or on the 68675
order of a licensed physician or licensed chiropractor, or the 68676
cutting, coloring, or styling of an individual's hair. 68677

(r) ~~On and after August 1, 2003, the transportation of~~ 68678
~~persons by motor vehicle or aircraft~~ Transportation service is or 68679
is to be provided, ~~when the transportation is entirely within this~~ 68680
~~state, except for transportation provided by an ambulance service,~~ 68681
~~by a transit bus, as defined in section 5735.01 of the Revised~~ 68682
~~Code, and transportation provided by a citizen of the United~~ 68683
~~States holding a certificate of public convenience and necessity~~ 68684
~~issued under 49 U.S.C. 41102;~~ 68685

(s) On and after August 1, 2003, motor vehicle towing service 68686
is or is to be provided. As used in this division, "motor vehicle 68687
towing service" means the towing or conveyance of a wrecked, 68688
disabled, or illegally parked motor vehicle. 68689

(t) On and after August 1, 2003, snow removal service is or 68690
is to be provided. As used in this division, "snow removal 68691
service" means the removal of snow by any mechanized means, but 68692
does not include the providing of such service by a person that 68693
has less than five thousand dollars in sales of such service 68694
during the calendar year. 68695

(u) Electronic publishing service is or is to be provided to 68696
a consumer for use in business, except that such transactions 68697
occurring between members of an affiliated group, as defined in 68698
division (B)(3)(e) of this section, are not sales. 68699

(4) All transactions by which printed, imprinted, 68700
overprinted, lithographic, multilithic, blueprinted, photostatic, 68701
or other productions or reproductions of written or graphic matter 68702
are or are to be furnished or transferred; 68703

(5) The production or fabrication of tangible personal 68704
property for a consideration for consumers who furnish either 68705
directly or indirectly the materials used in the production of 68706
fabrication work; and include the furnishing, preparing, or 68707
serving for a consideration of any tangible personal property 68708
consumed on the premises of the person furnishing, preparing, or 68709
serving such tangible personal property. Except as provided in 68710
section 5739.03 of the Revised Code, a construction contract 68711
pursuant to which tangible personal property is or is to be 68712
incorporated into a structure or improvement on and becoming a 68713
part of real property is not a sale of such tangible personal 68714
property. The construction contractor is the consumer of such 68715
tangible personal property, provided that the sale and 68716
installation of carpeting, the sale and installation of 68717
agricultural land tile, the sale and erection or installation of 68718
portable grain bins, or the provision of landscaping and lawn care 68719
service and the transfer of property as part of such service is 68720
never a construction contract. 68721

As used in division (B)(5) of this section: 68722

(a) "Agricultural land tile" means fired clay or concrete 68723
tile, or flexible or rigid perforated plastic pipe or tubing, 68724
incorporated or to be incorporated into a subsurface drainage 68725
system appurtenant to land used or to be used primarily in 68726
production by farming, agriculture, horticulture, or floriculture. 68727

The term does not include such materials when they are or are to be incorporated into a drainage system appurtenant to a building or structure even if the building or structure is used or to be used in such production.

(b) "Portable grain bin" means a structure that is used or to be used by a person engaged in farming or agriculture to shelter the person's grain and that is designed to be disassembled without significant damage to its component parts.

(6) All transactions in which all of the shares of stock of a closely held corporation are transferred, or an ownership interest in a pass-through entity, as defined in section 5733.04 of the Revised Code, is transferred, if the corporation or pass-through entity is not engaging in business and its entire assets consist of boats, planes, motor vehicles, or other tangible personal property operated primarily for the use and enjoyment of the shareholders or owners;

(7) All transactions in which a warranty, maintenance or service contract, or similar agreement by which the vendor of the warranty, contract, or agreement agrees to repair or maintain the tangible personal property of the consumer is or is to be provided;

(8) The transfer of copyrighted motion picture films used solely for advertising purposes, except that the transfer of such films for exhibition purposes is not a sale;

(9) On and after August 1, 2003, all transactions by which tangible personal property is or is to be stored, except such property that the consumer of the storage holds for sale in the regular course of business;

(10) All transactions in which "guaranteed auto protection" is provided whereby a person promises to pay to the consumer the difference between the amount the consumer receives from motor

vehicle insurance and the amount the consumer owes to a person 68759
holding title to or a lien on the consumer's motor vehicle in the 68760
event the consumer's motor vehicle suffers a total loss under the 68761
terms of the motor vehicle insurance policy or is stolen and not 68762
recovered, if the protection and its price are included in the 68763
purchase or lease agreement; 68764

(11)(a) Except as provided in division (B)(11)(b) of this 68765
section, on and after October 1, 2009, all transactions by which 68766
health care services are paid for, reimbursed, provided, 68767
delivered, arranged for, or otherwise made available by a medicaid 68768
health insuring corporation pursuant to the corporation's contract 68769
with the state. 68770

(b) If the centers for medicare and medicaid services of the 68771
United States department of health and human services determines 68772
that the taxation of transactions described in division (B)(11)(a) 68773
of this section constitutes an impermissible health care-related 68774
tax under the "Social Security Act," section 1903(w), 42 U.S.C. 68775
1396b(w), and regulations adopted thereunder, the medicaid 68776
director shall notify the tax commissioner of that determination. 68777
Beginning with the first day of the month following that 68778
notification, the transactions described in division (B)(11)(a) of 68779
this section are not sales for the purposes of this chapter or 68780
Chapter 5741. of the Revised Code. The tax commissioner shall 68781
order that the collection of taxes under sections 5739.02, 68782
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 68783
5741.023 of the Revised Code shall cease for transactions 68784
occurring on or after that date. 68785

(12) All transactions by which a specified digital product is 68786
provided for permanent use or less than permanent use, regardless 68787
of whether continued payment is required. 68788

Except as provided in this section, "sale" and "selling" do 68789
not include transfers of interest in leased property where the 68790

original lessee and the terms of the original lease agreement 68791
remain unchanged, or professional, insurance, or personal service 68792
transactions that involve the transfer of tangible personal 68793
property as an inconsequential element, for which no separate 68794
charges are made. 68795

(C) "Vendor" means the person providing the service or by 68796
whom the transfer effected or license given by a sale is or is to 68797
be made or given and, for sales described in division (B)(3)(i) of 68798
this section, the telecommunications service vendor that provides 68799
the nine hundred telephone service; if two or more persons are 68800
engaged in business at the same place of business under a single 68801
trade name in which all collections on account of sales by each 68802
are made, such persons shall constitute a single vendor. 68803

Physicians, dentists, hospitals, and veterinarians who are 68804
engaged in selling tangible personal property as received from 68805
others, such as eyeglasses, mouthwashes, dentifrices, or similar 68806
articles, are vendors. Veterinarians who are engaged in 68807
transferring to others for a consideration drugs, the dispensing 68808
of which does not require an order of a licensed veterinarian or 68809
physician under federal law, are vendors. 68810

The transportation network company, and not the 68811
transportation network company driver, is the vendor in the case 68812
of transactions for transportation network company services under 68813
division (B)(3)(r) of this section. 68814

(D)(1) "Consumer" means the person for whom the service is 68815
provided, to whom the transfer effected or license given by a sale 68816
is or is to be made or given, to whom the service described in 68817
division (B)(3)(f) or (i) of this section is charged, or to whom 68818
the admission is granted. 68819

(2) Physicians, dentists, hospitals, and blood banks operated 68820
by nonprofit institutions and persons licensed to practice 68821

veterinary medicine, surgery, and dentistry are consumers of all 68822
tangible personal property and services purchased by them in 68823
connection with the practice of medicine, dentistry, the rendition 68824
of hospital or blood bank service, or the practice of veterinary 68825
medicine, surgery, and dentistry. In addition to being consumers 68826
of drugs administered by them or by their assistants according to 68827
their direction, veterinarians also are consumers of drugs that 68828
under federal law may be dispensed only by or upon the order of a 68829
licensed veterinarian or physician, when transferred by them to 68830
others for a consideration to provide treatment to animals as 68831
directed by the veterinarian. 68832

(3) A person who performs a facility management, or similar 68833
service contract for a contractee is a consumer of all tangible 68834
personal property and services purchased for use in connection 68835
with the performance of such contract, regardless of whether title 68836
to any such property vests in the contractee. The purchase of such 68837
property and services is not subject to the exception for resale 68838
under division (E) of this section. 68839

(4)(a) In the case of a person who purchases printed matter 68840
for the purpose of distributing it or having it distributed to the 68841
public or to a designated segment of the public, free of charge, 68842
that person is the consumer of that printed matter, and the 68843
purchase of that printed matter for that purpose is a sale. 68844

(b) In the case of a person who produces, rather than 68845
purchases, printed matter for the purpose of distributing it or 68846
having it distributed to the public or to a designated segment of 68847
the public, free of charge, that person is the consumer of all 68848
tangible personal property and services purchased for use or 68849
consumption in the production of that printed matter. That person 68850
is not entitled to claim exemption under division (B)(42)(f) of 68851
section 5739.02 of the Revised Code for any material incorporated 68852
into the printed matter or any equipment, supplies, or services 68853

primarily used to produce the printed matter. 68854

(c) The distribution of printed matter to the public or to a 68855
designated segment of the public, free of charge, is not a sale to 68856
the members of the public to whom the printed matter is 68857
distributed or to any persons who purchase space in the printed 68858
matter for advertising or other purposes. 68859

(5) A person who makes sales of any of the services listed in 68860
division (B)(3) of this section is the consumer of any tangible 68861
personal property used in performing the service. The purchase of 68862
that property is not subject to the resale exception under 68863
division (E) of this section. 68864

(6) A person who engages in highway transportation for hire 68865
is the consumer of all packaging materials purchased by that 68866
person and used in performing the service, except for packaging 68867
materials sold by such person in a transaction separate from the 68868
service. 68869

(7) In the case of a transaction for health care services 68870
under division (B)(11) of this section, a medicaid health insuring 68871
corporation is the consumer of such services. The purchase of such 68872
services by a medicaid health insuring corporation is not subject 68873
to the exception for resale under division (E) of this section or 68874
to the exemptions provided under divisions (B)(12), (18), (19), 68875
and (22) of section 5739.02 of the Revised Code. 68876

(E) "Retail sale" and "sales at retail" include all sales, 68877
except those in which the purpose of the consumer is to resell the 68878
thing transferred or benefit of the service provided, by a person 68879
engaging in business, in the form in which the same is, or is to 68880
be, received by the person. 68881

(F) "Business" includes any activity engaged in by any person 68882
with the object of gain, benefit, or advantage, either direct or 68883
indirect. "Business" does not include the activity of a person in 68884

managing and investing the person's own funds. 68885

(G) "Engaging in business" means commencing, conducting, or 68886
continuing in business, and liquidating a business when the 68887
liquidator thereof holds itself out to the public as conducting 68888
such business. Making a casual sale is not engaging in business. 68889

(H)(1)(a) "Price," except as provided in divisions (H)(2)~~7~~ 68890
~~(3), and (4)~~ to (6) of this section, means the total amount of 68891
consideration, including cash, credit, property, and services, for 68892
which tangible personal property or services are sold, leased, or 68893
rented, valued in money, whether received in money or otherwise, 68894
without any deduction for any of the following: 68895

(i) The vendor's cost of the property sold; 68896

(ii) The cost of materials used, labor or service costs, 68897
interest, losses, all costs of transportation to the vendor, all 68898
taxes imposed on the vendor, including the tax imposed under 68899
Chapter 5751. of the Revised Code, and any other expense of the 68900
vendor; 68901

(iii) Charges by the vendor for any services necessary to 68902
complete the sale; 68903

(iv) On and after August 1, 2003, delivery charges. As used 68904
in this division, "delivery charges" means charges by the vendor 68905
for preparation and delivery to a location designated by the 68906
consumer of tangible personal property or a service, including 68907
transportation, shipping, postage, handling, crating, and packing. 68908

(v) Installation charges; 68909

(vi) Credit for any trade-in. 68910

(b) "Price" includes consideration received by the vendor 68911
from a third party, if the vendor actually receives the 68912
consideration from a party other than the consumer, and the 68913
consideration is directly related to a price reduction or discount 68914

on the sale; the vendor has an obligation to pass the price 68915
reduction or discount through to the consumer; the amount of the 68916
consideration attributable to the sale is fixed and determinable 68917
by the vendor at the time of the sale of the item to the consumer; 68918
and one of the following criteria is met: 68919

(i) The consumer presents a coupon, certificate, or other 68920
document to the vendor to claim a price reduction or discount 68921
where the coupon, certificate, or document is authorized, 68922
distributed, or granted by a third party with the understanding 68923
that the third party will reimburse any vendor to whom the coupon, 68924
certificate, or document is presented; 68925

(ii) The consumer identifies the consumer's self to the 68926
seller as a member of a group or organization entitled to a price 68927
reduction or discount. A preferred customer card that is available 68928
to any patron does not constitute membership in such a group or 68929
organization. 68930

(iii) The price reduction or discount is identified as a 68931
third party price reduction or discount on the invoice received by 68932
the consumer, or on a coupon, certificate, or other document 68933
presented by the consumer. 68934

(c) "Price" does not include any of the following: 68935

(i) Discounts, including cash, term, or coupons that are not 68936
reimbursed by a third party that are allowed by a vendor and taken 68937
by a consumer on a sale; 68938

(ii) Interest, financing, and carrying charges from credit 68939
extended on the sale of tangible personal property or services, if 68940
the amount is separately stated on the invoice, bill of sale, or 68941
similar document given to the purchaser; 68942

(iii) Any taxes legally imposed directly on the consumer that 68943
are separately stated on the invoice, bill of sale, or similar 68944
document given to the consumer. For the purpose of this division, 68945

the tax imposed under Chapter 5751. of the Revised Code is not a 68946
tax directly on the consumer, even if the tax or a portion thereof 68947
is separately stated. 68948

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this 68949
section, any discount allowed by an automobile manufacturer to its 68950
employee, or to the employee of a supplier, on the purchase of a 68951
new motor vehicle from a new motor vehicle dealer in this state. 68952

(v) The dollar value of a gift card that is not sold by a 68953
vendor or purchased by a consumer and that is redeemed by the 68954
consumer in purchasing tangible personal property or services if 68955
the vendor is not reimbursed and does not receive compensation 68956
from a third party to cover all or part of the gift card value. 68957
For the purposes of this division, a gift card is not sold by a 68958
vendor or purchased by a consumer if it is distributed pursuant to 68959
an awards, loyalty, or promotional program. Past and present 68960
purchases of tangible personal property or services by the 68961
consumer shall not be treated as consideration exchanged for a 68962
gift card. 68963

(2) In the case of a sale of any new motor vehicle by a new 68964
motor vehicle dealer, as defined in section 4517.01 of the Revised 68965
Code, in which another motor vehicle is accepted by the dealer as 68966
part of the consideration received, "price" has the same meaning 68967
as in division (H)(1) of this section, reduced by the credit 68968
afforded the consumer by the dealer for the motor vehicle received 68969
in trade. 68970

(3) In the case of a sale of any watercraft or outboard motor 68971
by a watercraft dealer licensed in accordance with section 68972
1547.543 of the Revised Code, in which another watercraft, 68973
watercraft and trailer, or outboard motor is accepted by the 68974
dealer as part of the consideration received, "price" has the same 68975
meaning as in division (H)(1) of this section, reduced by the 68976
credit afforded the consumer by the dealer for the watercraft, 68977

watercraft and trailer, or outboard motor received in trade. As 68978
used in this division, "watercraft" includes an outdrive unit 68979
attached to the watercraft. 68980

(4) In the case of transactions for health care services 68981
under division (B)(11) of this section, "price" means the amount 68982
of managed care premiums received each month by a medicaid health 68983
insuring corporation. 68984

(5) In the case of transactions for transportation network 68985
company services under division (B)(3)(r) of this section, "price" 68986
has the same meaning as in division (H)(1) of this section, 68987
reduced by the amount of any additional fees. As used in this 68988
division, "additional fees" means any fees remitted by the 68989
transportation network company rider other than fees for base 68990
fare, distance, or time, and includes airport access fees, booking 68991
fees, tolls, and fees for other services unrelated to 68992
transportation service. 68993

(6) In the case of transactions by which lodging by a hotel 68994
is or is to be furnished to transient guests, if the vendor is a 68995
hotel intermediary, "price" means the lodging's fair market value. 68996

(I) "Receipts" means the total amount of the prices of the 68997
sales of vendors, provided that the dollar value of gift cards 68998
distributed pursuant to an awards, loyalty, or promotional 68999
program, and cash discounts allowed and taken on sales at the time 69000
they are consummated are not included, minus any amount deducted 69001
as a bad debt pursuant to section 5739.121 of the Revised Code. 69002
"Receipts" does not include the sale price of property returned or 69003
services rejected by consumers when the full sale price and tax 69004
are refunded either in cash or by credit. 69005

(J) "Place of business" means any location at which a person 69006
engages in business. 69007

(K) "Premises" includes any real property or portion thereof 69008

upon which any person engages in selling tangible personal 69009
property at retail or making retail sales and also includes any 69010
real property or portion thereof designated for, or devoted to, 69011
use in conjunction with the business engaged in by such person. 69012

(L) "Casual sale" means a sale of an item of tangible 69013
personal property that was obtained by the person making the sale, 69014
through purchase or otherwise, for the person's own use and was 69015
previously subject to any state's taxing jurisdiction on its sale 69016
or use, and includes such items acquired for the seller's use that 69017
are sold by an auctioneer employed directly by the person for such 69018
purpose, provided the location of such sales is not the 69019
auctioneer's permanent place of business. As used in this 69020
division, "permanent place of business" includes any location 69021
where such auctioneer has conducted more than two auctions during 69022
the year. 69023

(M) "Hotel" means every establishment kept, used, maintained, 69024
advertised, or held out to the public to be a place where sleeping 69025
accommodations are offered to guests, in which five or more rooms 69026
are used for the accommodation of such guests, whether the rooms 69027
are in one or several structures, except as otherwise provided in 69028
division (G) of section 5739.09 of the Revised Code. 69029

(N) "Transient guests" means persons occupying a room or 69030
rooms for sleeping accommodations for less than thirty consecutive 69031
days. 69032

(O) "Making retail sales" means the effecting of transactions 69033
wherein one party is obligated to pay the price and the other 69034
party is obligated to provide a service or to transfer title to or 69035
possession of the item sold. "Making retail sales" does not 69036
include the preliminary acts of promoting or soliciting the retail 69037
sales, other than the distribution of printed matter which 69038
displays or describes and prices the item offered for sale, nor 69039
does it include delivery of a predetermined quantity of tangible 69040

personal property or transportation of property or personnel to or 69041
from a place where a service is performed. 69042

(P) "Used directly in the rendition of a public utility 69043
service" means that property that is to be incorporated into and 69044
will become a part of the consumer's production, transmission, 69045
transportation, or distribution system and that retains its 69046
classification as tangible personal property after such 69047
incorporation; fuel or power used in the production, transmission, 69048
transportation, or distribution system; and tangible personal 69049
property used in the repair and maintenance of the production, 69050
transmission, transportation, or distribution system, including 69051
only such motor vehicles as are specially designed and equipped 69052
for such use. Tangible personal property and services used 69053
primarily in providing highway transportation for hire are not 69054
used directly in the rendition of a public utility service. In 69055
this definition, "public utility" includes a citizen of the United 69056
States holding, and required to hold, a certificate of public 69057
convenience and necessity issued under 49 U.S.C. 41102. 69058

(Q) "Refining" means removing or separating a desirable 69059
product from raw or contaminated materials by distillation or 69060
physical, mechanical, or chemical processes. 69061

(R) "Assembly" and "assembling" mean attaching or fitting 69062
together parts to form a product, but do not include packaging a 69063
product. 69064

(S) "Manufacturing operation" means a process in which 69065
materials are changed, converted, or transformed into a different 69066
state or form from which they previously existed and includes 69067
refining materials, assembling parts, and preparing raw materials 69068
and parts by mixing, measuring, blending, or otherwise committing 69069
such materials or parts to the manufacturing process. 69070
"Manufacturing operation" does not include packaging. 69071

(T) "Fiscal officer" means, with respect to a regional transit authority, the secretary-treasurer thereof, and with respect to a county that is a transit authority, the fiscal officer of the county transit board if one is appointed pursuant to section 306.03 of the Revised Code or the county auditor if the board of county commissioners operates the county transit system.

(U) "Transit authority" means a regional transit authority created pursuant to section 306.31 of the Revised Code or a county in which a county transit system is created pursuant to section 306.01 of the Revised Code. For the purposes of this chapter, a transit authority must extend to at least the entire area of a single county. A transit authority that includes territory in more than one county must include all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(V) "Legislative authority" means, with respect to a regional transit authority, the board of trustees thereof, and with respect to a county that is a transit authority, the board of county commissioners.

(W) "Territory of the transit authority" means all of the area included within the territorial boundaries of a transit authority as they from time to time exist. Such territorial boundaries must at all times include all the area of a single county or all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(X) "Providing a service" means providing or furnishing anything described in division (B)(3) of this section for consideration.

(Y)(1)(a) "Automatic data processing" means processing of

others' data, including keypunching or similar data entry services 69103
together with verification thereof, or providing access to 69104
computer equipment for the purpose of processing data. 69105

(b) "Computer services" means providing services consisting 69106
of specifying computer hardware configurations and evaluating 69107
technical processing characteristics, computer programming, and 69108
training of computer programmers and operators, provided in 69109
conjunction with and to support the sale, lease, or operation of 69110
taxable computer equipment or systems. 69111

(c) "Electronic information services" means providing access 69112
to computer equipment by means of telecommunications equipment for 69113
the purpose of either of the following: 69114

(i) Examining or acquiring data stored in or accessible to 69115
the computer equipment; 69116

(ii) Placing data into the computer equipment to be retrieved 69117
by designated recipients with access to the computer equipment. 69118

For transactions occurring on or after the effective date of 69119
the amendment of this section by H.B. 157 of the 127th general 69120
assembly, December 21, 2007, "electronic information services" 69121
does not include electronic publishing ~~as defined in division~~ 69122
~~(LLL) of this section.~~ 69123

(d) "Automatic data processing, computer services, or 69124
electronic information services" shall not include personal or 69125
professional services. 69126

(2) As used in divisions (B)(3)(e) and (Y)(1) of this 69127
section, "personal and professional services" means all services 69128
other than automatic data processing, computer services, or 69129
electronic information services, including but not limited to: 69130

(a) Accounting and legal services such as advice on tax 69131
matters, asset management, budgetary matters, quality control, 69132

information security, and auditing and any other situation where	69133
the service provider receives data or information and studies,	69134
alters, analyzes, interprets, or adjusts such material;	69135
(b) Analyzing business policies and procedures;	69136
(c) Identifying management information needs;	69137
(d) Feasibility studies, including economic and technical	69138
analysis of existing or potential computer hardware or software	69139
needs and alternatives;	69140
(e) Designing policies, procedures, and custom software for	69141
collecting business information, and determining how data should	69142
be summarized, sequenced, formatted, processed, controlled, and	69143
reported so that it will be meaningful to management;	69144
(f) Developing policies and procedures that document how	69145
business events and transactions are to be authorized, executed,	69146
and controlled;	69147
(g) Testing of business procedures;	69148
(h) Training personnel in business procedure applications;	69149
(i) Providing credit information to users of such information	69150
by a consumer reporting agency, as defined in the "Fair Credit	69151
Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or	69152
as hereafter amended, including but not limited to gathering,	69153
organizing, analyzing, recording, and furnishing such information	69154
by any oral, written, graphic, or electronic medium;	69155
(j) Providing debt collection services by any oral, written,	69156
graphic, or electronic means;	69157
(k) Providing digital advertising services.	69158
The services listed in divisions (Y)(2)(a) to (k) of this	69159
section are not automatic data processing or computer services.	69160
(Z) "Highway transportation for hire" means the	69161

transportation of personal property belonging to others for 69162
consideration by any of the following: 69163

(1) The holder of a permit or certificate issued by this 69164
state or the United States authorizing the holder to engage in 69165
transportation of personal property belonging to others for 69166
consideration over or on highways, roadways, streets, or any 69167
similar public thoroughfare; 69168

(2) A person who engages in the transportation of personal 69169
property belonging to others for consideration over or on 69170
highways, roadways, streets, or any similar public thoroughfare 69171
but who could not have engaged in such transportation on December 69172
11, 1985, unless the person was the holder of a permit or 69173
certificate of the types described in division (Z)(1) of this 69174
section; 69175

(3) A person who leases a motor vehicle to and operates it 69176
for a person described by division (Z)(1) or (2) of this section. 69177

(AA)(1) "Telecommunications service" means the electronic 69178
transmission, conveyance, or routing of voice, data, audio, video, 69179
or any other information or signals to a point, or between or 69180
among points. "Telecommunications service" includes such 69181
transmission, conveyance, or routing in which computer processing 69182
applications are used to act on the form, code, or protocol of the 69183
content for purposes of transmission, conveyance, or routing 69184
without regard to whether the service is referred to as voice-over 69185
internet protocol service or is classified by the federal 69186
communications commission as enhanced or value-added. 69187
"Telecommunications service" does not include any of the 69188
following: 69189

(a) Data processing and information services that allow data 69190
to be generated, acquired, stored, processed, or retrieved and 69191
delivered by an electronic transmission to a consumer where the 69192

consumer's primary purpose for the underlying transaction is the processed data or information;	69193 69194
(b) Installation or maintenance of wiring or equipment on a customer's premises;	69195 69196
(c) Tangible personal property;	69197
(d) Advertising, including directory advertising;	69198
(e) Billing and collection services provided to third parties;	69199 69200
(f) Internet access service;	69201
(g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services include, but are not limited to, cable service, as defined in 47 U.S.C. 522(6), and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. 20.3;	69202 69203 69204 69205 69206 69207 69208 69209
(h) Ancillary service;	69210
(i) Digital products delivered electronically, including software, music, video, reading materials, or ring tones.	69211 69212
(2) "Ancillary service" means a service that is associated with or incidental to the provision of telecommunications service, including conference bridging service, detailed telecommunications billing service, directory assistance, vertical service, and voice mail service. As used in this division:	69213 69214 69215 69216 69217
(a) "Conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call, including providing a telephone number. "Conference bridging service" does not include telecommunications services used to reach the conference bridge.	69218 69219 69220 69221 69222

(b) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.

(c) "Directory assistance" means an ancillary service of providing telephone number or address information.

(d) "Vertical service" means an ancillary service that is offered in connection with one or more telecommunications services, which offers advanced calling features that allow customers to identify callers and manage multiple calls and call connections, including conference bridging service.

(e) "Voice mail service" means an ancillary service that enables the customer to store, send, or receive recorded messages. "Voice mail service" does not include any vertical services that the customer may be required to have in order to utilize the voice mail service.

(3) "900 service" means an inbound toll telecommunications service purchased by a subscriber that allows the subscriber's customers to call in to the subscriber's prerecorded announcement or live service, and which is typically marketed under the name "900 service" and any subsequent numbers designated by the federal communications commission. "900 service" does not include the charge for collection services provided by the seller of the telecommunications service to the subscriber, or services or products sold by the subscriber to the subscriber's customer.

(4) "Prepaid calling service" means the right to access exclusively telecommunications services, which must be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount.

(5) "Prepaid wireless calling service" means a

telecommunications service that provides the right to utilize 69254
mobile telecommunications service as well as other 69255
non-telecommunications services, including the download of digital 69256
products delivered electronically, and content and ancillary 69257
services, that must be paid for in advance and that is sold in 69258
predetermined units or dollars of which the number declines with 69259
use in a known amount. 69260

(6) "Value-added non-voice data service" means a 69261
telecommunications service in which computer processing 69262
applications are used to act on the form, content, code, or 69263
protocol of the information or data primarily for a purpose other 69264
than transmission, conveyance, or routing. 69265

(7) "Coin-operated telephone service" means a 69266
telecommunications service paid for by inserting money into a 69267
telephone accepting direct deposits of money to operate. 69268

(8) "Customer" has the same meaning as in section 5739.034 of 69269
the Revised Code. 69270

(BB) "Laundry and dry cleaning services" means removing soil 69271
or dirt from towels, linens, articles of clothing, or other fabric 69272
items that belong to others and supplying towels, linens, articles 69273
of clothing, or other fabric items. "Laundry and dry cleaning 69274
services" does not include the provision of self-service 69275
facilities for use by consumers to remove soil or dirt from 69276
towels, linens, articles of clothing, or other fabric items. 69277

(CC) "Magazines distributed as controlled circulation 69278
publications" means magazines containing at least twenty-four 69279
pages, at least twenty-five per cent editorial content, issued at 69280
regular intervals four or more times a year, and circulated 69281
without charge to the recipient, provided that such magazines are 69282
not owned or controlled by individuals or business concerns which 69283
conduct such publications as an auxiliary to, and essentially for 69284

the advancement of the main business or calling of, those who own 69285
or control them. 69286

(DD) "Landscaping and lawn care service" means the services 69287
of planting, seeding, sodding, removing, cutting, trimming, 69288
pruning, mulching, aerating, applying chemicals, watering, 69289
fertilizing, and providing similar services to establish, promote, 69290
or control the growth of trees, shrubs, flowers, grass, ground 69291
cover, and other flora, or otherwise maintaining a lawn or 69292
landscape grown or maintained by the owner for ornamentation or 69293
other nonagricultural purpose. However, "landscaping and lawn care 69294
service" does not include the providing of such services by a 69295
person who has less than five thousand dollars in sales of such 69296
services during the calendar year. 69297

(EE) "Private investigation and security service" means the 69298
performance of any activity for which the provider of such service 69299
is required to be licensed pursuant to Chapter 4749. of the 69300
Revised Code, or would be required to be so licensed in performing 69301
such services in this state, and also includes the services of 69302
conducting polygraph examinations and of monitoring or overseeing 69303
the activities on or in, or the condition of, the consumer's home, 69304
business, or other facility by means of electronic or similar 69305
monitoring devices. "Private investigation and security service" 69306
does not include special duty services provided by off-duty police 69307
officers, deputy sheriffs, and other peace officers regularly 69308
employed by the state or a political subdivision. 69309

(FF) "Information services" means providing conversation, 69310
giving consultation or advice, playing or making a voice or other 69311
recording, making or keeping a record of the number of callers, 69312
and any other service provided to a consumer by means of a nine 69313
hundred telephone call, except when the nine hundred telephone 69314
call is the means by which the consumer makes a contribution to a 69315
recognized charity. 69316

(GG) "Research and development" means designing, creating, or 69317
formulating new or enhanced products, equipment, or manufacturing 69318
processes, and also means conducting scientific or technological 69319
inquiry and experimentation in the physical sciences with the goal 69320
of increasing scientific knowledge which may reveal the bases for 69321
new or enhanced products, equipment, or manufacturing processes. 69322

(HH) "Qualified research and development equipment" means 69323
capitalized tangible personal property, and leased personal 69324
property that would be capitalized if purchased, used by a person 69325
primarily to perform research and development. Tangible personal 69326
property primarily used in testing, as defined in division (A)(4) 69327
of section 5739.011 of the Revised Code, or used for recording or 69328
storing test results, is not qualified research and development 69329
equipment unless such property is primarily used by the consumer 69330
in testing the product, equipment, or manufacturing process being 69331
created, designed, or formulated by the consumer in the research 69332
and development activity or in recording or storing such test 69333
results. 69334

(II) "Building maintenance and janitorial service" means 69335
cleaning the interior or exterior of a building and any tangible 69336
personal property located therein or thereon, including any 69337
services incidental to such cleaning for which no separate charge 69338
is made. However, "building maintenance and janitorial service" 69339
does not include the providing of such service by a person who has 69340
less than five thousand dollars in sales of such service during 69341
the calendar year. As used in this division, "cleaning" does not 69342
include sanitation services necessary for an establishment 69343
described in 21 U.S.C. 608 to comply with rules and regulations 69344
adopted pursuant to that section. 69345

(JJ) "Employment service" means providing or supplying 69346
personnel, on a temporary or long-term basis, to perform work or 69347
labor under the supervision or control of another, when the 69348

personnel so provided or supplied receive their wages, salary, or 69349
other compensation from the provider or supplier of the employment 69350
service or from a third party that provided or supplied the 69351
personnel to the provider or supplier. "Employment service" does 69352
not include: 69353

(1) Acting as a contractor or subcontractor, where the 69354
personnel performing the work are not under the direct control of 69355
the purchaser. 69356

(2) Medical and health care services. 69357

(3) Supplying personnel to a purchaser pursuant to a contract 69358
of at least one year between the service provider and the 69359
purchaser that specifies that each employee covered under the 69360
contract is assigned to the purchaser on a permanent basis. 69361

(4) Transactions between members of an affiliated group, as 69362
defined in division (B)(3)(e) of this section. 69363

(5) Transactions where the personnel so provided or supplied 69364
by a provider or supplier to a purchaser of an employment service 69365
are then provided or supplied by that purchaser to a third party 69366
as an employment service, except "employment service" does include 69367
the transaction between that purchaser and the third party. 69368

(KK) "Employment placement service" means locating or finding 69369
employment for a person or finding or locating an employee to fill 69370
an available position. 69371

(LL) "Exterminating service" means eradicating or attempting 69372
to eradicate vermin infestations from a building or structure, or 69373
the area surrounding a building or structure, and includes 69374
activities to inspect, detect, or prevent vermin infestation of a 69375
building or structure. 69376

(MM) "Physical fitness facility service" means all 69377
transactions by which a membership is granted, maintained, or 69378

renewed, including initiation fees, membership dues, renewal fees, 69379
monthly minimum fees, and other similar fees and dues, by a 69380
physical fitness facility such as an athletic club, health spa, or 69381
gymnasium, which entitles the member to use the facility for 69382
physical exercise. 69383

(NN) "Recreation and sports club service" means all 69384
transactions by which a membership is granted, maintained, or 69385
renewed, including initiation fees, membership dues, renewal fees, 69386
monthly minimum fees, and other similar fees and dues, by a 69387
recreation and sports club, which entitles the member to use the 69388
facilities of the organization. "Recreation and sports club" means 69389
an organization that has ownership of, or controls or leases on a 69390
continuing, long-term basis, the facilities used by its members 69391
and includes an aviation club, gun or shooting club, yacht club, 69392
card club, swimming club, tennis club, golf club, country club, 69393
riding club, amateur sports club, or similar organization. 69394

(OO) "Livestock" means farm animals commonly raised for food, 69395
food production, or other agricultural purposes, including, but 69396
not limited to, cattle, sheep, goats, swine, poultry, and captive 69397
deer. "Livestock" does not include invertebrates, amphibians, 69398
reptiles, domestic pets, animals for use in laboratories or for 69399
exhibition, or other animals not commonly raised for food or food 69400
production. 69401

(PP) "Livestock structure" means a building or structure used 69402
exclusively for the housing, raising, feeding, or sheltering of 69403
livestock, and includes feed storage or handling structures and 69404
structures for livestock waste handling. 69405

(QQ) "Horticulture" means the growing, cultivation, and 69406
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 69407
and nursery stock. As used in this division, "nursery stock" has 69408
the same meaning as in section 927.51 of the Revised Code. 69409

(RR) "Horticulture structure" means a building or structure used exclusively for the commercial growing, raising, or overwintering of horticultural products, and includes the area used for stocking, storing, and packing horticultural products when done in conjunction with the production of those products.

(SS) "Newspaper" means an unbound publication bearing a title or name that is regularly published, at least as frequently as biweekly, and distributed from a fixed place of business to the public in a specific geographic area, and that contains a substantial amount of news matter of international, national, or local events of interest to the general public.

(TT) "Professional racing team" means a person that employs at least twenty full-time employees for the purpose of conducting a motor vehicle racing business for profit. The person must conduct the business with the purpose of racing one or more motor racing vehicles in at least ten competitive professional racing events each year that comprise all or part of a motor racing series sanctioned by one or more motor racing sanctioning organizations. A "motor racing vehicle" means a vehicle for which the chassis, engine, and parts are designed exclusively for motor racing, and does not include a stock or production model vehicle that may be modified for use in racing. For the purposes of this division:

(1) A "competitive professional racing event" is a motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations, at which aggregate cash prizes in excess of eight hundred thousand dollars are awarded to the competitors.

(2) "Full-time employee" means an individual who is employed for consideration for thirty-five or more hours a week, or who renders any other standard of service generally accepted by custom or specified by contract as full-time employment.

(UU)(1) "Lease" or "rental" means any transfer of the 69442
possession or control of tangible personal property for a fixed or 69443
indefinite term, for consideration. "Lease" or "rental" includes 69444
future options to purchase or extend, and agreements described in 69445
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 69446
the amount of consideration may be increased or decreased by 69447
reference to the amount realized upon the sale or disposition of 69448
the property. "Lease" or "rental" does not include: 69449

(a) A transfer of possession or control of tangible personal 69450
property under a security agreement or a deferred payment plan 69451
that requires the transfer of title upon completion of the 69452
required payments; 69453

(b) A transfer of possession or control of tangible personal 69454
property under an agreement that requires the transfer of title 69455
upon completion of required payments and payment of an option 69456
price that does not exceed the greater of one hundred dollars or 69457
one per cent of the total required payments; 69458

(c) Providing tangible personal property along with an 69459
operator for a fixed or indefinite period of time, if the operator 69460
is necessary for the property to perform as designed. For purposes 69461
of this division, the operator must do more than maintain, 69462
inspect, or set up the tangible personal property. 69463

(2) "Lease" and "rental," as defined in division (UU) of this 69464
section, shall not apply to leases or rentals that exist before 69465
June 26, 2003. 69466

(3) "Lease" and "rental" have the same meaning as in division 69467
(UU)(1) of this section regardless of whether a transaction is 69468
characterized as a lease or rental under generally accepted 69469
accounting principles, the Internal Revenue Code, Title XIII of 69470
the Revised Code, or other federal, state, or local laws. 69471

(VV) "Mobile telecommunications service" has the same meaning 69472

as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 69473
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 69474
on and after August 1, 2003, includes related fees and ancillary 69475
services, including universal service fees, detailed billing 69476
service, directory assistance, service initiation, voice mail 69477
service, and vertical services, such as caller ID and three-way 69478
calling. 69479

(WW) "Certified service provider" has the same meaning as in 69480
section 5740.01 of the Revised Code. 69481

(XX) "Satellite broadcasting service" means the distribution 69482
or broadcasting of programming or services by satellite directly 69483
to the subscriber's receiving equipment without the use of ground 69484
receiving or distribution equipment, except the subscriber's 69485
receiving equipment or equipment used in the uplink process to the 69486
satellite, and includes all service and rental charges, premium 69487
channels or other special services, installation and repair 69488
service charges, and any other charges having any connection with 69489
the provision of the satellite broadcasting service. 69490

(YY) "Tangible personal property" means personal property 69491
that can be seen, weighed, measured, felt, or touched, or that is 69492
in any other manner perceptible to the senses. For purposes of 69493
this chapter and Chapter 5741. of the Revised Code, "tangible 69494
personal property" includes motor vehicles, electricity, water, 69495
gas, steam, and prewritten computer software. 69496

(ZZ) "Municipal gas utility" means a municipal corporation 69497
that owns or operates a system for the distribution of natural 69498
gas. 69499

(AAA) "Computer" means an electronic device that accepts 69500
information in digital or similar form and manipulates it for a 69501
result based on a sequence of instructions. 69502

(BBB) "Computer software" means a set of coded instructions 69503

designed to cause a computer or automatic data processing 69504
equipment to perform a task. 69505

(CCC) "Delivered electronically" means delivery of computer 69506
software from the seller to the purchaser by means other than 69507
tangible storage media. 69508

(DDD) "Prewritten computer software" means computer software, 69509
including prewritten upgrades, that is not designed and developed 69510
by the author or other creator to the specifications of a specific 69511
purchaser. The combining of two or more prewritten computer 69512
software programs or prewritten portions thereof does not cause 69513
the combination to be other than prewritten computer software. 69514
"Prewritten computer software" includes software designed and 69515
developed by the author or other creator to the specifications of 69516
a specific purchaser when it is sold to a person other than the 69517
purchaser. If a person modifies or enhances computer software of 69518
which the person is not the author or creator, the person shall be 69519
deemed to be the author or creator only of such person's 69520
modifications or enhancements. Prewritten computer software or a 69521
prewritten portion thereof that is modified or enhanced to any 69522
degree, where such modification or enhancement is designed and 69523
developed to the specifications of a specific purchaser, remains 69524
prewritten computer software; provided, however, that where there 69525
is a reasonable, separately stated charge or an invoice or other 69526
statement of the price given to the purchaser for the modification 69527
or enhancement, the modification or enhancement shall not 69528
constitute prewritten computer software. 69529

(EEE)(1) "Food" means substances, whether in liquid, 69530
concentrated, solid, frozen, dried, or dehydrated form, that are 69531
sold for ingestion or chewing by humans and are consumed for their 69532
taste or nutritional value. "Food" does not include alcoholic 69533
beverages, dietary supplements, soft drinks, or tobacco. 69534

(2) As used in division (EEE)(1) of this section: 69535

(a) "Alcoholic beverages" means beverages that are suitable for human consumption and contain one-half of one per cent or more of alcohol by volume.

(b) "Dietary supplements" means any product, other than tobacco, that is intended to supplement the diet and that is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or, if not intended for ingestion in such a form, is not represented as conventional food for use as a sole item of a meal or of the diet; that is required to be labeled as a dietary supplement, identifiable by the "supplement facts" box found on the label, as required by 21 C.F.R. 101.36; and that contains one or more of the following dietary ingredients:

(i) A vitamin;

(ii) A mineral;

(iii) An herb or other botanical;

(iv) An amino acid;

(v) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake;

(vi) A concentrate, metabolite, constituent, extract, or combination of any ingredient described in divisions (EEE)(2)(b)(i) to (v) of this section.

(c) "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" does not include beverages that contain milk or milk products, soy, rice, or similar milk substitutes, or that contains greater than fifty per cent vegetable or fruit juice by volume.

(d) "Tobacco" means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco.

(FFF) "Drug" means a compound, substance, or preparation, and any component of a compound, substance, or preparation, other than

food, dietary supplements, or alcoholic beverages that is 69566
recognized in the official United States pharmacopoeia, official 69567
homeopathic pharmacopoeia of the United States, or official 69568
national formulary, and supplements to them; is intended for use 69569
in the diagnosis, cure, mitigation, treatment, or prevention of 69570
disease; or is intended to affect the structure or any function of 69571
the body. 69572

(GGG) "Prescription" means an order, formula, or recipe 69573
issued in any form of oral, written, electronic, or other means of 69574
transmission by a duly licensed practitioner authorized by the 69575
laws of this state to issue a prescription. 69576

(HHH) "Durable medical equipment" means equipment, including 69577
repair and replacement parts for such equipment, that can 69578
withstand repeated use, is primarily and customarily used to serve 69579
a medical purpose, generally is not useful to a person in the 69580
absence of illness or injury, and is not worn in or on the body. 69581
"Durable medical equipment" does not include mobility enhancing 69582
equipment. 69583

(III) "Mobility enhancing equipment" means equipment, 69584
including repair and replacement parts for such equipment, that is 69585
primarily and customarily used to provide or increase the ability 69586
to move from one place to another and is appropriate for use 69587
either in a home or a motor vehicle, that is not generally used by 69588
persons with normal mobility, and that does not include any motor 69589
vehicle or equipment on a motor vehicle normally provided by a 69590
motor vehicle manufacturer. "Mobility enhancing equipment" does 69591
not include durable medical equipment. 69592

(JJJ) "Prosthetic device" means a replacement, corrective, or 69593
supportive device, including repair and replacement parts for the 69594
device, worn on or in the human body to artificially replace a 69595
missing portion of the body, prevent or correct physical deformity 69596
or malfunction, or support a weak or deformed portion of the body. 69597

As used in this division, before July 1, 2019, "prosthetic device" 69598
does not include corrective eyeglasses, contact lenses, or dental 69599
prosthesis. On or after July 1, 2019, "prosthetic device" does not 69600
include dental prosthesis but does include corrective eyeglasses 69601
or contact lenses. 69602

~~(KKK)(1) "Fractional aircraft ownership program" means a 69603
program in which persons within an affiliated group sell and 69604
manage fractional ownership program aircraft, provided that at 69605
least one hundred airworthy aircraft are operated in the program 69606
and the program meets all of the following criteria:~~ 69607

~~(a) Management services are provided by at least one program 69608
manager within an affiliated group on behalf of the fractional 69609
owners. 69610~~

~~(b) Each program aircraft is owned or possessed by at least 69611
one fractional owner. 69612~~

~~(c) Each fractional owner owns or possesses at least a 69613
one sixteenth interest in at least one fixed wing program 69614
aircraft. 69615~~

~~(d) A dry lease aircraft interchange arrangement is in effect 69616
among all of the fractional owners. 69617~~

~~(e) Multi-year program agreements are in effect regarding the 69618
fractional ownership, management services, and dry lease aircraft 69619
interchange arrangement aspects of the program. 69620~~

~~(2) As used in division (KKK)(1) of this section:~~ 69621

~~(a) "Affiliated group" has the same meaning as in division 69622
(B)(3)(c) of this section. 69623~~

~~(b) "Fractional owner" means a person that owns or possesses 69624
at least a one sixteenth interest in a program aircraft and has 69625
entered into the agreements described in division (KKK)(1)(c) of 69626
this section. 69627~~

~~(c) "Fractional ownership program aircraft" or "program aircraft" means a turbojet aircraft that is owned or possessed by a fractional owner and that has been included in a dry lease aircraft interchange arrangement and agreement under divisions (KKK)(1)(d) and (e) of this section, or an aircraft a program manager owns or possesses primarily for use in a fractional aircraft ownership program.~~ 69628
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~~(d) "Management services" means administrative and aviation support services furnished under a fractional aircraft ownership program in accordance with a management services agreement under division (KKK)(1)(e) of this section, and offered by the program manager to the fractional owners, including, at a minimum, the establishment and implementation of safety guidelines; the coordination of the scheduling of the program aircraft and crews; program aircraft maintenance; program aircraft insurance; crew training for crews employed, furnished, or contracted by the program manager or the fractional owner; the satisfaction of record keeping requirements; and the development and use of an operations manual and a maintenance manual for the fractional aircraft ownership program.~~ 69635
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~~(e) "Program manager" means the person that offers management services to fractional owners pursuant to a management services agreement under division (KKK)(1)(e) of this section.~~ 69648
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~~(LLL) "Electronic publishing" means providing access to one or more of the following primarily for business customers, including the federal government or a state government or a political subdivision thereof, to conduct research: news; business, financial, legal, consumer, or credit materials; editorials, columns, reader commentary, or features; photos or images; archival or research material; legal notices, identity verification, or public records; scientific, educational, instructional, technical, professional, trade, or other literary~~ 69651
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materials; or other similar information which has been gathered 69660
and made available by the provider to the consumer in an 69661
electronic format. Providing electronic publishing includes the 69662
functions necessary for the acquisition, formatting, editing, 69663
storage, and dissemination of data or information that is the 69664
subject of a sale. 69665

~~(MMM)~~(LLL) "Medicaid health insuring corporation" means a 69666
health insuring corporation that holds a certificate of authority 69667
under Chapter 1751. of the Revised Code and is under contract with 69668
the department of medicaid pursuant to section 5167.10 of the 69669
Revised Code. 69670

~~(NNN)~~(MMM) "Managed care premium" means any premium, 69671
capitation, or other payment a medicaid health insuring 69672
corporation receives for providing or arranging for the provision 69673
of health care services to its members or enrollees residing in 69674
this state. 69675

~~(OOO)~~(NNN) "Captive deer" means deer and other cervidae that 69676
have been legally acquired, or their offspring, that are privately 69677
owned for agricultural or farming purposes. 69678

~~(PPP)~~(OOO) "Gift card" means a document, card, certificate, 69679
or other record, whether tangible or intangible, that may be 69680
redeemed by a consumer for a dollar value when making a purchase 69681
of tangible personal property or services. 69682

~~(OOO)~~(PPP) "Specified digital product" means an 69683
electronically transferred digital audiovisual work, digital audio 69684
work, or digital book. 69685

As used in division ~~(OOO)~~(PPP) of this section: 69686

(1) "Digital audiovisual work" means a series of related 69687
images that, when shown in succession, impart an impression of 69688
motion, together with accompanying sounds, if any. 69689

(2) "Digital audio work" means a work that results from the fixation of a series of musical, spoken, or other sounds, including digitized sound files that are downloaded onto a device and that may be used to alert the customer with respect to a communication.

(3) "Digital book" means a work that is generally recognized in the ordinary and usual sense as a book.

(4) "Electronically transferred" means obtained by the purchaser by means other than tangible storage media.

~~(RRR)(000)~~ "Digital advertising services" means providing access, by means of telecommunications equipment, to computer equipment that is used to enter, upload, download, review, manipulate, store, add, or delete data for the purpose of electronically displaying, delivering, placing, or transferring promotional advertisements to potential customers about products or services or about industry or business brands.

~~(RRR)(1)~~ "Transportation network company," "transportation network company driver," "transportation network company rider," and "transportation network company services" have the same meanings as in section 3942.01 of the Revised Code.

(2) "Transportation service" means the transportation of persons by motor vehicle or aircraft when the transportation is entirely within this state or, if providing transportation network company services, when the transportation network company rider is picked up and dropped off in this state. "Transportation service" does not include transportation provided by an ambulance service, by a transit bus, as defined in section 5735.01 of the Revised Code, and transportation provided by a citizen of the United States holding a certificate of public convenience and necessity issued under 49 U.S.C. 41102.

(SSS) "Hotel intermediary" means a person that brokers,

coordinates, or otherwise arranges for the purchase, sale, use, or possession of lodging at hotels to or by transient guests, but does not include any of the following: 69721
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(1) A hotel; 69724

(2) A person receiving a commission from a hotel; (3) A person imposing a charge for services described in division (SSS) of this section, provided the charge is separately stated on an invoice, bill of sale, receipt, or similar document given to the consumer. 69725
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(TTT) "Lodging's fair market value" means the price that a hotel would charge a transient guest for lodging in the hotel had the transient guest purchased that lodging from the hotel and not from a hotel intermediary. 69730
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Sec. 5739.011. (A) As used in this section: 69734

(1) "Manufacturer" means a person who is engaged in manufacturing, processing, assembling, or refining a product for sale and, solely for the purposes of division (B)(12) of this section, a person who meets all the qualifications of that division. 69735
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(2) "Manufacturing facility" means a single location where a manufacturing operation is conducted, including locations consisting of one or more buildings or structures in a contiguous area owned or controlled by the manufacturer. 69740
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(3) "Materials handling" means the movement of the product being or to be manufactured, during which movement the product is not undergoing any substantial change or alteration in its state or form. 69744
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(4) "Testing" means a process or procedure to identify the properties or assure the quality of a material or product. 69748
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(5) "Completed product" means a manufactured item that is in 69750

the form and condition as it will be sold by the manufacturer. An 69751
item is completed when all processes that change or alter its 69752
state or form or enhance its value are finished, even though the 69753
item subsequently will be tested to ensure its quality or be 69754
packaged for storage or shipment. 69755

(6) "Continuous manufacturing operation" means the process in 69756
which raw materials or components are moved through the steps 69757
whereby manufacturing occurs. Materials handling of raw materials 69758
or parts from the point of receipt or preproduction storage or of 69759
a completed product, to or from storage, to or from packaging, or 69760
to the place from which the completed product will be shipped, is 69761
not a part of a continuous manufacturing operation. 69762

(7) "Food" has the same meaning as in section 3717.01 of the 69763
Revised Code. 69764

(B) For purposes of division (B)(42)(g) of section 5739.02 of 69765
the Revised Code, the "thing transferred" includes, but is not 69766
limited to, any of the following: 69767

(1) Production machinery and equipment that act upon the 69768
product or machinery and equipment that treat the materials or 69769
parts in preparation for the manufacturing operation; 69770

(2) Materials handling equipment that moves the product 69771
through a continuous manufacturing operation; equipment that 69772
temporarily stores the product during the manufacturing operation; 69773
or, excluding motor vehicles licensed to operate on public 69774
highways, equipment used in intraplant or interplant transfers of 69775
work in process where the plant or plants between which such 69776
transfers occur are manufacturing facilities operated by the same 69777
person; 69778

(3) Catalysts, solvents, water, acids, oil, and similar 69779
consumables that interact with the product and that are an 69780
integral part of the manufacturing operation; 69781

(4) Machinery, equipment, and other tangible personal 69782
property used during the manufacturing operation that control, 69783
physically support, produce power for, lubricate, or are otherwise 69784
necessary for the functioning of production machinery and 69785
equipment and the continuation of the manufacturing operation; 69786

(5) Machinery, equipment, fuel, power, material, parts, and 69787
other tangible personal property used to manufacture machinery, 69788
equipment, or other tangible personal property used in 69789
manufacturing a product for sale; 69790

(6) Machinery, equipment, and other tangible personal 69791
property used by a manufacturer to test raw materials, the product 69792
being manufactured, or the completed product; 69793

(7) Machinery and equipment used to handle or temporarily 69794
store scrap that is intended to be reused in the manufacturing 69795
operation at the same manufacturing facility; 69796

(8) Coke, gas, water, steam, and similar substances used in 69797
the manufacturing operation; machinery and equipment used for, and 69798
fuel consumed in, producing or extracting those substances; 69799
machinery, equipment, and other tangible personal property used to 69800
treat, filter, pump, or otherwise make the substance suitable for 69801
use in the manufacturing operation; and machinery and equipment 69802
used for, and fuel consumed in, producing electricity for use in 69803
the manufacturing operation; 69804

(9) Machinery, equipment, and other tangible personal 69805
property used to transport or transmit electricity, coke, gas, 69806
water, steam, or similar substances used in the manufacturing 69807
operation from the point of generation, if produced by the 69808
manufacturer, or from the point where the substance enters the 69809
manufacturing facility, if purchased by the manufacturer, to the 69810
manufacturing operation; 69811

(10) Machinery, equipment, and other tangible personal 69812

property that treats, filters, cools, refines, or otherwise 69813
renders water, steam, acid, oil, solvents, or similar substances 69814
used in the manufacturing operation reusable, provided that the 69815
substances are intended for reuse and not for disposal, sale, or 69816
transportation from the manufacturing facility; 69817

(11) Parts, components, and repair and installation services 69818
for items described in division (B) of this section; 69819

(12) Machinery and equipment, detergents, supplies, solvents, 69820
and any other tangible personal property located at a 69821
manufacturing facility that are used in the process of removing 69822
soil, dirt, or other contaminants from, or otherwise preparing in 69823
a suitable condition for use, towels, linens, articles of 69824
clothing, floor mats, mop heads, or other similar items, to be 69825
supplied to a consumer as part of laundry and dry cleaning 69826
services as defined in division (BB) of section 5739.01 of the 69827
Revised Code, only when the towels, linens, articles of clothing, 69828
floor mats, mop heads, or other similar items belong to the 69829
provider of the services; 69830

(13) Equipment and supplies used to clean processing 69831
equipment that is part of a continuous manufacturing operation to 69832
produce ~~milk, ice cream, yogurt, cheese, and similar dairy~~ 69833
~~products~~ food for human consumption; 69834

(14) Equipment, supplies, and building and janitorial 69835
services used to clean or maintain any tangible personal property, 69836
machinery, or equipment that is described in division (B) of this 69837
section and is part of a continuous manufacturing operation. 69838

(C) For purposes of division (B)(42)(g) of section 5739.02 of 69839
the Revised Code, the "thing transferred" does not include any of 69840
the following: 69841

(1) Tangible personal property used in administrative, 69842
personnel, security, inventory control, record-keeping, ordering, 69843

billing, or similar functions;	69844
(2) Tangible personal property used in storing raw materials	69845
or parts prior to the commencement of the manufacturing operation	69846
or used to handle or store a completed product, including storage	69847
that actively maintains a completed product in a marketable state	69848
or form;	69849
(3) Tangible personal property used to handle or store scrap	69850
or waste intended for disposal, sale, or other disposition, other	69851
than reuse in the manufacturing operation at the same	69852
manufacturing facility;	69853
(4) Tangible personal property that is or is to be	69854
incorporated into realty;	69855
(5) Machinery, equipment, and other tangible personal	69856
property used for ventilation, dust or gas collection, humidity or	69857
temperature regulation, or similar environmental control, except	69858
machinery, equipment, and other tangible personal property that	69859
totally regulates the environment in a special and limited area of	69860
the manufacturing facility where the regulation is essential for	69861
production to occur;	69862
(6) Tangible personal property used for the protection and	69863
safety of workers, unless the property is attached to or	69864
incorporated into machinery and equipment used in a continuous	69865
manufacturing operation;	69866
(7) Tangible personal property used to store fuel, water,	69867
solvents, acid, oil, or similar items consumed in the	69868
manufacturing operation;	69869
(8) Except as provided in division <u>divisions</u> (B)(13) <u>and</u> (14)	69870
of this section, machinery, equipment, and other tangible personal	69871
property used to clean, repair, or maintain real or personal	69872
property in the manufacturing facility;	69873

(9) Motor vehicles registered for operation on public highways. 69874
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(D) For purposes of division (B)(42)(g) of section 5739.02 of the Revised Code, if the "thing transferred" is a machine used by a manufacturer in both a taxable and an exempt manner, it shall be totally taxable or totally exempt from taxation based upon its quantified primary use. If the "things transferred" are fungibles, they shall be taxed based upon the proportion of the fungibles used in a taxable manner. 69876
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Sec. 5739.02. For the purpose of providing revenue with which to meet the needs of the state, for the use of the general revenue fund of the state, for the purpose of securing a thorough and efficient system of common schools throughout the state, for the purpose of affording revenues, in addition to those from general property taxes, permitted under constitutional limitations, and from other sources, for the support of local governmental functions, and for the purpose of reimbursing the state for the expense of administering this chapter, an excise tax is hereby levied on each retail sale made in this state. 69883
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(A)(1) The tax shall be collected as provided in section 5739.025 of the Revised Code. The rate of the tax shall be five and three-fourths per cent. The tax applies and is collectible when the sale is made, regardless of the time when the price is paid or delivered. 69893
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(2) In the case of the lease or rental, with a fixed term of more than thirty days or an indefinite term with a minimum period of more than thirty days, of any motor vehicles designed by the manufacturer to carry a load of not more than one ton, watercraft, outboard motor, or aircraft, or of any tangible personal property, other than motor vehicles designed by the manufacturer to carry a load of more than one ton, to be used by the lessee or renter 69898
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primarily for business purposes, the tax shall be collected by the vendor at the time the lease or rental is consummated and shall be calculated by the vendor on the basis of the total amount to be paid by the lessee or renter under the lease agreement. If the total amount of the consideration for the lease or rental includes amounts that are not calculated at the time the lease or rental is executed, the tax shall be calculated and collected by the vendor at the time such amounts are billed to the lessee or renter. In the case of an open-end lease or rental, the tax shall be calculated by the vendor on the basis of the total amount to be paid during the initial fixed term of the lease or rental, and for each subsequent renewal period as it comes due. As used in this division, "motor vehicle" has the same meaning as in section 4501.01 of the Revised Code, and "watercraft" includes an outdrive unit attached to the watercraft.

A lease with a renewal clause and a termination penalty or similar provision that applies if the renewal clause is not exercised is presumed to be a sham transaction. In such a case, the tax shall be calculated and paid on the basis of the entire length of the lease period, including any renewal periods, until the termination penalty or similar provision no longer applies. The taxpayer shall bear the burden, by a preponderance of the evidence, that the transaction or series of transactions is not a sham transaction.

(3) Except as provided in division (A)(2) of this section, in the case of a sale, the price of which consists in whole or in part of the lease or rental of tangible personal property, the tax shall be measured by the installments of that lease or rental.

(4) In the case of a sale of a physical fitness facility service or recreation and sports club service, the price of which consists in whole or in part of a membership for the receipt of the benefit of the service, the tax applicable to the sale shall

be measured by the installments thereof.	69937
(B) The tax does not apply to the following:	69938
(1) Sales to the state or any of its political subdivisions, or to any other state or its political subdivisions if the laws of that state exempt from taxation sales made to this state and its political subdivisions;	69939 69940 69941 69942
(2) Sales of food for human consumption off the premises where sold;	69943 69944
(3) Sales of food sold to students only in a cafeteria, dormitory, fraternity, or sorority maintained in a private, public, or parochial school, college, or university;	69945 69946 69947
(4) Sales of newspapers and sales or transfers of magazines distributed as controlled circulation publications;	69948 69949
(5) The furnishing, preparing, or serving of meals without charge by an employer to an employee provided the employer records the meals as part compensation for services performed or work done;	69950 69951 69952 69953
(6)(a) Sales of motor fuel upon receipt, use, distribution, or sale of which in this state a tax is imposed by the law of this state, but this exemption shall not apply to the sale of motor fuel on which a refund of the tax is allowable under division (A) of section 5735.14 of the Revised Code; and the tax commissioner may deduct the amount of tax levied by this section applicable to the price of motor fuel when granting a refund of motor fuel tax pursuant to division (A) of section 5735.14 of the Revised Code and shall cause the amount deducted to be paid into the general revenue fund of this state;	69954 69955 69956 69957 69958 69959 69960 69961 69962 69963
(b) Sales of motor fuel other than that described in division (B)(6)(a) of this section and used for powering a refrigeration unit on a vehicle other than one used primarily to provide comfort	69964 69965 69966

to the operator or occupants of the vehicle. 69967

(7) Sales of natural gas by a natural gas company or 69968
municipal gas utility, of water by a water-works company, or of 69969
steam by a heating company, if in each case the thing sold is 69970
delivered to consumers through pipes or conduits, and all sales of 69971
communications services by a telegraph company, all terms as 69972
defined in section 5727.01 of the Revised Code, and sales of 69973
electricity delivered through wires; 69974

(8) Casual sales by a person, or auctioneer employed directly 69975
by the person to conduct such sales, except as to such sales of 69976
motor vehicles, watercraft or outboard motors required to be 69977
titled under section 1548.06 of the Revised Code, watercraft 69978
documented with the United States coast guard, snowmobiles, and 69979
all-purpose vehicles as defined in section 4519.01 of the Revised 69980
Code; 69981

(9)(a) Sales of services or tangible personal property, other 69982
than motor vehicles, mobile homes, and manufactured homes, by 69983
churches, organizations exempt from taxation under section 69984
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 69985
organizations operated exclusively for charitable purposes as 69986
defined in division (B)(12) of this section, provided that the 69987
number of days on which such tangible personal property or 69988
services, other than items never subject to the tax, are sold does 69989
not exceed six in any calendar year, except as otherwise provided 69990
in division (B)(9)(b) of this section. If the number of days on 69991
which such sales are made exceeds six in any calendar year, the 69992
church or organization shall be considered to be engaged in 69993
business and all subsequent sales by it shall be subject to the 69994
tax. In counting the number of days, all sales by groups within a 69995
church or within an organization shall be considered to be sales 69996
of that church or organization. 69997

(b) The limitation on the number of days on which tax-exempt 69998

sales may be made by a church or organization under division 69999
(B)(9)(a) of this section does not apply to sales made by student 70000
clubs and other groups of students of a primary or secondary 70001
school, or a parent-teacher association, booster group, or similar 70002
organization that raises money to support or fund curricular or 70003
extracurricular activities of a primary or secondary school. 70004

(c) Divisions (B)(9)(a) and (b) of this section do not apply 70005
to sales by a noncommercial educational radio or television 70006
broadcasting station. 70007

(10) Sales not within the taxing power of this state under 70008
the Constitution or laws of the United States or the Constitution 70009
of this state; 70010

(11) Except for transactions that are sales under division 70011
(B)(3)(r) of section 5739.01 of the Revised Code, the 70012
transportation of persons or property, unless the transportation 70013
is by a private investigation and security service; 70014

(12) Sales of tangible personal property or services to 70015
churches, to organizations exempt from taxation under section 70016
501(c)(3) of the Internal Revenue Code of 1986, and to any other 70017
nonprofit organizations operated exclusively for charitable 70018
purposes in this state, no part of the net income of which inures 70019
to the benefit of any private shareholder or individual, and no 70020
substantial part of the activities of which consists of carrying 70021
on propaganda or otherwise attempting to influence legislation; 70022
sales to offices administering one or more homes for the aged or 70023
one or more hospital facilities exempt under section 140.08 of the 70024
Revised Code; and sales to organizations described in division (D) 70025
of section 5709.12 of the Revised Code. 70026

"Charitable purposes" means the relief of poverty; the 70027
improvement of health through the alleviation of illness, disease, 70028
or injury; the operation of an organization exclusively for the 70029

provision of professional, laundry, printing, and purchasing 70030
services to hospitals or charitable institutions; the operation of 70031
a home for the aged, as defined in section 5701.13 of the Revised 70032
Code; the operation of a radio or television broadcasting station 70033
that is licensed by the federal communications commission as a 70034
noncommercial educational radio or television station; the 70035
operation of a nonprofit animal adoption service or a county 70036
humane society; the promotion of education by an institution of 70037
learning that maintains a faculty of qualified instructors, 70038
teaches regular continuous courses of study, and confers a 70039
recognized diploma upon completion of a specific curriculum; the 70040
operation of a parent-teacher association, booster group, or 70041
similar organization primarily engaged in the promotion and 70042
support of the curricular or extracurricular activities of a 70043
primary or secondary school; the operation of a community or area 70044
center in which presentations in music, dramatics, the arts, and 70045
related fields are made in order to foster public interest and 70046
education therein; the production of performances in music, 70047
dramatics, and the arts; or the promotion of education by an 70048
organization engaged in carrying on research in, or the 70049
dissemination of, scientific and technological knowledge and 70050
information primarily for the public. 70051

Nothing in this division shall be deemed to exempt sales to 70052
any organization for use in the operation or carrying on of a 70053
trade or business, or sales to a home for the aged for use in the 70054
operation of independent living facilities as defined in division 70055
(A) of section 5709.12 of the Revised Code. 70056

(13) Building and construction materials and services sold to 70057
construction contractors for incorporation into a structure or 70058
improvement to real property under a construction contract with 70059
this state or a political subdivision of this state, or with the 70060
United States government or any of its agencies; building and 70061

construction materials and services sold to construction 70062
contractors for incorporation into a structure or improvement to 70063
real property that are accepted for ownership by this state or any 70064
of its political subdivisions, or by the United States government 70065
or any of its agencies at the time of completion of the structures 70066
or improvements; building and construction materials sold to 70067
construction contractors for incorporation into a horticulture 70068
structure or livestock structure for a person engaged in the 70069
business of horticulture or producing livestock; building 70070
materials and services sold to a construction contractor for 70071
incorporation into a house of public worship or religious 70072
education, or a building used exclusively for charitable purposes 70073
under a construction contract with an organization whose purpose 70074
is as described in division (B)(12) of this section; building 70075
materials and services sold to a construction contractor for 70076
incorporation into a building under a construction contract with 70077
an organization exempt from taxation under section 501(c)(3) of 70078
the Internal Revenue Code of 1986 when the building is to be used 70079
exclusively for the organization's exempt purposes; building and 70080
construction materials sold for incorporation into the original 70081
construction of a sports facility under section 307.696 of the 70082
Revised Code; building and construction materials and services 70083
sold to a construction contractor for incorporation into real 70084
property outside this state if such materials and services, when 70085
sold to a construction contractor in the state in which the real 70086
property is located for incorporation into real property in that 70087
state, would be exempt from a tax on sales levied by that state; 70088
building and construction materials for incorporation into a 70089
transportation facility pursuant to a public-private agreement 70090
entered into under sections 5501.70 to 5501.83 of the Revised 70091
Code; and, until one calendar year after the construction of a 70092
convention center that qualifies for property tax exemption under 70093
section 5709.084 of the Revised Code is completed, building and 70094

construction materials and services sold to a construction contractor for incorporation into the real property comprising that convention center;

(14) Sales of ships or vessels or rail rolling stock used or to be used principally in interstate or foreign commerce, and repairs, alterations, fuel, and lubricants for such ships or vessels or rail rolling stock;

(15) Sales to persons primarily engaged in any of the activities mentioned in division (B)(42)(a), (g), or (h) of this section, to persons engaged in making retail sales, or to persons who purchase for sale from a manufacturer tangible personal property that was produced by the manufacturer in accordance with specific designs provided by the purchaser, of packages, including material, labels, and parts for packages, and of machinery, equipment, and material for use primarily in packaging tangible personal property produced for sale, including any machinery, equipment, and supplies used to make labels or packages, to prepare packages or products for labeling, or to label packages or products, by or on the order of the person doing the packaging, or sold at retail. "Packages" includes bags, baskets, cartons, crates, boxes, cans, bottles, bindings, wrappings, and other similar devices and containers, but does not include motor vehicles or bulk tanks, trailers, or similar devices attached to motor vehicles. "Packaging" means placing in a package. Division (B)(15) of this section does not apply to persons engaged in highway transportation for hire.

(16) Sales of food to persons using supplemental nutrition assistance program benefits to purchase the food. As used in this division, "food" has the same meaning as in 7 U.S.C. 2012 and federal regulations adopted pursuant to the Food and Nutrition Act of 2008.

(17) Sales to persons engaged in farming, agriculture,

horticulture, or floriculture, of tangible personal property for 70127
use or consumption primarily in the production by farming, 70128
agriculture, horticulture, or floriculture of other tangible 70129
personal property for use or consumption primarily in the 70130
production of tangible personal property for sale by farming, 70131
agriculture, horticulture, or floriculture; or material and parts 70132
for incorporation into any such tangible personal property for use 70133
or consumption in production; and of tangible personal property 70134
for such use or consumption in the conditioning or holding of 70135
products produced by and for such use, consumption, or sale by 70136
persons engaged in farming, agriculture, horticulture, or 70137
floriculture, except where such property is incorporated into real 70138
property; 70139

(18) Sales of drugs for a human being that may be dispensed 70140
only pursuant to a prescription; insulin as recognized in the 70141
official United States pharmacopoeia; urine and blood testing 70142
materials when used by diabetics or persons with hypoglycemia to 70143
test for glucose or acetone; hypodermic syringes and needles when 70144
used by diabetics for insulin injections; epoetin alfa when 70145
purchased for use in the treatment of persons with medical 70146
disease; hospital beds when purchased by hospitals, nursing homes, 70147
or other medical facilities; and medical oxygen and medical 70148
oxygen-dispensing equipment when purchased by hospitals, nursing 70149
homes, or other medical facilities; 70150

(19) Sales of prosthetic devices, durable medical equipment 70151
for home use, or mobility enhancing equipment, when made pursuant 70152
to a prescription and when such devices or equipment are for use 70153
by a human being. 70154

(20) Sales of emergency and fire protection vehicles and 70155
equipment to nonprofit organizations for use solely in providing 70156
fire protection and emergency services, including trauma care and 70157
emergency medical services, for political subdivisions of the 70158

state; 70159

(21) Sales of tangible personal property manufactured in this 70160
state, if sold by the manufacturer in this state to a retailer for 70161
use in the retail business of the retailer outside of this state 70162
and if possession is taken from the manufacturer by the purchaser 70163
within this state for the sole purpose of immediately removing the 70164
same from this state in a vehicle owned by the purchaser; 70165

(22) Sales of services provided by the state or any of its 70166
political subdivisions, agencies, instrumentalities, institutions, 70167
or authorities, or by governmental entities of the state or any of 70168
its political subdivisions, agencies, instrumentalities, 70169
institutions, or authorities; 70170

(23) Sales of motor vehicles to nonresidents of this state 70171
under the circumstances described in division (B) of section 70172
5739.029 of the Revised Code; 70173

(24) Sales to persons engaged in the preparation of eggs for 70174
sale of tangible personal property used or consumed directly in 70175
such preparation, including such tangible personal property used 70176
for cleaning, sanitizing, preserving, grading, sorting, and 70177
classifying by size; packages, including material and parts for 70178
packages, and machinery, equipment, and material for use in 70179
packaging eggs for sale; and handling and transportation equipment 70180
and parts therefor, except motor vehicles licensed to operate on 70181
public highways, used in intraplant or interplant transfers or 70182
shipment of eggs in the process of preparation for sale, when the 70183
plant or plants within or between which such transfers or 70184
shipments occur are operated by the same person. "Packages" 70185
includes containers, cases, baskets, flats, fillers, filler flats, 70186
cartons, closure materials, labels, and labeling materials, and 70187
"packaging" means placing therein. 70188

(25)(a) Sales of water to a consumer for residential use; 70189

(b) Sales of water by a nonprofit corporation engaged exclusively in the treatment, distribution, and sale of water to consumers, if such water is delivered to consumers through pipes or tubing.	70190 70191 70192 70193
(26) Fees charged for inspection or reinspection of motor vehicles under section 3704.14 of the Revised Code;	70194 70195
(27) Sales to persons licensed to conduct a food service operation pursuant to section 3717.43 of the Revised Code, of tangible personal property primarily used directly for the following:	70196 70197 70198 70199
(a) To prepare food for human consumption for sale;	70200
(b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer;	70201 70202 70203 70204
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	70205 70206
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	70207 70208
(29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;	70209 70210 70211 70212
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	70213 70214 70215
(31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;	70216 70217 70218
(32) The sale, lease, repair, and maintenance of, parts for,	70219

or items attached to or incorporated in, motor vehicles that are 70220
primarily used for transporting tangible personal property 70221
belonging to others by a person engaged in highway transportation 70222
for hire, except for packages and packaging used for the 70223
transportation of tangible personal property; 70224

(33) Sales to the state headquarters of any veterans' 70225
organization in this state that is either incorporated and issued 70226
a charter by the congress of the United States or is recognized by 70227
the United States veterans administration, for use by the 70228
headquarters; 70229

(34) Sales to a telecommunications service vendor, mobile 70230
telecommunications service vendor, or satellite broadcasting 70231
service vendor of tangible personal property and services used 70232
directly and primarily in transmitting, receiving, switching, or 70233
recording any interactive, one- or two-way electromagnetic 70234
communications, including voice, image, data, and information, 70235
through the use of any medium, including, but not limited to, 70236
poles, wires, cables, switching equipment, computers, and record 70237
storage devices and media, and component parts for the tangible 70238
personal property. The exemption provided in this division shall 70239
be in lieu of all other exemptions under division (B)(42)(a) or 70240
(n) of this section to which the vendor may otherwise be entitled, 70241
based upon the use of the thing purchased in providing the 70242
telecommunications, mobile telecommunications, or satellite 70243
broadcasting service. 70244

(35)(a) Sales where the purpose of the consumer is to use or 70245
consume the things transferred in making retail sales and 70246
consisting of newspaper inserts, catalogues, coupons, flyers, gift 70247
certificates, or other advertising material that prices and 70248
describes tangible personal property offered for retail sale. 70249

(b) Sales to direct marketing vendors of preliminary 70250
materials such as photographs, artwork, and typesetting that will 70251

be used in printing advertising material; and of printed matter 70252
that offers free merchandise or chances to win sweepstake prizes 70253
and that is mailed to potential customers with advertising 70254
material described in division (B)(35)(a) of this section; 70255

(c) Sales of equipment such as telephones, computers, 70256
facsimile machines, and similar tangible personal property 70257
primarily used to accept orders for direct marketing retail sales. 70258

(d) Sales of automatic food vending machines that preserve 70259
food with a shelf life of forty-five days or less by refrigeration 70260
and dispense it to the consumer. 70261

For purposes of division (B)(35) of this section, "direct 70262
marketing" means the method of selling where consumers order 70263
tangible personal property by United States mail, delivery 70264
service, or telecommunication and the vendor delivers or ships the 70265
tangible personal property sold to the consumer from a warehouse, 70266
catalogue distribution center, or similar fulfillment facility by 70267
means of the United States mail, delivery service, or common 70268
carrier. 70269

(36) Sales to a person engaged in the business of 70270
horticulture or producing livestock of materials to be 70271
incorporated into a horticulture structure or livestock structure; 70272

(37) Sales of personal computers, computer monitors, computer 70273
keyboards, modems, and other peripheral computer equipment to an 70274
individual who is licensed or certified to teach in an elementary 70275
or a secondary school in this state for use by that individual in 70276
preparation for teaching elementary or secondary school students; 70277

~~(38) Sales to a professional racing team of any of the 70278
following: 70279~~

~~(a) Motor racing vehicles; 70280~~

~~(b) Repair services for motor racing vehicles; 70281~~

~~(c) Items of property that are attached to or incorporated in motor racing vehicles, including engines, chassis, and all other components of the vehicles, and all spare, replacement, and rebuilt parts or components of the vehicles; except not including tires, consumable fluids, paint, and accessories consisting of instrumentation sensors and related items added to the vehicle to collect and transmit data by means of telemetry and other forms of communication. Sales of tangible personal property that is not required to be registered or licensed under the laws of this state to a citizen of a foreign nation that is not a citizen of the United States, provided the property is delivered to a person in this state that is not a related member of the purchaser, is physically present in this state for the sole purpose of temporary storage and package consolidation, and is subsequently delivered to the purchaser at a delivery address in a foreign nation. As used in division (B)(38) of this section, "related member" has the same meaning as in section 5733.042 of the Revised Code, and "temporary storage" means the storage of tangible personal property for a period of not more than sixty days.~~

(39) Sales of used manufactured homes and used mobile homes, as defined in section 5739.0210 of the Revised Code, made on or after January 1, 2000;

(40) Sales of tangible personal property and services to a provider of electricity used or consumed directly and primarily in generating, transmitting, or distributing electricity for use by others, including property that is or is to be incorporated into and will become a part of the consumer's production, transmission, or distribution system and that retains its classification as tangible personal property after incorporation; fuel or power used in the production, transmission, or distribution of electricity; energy conversion equipment as defined in section 5727.01 of the Revised Code; and tangible personal property and services used in

the repair and maintenance of the production, transmission, or 70314
distribution system, including only those motor vehicles as are 70315
specially designed and equipped for such use. The exemption 70316
provided in this division shall be in lieu of all other exemptions 70317
in division (B)(42)(a) or (n) of this section to which a provider 70318
of electricity may otherwise be entitled based on the use of the 70319
tangible personal property or service purchased in generating, 70320
transmitting, or distributing electricity. 70321

(41) Sales to a person providing services under division 70322
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 70323
personal property and services used directly and primarily in 70324
providing taxable services under that section. 70325

(42) Sales where the purpose of the purchaser is to do any of 70326
the following: 70327

(a) To incorporate the thing transferred as a material or a 70328
part into tangible personal property to be produced for sale by 70329
manufacturing, assembling, processing, or refining; or to use or 70330
consume the thing transferred directly in producing tangible 70331
personal property for sale by mining, including, without 70332
limitation, the extraction from the earth of all substances that 70333
are classed geologically as minerals, or directly in the rendition 70334
of a public utility service, except that the sales tax levied by 70335
this section shall be collected upon all meals, drinks, and food 70336
for human consumption sold when transporting persons. This 70337
paragraph does not exempt from "retail sale" or "sales at retail" 70338
the sale of tangible personal property that is to be incorporated 70339
into a structure or improvement to real property. 70340

(b) To hold the thing transferred as security for the 70341
performance of an obligation of the vendor; 70342

(c) To resell, hold, use, or consume the thing transferred as 70343
evidence of a contract of insurance; 70344

(d) To use or consume the thing directly in commercial fishing;	70345 70346
(e) To incorporate the thing transferred as a material or a part into, or to use or consume the thing transferred directly in the production of, magazines distributed as controlled circulation publications;	70347 70348 70349 70350
(f) To use or consume the thing transferred in the production and preparation in suitable condition for market and sale of printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter;	70351 70352 70353 70354 70355
(g) To use the thing transferred, as described in section 5739.011 of the Revised Code, primarily in a manufacturing operation to produce tangible personal property for sale;	70356 70357 70358
(h) To use the benefit of a warranty, maintenance or service contract, or similar agreement, as described in division (B)(7) of section 5739.01 of the Revised Code, to repair or maintain tangible personal property, if all of the property that is the subject of the warranty, contract, or agreement would not be subject to the tax imposed by this section;	70359 70360 70361 70362 70363 70364
(i) To use the thing transferred as qualified research and development equipment;	70365 70366
(j) To use or consume the thing transferred primarily in storing, transporting, mailing, or otherwise handling purchased sales inventory in a warehouse, distribution center, or similar facility when the inventory is primarily distributed outside this state to retail stores of the person who owns or controls the warehouse, distribution center, or similar facility, to retail stores of an affiliated group of which that person is a member, or by means of direct marketing. This division does not apply to motor vehicles registered for operation on the public highways. As	70367 70368 70369 70370 70371 70372 70373 70374 70375

used in this division, "affiliated group" has the same meaning as 70376
in division (B)(3)(e) of section 5739.01 of the Revised Code and 70377
"direct marketing" has the same meaning as in division (B)(35) of 70378
this section. 70379

(k) To use or consume the thing transferred to fulfill a 70380
contractual obligation incurred by a warrantor pursuant to a 70381
warranty provided as a part of the price of the tangible personal 70382
property sold or by a vendor of a warranty, maintenance or service 70383
contract, or similar agreement the provision of which is defined 70384
as a sale under division (B)(7) of section 5739.01 of the Revised 70385
Code; 70386

(l) To use or consume the thing transferred in the production 70387
of a newspaper for distribution to the public; 70388

(m) To use tangible personal property to perform a service 70389
listed in division (B)(3) of section 5739.01 of the Revised Code, 70390
if the property is or is to be permanently transferred to the 70391
consumer of the service as an integral part of the performance of 70392
the service; 70393

(n) To use or consume the thing transferred primarily in 70394
producing tangible personal property for sale by farming, 70395
agriculture, horticulture, or floriculture. Persons engaged in 70396
rendering farming, agriculture, horticulture, or floriculture 70397
services for others are deemed engaged primarily in farming, 70398
agriculture, horticulture, or floriculture. This paragraph does 70399
not exempt from "retail sale" or "sales at retail" the sale of 70400
tangible personal property that is to be incorporated into a 70401
structure or improvement to real property. 70402

(o) To use or consume the thing transferred in acquiring, 70403
formatting, editing, storing, and disseminating data or 70404
information by electronic publishing; 70405

(p) To provide the thing transferred to the owner or lessee 70406

of a motor vehicle that is being repaired or serviced, if the thing transferred is a rented motor vehicle and the purchaser is reimbursed for the cost of the rented motor vehicle by a manufacturer, warrantor, or provider of a maintenance, service, or other similar contract or agreement, with respect to the motor vehicle that is being repaired or serviced;

(q) To use or consume the thing transferred directly in production of crude oil and natural gas for sale. Persons engaged in rendering production services for others are deemed engaged in production.

As used in division (B)(42)(q) of this section, "production" means operations and tangible personal property directly used to expose and evaluate an underground reservoir that may contain hydrocarbon resources, prepare the wellbore for production, and lift and control all substances yielded by the reservoir to the surface of the earth.

(i) For the purposes of division (B)(42)(q) of this section, the "thing transferred" includes, but is not limited to, any of the following:

(I) Services provided in the construction of permanent access roads, services provided in the construction of the well site, and services provided in the construction of temporary impoundments;

(II) Equipment and rigging used for the specific purpose of creating with integrity a wellbore pathway to underground reservoirs;

(III) Drilling and workover services used to work within a subsurface wellbore, and tangible personal property directly used in providing such services;

(IV) Casing, tubulars, and float and centralizing equipment;

(V) Trailers to which production equipment is attached;

(VI) Well completion services, including cementing of casing, and tangible personal property directly used in providing such services;	70437 70438 70439
(VII) Wireline evaluation, mud logging, and perforation services, and tangible personal property directly used in providing such services;	70440 70441 70442
(VIII) Reservoir stimulation, hydraulic fracturing, and acidizing services, and tangible personal property directly used in providing such services, including all material pumped downhole;	70443 70444 70445 70446
(IX) Pressure pumping equipment;	70447
(X) Artificial lift systems equipment;	70448
(XI) Wellhead equipment and well site equipment used to separate, stabilize, and control hydrocarbon phases and produced water;	70449 70450 70451
(XII) Tangible personal property directly used to control production equipment.	70452 70453
(ii) For the purposes of division (B)(42)(q) of this section, the "thing transferred" does not include any of the following:	70454 70455
(I) Tangible personal property used primarily in the exploration and production of any mineral resource regulated under Chapter 1509. of the Revised Code other than oil or gas;	70456 70457 70458
(II) Tangible personal property used primarily in storing, holding, or delivering solutions or chemicals used in well stimulation as defined in section 1509.01 of the Revised Code;	70459 70460 70461
(III) Tangible personal property used primarily in preparing, installing, or reclaiming foundations for drilling or pumping equipment or well stimulation material tanks;	70462 70463 70464
(IV) Tangible personal property used primarily in transporting, delivering, or removing equipment to or from the	70465 70466

well site or storing such equipment before its use at the well site;	70467 70468
(V) Tangible personal property used primarily in gathering operations occurring off the well site, including gathering pipelines transporting hydrocarbon gas or liquids away from a crude oil or natural gas production facility;	70469 70470 70471 70472
(VI) Tangible personal property that is to be incorporated into a structure or improvement to real property;	70473 70474
(VII) Well site fencing, lighting, or security systems;	70475
(VIII) Communication devices or services;	70476
(IX) Office supplies;	70477
(X) Trailers used as offices or lodging;	70478
(XI) Motor vehicles of any kind;	70479
(XII) Tangible personal property used primarily for the storage of drilling byproducts and fuel not used for production;	70480 70481
(XIII) Tangible personal property used primarily as a safety device;	70482 70483
(XIV) Data collection or monitoring devices;	70484
(XV) Access ladders, stairs, or platforms attached to storage tanks.	70485 70486
The enumeration of tangible personal property in division (B)(42)(q)(ii) of this section is not intended to be exhaustive, and any tangible personal property not so enumerated shall not necessarily be construed to be a "thing transferred" for the purposes of division (B)(42)(q) of this section.	70487 70488 70489 70490 70491
The commissioner shall adopt and promulgate rules under sections 119.01 to 119.13 of the Revised Code that the commissioner deems necessary to administer division (B)(42)(q) of this section.	70492 70493 70494 70495

As used in division (B)(42) of this section, "thing" includes 70496
all transactions included in divisions (B)(3)(a), (b), and (e) of 70497
section 5739.01 of the Revised Code. 70498

(43) Sales conducted through a coin operated device that 70499
activates vacuum equipment or equipment that dispenses water, 70500
whether or not in combination with soap or other cleaning agents 70501
or wax, to the consumer for the consumer's use on the premises in 70502
washing, cleaning, or waxing a motor vehicle, provided no other 70503
personal property or personal service is provided as part of the 70504
transaction. 70505

~~(44) Sales of replacement and modification parts for engines, 70506
airframes, instruments, and interiors in, and paint for, aircraft 70507
used primarily in a fractional aircraft ownership program, and 70508
sales of services for the repair, modification, and maintenance of 70509
such aircraft, and machinery, equipment, and supplies primarily 70510
used to provide those services. 70511~~

~~(45)~~ Sales of telecommunications service that is used 70512
directly and primarily to perform the functions of a call center. 70513
As used in this division, "call center" means any physical 70514
location where telephone calls are placed or received in high 70515
volume for the purpose of making sales, marketing, customer 70516
service, technical support, or other specialized business 70517
activity, and that employs at least fifty individuals that engage 70518
in call center activities on a full-time basis, or sufficient 70519
individuals to fill fifty full-time equivalent positions. 70520

~~(46)~~(45) Sales by a telecommunications service vendor of 900 70521
service to a subscriber. This division does not apply to 70522
information services, as defined in division (FF) of section 70523
5739.01 of the Revised Code. 70524

~~(47)~~(46) Sales of value-added non-voice data service. This 70525
division does not apply to any similar service that is not 70526

otherwise a telecommunications service. 70527

~~(48)~~(47)(a) Sales of machinery, equipment, and software to a 70528
qualified direct selling entity for use in a warehouse or 70529
distribution center primarily for storing, transporting, or 70530
otherwise handling inventory that is held for sale to independent 70531
salespersons who operate as direct sellers and that is held 70532
primarily for distribution outside this state; 70533

(b) As used in division (B)~~(48)~~(47)(a) of this section: 70534

(i) "Direct seller" means a person selling consumer products 70535
to individuals for personal or household use and not from a fixed 70536
retail location, including selling such product at in-home product 70537
demonstrations, parties, and other one-on-one selling. 70538

(ii) "Qualified direct selling entity" means an entity 70539
selling to direct sellers at the time the entity enters into a tax 70540
credit agreement with the tax credit authority pursuant to section 70541
122.17 of the Revised Code, provided that the agreement was 70542
entered into on or after January 1, 2007. Neither contingencies 70543
relevant to the granting of, nor later developments with respect 70544
to, the tax credit shall impair the status of the qualified direct 70545
selling entity under division (B)~~(48)~~(47) of this section after 70546
execution of the tax credit agreement by the tax credit authority. 70547

(c) Division (B)~~(48)~~(47) of this section is limited to 70548
machinery, equipment, and software first stored, used, or consumed 70549
in this state within the period commencing June 24, 2008, and 70550
ending on the date that is five years after that date. 70551

~~(49) Sales of materials, parts, equipment, or engines used in 70552
the repair or maintenance of aircraft or avionics systems of such 70553
aircraft, and sales of repair, remodeling, replacement, or 70554
maintenance services in this state performed on aircraft or on an 70555
aircraft's avionics, engine, or component materials or parts. As 70556
used in division (B)(49) of this section, "aircraft" means 70557~~

~~aircraft of more than six thousand pounds maximum certified
takeoff weight or used exclusively in general aviation.~~ 70558
70559

~~(50) Sales of full flight simulators that are used for pilot
or flight crew training, sales of repair or replacement parts or
components, and sales of repair or maintenance services for such
full flight simulators. "Full flight simulator" means a replica of
a specific type, or make, model, and series of aircraft cockpit.
It includes the assemblage of equipment and computer programs
necessary to represent aircraft operations in ground and flight
conditions, a visual system providing an out of the cockpit view,
and a system that provides cues at least equivalent to those of a
three degree of freedom motion system, and has the full range of
capabilities of the systems installed in the device as described
in appendices A and B of part 60 of chapter 1 of title 14 of the
Code of Federal Regulations.~~ 70560
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~~(51)(48)~~ Any transfer or lease of tangible personal property 70573
between the state and JobsOhio in accordance with section 4313.02 70574
of the Revised Code. 70575

~~(52)(49)~~(a) Sales to a qualifying corporation. 70576

(b) As used in division (B)~~(52)(49)~~ of this section: 70577

(i) "Qualifying corporation" means a nonprofit corporation 70578
organized in this state that leases from an eligible county land, 70579
buildings, structures, fixtures, and improvements to the land that 70580
are part of or used in a public recreational facility used by a 70581
major league professional athletic team or a class A to class AAA 70582
minor league affiliate of a major league professional athletic 70583
team for a significant portion of the team's home schedule, 70584
provided the following apply: 70585

(I) The facility is leased from the eligible county pursuant 70586
to a lease that requires substantially all of the revenue from the 70587
operation of the business or activity conducted by the nonprofit 70588

corporation at the facility in excess of operating costs, capital 70589
expenditures, and reserves to be paid to the eligible county at 70590
least once per calendar year. 70591

(II) Upon dissolution and liquidation of the nonprofit 70592
corporation, all of its net assets are distributable to the board 70593
of commissioners of the eligible county from which the corporation 70594
leases the facility. 70595

(ii) "Eligible county" has the same meaning as in section 70596
307.695 of the Revised Code. 70597

~~(53)~~(50) Sales to or by a cable service provider, video 70598
service provider, or radio or television broadcast station 70599
regulated by the federal government of cable service or 70600
programming, video service or programming, audio service or 70601
programming, or electronically transferred digital audiovisual or 70602
audio work. As used in division (B)~~(53)~~(50) of this section, 70603
"cable service" and "cable service provider" have the same 70604
meanings as in section 1332.01 of the Revised Code, and "video 70605
service," "video service provider," and "video programming" have 70606
the same meanings as in section 1332.21 of the Revised Code. 70607

~~(54) Sales of investment metal bullion and investment coins. 70608
"Investment metal bullion" means any bullion described in section 70609
408(m)(3)(B) of the Internal Revenue Code, regardless of whether 70610
that bullion is in the physical possession of a trustee. 70611
"Investment coin" means any coin composed primarily of gold, 70612
silver, platinum, or palladium. 70613~~

~~(55)~~(51) Sales of a digital audio work electronically 70614
transferred for delivery through use of a machine, such as a juke 70615
box, that does all of the following: 70616

(a) Accepts direct payments to operate; 70617

(b) Automatically plays a selected digital audio work for a 70618
single play upon receipt of a payment described in division 70619

(B) (55) <u>(51)</u> (a) of this section;	70620
(c) Operates exclusively for the purpose of playing digital audio works in a commercial establishment.	70621 70622
(56) <u>(52)</u> (a) Sales of the following occurring on the first Friday of August and the following Saturday and Sunday of each year, beginning in 2018:	70623 70624 70625
(i) An item of clothing, the price of which is seventy-five dollars or less;	70626 70627
(ii) An item of school supplies, the price of which is twenty dollars or less;	70628 70629
(iii) An item of school instructional material, the price of which is twenty dollars or less.	70630 70631
(b) As used in division (B) (56) <u>(52)</u> of this section:	70632
(i) "Clothing" means all human wearing apparel suitable for general use. "Clothing" includes, but is not limited to, aprons, household and shop; athletic supporters; baby receiving blankets; bathing suits and caps; beach capes and coats; belts and suspenders; boots; coats and jackets; costumes; diapers, children and adult, including disposable diapers; earmuffs; footlets; formal wear; garters and garter belts; girdles; gloves and mittens for general use; hats and caps; hosiery; insoles for shoes; lab coats; neckties; overshoes; pantyhose; rainwear; rubber pants; sandals; scarves; shoes and shoe laces; slippers; sneakers; socks and stockings; steel-toed shoes; underwear; uniforms, athletic and nonathletic; and wedding apparel. "Clothing" does not include items purchased for use in a trade or business; clothing accessories or equipment; protective equipment; sports or recreational equipment; belt buckles sold separately; costume masks sold separately; patches and emblems sold separately; sewing equipment and supplies including, but not limited to, knitting needles, patterns, pins, scissors, sewing machines, sewing	70633 70634 70635 70636 70637 70638 70639 70640 70641 70642 70643 70644 70645 70646 70647 70648 70649 70650

needles, tape measures, and thimbles; and sewing materials that 70651
become part of "clothing" including, but not limited to, buttons, 70652
fabric, lace, thread, yarn, and zippers. 70653

(ii) "School supplies" means items commonly used by a student 70654
in a course of study. "School supplies" includes only the 70655
following items: binders; book bags; calculators; cellophane tape; 70656
blackboard chalk; compasses; composition books; crayons; erasers; 70657
folders, expandable, pocket, plastic, and manila; glue, paste, and 70658
paste sticks; highlighters; index cards; index card boxes; legal 70659
pads; lunch boxes; markers; notebooks; paper, loose-leaf ruled 70660
notebook paper, copy paper, graph paper, tracing paper, manila 70661
paper, colored paper, poster board, and construction paper; pencil 70662
boxes and other school supply boxes; pencil sharpeners; pencils; 70663
pens; protractors; rulers; scissors; and writing tablets. "School 70664
supplies" does not include any item purchased for use in a trade 70665
or business. 70666

(iii) "School instructional material" means written material 70667
commonly used by a student in a course of study as a reference and 70668
to learn the subject being taught. "School instructional material" 70669
includes only the following items: reference books, reference maps 70670
and globes, textbooks, and workbooks. "School instructional 70671
material" does not include any material purchased for use in a 70672
trade or business. 70673

~~(57) Sales of tangible personal property that is not required 70674
to be registered or licensed under the laws of this state to a 70675
citizen of a foreign nation that is not a citizen of the United 70676
States, provided the property is delivered to a person in this 70677
state that is not a related member of the purchaser, is physically 70678
present in this state for the sole purpose of temporary storage 70679
and package consolidation, and is subsequently delivered to the 70680
purchaser at a delivery address in a foreign nation. As used in 70681
division (B)(56) of this section, "related member" has the same 70682~~

~~meaning as in section 5733.042 of the Revised Code, and "temporary storage" means the storage of tangible personal property for a period of not more than sixty days.~~

(C) For the purpose of the proper administration of this chapter, and to prevent the evasion of the tax, it is presumed that all sales made in this state are subject to the tax until the contrary is established.

(D) The levy of this tax on retail sales of recreation and sports club service shall not prevent a municipal corporation from levying any tax on recreation and sports club dues or on any income generated by recreation and sports club dues.

(E) The tax collected by the vendor from the consumer under this chapter is not part of the price, but is a tax collection for the benefit of the state, and of counties levying an additional sales tax pursuant to section 5739.021 or 5739.026 of the Revised Code and of transit authorities levying an additional sales tax pursuant to section 5739.023 of the Revised Code. Except for the discount authorized under section 5739.12 of the Revised Code and the effects of any rounding pursuant to section 5703.055 of the Revised Code, no person other than the state or such a county or transit authority shall derive any benefit from the collection or payment of the tax levied by this section or section 5739.021, 5739.023, or 5739.026 of the Revised Code.

Sec. 5739.021. (A) For the purpose of providing additional general revenues for the county, supporting criminal and administrative justice services in the county, funding a regional transportation improvement project under section 5595.06 of the Revised Code, or any combination of the foregoing, and to pay the expenses of administering such levy, any county may levy a tax at the rate of not more than one per cent upon every retail sale made in the county, except sales of watercraft and outboard motors

required to be titled pursuant to Chapter 1548. of the Revised 70714
Code and sales of motor vehicles, and may increase the rate of an 70715
existing tax to not more than one per cent. The rate of any tax 70716
levied pursuant to this section shall be a multiple of ~~one-fourth~~ 70717
~~or one-tenth~~ one-twentieth of one per cent. 70718

The tax shall be levied and the rate increased pursuant to a 70719
resolution of the board of county commissioners. The resolution 70720
shall state the purpose for which the tax is to be levied and the 70721
number of years for which the tax is to be levied, or that it is 70722
for a continuing period of time. If the tax is to be levied for 70723
the purpose of providing additional general revenues and for the 70724
purpose of supporting criminal and administrative justice 70725
services, the resolution shall state the rate or amount of the tax 70726
to be apportioned to each such purpose. The rate or amount may be 70727
different for each year the tax is to be levied, but the rates or 70728
amounts actually apportioned each year shall not be different from 70729
that stated in the resolution for that year. If the resolution is 70730
adopted as an emergency measure necessary for the immediate 70731
preservation of the public peace, health, or safety, it must 70732
receive an affirmative vote of all of the members of the board of 70733
county commissioners and shall state the reasons for such 70734
necessity. The board shall deliver a certified copy of the 70735
resolution to the tax commissioner, not later than the sixty-fifth 70736
day prior to the date on which the tax is to become effective, 70737
which shall be the first day of the calendar quarter. 70738

Prior to the adoption of any resolution under this section, 70739
the board of county commissioners shall conduct two public 70740
hearings on the resolution, the second hearing to be not less than 70741
three nor more than ten days after the first. Notice of the date, 70742
time, and place of the hearings shall be given by publication in a 70743
newspaper of general circulation in the county, or as provided in 70744
section 7.16 of the Revised Code, once a week on the same day of 70745

the week for two consecutive weeks, the second publication being 70746
not less than ten nor more than thirty days prior to the first 70747
hearing. 70748

Except as provided in division (B)(3) of this section, the 70749
resolution shall be subject to a referendum as provided in 70750
sections 305.31 to 305.41 of the Revised Code. 70751

If a petition for a referendum is filed, the county auditor 70752
with whom the petition was filed shall, within five days, notify 70753
the board of county commissioners and the tax commissioner of the 70754
filing of the petition by certified mail. If the board of 70755
elections with which the petition was filed declares the petition 70756
invalid, the board of elections, within five days, shall notify 70757
the board of county commissioners and the tax commissioner of that 70758
declaration by certified mail. If the petition is declared to be 70759
invalid, the effective date of the tax or increased rate of tax 70760
levied by this section shall be the first day of a calendar 70761
quarter following the expiration of sixty-five days from the date 70762
the commissioner receives notice from the board of elections that 70763
the petition is invalid. 70764

(B)(1) A resolution that is not adopted as an emergency 70765
measure may direct the board of elections to submit the question 70766
of levying the tax or increasing the rate of tax to the electors 70767
of the county at a special election held on the date specified by 70768
the board of county commissioners in the resolution, provided that 70769
the election occurs not less than ninety days after a certified 70770
copy of such resolution is transmitted to the board of elections 70771
and the election is not held in February or August of any year. 70772
Upon transmission of the resolution to the board of elections, the 70773
board of county commissioners shall notify the tax commissioner in 70774
writing of the levy question to be submitted to the electors. No 70775
resolution adopted under this division shall go into effect unless 70776
approved by a majority of those voting upon it, and, except as 70777

provided in division (B)(3) of this section, shall become 70778
effective on the first day of a calendar quarter following the 70779
expiration of sixty-five days from the date the tax commissioner 70780
receives notice from the board of elections of the affirmative 70781
vote. 70782

(2) A resolution that is adopted as an emergency measure 70783
shall go into effect as provided in division (A) of this section, 70784
but may direct the board of elections to submit the question of 70785
repealing the tax or increase in the rate of the tax to the 70786
electors of the county at the next general election in the county 70787
occurring not less than ninety days after a certified copy of the 70788
resolution is transmitted to the board of elections. Upon 70789
transmission of the resolution to the board of elections, the 70790
board of county commissioners shall notify the tax commissioner in 70791
writing of the levy question to be submitted to the electors. The 70792
ballot question shall be the same as that prescribed in section 70793
5739.022 of the Revised Code. The board of elections shall notify 70794
the board of county commissioners and the tax commissioner of the 70795
result of the election immediately after the result has been 70796
declared. If a majority of the qualified electors voting on the 70797
question of repealing the tax or increase in the rate of the tax 70798
vote for repeal of the tax or repeal of the increase, the board of 70799
county commissioners, on the first day of a calendar quarter 70800
following the expiration of sixty-five days after the date the 70801
board and tax commissioner receive notice of the result of the 70802
election, shall, in the case of a repeal of the tax, cease to levy 70803
the tax, or, in the case of a repeal of an increase in the rate of 70804
the tax, cease to levy the increased rate and levy the tax at the 70805
rate at which it was imposed immediately prior to the increase in 70806
rate. 70807

(3) If a vendor makes a sale in this state by printed catalog 70808
and the consumer computed the tax on the sale based on local rates 70809

published in the catalog, any tax levied or repealed or rate 70810
changed under this section shall not apply to such a sale until 70811
the first day of a calendar quarter following the expiration of 70812
one hundred twenty days from the date of notice by the tax 70813
commissioner pursuant to division (H) of this section. 70814

(C) If a resolution is rejected at a referendum or if a 70815
resolution adopted after January 1, 1982, as an emergency measure 70816
is repealed by the electors pursuant to division (B)(2) of this 70817
section or section 5739.022 of the Revised Code, then for one year 70818
after the date of the election at which the resolution was 70819
rejected or repealed the board of county commissioners may not 70820
adopt any resolution authorized by this section as an emergency 70821
measure. 70822

(D) The board of county commissioners, at any time while a 70823
tax levied under this section is in effect, may by resolution 70824
reduce the rate at which the tax is levied to a lower rate 70825
authorized by this section. Any reduction in the rate at which the 70826
tax is levied shall be made effective on the first day of a 70827
calendar quarter next following the sixty-fifth day after a 70828
certified copy of the resolution is delivered to the tax 70829
commissioner. 70830

(E) The tax on every retail sale subject to a tax levied 70831
pursuant to this section shall be in addition to the tax levied by 70832
section 5739.02 of the Revised Code and any tax levied pursuant to 70833
section 5739.023 or 5739.026 of the Revised Code. 70834

A county that levies a tax pursuant to this section shall 70835
levy a tax at the same rate pursuant to section 5741.021 of the 70836
Revised Code. 70837

The additional tax levied by the county shall be collected 70838
pursuant to section 5739.025 of the Revised Code. If the 70839
additional tax or some portion thereof is levied for the purpose 70840

of criminal and administrative justice services, the revenue from 70841
the tax, or the amount or rate apportioned to that purpose, shall 70842
be credited to a special fund created in the county treasury for 70843
receipt of that revenue. 70844

Any tax levied pursuant to this section is subject to the 70845
exemptions provided in section 5739.02 of the Revised Code and in 70846
addition shall not be applicable to sales not within the taxing 70847
power of a county under the Constitution of the United States or 70848
the Ohio Constitution. 70849

(F) For purposes of this section, a copy of a resolution is 70850
"certified" when it contains a written statement attesting that 70851
the copy is a true and exact reproduction of the original 70852
resolution. 70853

(G) If a board of commissioners intends to adopt a resolution 70854
to levy a tax in whole or in part for the purpose of criminal and 70855
administrative justice services, the board shall prepare and make 70856
available at the first public hearing at which the resolution is 70857
considered a statement containing the following information: 70858

(1) For each of the two preceding fiscal years, the amount of 70859
expenditures made by the county from the county general fund for 70860
the purpose of criminal and administrative justice services; 70861

(2) For the fiscal year in which the resolution is adopted, 70862
the board's estimate of the amount of expenditures to be made by 70863
the county from the county general fund for the purpose of 70864
criminal and administrative justice services; 70865

(3) For each of the two fiscal years after the fiscal year in 70866
which the resolution is adopted, the board's preliminary plan for 70867
expenditures to be made from the county general fund for the 70868
purpose of criminal and administrative justice services, both 70869
under the assumption that the tax will be imposed for that purpose 70870
and under the assumption that the tax would not be imposed for 70871

that purpose, and for expenditures to be made from the special 70872
fund created under division (E) of this section under the 70873
assumption that the tax will be imposed for that purpose. 70874

The board shall prepare the statement and the preliminary 70875
plan using the best information available to the board at the time 70876
the statement is prepared. Neither the statement nor the 70877
preliminary plan shall be used as a basis to challenge the 70878
validity of the tax in any court of competent jurisdiction, nor 70879
shall the statement or preliminary plan limit the authority of the 70880
board to appropriate, pursuant to section 5705.38 of the Revised 70881
Code, an amount different from that specified in the preliminary 70882
plan. 70883

(H) Upon receipt from a board of county commissioners of a 70884
certified copy of a resolution required by division (A) or (D) of 70885
this section, or from the board of elections of a notice of the 70886
results of an election required by division (A) or (B)(1) or (2) 70887
of this section, the tax commissioner shall provide notice of a 70888
tax rate change in a manner that is reasonably accessible to all 70889
affected vendors. The commissioner shall provide this notice at 70890
least sixty days prior to the effective date of the rate change. 70891
The commissioner, by rule, may establish the method by which 70892
notice will be provided. 70893

(I) As used in this section, "criminal and administrative 70894
justice services" means the exercise by the county sheriff of all 70895
powers and duties vested in that office by law; the exercise by 70896
the county prosecuting attorney of all powers and duties vested in 70897
that office by law; the exercise by any court in the county of all 70898
powers and duties vested in that court; the exercise by the clerk 70899
of the court of common pleas, any clerk of a municipal court 70900
having jurisdiction throughout the county, or the clerk of any 70901
county court of all powers and duties vested in the clerk by law 70902
except, in the case of the clerk of the court of common pleas, the 70903

titling of motor vehicles or watercraft pursuant to Chapter 1548. 70904
or 4505. of the Revised Code; the exercise by the county coroner 70905
of all powers and duties vested in that office by law; making 70906
payments to any other public agency or a private, nonprofit 70907
agency, the purposes of which in the county include the diversion, 70908
adjudication, detention, or rehabilitation of criminals or 70909
juvenile offenders; the operation and maintenance of any detention 70910
facility, as defined in section 2921.01 of the Revised Code; and 70911
the construction, acquisition, equipping, or repair of such a 70912
detention facility, including the payment of any debt charges 70913
incurred in the issuance of securities pursuant to Chapter 133. of 70914
the Revised Code for the purpose of constructing, acquiring, 70915
equipping, or repairing such a facility. 70916

Sec. 5739.023. (A)(1) For the purpose of providing additional 70917
general revenues for a transit authority or funding a regional 70918
transportation improvement project under section 5595.06 of the 70919
Revised Code, or both, and to pay the expenses of administering 70920
such levy, any transit authority as defined in division (U) of 70921
section 5739.01 of the Revised Code may levy a tax upon every 70922
retail sale made in the territory of the transit authority, except 70923
sales of watercraft and outboard motors required to be titled 70924
pursuant to Chapter 1548. of the Revised Code and sales of motor 70925
vehicles, at a rate of not more than one and one-half per cent and 70926
may increase the rate of an existing tax to not more than one and 70927
one-half per cent. The rate of any tax levied pursuant to this 70928
section shall be a multiple of ~~one-fourth or one-tenth~~ 70929
one-twentieth of one per cent. The tax shall be levied and the 70930
rate increased pursuant to a resolution of the legislative 70931
authority of the transit authority and a certified copy of the 70932
resolution shall be delivered by the fiscal officer to the board 70933
of elections as provided in section 3505.071 of the Revised Code 70934
and to the tax commissioner. The resolution shall specify the 70935

number of years for which the tax is to be in effect or that the tax is for a continuing period of time, and the date of the election on the question of the tax pursuant to section 306.70 of the Revised Code. The board of elections shall certify the results of the election to the transit authority and tax commissioner.

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(2) Except as provided in division (C) of this section, the tax levied by the resolution shall become effective on the first day of a calendar quarter next following the sixty-fifth day following the date the tax commissioner receives from the board of elections the certification of the results of the election on the question of the tax.

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(B) The legislative authority may, at any time while the tax is in effect, by resolution fix the rate of the tax at any rate authorized by this section and not in excess of that approved by the voters pursuant to section 306.70 of the Revised Code. Except as provided in division (C) of this section, any change in the rate of the tax shall be made effective on the first day of a calendar quarter next following the sixty-fifth day following the date the tax commissioner receives the certification of the resolution; provided, that in any case where bonds, or notes in anticipation of bonds, of a regional transit authority have been issued under section 306.40 of the Revised Code without a vote of the electors while the tax proposed to be reduced was in effect, the board of trustees of the regional transit authority shall continue to levy and collect under authority of the original election authorizing the tax a rate of tax that the board of trustees reasonably estimates will produce an amount in that year equal to the amount of principal of and interest on those bonds as is payable in that year.

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(C) Upon receipt from the board of elections of the

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certification of the results of the election required by division 70967
(A) of this section, or from the legislative authority of the 70968
certification of a resolution under division (B) of this section, 70969
the tax commissioner shall provide notice of a tax rate change in 70970
a manner that is reasonably accessible to all affected vendors. 70971
The commissioner shall provide this notice at least sixty days 70972
prior to the effective date of the rate change. The commissioner, 70973
by rule, may establish the method by which notice will be 70974
provided. 70975

(D) If a vendor makes a sale in this state by printed catalog 70976
and the consumer computed the tax on the sale based on local rates 70977
published in the catalog, any tax levied or rate changed under 70978
this section shall not apply to such a sale until the first day of 70979
a calendar quarter following the expiration of one hundred twenty 70980
days from the date of notice by the tax commissioner pursuant to 70981
division (C) of this section. 70982

(E) The tax on every retail sale subject to a tax levied 70983
pursuant to this section is in addition to the tax levied by 70984
section 5739.02 of the Revised Code and any tax levied pursuant to 70985
section 5739.021 or 5739.026 of the Revised Code. 70986

(F) The additional tax levied by the transit authority shall 70987
be collected pursuant to section 5739.025 of the Revised Code. 70988

(G) Any tax levied pursuant to this section is subject to the 70989
exemptions provided in section 5739.02 of the Revised Code and in 70990
addition shall not be applicable to sales not within the taxing 70991
power of a transit authority under the constitution of the United 70992
States or the constitution of this state. 70993

(H) The rate of a tax levied under this section is subject to 70994
reduction under section 5739.028 of the Revised Code, if a ballot 70995
question is approved by voters pursuant to that section. 70996

Sec. 5739.025. (A) A vendor shall compute the tax on each sale by multiplying the price by the aggregate rate of taxes in effect under sections 5739.02 and 5741.02, and sections 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, and 5741.023 of the Revised Code. The computation shall be carried out to three decimal places. If the result is a fractional amount of a cent, the calculated tax shall be rounded to a whole cent using a method that rounds up to the next cent whenever the third decimal place is greater than four. A vendor may elect to compute the tax due on a transaction on an item or an invoice basis.

(B) In auditing a vendor, the tax commissioner shall consider the method prescribed by this section that was used by the vendor in determining and collecting the tax due under this chapter on taxable transactions. If the vendor correctly collects and remits the tax due under this chapter in accordance with the computation prescribed in division (A) of this section, the commissioner shall not assess any additional tax on those transactions.

~~(C)(1) With respect to a sale of a fractional ownership program aircraft used primarily in a fractional aircraft ownership program, including all accessories attached to such aircraft, the tax shall be calculated pursuant to division (A) of this section, provided that the tax commissioner shall modify those calculations so that the maximum tax on each program aircraft is eight hundred dollars. In the case of a sale of a fractional interest that is less than one hundred per cent of the program aircraft, the tax charged on the transaction shall be eight hundred dollars multiplied by a fraction, the numerator of which is the percentage of ownership or possession in the aircraft being purchased in the transaction, and the denominator of which is one hundred per cent.~~

~~(2) Notwithstanding any other provision of law to the contrary, the tax calculated under division (C)(1) of this section~~

~~and paid with respect to the sale of a fractional ownership 71028
program aircraft used primarily in a fractional aircraft ownership 71029
program shall be credited to the general revenue fund. 71030~~

Sec. 5739.026. (A) A board of county commissioners may levy a 71031
tax on every retail sale in the county, except sales of watercraft 71032
and outboard motors required to be titled pursuant to Chapter 71033
1548. of the Revised Code and sales of motor vehicles, at a rate 71034
of not more than one-half of one per cent and may increase the 71035
rate of an existing tax to not more than one-half of one per cent 71036
to pay the expenses of administering the tax and, except as 71037
provided in division (A)(6) of this section, for any one or more 71038
of the following purposes provided that the aggregate levy for all 71039
such purposes does not exceed one-half of one per cent: 71040

(1) To provide additional revenues for the payment of bonds 71041
or notes issued in anticipation of bonds issued by a convention 71042
facilities authority established by the board of county 71043
commissioners under Chapter 351. of the Revised Code and to 71044
provide additional operating revenues for the convention 71045
facilities authority; 71046

(2) To provide additional revenues for a transit authority 71047
operating in the county; 71048

(3) To provide additional revenue for the county's general 71049
fund; 71050

(4) To provide additional revenue for permanent improvements 71051
to be distributed by the community improvements board in 71052
accordance with section 307.283 and to pay principal, interest, 71053
and premium on bonds issued under section 307.284 of the Revised 71054
Code; 71055

(5) To provide additional revenue for the acquisition, 71056
construction, equipping, or repair of any specific permanent 71057

improvement or any class or group of permanent improvements, which 71058
improvement or class or group of improvements shall be enumerated 71059
in the resolution required by division (D) of this section, and to 71060
pay principal, interest, premium, and other costs associated with 71061
the issuance of bonds or notes in anticipation of bonds issued 71062
pursuant to Chapter 133. of the Revised Code for the acquisition, 71063
construction, equipping, or repair of the specific permanent 71064
improvement or class or group of permanent improvements; 71065

(6) To provide revenue for the implementation and operation 71066
of a 9-1-1 system in the county. If the tax is levied or the rate 71067
increased exclusively for such purpose, the tax shall not be 71068
levied or the rate increased for more than five years. At the end 71069
of the last year the tax is levied or the rate increased, any 71070
balance remaining in the special fund established for such purpose 71071
shall remain in that fund and be used exclusively for such purpose 71072
until the fund is completely expended, and, notwithstanding 71073
section 5705.16 of the Revised Code, the board of county 71074
commissioners shall not petition for the transfer of money from 71075
such special fund, and the tax commissioner shall not approve such 71076
a petition. 71077

If the tax is levied or the rate increased for such purpose 71078
for more than five years, the board of county commissioners also 71079
shall levy the tax or increase the rate of the tax for one or more 71080
of the purposes described in divisions (A)(1) to (5) of this 71081
section and shall prescribe the method for allocating the revenues 71082
from the tax each year in the manner required by division (C) of 71083
this section. 71084

(7) To provide additional revenue for the operation or 71085
maintenance of a detention facility, as that term is defined under 71086
division (F) of section 2921.01 of the Revised Code; 71087

(8) To provide revenue to finance the construction or 71088
renovation of a sports facility, but only if the tax is levied for 71089

that purpose in the manner prescribed by section 5739.028 of the Revised Code. 71090
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As used in division (A)(8) of this section: 71092

(a) "Sports facility" means a facility intended to house major league professional athletic teams. 71093
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(b) "Constructing" or "construction" includes providing fixtures, furnishings, and equipment. 71095
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(9) To provide additional revenue for the acquisition of agricultural easements, as defined in section 5301.67 of the Revised Code; to pay principal, interest, and premium on bonds issued under section 133.60 of the Revised Code; and for the supervision and enforcement of agricultural easements held by the county; 71097
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(10) To provide revenue for the provision of ambulance, paramedic, or other emergency medical services; 71103
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(11) To provide revenue for the operation of a lake facilities authority and the remediation of an impacted watershed by a lake facilities authority, as provided in Chapter 353. of the Revised Code; 71105
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(12) To provide additional revenue for a regional transportation improvement project under section 5595.06 of the Revised Code. 71109
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Pursuant to section 755.171 of the Revised Code, a board of county commissioners may pledge and contribute revenue from a tax levied for the purpose of division (A)(5) of this section to the payment of debt charges on bonds issued under section 755.17 of the Revised Code. 71112
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The rate of tax shall be a multiple of ~~one-fourth or one-tenth~~ one-twentieth of one per cent, unless a portion of the rate of an existing tax levied under section 5739.023 of the 71117
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Revised Code has been reduced, and the rate of tax levied under 71120
this section has been increased, pursuant to section 5739.028 of 71121
the Revised Code, in which case the aggregate of the rates of tax 71122
levied under this section and section 5739.023 of the Revised Code 71123
shall be a multiple of ~~one fourth or one tenth~~ one-twentieth of 71124
one per cent. 71125

The tax shall be levied and the rate increased pursuant to a 71126
resolution adopted by a majority of the members of the board. The 71127
board shall deliver a certified copy of the resolution to the tax 71128
commissioner, not later than the sixty-fifth day prior to the date 71129
on which the tax is to become effective, which shall be the first 71130
day of a calendar quarter. 71131

Prior to the adoption of any resolution to levy the tax or to 71132
increase the rate of tax exclusively for the purpose set forth in 71133
division (A)(3) of this section, the board of county commissioners 71134
shall conduct two public hearings on the resolution, the second 71135
hearing to be no fewer than three nor more than ten days after the 71136
first. Notice of the date, time, and place of the hearings shall 71137
be given by publication in a newspaper of general circulation in 71138
the county, or as provided in section 7.16 of the Revised Code, 71139
once a week on the same day of the week for two consecutive weeks. 71140
The second publication shall be no fewer than ten nor more than 71141
thirty days prior to the first hearing. Except as provided in 71142
division (E) of this section, the resolution shall be subject to a 71143
referendum as provided in sections 305.31 to 305.41 of the Revised 71144
Code. If the resolution is adopted as an emergency measure 71145
necessary for the immediate preservation of the public peace, 71146
health, or safety, it must receive an affirmative vote of all of 71147
the members of the board of county commissioners and shall state 71148
the reasons for the necessity. 71149

If the tax is for more than one of the purposes set forth in 71150
divisions (A)(1) to (7), (9), (10), and (12) of this section, or 71151

is exclusively for one of the purposes set forth in division 71152
(A)(1), (2), (4), (5), (6), (7), (9), (10), or (12) of this 71153
section, the resolution shall not go into effect unless it is 71154
approved by a majority of the electors voting on the question of 71155
the tax. 71156

(B) The board of county commissioners shall adopt a 71157
resolution under section 351.02 of the Revised Code creating the 71158
convention facilities authority, or under section 307.283 of the 71159
Revised Code creating the community improvements board, before 71160
adopting a resolution levying a tax for the purpose of a 71161
convention facilities authority under division (A)(1) of this 71162
section or for the purpose of a community improvements board under 71163
division (A)(4) of this section. 71164

(C)(1) If the tax is to be used for more than one of the 71165
purposes set forth in divisions (A)(1) to (7), (9), (10), and (12) 71166
of this section, the board of county commissioners shall establish 71167
the method that will be used to determine the amount or proportion 71168
of the tax revenue received by the county during each year that 71169
will be distributed for each of those purposes, including, if 71170
applicable, provisions governing the reallocation of a convention 71171
facilities authority's allocation if the authority is dissolved 71172
while the tax is in effect. The allocation method may provide that 71173
different proportions or amounts of the tax shall be distributed 71174
among the purposes in different years, but it shall clearly 71175
describe the method that will be used for each year. Except as 71176
otherwise provided in division (C)(2) of this section, the 71177
allocation method established by the board is not subject to 71178
amendment during the life of the tax. 71179

(2) Subsequent to holding a public hearing on the proposed 71180
amendment, the board of county commissioners may amend the 71181
allocation method established under division (C)(1) of this 71182
section for any year, if the amendment is approved by the 71183

governing board of each entity whose allocation for the year would 71184
be reduced by the proposed amendment. In the case of a tax that is 71185
levied for a continuing period of time, the board may not so amend 71186
the allocation method for any year before the sixth year that the 71187
tax is in effect. 71188

(a) If the additional revenues provided to the convention 71189
facilities authority are pledged by the authority for the payment 71190
of convention facilities authority revenue bonds for as long as 71191
such bonds are outstanding, no reduction of the authority's 71192
allocation of the tax shall be made for any year except to the 71193
extent that the reduced authority allocation, when combined with 71194
the authority's other revenues pledged for that purpose, is 71195
sufficient to meet the debt service requirements for that year on 71196
such bonds. 71197

(b) If the additional revenues provided to the county are 71198
pledged by the county for the payment of bonds or notes described 71199
in division (A)(4) or (5) of this section, for as long as such 71200
bonds or notes are outstanding, no reduction of the county's or 71201
the community improvements board's allocation of the tax shall be 71202
made for any year, except to the extent that the reduced county or 71203
community improvements board allocation is sufficient to meet the 71204
debt service requirements for that year on such bonds or notes. 71205

(c) If the additional revenues provided to the transit 71206
authority are pledged by the authority for the payment of revenue 71207
bonds issued under section 306.37 of the Revised Code, for as long 71208
as such bonds are outstanding, no reduction of the authority's 71209
allocation of tax shall be made for any year, except to the extent 71210
that the authority's reduced allocation, when combined with the 71211
authority's other revenues pledged for that purpose, is sufficient 71212
to meet the debt service requirements for that year on such bonds. 71213

(d) If the additional revenues provided to the county are 71214
pledged by the county for the payment of bonds or notes issued 71215

under section 133.60 of the Revised Code, for so long as the bonds 71216
or notes are outstanding, no reduction of the county's allocation 71217
of the tax shall be made for any year, except to the extent that 71218
the reduced county allocation is sufficient to meet the debt 71219
service requirements for that year on the bonds or notes. 71220

(D)(1) The resolution levying the tax or increasing the rate 71221
of tax shall state the rate of the tax or the rate of the 71222
increase; the purpose or purposes for which it is to be levied; 71223
the number of years for which it is to be levied or that it is for 71224
a continuing period of time; the allocation method required by 71225
division (C) of this section; and if required to be submitted to 71226
the electors of the county under division (A) of this section, the 71227
date of the election at which the proposal shall be submitted to 71228
the electors of the county, which shall be not less than ninety 71229
days after the certification of a copy of the resolution to the 71230
board of elections and, if the tax is to be levied exclusively for 71231
the purpose set forth in division (A)(3) of this section, shall 71232
not occur in August of any year. Upon certification of the 71233
resolution to the board of elections, the board of county 71234
commissioners shall notify the tax commissioner in writing of the 71235
levy question to be submitted to the electors. If approved by a 71236
majority of the electors, the tax shall become effective on the 71237
first day of a calendar quarter next following the sixty-fifth day 71238
following the date the board of county commissioners and tax 71239
commissioner receive from the board of elections the certification 71240
of the results of the election, except as provided in division (E) 71241
of this section. 71242

(2)(a) A resolution specifying that the tax is to be used 71243
exclusively for the purpose set forth in division (A)(3) of this 71244
section that is not adopted as an emergency measure may direct the 71245
board of elections to submit the question of levying the tax or 71246
increasing the rate of the tax to the electors of the county at a 71247

special election held on the date specified by the board of county commissioners in the resolution, provided that the election occurs not less than ninety days after the resolution is certified to the board of elections and the election is not held in August of any year. Upon certification of the resolution to the board of elections, the board of county commissioners shall notify the tax commissioner in writing of the levy question to be submitted to the electors. No resolution adopted under division (D)(2)(a) of this section shall go into effect unless approved by a majority of those voting upon it and, except as provided in division (E) of this section, not until the first day of a calendar quarter following the expiration of sixty-five days from the date the tax commissioner receives notice from the board of elections of the affirmative vote.

(b) A resolution specifying that the tax is to be used exclusively for the purpose set forth in division (A)(3) of this section that is adopted as an emergency measure shall become effective as provided in division (A) of this section, but may direct the board of elections to submit the question of repealing the tax or increase in the rate of the tax to the electors of the county at the next general election in the county occurring not less than ninety days after the resolution is certified to the board of elections. Upon certification of the resolution to the board of elections, the board of county commissioners shall notify the tax commissioner in writing of the levy question to be submitted to the electors. The ballot question shall be the same as that prescribed in section 5739.022 of the Revised Code. The board of elections shall notify the board of county commissioners and the tax commissioner of the result of the election immediately after the result has been declared. If a majority of the qualified electors voting on the question of repealing the tax or increase in the rate of the tax vote for repeal of the tax or repeal of the increase, the board of county commissioners, on the first day of a

calendar quarter following the expiration of sixty-five days after 71281
the date the board and tax commissioner received notice of the 71282
result of the election, shall, in the case of a repeal of the tax, 71283
cease to levy the tax, or, in the case of a repeal of an increase 71284
in the rate of the tax, cease to levy the increased rate and levy 71285
the tax at the rate at which it was imposed immediately prior to 71286
the increase in rate. 71287

(c) A board of county commissioners, by resolution, may 71288
reduce the rate of a tax levied exclusively for the purpose set 71289
forth in division (A)(3) of this section to a lower rate 71290
authorized by this section. Any such reduction shall be made 71291
effective on the first day of the calendar quarter next following 71292
the sixty-fifth day after the tax commissioner receives a 71293
certified copy of the resolution from the board. 71294

(E) If a vendor makes a sale in this state by printed catalog 71295
and the consumer computed the tax on the sale based on local rates 71296
published in the catalog, any tax levied or repealed or rate 71297
changed under this section shall not apply to such a sale until 71298
the first day of a calendar quarter following the expiration of 71299
one hundred twenty days from the date of notice by the tax 71300
commissioner pursuant to division (G) of this section. 71301

(F) The tax levied pursuant to this section shall be in 71302
addition to the tax levied by section 5739.02 of the Revised Code 71303
and any tax levied pursuant to section 5739.021 or 5739.023 of the 71304
Revised Code. 71305

A county that levies a tax pursuant to this section shall 71306
levy a tax at the same rate pursuant to section 5741.023 of the 71307
Revised Code. 71308

The additional tax levied by the county shall be collected 71309
pursuant to section 5739.025 of the Revised Code. 71310

Any tax levied pursuant to this section is subject to the 71311

exemptions provided in section 5739.02 of the Revised Code and in 71312
addition shall not be applicable to sales not within the taxing 71313
power of a county under the Constitution of the United States or 71314
the Ohio Constitution. 71315

(G) Upon receipt from a board of county commissioners of a 71316
certified copy of a resolution required by division (A) of this 71317
section, or from the board of elections a notice of the results of 71318
an election required by division (D)(1), (2)(a), (b), or (c) of 71319
this section, the tax commissioner shall provide notice of a tax 71320
rate change in a manner that is reasonably accessible to all 71321
affected vendors. The commissioner shall provide this notice at 71322
least sixty days prior to the effective date of the rate change. 71323
The commissioner, by rule, may establish the method by which 71324
notice will be provided. 71325

Sec. 5739.03. (A) Except as provided in section 5739.05 or 71326
section 5739.051 of the Revised Code, the tax imposed by or 71327
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 71328
the Revised Code shall be paid by the consumer to the vendor, and 71329
each vendor shall collect from the consumer, as a trustee for the 71330
state of Ohio, the full and exact amount of the tax payable on 71331
each taxable sale, in the manner and at the times provided as 71332
follows: 71333

(1) If the price is, at or prior to the provision of the 71334
service or the delivery of possession of the thing sold to the 71335
consumer, paid in currency passed from hand to hand by the 71336
consumer or the consumer's agent to the vendor or the vendor's 71337
agent, the vendor or the vendor's agent shall collect the tax with 71338
and at the same time as the price; 71339

(2) If the price is otherwise paid or to be paid, the vendor 71340
or the vendor's agent shall, at or prior to the provision of the 71341
service or the delivery of possession of the thing sold to the 71342

consumer, charge the tax imposed by or pursuant to section 71343
5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code to 71344
the account of the consumer, which amount shall be collected by 71345
the vendor from the consumer in addition to the price. Such sale 71346
shall be reported on and the amount of the tax applicable thereto 71347
shall be remitted with the return for the period in which the sale 71348
is made, and the amount of the tax shall become a legal charge in 71349
favor of the vendor and against the consumer. 71350

(B)(1)(a) If any sale is claimed to be exempt under division 71351
(E) of section 5739.01 of the Revised Code or under section 71352
5739.02 of the Revised Code, with the exception of divisions 71353
(B)(1) to (11), (28), or ~~(56)~~(52) of section 5739.02 of the 71354
Revised Code, or if the consumer claims the transaction is not a 71355
taxable sale due to one or more of the exclusions provided under 71356
divisions (JJ)(1) to (5) of section 5739.01 of the Revised Code, 71357
the consumer must provide to the vendor, and the vendor must 71358
obtain from the consumer, a certificate specifying the reason that 71359
the sale is not legally subject to the tax. The certificate shall 71360
be in such form, and shall be provided either in a hard copy form 71361
or electronic form, as the tax commissioner prescribes. 71362

(b) A vendor that obtains a fully completed exemption 71363
certificate from a consumer is relieved of liability for 71364
collecting and remitting tax on any sale covered by that 71365
certificate. If it is determined the exemption was improperly 71366
claimed, the consumer shall be liable for any tax due on that sale 71367
under section 5739.02, 5739.021, 5739.023, or 5739.026 or Chapter 71368
5741. of the Revised Code. Relief under this division from 71369
liability does not apply to any of the following: 71370

(i) A vendor that fraudulently fails to collect tax; 71371

(ii) A vendor that solicits consumers to participate in the 71372
unlawful claim of an exemption; 71373

(iii) A vendor that accepts an exemption certificate from a consumer that claims an exemption based on who purchases or who sells property or a service, when the subject of the transaction sought to be covered by the exemption certificate is actually received by the consumer at a location operated by the vendor in this state, and this state has posted to its web site an exemption certificate form that clearly and affirmatively indicates that the claimed exemption is not available in this state;

(iv) A vendor that accepts an exemption certificate from a consumer who claims a multiple points of use exemption under division (D) of section 5739.033 of the Revised Code, if the item purchased is tangible personal property, other than prewritten computer software.

(2) The vendor shall maintain records, including exemption certificates, of all sales on which a consumer has claimed an exemption, and provide them to the tax commissioner on request.

(3) The tax commissioner may establish an identification system whereby the commissioner issues an identification number to a consumer that is exempt from payment of the tax. The consumer must present the number to the vendor, if any sale is claimed to be exempt as provided in this section.

(4) If no certificate is provided or obtained within ninety days after the date on which such sale is consummated, it shall be presumed that the tax applies. Failure to have so provided or obtained a certificate shall not preclude a vendor, within one hundred twenty days after the tax commissioner gives written notice of intent to levy an assessment, from either establishing that the sale is not subject to the tax, or obtaining, in good faith, a fully completed exemption certificate.

(5) Certificates need not be obtained nor provided where the identity of the consumer is such that the transaction is never

subject to the tax imposed or where the item of tangible personal 71405
property sold or the service provided is never subject to the tax 71406
imposed, regardless of use, or when the sale is in interstate 71407
commerce. 71408

(6) If a transaction is claimed to be exempt under division 71409
(B)(13) of section 5739.02 of the Revised Code, the contractor 71410
shall obtain certification of the claimed exemption from the 71411
contractee. This certification shall be in addition to an 71412
exemption certificate provided by the contractor to the vendor. A 71413
contractee that provides a certification under this division shall 71414
be deemed to be the consumer of all items purchased by the 71415
contractor under the claim of exemption, if it is subsequently 71416
determined that the exemption is not properly claimed. The 71417
certification shall be in such form as the tax commissioner 71418
prescribes. 71419

(C) As used in this division, "contractee" means a person who 71420
seeks to enter or enters into a contract or agreement with a 71421
contractor or vendor for the construction of real property or for 71422
the sale and installation onto real property of tangible personal 71423
property. 71424

Any contractor or vendor may request from any contractee a 71425
certification of what portion of the property to be transferred 71426
under such contract or agreement is to be incorporated into the 71427
realty and what portion will retain its status as tangible 71428
personal property after installation is completed. The contractor 71429
or vendor shall request the certification by certified mail 71430
delivered to the contractee, return receipt requested. Upon 71431
receipt of such request and prior to entering into the contract or 71432
agreement, the contractee shall provide to the contractor or 71433
vendor a certification sufficiently detailed to enable the 71434
contractor or vendor to ascertain the resulting classification of 71435
all materials purchased or fabricated by the contractor or vendor 71436

and transferred to the contractee. This requirement applies to a 71437
contractee regardless of whether the contractee holds a direct 71438
payment permit under section 5739.031 of the Revised Code or 71439
provides to the contractor or vendor an exemption certificate as 71440
provided under this section. 71441

For the purposes of the taxes levied by this chapter and 71442
Chapter 5741. of the Revised Code, the contractor or vendor may in 71443
good faith rely on the contractee's certification. Notwithstanding 71444
division (B) of section 5739.01 of the Revised Code, if the tax 71445
commissioner determines that certain property certified by the 71446
contractee as tangible personal property pursuant to this division 71447
is, in fact, real property, the contractee shall be considered to 71448
be the consumer of all materials so incorporated into that real 71449
property and shall be liable for the applicable tax, and the 71450
contractor or vendor shall be excused from any liability on those 71451
materials. 71452

If a contractee fails to provide such certification upon the 71453
request of the contractor or vendor, the contractor or vendor 71454
shall comply with the provisions of this chapter and Chapter 5741. 71455
of the Revised Code without the certification. If the tax 71456
commissioner determines that such compliance has been performed in 71457
good faith and that certain property treated as tangible personal 71458
property by the contractor or vendor is, in fact, real property, 71459
the contractee shall be considered to be the consumer of all 71460
materials so incorporated into that real property and shall be 71461
liable for the applicable tax, and the construction contractor or 71462
vendor shall be excused from any liability on those materials. 71463

This division does not apply to any contract or agreement 71464
where the tax commissioner determines as a fact that a 71465
certification under this division was made solely on the decision 71466
or advice of the contractor or vendor. 71467

(D) Notwithstanding division (B) of section 5739.01 of the 71468

Revised Code, whenever the total rate of tax imposed under this 71469
chapter is increased after the date after a construction contract 71470
is entered into, the contractee shall reimburse the construction 71471
contractor for any additional tax paid on tangible property 71472
consumed or services received pursuant to the contract. 71473

(E) A vendor who files a petition for reassessment contesting 71474
the assessment of tax on sales for which the vendor obtained no 71475
valid exemption certificates and for which the vendor failed to 71476
establish that the sales were properly not subject to the tax 71477
during the one-hundred-twenty-day period allowed under division 71478
(B) of this section, may present to the tax commissioner 71479
additional evidence to prove that the sales were properly subject 71480
to a claim of exception or exemption. The vendor shall file such 71481
evidence within ninety days of the receipt by the vendor of the 71482
notice of assessment, except that, upon application and for 71483
reasonable cause, the period for submitting such evidence shall be 71484
extended thirty days. 71485

The commissioner shall consider such additional evidence in 71486
reaching the final determination on the assessment and petition 71487
for reassessment. 71488

(F) Whenever a vendor refunds the price, minus any separately 71489
stated delivery charge, of an item of tangible personal property 71490
on which the tax imposed under this chapter has been paid, the 71491
vendor shall also refund the amount of tax paid, minus the amount 71492
of tax attributable to the delivery charge. 71493

Sec. 5739.05. (A)(1) The tax commissioner shall enforce and 71494
administer sections 5739.01 to 5739.31 of the Revised Code, which 71495
are hereby declared to be sections which the commissioner is 71496
required to administer within the meaning of sections 5703.17 to 71497
5703.37, 5703.39, 5703.41, and 5703.45 of the Revised Code. The 71498
commissioner may adopt and promulgate, in accordance with sections 71499

119.01 to 119.13 of the Revised Code, such rules as the 71500
commissioner deems necessary to administer sections 5739.01 to 71501
5739.31 of the Revised Code. 71502

(2) On or before the first day of May of each year, the 71503
commissioner shall make available to vendors a notice explaining 71504
the three-day exemption period required under division (B)~~(56)~~(52) 71505
of section 5739.02 of the Revised Code. 71506

(B) Upon application, the commissioner may authorize a vendor 71507
to pay on a predetermined basis the tax levied by or pursuant to 71508
section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised 71509
Code upon sales of things produced or distributed or services 71510
provided by such vendor, and the commissioner may waive the 71511
collection of the tax from the consumer. The commissioner shall 71512
not grant such authority unless the commissioner finds that the 71513
granting of the authority would improve compliance and increase 71514
the efficiency of the administration of the tax. The person to 71515
whom such authority is granted shall post a notice, if required by 71516
the commissioner, at the location where the product is offered for 71517
sale that the tax is included in the selling price. The 71518
commissioner may adopt rules to administer this division. 71519

(C) Upon application, the commissioner may authorize a vendor 71520
to remit, on the basis of a prearranged agreement under this 71521
division, the tax levied by section 5739.02 or pursuant to section 71522
5739.021, 5739.023, or 5739.026 of the Revised Code. The 71523
proportions and ratios in a prearranged agreement shall be 71524
determined either by a test check conducted by the commissioner 71525
under terms and conditions agreed to by the commissioner and the 71526
vendor or by any other method agreed upon by the vendor and the 71527
commissioner. If the parties are unable to agree to the terms and 71528
conditions of the test check or other method, the application 71529
shall be denied. 71530

If used, the test check shall determine the proportion that taxable retail sales bear to all of the vendor's retail sales and the ratio which the tax required to be collected under sections 5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code bears to the receipts from the vendor's taxable retail sales.

The vendor's liability for remitting the tax shall be based solely upon the proportions and ratios established in the agreement until such time that the vendor or the commissioner believes that the nature of the vendor's business has so changed as to make the agreement no longer representative. The commissioner may give notice to the vendor at any time that the authorization is revoked or the vendor may notify the commissioner that the vendor no longer elects to report under the authorization. Such notice shall be delivered to the other party personally or by registered mail. The revocation or cancellation is effective the last day of the month in which the vendor or the commissioner receives the notice.

Sec. 5739.082. A tax levied by a board of township trustees or the legislative authority of a municipal corporation pursuant to section 5739.08 of the Revised Code on transactions by which lodging by a hotel is or is to be furnished to transient guests, if the transaction is conducted through a hotel intermediary, shall be levied on the basis of the lodging's fair market value. The hotel intermediary shall collect the tax due from the purchaser and remit it to the township or municipal corporation.

Sec. 5739.09. (A)(1) A board of county commissioners may, by resolution adopted by a majority of the members of the board, levy an excise tax not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The board shall establish all regulations necessary to provide for the administration and allocation of the tax. The

regulations may prescribe the time for payment of the tax, and may 71562
provide for the imposition of a penalty or interest, or both, for 71563
late payments, provided that the penalty does not exceed ten per 71564
cent of the amount of tax due, and the rate at which interest 71565
accrues does not exceed the rate per annum prescribed pursuant to 71566
section 5703.47 of the Revised Code. Except as provided in 71567
divisions (A)(2), (3), (4), (5), (6), (7), (8), (9), (10), (11), 71568
and (12) of this section, the regulations shall provide, after 71569
deducting the real and actual costs of administering the tax, for 71570
the return to each municipal corporation or township that does not 71571
levy an excise tax on the transactions, a uniform percentage of 71572
the tax collected in the municipal corporation or in the 71573
unincorporated portion of the township from each transaction, not 71574
to exceed thirty-three and one-third per cent. The remainder of 71575
the revenue arising from the tax shall be deposited in a separate 71576
fund and shall be spent solely to make contributions to the 71577
convention and visitors' bureau operating within the county, 71578
including a pledge and contribution of any portion of the 71579
remainder pursuant to an agreement authorized by section 307.678 71580
or 307.695 of the Revised Code, provided that if the board of 71581
county commissioners of an eligible county as defined in section 71582
307.678 or 307.695 of the Revised Code adopts a resolution 71583
amending a resolution levying a tax under this division to provide 71584
that revenue from the tax shall be used by the board as described 71585
in either division (D) of section 307.678 or division (H) of 71586
section 307.695 of the Revised Code, the remainder of the revenue 71587
shall be used as described in the resolution making that 71588
amendment. Except as provided in division (A)(2), (3), (4), (5), 71589
(6), (7), (8), (9), (10), or (11) or (H) of this section, on and 71590
after May 10, 1994, a board of county commissioners may not levy 71591
an excise tax pursuant to this division in any municipal 71592
corporation or township located wholly or partly within the county 71593

that has in effect an ordinance or resolution levying an excise 71594
tax pursuant to division (B) of this section. The board of a 71595
county that has levied a tax under division (C) of this section 71596
may, by resolution adopted within ninety days after July 15, 1985, 71597
by a majority of the members of the board, amend the resolution 71598
levying a tax under this division to provide for a portion of that 71599
tax to be pledged and contributed in accordance with an agreement 71600
entered into under section 307.695 of the Revised Code. A tax, any 71601
revenue from which is pledged pursuant to such an agreement, shall 71602
remain in effect at the rate at which it is imposed for the 71603
duration of the period for which the revenue from the tax has been 71604
so pledged. 71605

The board of county commissioners of an eligible county as 71606
defined in section 307.695 of the Revised Code may, by resolution 71607
adopted by a majority of the members of the board, amend a 71608
resolution levying a tax under this division to provide that the 71609
revenue from the tax shall be used by the board as described in 71610
division (H) of section 307.695 of the Revised Code, in which case 71611
the tax shall remain in effect at the rate at which it was imposed 71612
for the duration of any agreement entered into by the board under 71613
section 307.695 of the Revised Code, the duration during which any 71614
securities issued by the board under that section are outstanding, 71615
or the duration of the period during which the board owns a 71616
project as defined in section 307.695 of the Revised Code, 71617
whichever duration is longest. 71618

The board of county commissioners of an eligible county as 71619
defined in section 307.678 of the Revised Code may, by resolution, 71620
amend a resolution levying a tax under this division to provide 71621
that revenue from the tax, not to exceed five hundred thousand 71622
dollars each year, may be used as described in division (E) of 71623
section 307.678 of the Revised Code. 71624

Notwithstanding division (A)(1) of this section, the board of
county commissioners of a county described in division (A)(8)(a)
of this section may, by resolution, amend a resolution levying a
tax under this division to provide that all or a portion of the
revenue from the tax, including any revenue otherwise required to
be returned to townships or municipal corporations under this
division, may be used or pledged for the payment of debt service
on securities issued to pay the costs of constructing, operating,
and maintaining sports facilities described in division (A)(8)(b)
of this section.

The board of county commissioners of a county described in
division (A)(9) of this section may, by resolution, amend a
resolution levying a tax under this division to provide that all
or a portion of the revenue from the tax may be used for the
purposes described in section 307.679 of the Revised Code.

(2) A board of county commissioners that levies an excise tax
under division (A)(1) of this section on June 30, 1997, at a rate
of three per cent, and that has pledged revenue from the tax to an
agreement entered into under section 307.695 of the Revised Code
or, in the case of the board of county commissioners of an
eligible county as defined in section 307.695 of the Revised Code,
has amended a resolution levying a tax under division (C) of this
section to provide that proceeds from the tax shall be used by the
board as described in division (H) of section 307.695 of the
Revised Code, may, at any time by a resolution adopted by a
majority of the members of the board, amend the resolution levying
a tax under division (A)(1) of this section to provide for an
increase in the rate of that tax up to seven per cent on each
transaction; to provide that revenue from the increase in the rate
shall be used as described in division (H) of section 307.695 of
the Revised Code or be spent solely to make contributions to the
convention and visitors' bureau operating within the county to be

used specifically for promotion, advertising, and marketing of the 71657
region in which the county is located; and to provide that the 71658
rate in excess of the three per cent levied under division (A)(1) 71659
of this section shall remain in effect at the rate at which it is 71660
imposed for the duration of the period during which any agreement 71661
is in effect that was entered into under section 307.695 of the 71662
Revised Code by the board of county commissioners levying a tax 71663
under division (A)(1) of this section, the duration of the period 71664
during which any securities issued by the board under division (I) 71665
of section 307.695 of the Revised Code are outstanding, or the 71666
duration of the period during which the board owns a project as 71667
defined in section 307.695 of the Revised Code, whichever duration 71668
is longest. The amendment also shall provide that no portion of 71669
that revenue need be returned to townships or municipal 71670
corporations as would otherwise be required under division (A)(1) 71671
of this section. 71672

(3) A board of county commissioners that levies a tax under 71673
division (A)(1) of this section on March 18, 1999, at a rate of 71674
three per cent may, by resolution adopted not later than 71675
forty-five days after March 18, 1999, amend the resolution levying 71676
the tax to provide for all of the following: 71677

(a) That the rate of the tax shall be increased by not more 71678
than an additional four per cent on each transaction; 71679

(b) That all of the revenue from the increase in the rate 71680
shall be pledged and contributed to a convention facilities 71681
authority established by the board of county commissioners under 71682
Chapter 351. of the Revised Code on or before November 15, 1998, 71683
and used to pay costs of constructing, maintaining, operating, and 71684
promoting a facility in the county, including paying bonds, or 71685
notes issued in anticipation of bonds, as provided by that 71686
chapter; 71687

(c) That no portion of the revenue arising from the increase 71688

in rate need be returned to municipal corporations or townships as 71689
otherwise required under division (A)(1) of this section; 71690

(d) That the increase in rate shall not be subject to 71691
diminution by initiative or referendum or by law while any bonds, 71692
or notes in anticipation of bonds, issued by the authority under 71693
Chapter 351. of the Revised Code to which the revenue is pledged, 71694
remain outstanding in accordance with their terms, unless 71695
provision is made by law or by the board of county commissioners 71696
for an adequate substitute therefor that is satisfactory to the 71697
trustee if a trust agreement secures the bonds. 71698

Division (A)(3) of this section does not apply to the board 71699
of county commissioners of any county in which a convention center 71700
or facility exists or is being constructed on November 15, 1998, 71701
or of any county in which a convention facilities authority levies 71702
a tax pursuant to section 351.021 of the Revised Code on that 71703
date. 71704

As used in division (A)(3) of this section, "cost" and 71705
"facility" have the same meanings as in section 351.01 of the 71706
Revised Code, and "convention center" has the same meaning as in 71707
section 307.695 of the Revised Code. 71708

(4)(a) A board of county commissioners that levies a tax 71709
under division (A)(1) of this section on June 30, 2002, at a rate 71710
of three per cent may, by resolution adopted not later than 71711
September 30, 2002, amend the resolution levying the tax to 71712
provide for all of the following: 71713

(i) That the rate of the tax shall be increased by not more 71714
than an additional three and one-half per cent on each 71715
transaction; 71716

(ii) That all of the revenue from the increase in rate shall 71717
be pledged and contributed to a convention facilities authority 71718
established by the board of county commissioners under Chapter 71719

351. of the Revised Code on or before May 15, 2002, and be used to 71720
pay costs of constructing, expanding, maintaining, operating, or 71721
promoting a convention center in the county, including paying 71722
bonds, or notes issued in anticipation of bonds, as provided by 71723
that chapter; 71724

(iii) That no portion of the revenue arising from the 71725
increase in rate need be returned to municipal corporations or 71726
townships as otherwise required under division (A)(1) of this 71727
section; 71728

(iv) That the increase in rate shall not be subject to 71729
diminution by initiative or referendum or by law while any bonds, 71730
or notes in anticipation of bonds, issued by the authority under 71731
Chapter 351. of the Revised Code to which the revenue is pledged, 71732
remain outstanding in accordance with their terms, unless 71733
provision is made by law or by the board of county commissioners 71734
for an adequate substitute therefor that is satisfactory to the 71735
trustee if a trust agreement secures the bonds. 71736

(b) Any board of county commissioners that, pursuant to 71737
division (A)(4)(a) of this section, has amended a resolution 71738
levying the tax authorized by division (A)(1) of this section may 71739
further amend the resolution to provide that the revenue referred 71740
to in division (A)(4)(a)(ii) of this section shall be pledged and 71741
contributed both to a convention facilities authority to pay the 71742
costs of constructing, expanding, maintaining, or operating one or 71743
more convention centers in the county, including paying bonds, or 71744
notes issued in anticipation of bonds, as provided in Chapter 351. 71745
of the Revised Code, and to a convention and visitors' bureau to 71746
pay the costs of promoting one or more convention centers in the 71747
county. 71748

As used in division (A)(4) of this section, "cost" has the 71749
same meaning as in section 351.01 of the Revised Code, and 71750
"convention center" has the same meaning as in section 307.695 of 71751

the Revised Code. 71752

(5)(a) As used in division (A)(5) of this section: 71753

(i) "Port authority" means a port authority created under 71754
Chapter 4582. of the Revised Code. 71755

(ii) "Port authority military-use facility" means port 71756
authority facilities on which or adjacent to which is located an 71757
installation of the armed forces of the United States, a reserve 71758
component thereof, or the national guard and at least part of 71759
which is made available for use, for consideration, by the armed 71760
forces of the United States, a reserve component thereof, or the 71761
national guard. 71762

(b) For the purpose of contributing revenue to pay operating 71763
expenses of a port authority that operates a port authority 71764
military-use facility, the board of county commissioners of a 71765
county that created, participated in the creation of, or has 71766
joined such a port authority may do one or both of the following: 71767

(i) Amend a resolution previously adopted under division 71768
(A)(1) of this section to designate some or all of the revenue 71769
from the tax levied under the resolution to be used for that 71770
purpose, notwithstanding that division; 71771

(ii) Amend a resolution previously adopted under division 71772
(A)(1) of this section to increase the rate of the tax by not more 71773
than an additional two per cent and use the revenue from the 71774
increase exclusively for that purpose. 71775

(c) If a board of county commissioners amends a resolution to 71776
increase the rate of a tax as authorized in division (A)(5)(b)(ii) 71777
of this section, the board also may amend the resolution to 71778
specify that the increase in rate of the tax does not apply to 71779
"hotels," as otherwise defined in section 5739.01 of the Revised 71780
Code, having fewer rooms used for the accommodation of guests than 71781
a number of rooms specified by the board. 71782

(6) A board of county commissioners of a county organized 71783
under a county charter adopted pursuant to Article X, Section 3, 71784
Ohio Constitution, and that levies an excise tax under division 71785
(A)(1) of this section at a rate of three per cent and levies an 71786
additional excise tax under division (E) of this section at a rate 71787
of one and one-half per cent may, by resolution adopted not later 71788
than January 1, 2008, by a majority of the members of the board, 71789
amend the resolution levying a tax under division (A)(1) of this 71790
section to provide for an increase in the rate of that tax by not 71791
more than an additional one per cent on transactions by which 71792
lodging by a hotel is or is to be furnished to transient guests. 71793
Notwithstanding divisions (A)(1) and (E) of this section, the 71794
resolution shall provide that all of the revenue from the increase 71795
in rate, after deducting the real and actual costs of 71796
administering the tax, shall be used to pay the costs of 71797
improving, expanding, equipping, financing, or operating a 71798
convention center by a convention and visitors' bureau in the 71799
county. The increase in rate shall remain in effect for the period 71800
specified in the resolution, not to exceed ten years, and may be 71801
extended for an additional period of time not to exceed ten years 71802
thereafter by a resolution adopted by a majority of the members of 71803
the board. The increase in rate shall be subject to the 71804
regulations adopted under division (A)(1) of this section, except 71805
that the resolution may provide that no portion of the revenue 71806
from the increase in the rate shall be returned to townships or 71807
municipal corporations as would otherwise be required under that 71808
division. 71809

(7) Division (A)(7) of this section applies only to a county 71810
with a population greater than sixty-five thousand and less than 71811
seventy thousand according to the most recent federal decennial 71812
census and in which, on December 31, 2006, an excise tax is levied 71813
under division (A)(1) of this section at a rate not less than and 71814
not greater than three per cent, and in which the most recent 71815

increase in the rate of that tax was enacted or took effect in 71816
November 1984. 71817

The board of county commissioners of a county to which this 71818
division applies, by resolution adopted by a majority of the 71819
members of the board, may increase the rate of the tax by not more 71820
than one per cent on transactions by which lodging by a hotel is 71821
or is to be furnished to transient guests. The increase in rate 71822
shall be for the purpose of paying expenses deemed necessary by 71823
the convention and visitors' bureau operating in the county to 71824
promote travel and tourism. The increase in rate shall remain in 71825
effect for the period specified in the resolution, not to exceed 71826
twenty years, provided that the increase in rate may not continue 71827
beyond the time when the purpose for which the increase is levied 71828
ceases to exist. If revenue from the increase in rate is pledged 71829
to the payment of debt charges on securities, the increase in rate 71830
is not subject to diminution by initiative or referendum or by law 71831
for so long as the securities are outstanding, unless provision is 71832
made by law or by the board of county commissioners for an 71833
adequate substitute for that revenue that is satisfactory to the 71834
trustee if a trust agreement secures payment of the debt charges. 71835
The increase in rate shall be subject to the regulations adopted 71836
under division (A)(1) of this section, except that the resolution 71837
may provide that no portion of the revenue from the increase in 71838
the rate shall be returned to townships or municipal corporations 71839
as would otherwise be required under division (A)(1) of this 71840
section. A resolution adopted under division (A)(7) of this 71841
section is subject to referendum under sections 305.31 to 305.99 71842
of the Revised Code. 71843

(8)(a) Division (A)(8) of this section applies only to a 71844
county satisfying all of the following: 71845

(i) The population of the county is greater than one hundred 71846
seventy-five thousand and less than two hundred twenty-five 71847

thousand according to the most recent federal decennial census. 71848

(ii) An amusement park with an average yearly attendance in excess of two million guests is located in the county. 71849
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(iii) On December 31, 2014, an excise tax was levied in the county under division (A)(1) of this section at a rate of three per cent. 71851
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(b) The board of county commissioners of a county to which this division applies, by resolution adopted by a majority of the members of the board, may increase the rate of the tax by not more than one per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The increase in rate shall be used to pay the costs of constructing and maintaining facilities owned by the county or by a port authority created under Chapter 4582. of the Revised Code, and designed to host sporting events and expenses deemed necessary by the convention and visitors' bureau operating in the county to promote travel and tourism with reference to the sports facilities, and to pay or pledge to the payment of debt service on securities issued to pay the costs of constructing, operating, and maintaining the sports facilities. The increase in rate shall remain in effect for the period specified in the resolution. If revenue from the increase in rate is pledged to the payment of debt charges on securities, the increase in rate is not subject to diminution by initiative or referendum or by law for so long as the securities are outstanding, unless provision is made by law or by the board of county commissioners for an adequate substitute for that revenue that is satisfactory to the trustee if a trust agreement secures payment of the debt charges. The increase in rate shall be subject to the regulations adopted under division (A)(1) of this section, except that the resolution may provide that no portion of the revenue from the increase in the rate shall be returned to townships or municipal corporations as would otherwise be required 71854
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under division (A)(1) of this section. 71880

(9) The board of county commissioners of a county with a 71881
population greater than seventy-five thousand and less than 71882
seventy-eight thousand, by resolution adopted by a majority of the 71883
members of the board not later than October 15, 2015, may increase 71884
the rate of the tax by not more than one per cent on transactions 71885
by which lodging by a hotel is or is to be furnished to transient 71886
guests. The increase in rate shall be for the purposes described 71887
in section 307.679 of the Revised Code or for the promotion of 71888
travel and tourism in the county, including travel and tourism to 71889
sports facilities. The increase in rate shall remain in effect for 71890
the period specified in the resolution and as necessary to fulfill 71891
the county's obligations under a cooperative agreement entered 71892
into under section 307.679 of the Revised Code. If the resolution 71893
is adopted by the board before September 29, 2015, but after that 71894
enactment becomes law, the increase in rate shall become effective 71895
beginning on September 29, 2015. If revenue from the increase in 71896
rate is pledged to the payment of debt charges on securities, or 71897
to substitute for other revenues pledged to the payment of such 71898
debt, the increase in rate is not subject to diminution by 71899
initiative or referendum or by law for so long as the securities 71900
are outstanding, unless provision is made by law or by the board 71901
of county commissioners for an adequate substitute for that 71902
revenue that is satisfactory to the trustee if a trust agreement 71903
secures payment of the debt charges. The increase in rate shall be 71904
subject to the regulations adopted under division (A)(1) of this 71905
section, except that no portion of the revenue from the increase 71906
in the rate shall be returned to townships or municipal 71907
corporations as would otherwise be required under division (A)(1) 71908
of this section. 71909

(10) Division (A)(10) of this section applies only to 71910
counties satisfying either of the following: 71911

(a) A county that, on July 1, 2015, does not levy an excise tax under division (A)(1) of this section and that has a population of at least thirty-nine thousand but not more than forty thousand according to the 2010 federal decennial census;

(b) A county that, on July 1, 2015, levies an excise tax under division (A)(1) of this section at a rate of three per cent and that has a population of at least seventy-one thousand but not more than seventy-five thousand according to 2010 federal decennial census.

The board of county commissioners of a county to which division (A)(10) of this section applies, by resolution adopted by a majority of the members of the board, may levy an excise tax at a rate not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests for the purpose of acquiring, constructing, equipping, or repairing permanent improvements, as defined in section 133.01 of the Revised Code. If the board does not levy a tax under division (A)(1) of this section, the board shall establish regulations necessary to provide for the administration of the tax, which may prescribe the time for payment of the tax and the imposition of penalty or interest subject to the limitations on penalty and interest provided in division (A)(1) of this section. No portion of the revenue shall be returned to townships or municipal corporations in the county unless otherwise provided by resolution of the board. The tax shall apply throughout the territory of the county, including in any township or municipal corporation levying an excise tax under division (B) of this section or division (A) of section 5739.08 of the Revised Code. The levy of the tax is subject to referendum as provided under section 305.31 of the Revised Code.

The tax shall remain in effect for the period specified in the resolution. If revenue from the increase in rate is pledged to

the payment of debt charges on securities, the increase in rate is 71944
not subject to diminution by initiative or referendum or by law 71945
for so long as the securities are outstanding unless provision is 71946
made by law or by the board for an adequate substitute for that 71947
revenue that is satisfactory to the trustee if a trust agreement 71948
secures payment of the debt charges. 71949

(11) The board of county commissioners of an eligible county, 71950
as defined in section 307.678 of the Revised Code, that levies an 71951
excise tax under division (A)(1) of this section on July 1, 2017, 71952
at a rate of three per cent may, by resolution adopted by a 71953
majority of the members of the board, amend the resolution levying 71954
the tax to increase the rate of the tax by not more than an 71955
additional three per cent on each transaction. No portion of the 71956
revenue shall be returned to townships or municipal corporations 71957
in the county unless otherwise provided by resolution of the 71958
board. Otherwise, the revenue from the increase in the rate shall 71959
be distributed and used in the same manner described under 71960
division (A)(1) of this section or distributed or used to provide 71961
credit enhancement facilities as authorized under section 307.678 71962
of the Revised Code. The increase in rate shall remain in effect 71963
for the period specified in the resolution. If revenue from the 71964
increase in rate is pledged to the payment of debt charges on 71965
securities, the increase in rate is not subject to diminution by 71966
initiative or referendum or by law for so long as the securities 71967
are outstanding unless provision is made by law or by the board 71968
for an adequate substitute for that revenue that is satisfactory 71969
to the trustee if a trust agreement secures payment of the debt 71970
charges. 71971

(12)(a) As used in this division: 71972

(i) "Eligible county" means a county that has a population 71973
greater than one hundred ninety thousand and less than two hundred 71974
thousand according to the 2010 federal decennial census and that 71975

levies an excise tax under division (A)(1) of this section at a 71976
rate of three per cent. 71977

(ii) "Professional sports facility" means a sports facility 71978
that is intended to house major or minor league professional 71979
athletic teams, including a stadium, together with all parking 71980
facilities, walkways, and other auxiliary facilities, real and 71981
personal property, property rights, easements, and interests that 71982
may be appropriate for, or used in connection with, the operation 71983
of the facility. 71984

(b) Subject to division (A)(12)(c) of this section, the board 71985
of county commissioners of an eligible county, by resolution 71986
adopted by a majority of the members of the board, may increase 71987
the rate of the tax by not more than one per cent on transactions 71988
by which lodging by a hotel is or is to be furnished to transient 71989
guests. Revenue from the increase in rate shall be used for the 71990
purposes of paying the costs of constructing, improving, and 71991
maintaining a professional sports facility in the county and 71992
paying expenses considered necessary by the convention and 71993
visitors' bureau operating in the county to promote travel and 71994
tourism with respect to that professional sports facility. The tax 71995
shall take effect only after the convention and visitors' bureau 71996
enters into a contract for the construction, improvement, or 71997
maintenance of a professional sports facility that is or will be 71998
located on property acquired, in whole or in part, with revenue 71999
from the increased rate, and thereafter shall remain in effect for 72000
the period specified in the resolution. If revenue from the 72001
increase in rate is pledged to the payment of debt charges on 72002
securities, the increase in rate is not subject to diminution by 72003
initiative or referendum or by law for so long as the securities 72004
are outstanding, unless a provision is made by law or by the board 72005
of county commissioners for an adequate substitute for that 72006
revenue that is satisfactory to the trustee if a trust agreement 72007

secures payment of the debt charges. The increase in rate shall be 72008
subject to the regulations adopted under division (A)(1) of this 72009
section, except that the resolution may provide that no portion of 72010
the revenue from the increase in the rate shall be returned to 72011
townships or municipal corporations as would otherwise be required 72012
under division (A)(1) of this section. 72013

(c) If, on December 31, 2019, the convention and visitors' 72014
bureau has not entered into a contract for the construction, 72015
improvement, or maintenance of a professional sports facility that 72016
is or will be located on property acquired, in whole or in part, 72017
with revenue from the increased rate, the authority to levy the 72018
tax under division (A)(12)(b) of this section is hereby repealed 72019
on that date. 72020

(B)(1) The legislative authority of a municipal corporation 72021
or the board of trustees of a township that is not wholly or 72022
partly located in a county that has in effect a resolution levying 72023
an excise tax pursuant to division (A)(1) of this section may, by 72024
ordinance or resolution, levy an excise tax not to exceed three 72025
per cent on transactions by which lodging by a hotel is or is to 72026
be furnished to transient guests. The legislative authority of the 72027
municipal corporation or the board of trustees of the township 72028
shall deposit at least fifty per cent of the revenue from the tax 72029
levied pursuant to this division into a separate fund, which shall 72030
be spent solely to make contributions to convention and visitors' 72031
bureaus operating within the county in which the municipal 72032
corporation or township is wholly or partly located, and the 72033
balance of that revenue shall be deposited in the general fund. 72034
The municipal corporation or township shall establish all 72035
regulations necessary to provide for the administration and 72036
allocation of the tax. The regulations may prescribe the time for 72037
payment of the tax, and may provide for the imposition of a 72038
penalty or interest, or both, for late payments, provided that the 72039

penalty does not exceed ten per cent of the amount of tax due, and 72040
the rate at which interest accrues does not exceed the rate per 72041
annum prescribed pursuant to section 5703.47 of the Revised Code. 72042
The levy of a tax under this division is in addition to any tax 72043
imposed on the same transaction by a municipal corporation or a 72044
township as authorized by division (A) of section 5739.08 of the 72045
Revised Code. 72046

(2)(a) The legislative authority of the most populous 72047
municipal corporation located wholly or partly in a county in 72048
which the board of county commissioners has levied a tax under 72049
division (A)(4) of this section may amend, on or before September 72050
30, 2002, that municipal corporation's ordinance or resolution 72051
that levies an excise tax on transactions by which lodging by a 72052
hotel is or is to be furnished to transient guests, to provide for 72053
all of the following: 72054

(i) That the rate of the tax shall be increased by not more 72055
than an additional one per cent on each transaction; 72056

(ii) That all of the revenue from the increase in rate shall 72057
be pledged and contributed to a convention facilities authority 72058
established by the board of county commissioners under Chapter 72059
351. of the Revised Code on or before May 15, 2002, and be used to 72060
pay costs of constructing, expanding, maintaining, operating, or 72061
promoting a convention center in the county, including paying 72062
bonds, or notes issued in anticipation of bonds, as provided by 72063
that chapter; 72064

(iii) That the increase in rate shall not be subject to 72065
diminution by initiative or referendum or by law while any bonds, 72066
or notes in anticipation of bonds, issued by the authority under 72067
Chapter 351. of the Revised Code to which the revenue is pledged, 72068
remain outstanding in accordance with their terms, unless 72069
provision is made by law, by the board of county commissioners, or 72070
by the legislative authority, for an adequate substitute therefor 72071

that is satisfactory to the trustee if a trust agreement secures 72072
the bonds. 72073

(b) The legislative authority of a municipal corporation 72074
that, pursuant to division (B)(2)(a) of this section, has amended 72075
its ordinance or resolution to increase the rate of the tax 72076
authorized by division (B)(1) of this section may further amend 72077
the ordinance or resolution to provide that the revenue referred 72078
to in division (B)(2)(a)(ii) of this section shall be pledged and 72079
contributed both to a convention facilities authority to pay the 72080
costs of constructing, expanding, maintaining, or operating one or 72081
more convention centers in the county, including paying bonds, or 72082
notes issued in anticipation of bonds, as provided in Chapter 351. 72083
of the Revised Code, and to a convention and visitors' bureau to 72084
pay the costs of promoting one or more convention centers in the 72085
county. 72086

As used in division (B)(2) of this section, "cost" has the 72087
same meaning as in section 351.01 of the Revised Code, and 72088
"convention center" has the same meaning as in section 307.695 of 72089
the Revised Code. 72090

(3) The legislative authority of an eligible municipal 72091
corporation may amend, on or before December 31, 2017, that 72092
municipal corporation's ordinance or resolution that levies an 72093
excise tax on transactions by which lodging by a hotel is or is to 72094
be furnished to transient guests, to provide for the following: 72095

(a) That the rate of the tax shall be increased by not more 72096
than an additional three per cent on each transaction; 72097

(b) That all of the revenue from the increase in rate shall 72098
be used by the municipal corporation for economic development and 72099
tourism-related purposes. 72100

As used in division (B)(3) of this section, "eligible 72101
municipal corporation" means a municipal corporation that, on the 72102

effective date of the amendment of this section by H.B. 49 of the 132nd general assembly, September 29, 2017, levied a tax under division (B)(1) of this section at a rate of three per cent and that is located in a county that, on that date, levied a tax under division (A) of this section at a rate of three per cent and that has, according to the most recent federal decennial census, a population exceeding three hundred thousand but not greater than three hundred fifty thousand.

(C) For the purposes described in section 307.695 of the Revised Code and to cover the costs of administering the tax, a board of county commissioners of a county where a tax imposed under division (A)(1) of this section is in effect may, by resolution adopted within ninety days after July 15, 1985, by a majority of the members of the board, levy an additional excise tax not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The tax authorized by this division shall be in addition to any tax that is levied pursuant to division (A) of this section, but it shall not apply to transactions subject to a tax levied by a municipal corporation or township pursuant to the authorization granted by division (A) of section 5739.08 of the Revised Code. The board shall establish all regulations necessary to provide for the administration and allocation of the tax. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. All revenues arising from the tax shall be expended in accordance with section 307.695 of the Revised Code. The board of county commissioners of an eligible county as defined in section 307.695 of the Revised Code may, by resolution adopted by a majority of the members of the board, amend the resolution

levying a tax under this division to provide that the revenue from 72136
the tax shall be used by the board as described in division (H) of 72137
section 307.695 of the Revised Code. A tax imposed under this 72138
division shall remain in effect at the rate at which it is imposed 72139
for the duration of the period during which any agreement entered 72140
into by the board under section 307.695 of the Revised Code is in 72141
effect, the duration of the period during which any securities 72142
issued by the board under division (I) of section 307.695 of the 72143
Revised Code are outstanding, or the duration of the period during 72144
which the board owns a project as defined in section 307.695 of 72145
the Revised Code, whichever duration is longest. 72146

(D) For the purpose of providing contributions under division 72147
(B)(1) of section 307.671 of the Revised Code to enable the 72148
acquisition, construction, and equipping of a port authority 72149
educational and cultural facility in the county and, to the extent 72150
provided for in the cooperative agreement authorized by that 72151
section, for the purpose of paying debt service charges on bonds, 72152
or notes in anticipation of bonds, described in division (B)(1)(b) 72153
of that section, a board of county commissioners, by resolution 72154
adopted within ninety days after December 22, 1992, by a majority 72155
of the members of the board, may levy an additional excise tax not 72156
to exceed one and one-half per cent on transactions by which 72157
lodging by a hotel is or is to be furnished to transient guests. 72158
The excise tax authorized by this division shall be in addition to 72159
any tax that is levied pursuant to divisions (A), (B), and (C) of 72160
this section, to any excise tax levied pursuant to section 5739.08 72161
of the Revised Code, and to any excise tax levied pursuant to 72162
section 351.021 of the Revised Code. The board of county 72163
commissioners shall establish all regulations necessary to provide 72164
for the administration and allocation of the tax that are not 72165
inconsistent with this section or section 307.671 of the Revised 72166
Code. The regulations may prescribe the time for payment of the 72167
tax, and may provide for the imposition of a penalty or interest, 72168

or both, for late payments, provided that the penalty does not 72169
exceed ten per cent of the amount of tax due, and the rate at 72170
which interest accrues does not exceed the rate per annum 72171
prescribed pursuant to section 5703.47 of the Revised Code. All 72172
revenues arising from the tax shall be expended in accordance with 72173
section 307.671 of the Revised Code and division (D) of this 72174
section. The levy of a tax imposed under this division may not 72175
commence prior to the first day of the month next following the 72176
execution of the cooperative agreement authorized by section 72177
307.671 of the Revised Code by all parties to that agreement. The 72178
tax shall remain in effect at the rate at which it is imposed for 72179
the period of time described in division (C) of section 307.671 of 72180
the Revised Code for which the revenue from the tax has been 72181
pledged by the county to the corporation pursuant to that section, 72182
but, to any extent provided for in the cooperative agreement, for 72183
no lesser period than the period of time required for payment of 72184
the debt service charges on bonds, or notes in anticipation of 72185
bonds, described in division (B)(1)(b) of that section. 72186

(E) For the purpose of paying the costs of acquiring, 72187
constructing, equipping, and improving a municipal educational and 72188
cultural facility, including debt service charges on bonds 72189
provided for in division (B) of section 307.672 of the Revised 72190
Code, and for any additional purposes determined by the county in 72191
the resolution levying the tax or amendments to the resolution, 72192
including subsequent amendments providing for paying costs of 72193
acquiring, constructing, renovating, rehabilitating, equipping, 72194
and improving a port authority educational and cultural performing 72195
arts facility, as defined in section 307.674 of the Revised Code, 72196
and including debt service charges on bonds provided for in 72197
division (B) of section 307.674 of the Revised Code, the 72198
legislative authority of a county, by resolution adopted within 72199
ninety days after June 30, 1993, by a majority of the members of 72200
the legislative authority, may levy an additional excise tax not 72201

to exceed one and one-half per cent on transactions by which 72202
lodging by a hotel is or is to be furnished to transient guests. 72203
The excise tax authorized by this division shall be in addition to 72204
any tax that is levied pursuant to divisions (A), (B), (C), and 72205
(D) of this section, to any excise tax levied pursuant to section 72206
5739.08 of the Revised Code, and to any excise tax levied pursuant 72207
to section 351.021 of the Revised Code. The legislative authority 72208
of the county shall establish all regulations necessary to provide 72209
for the administration and allocation of the tax. The regulations 72210
may prescribe the time for payment of the tax, and may provide for 72211
the imposition of a penalty or interest, or both, for late 72212
payments, provided that the penalty does not exceed ten per cent 72213
of the amount of tax due, and the rate at which interest accrues 72214
does not exceed the rate per annum prescribed pursuant to section 72215
5703.47 of the Revised Code. All revenues arising from the tax 72216
shall be expended in accordance with section 307.672 of the 72217
Revised Code and this division. The levy of a tax imposed under 72218
this division shall not commence prior to the first day of the 72219
month next following the execution of the cooperative agreement 72220
authorized by section 307.672 of the Revised Code by all parties 72221
to that agreement. The tax shall remain in effect at the rate at 72222
which it is imposed for the period of time determined by the 72223
legislative authority of the county. That period of time shall not 72224
exceed fifteen years, except that the legislative authority of a 72225
county with a population of less than two hundred fifty thousand 72226
according to the most recent federal decennial census, by 72227
resolution adopted by a majority of its members before the 72228
original tax expires, may extend the duration of the tax for an 72229
additional period of time. The additional period of time by which 72230
a legislative authority extends a tax levied under this division 72231
shall not exceed fifteen years. 72232

(F) The legislative authority of a county that has levied a 72233
tax under division (E) of this section may, by resolution adopted 72234

within one hundred eighty days after January 4, 2001, by a 72235
majority of the members of the legislative authority, amend the 72236
resolution levying a tax under that division to provide for the 72237
use of the proceeds of that tax, to the extent that it is no 72238
longer needed for its original purpose as determined by the 72239
parties to a cooperative agreement amendment pursuant to division 72240
(D) of section 307.672 of the Revised Code, to pay costs of 72241
acquiring, constructing, renovating, rehabilitating, equipping, 72242
and improving a port authority educational and cultural performing 72243
arts facility, including debt service charges on bonds provided 72244
for in division (B) of section 307.674 of the Revised Code, and to 72245
pay all obligations under any guaranty agreements, reimbursement 72246
agreements, or other credit enhancement agreements described in 72247
division (C) of section 307.674 of the Revised Code. The 72248
resolution may also provide for the extension of the tax at the 72249
same rate for the longer of the period of time determined by the 72250
legislative authority of the county, but not to exceed an 72251
additional twenty-five years, or the period of time required to 72252
pay all debt service charges on bonds provided for in division (B) 72253
of section 307.672 of the Revised Code and on port authority 72254
revenue bonds provided for in division (B) of section 307.674 of 72255
the Revised Code. All revenues arising from the amendment and 72256
extension of the tax shall be expended in accordance with section 72257
307.674 of the Revised Code, this division, and division (E) of 72258
this section. 72259

(G) For purposes of a tax levied by a county, township, or 72260
municipal corporation under this section or section 5739.08 of the 72261
Revised Code, a board of county commissioners, board of township 72262
trustees, or the legislative authority of a municipal corporation 72263
may adopt a resolution or ordinance at any time specifying that 72264
"hotel," as otherwise defined in section 5739.01 of the Revised 72265
Code, includes the following: 72266

(1) Establishments in which fewer than five rooms are used 72267
for the accommodation of guests. 72268

(2) Establishments at which rooms are used for the 72269
accommodation of guests regardless of whether each room is 72270
accessible through its own keyed entry or several rooms are 72271
accessible through the same keyed entry; and, in determining the 72272
number of rooms, all rooms are included regardless of the number 72273
of structures in which the rooms are situated or the number of 72274
parcels of land on which the structures are located if the 72275
structures are under the same ownership and the structures are not 72276
identified in advertisements of the accommodations as distinct 72277
establishments. For the purposes of division (G)(2) of this 72278
section, two or more structures are under the same ownership if 72279
they are owned by the same person, or if they are owned by two or 72280
more persons the majority of the ownership interests of which are 72281
owned by the same person. 72282

The resolution or ordinance may apply to a tax imposed 72283
pursuant to this section prior to the adoption of the resolution 72284
or ordinance if the resolution or ordinance so states, but the tax 72285
shall not apply to transactions by which lodging by such an 72286
establishment is provided to transient guests prior to the 72287
adoption of the resolution or ordinance. 72288

(H)(1) As used in this division: 72289

(a) "Convention facilities authority" has the same meaning as 72290
in section 351.01 of the Revised Code. 72291

(b) "Convention center" has the same meaning as in section 72292
307.695 of the Revised Code. 72293

(2) Notwithstanding any contrary provision of division (D) of 72294
this section, the legislative authority of a county with a 72295
population of one million or more according to the most recent 72296
federal decennial census that has levied a tax under division (D) 72297

of this section may, by resolution adopted by a majority of the 72298
members of the legislative authority, provide for the extension of 72299
such levy and may provide that the proceeds of that tax, to the 72300
extent that they are no longer needed for their original purpose 72301
as defined by a cooperative agreement entered into under section 72302
307.671 of the Revised Code, shall be deposited into the county 72303
general revenue fund. The resolution shall provide for the 72304
extension of the tax at a rate not to exceed the rate specified in 72305
division (D) of this section for a period of time determined by 72306
the legislative authority of the county, but not to exceed an 72307
additional forty years. 72308

(3) The legislative authority of a county with a population 72309
of one million or more that has levied a tax under division (A)(1) 72310
of this section may, by resolution adopted by a majority of the 72311
members of the legislative authority, increase the rate of the tax 72312
levied by such county under division (A)(1) of this section to a 72313
rate not to exceed five per cent on transactions by which lodging 72314
by a hotel is or is to be furnished to transient guests. 72315
Notwithstanding any contrary provision of division (A)(1) of this 72316
section, the resolution may provide that all collections resulting 72317
from the rate levied in excess of three per cent, after deducting 72318
the real and actual costs of administering the tax, shall be 72319
deposited in the county general fund. 72320

(4) The legislative authority of a county with a population 72321
of one million or more that has levied a tax under division (A)(1) 72322
of this section may, by resolution adopted on or before August 30, 72323
2004, by a majority of the members of the legislative authority, 72324
provide that all or a portion of the proceeds of the tax levied 72325
under division (A)(1) of this section, after deducting the real 72326
and actual costs of administering the tax and the amounts required 72327
to be returned to townships and municipal corporations with 72328
respect to the first three per cent levied under division (A)(1) 72329

of this section, shall be deposited in the county general fund, 72330
provided that such proceeds shall be used to satisfy any pledges 72331
made in connection with an agreement entered into under section 72332
307.695 of the Revised Code. 72333

(5) No amount collected from a tax levied, extended, or 72334
required to be deposited in the county general fund under division 72335
(H) of this section shall be contributed to a convention 72336
facilities authority, corporation, or other entity created after 72337
July 1, 2003, for the principal purpose of constructing, 72338
improving, expanding, equipping, financing, or operating a 72339
convention center unless the mayor of the municipal corporation in 72340
which the convention center is to be operated by that convention 72341
facilities authority, corporation, or other entity has consented 72342
to the creation of that convention facilities authority, 72343
corporation, or entity. Notwithstanding any contrary provision of 72344
section 351.04 of the Revised Code, if a tax is levied by a county 72345
under division (H) of this section, the board of county 72346
commissioners of that county may determine the manner of 72347
selection, the qualifications, the number, and terms of office of 72348
the members of the board of directors of any convention facilities 72349
authority, corporation, or other entity described in division 72350
(H)(5) of this section. 72351

(6)(a) No amount collected from a tax levied, extended, or 72352
required to be deposited in the county general fund under division 72353
(H) of this section may be used for any purpose other than paying 72354
the direct and indirect costs of constructing, improving, 72355
expanding, equipping, financing, or operating a convention center 72356
and for the real and actual costs of administering the tax, 72357
unless, prior to the adoption of the resolution of the legislative 72358
authority of the county authorizing the levy, extension, increase, 72359
or deposit, the county and the mayor of the most populous 72360
municipal corporation in that county have entered into an 72361

agreement as to the use of such amounts, provided that such 72362
agreement has been approved by a majority of the mayors of the 72363
other municipal corporations in that county. The agreement shall 72364
provide that the amounts to be used for purposes other than paying 72365
the convention center or administrative costs described in 72366
division (H)(6)(a) of this section be used only for the direct and 72367
indirect costs of capital improvements, including the financing of 72368
capital improvements. 72369

(b) If the county in which the tax is levied has an 72370
association of mayors and city managers, the approval of that 72371
association of an agreement described in division (H)(6)(a) of 72372
this section shall be considered to be the approval of the 72373
majority of the mayors of the other municipal corporations for 72374
purposes of that division. 72375

(7) Each year, the auditor of state shall conduct an audit of 72376
the uses of any amounts collected from taxes levied, extended, or 72377
deposited under division (H) of this section and shall prepare a 72378
report of the auditor of state's findings. The auditor of state 72379
shall submit the report to the legislative authority of the county 72380
that has levied, extended, or deposited the tax, the speaker of 72381
the house of representatives, the president of the senate, and the 72382
leaders of the minority parties of the house of representatives 72383
and the senate. 72384

(I)(1) As used in this division: 72385

(a) "Convention facilities authority" has the same meaning as 72386
in section 351.01 of the Revised Code. 72387

(b) "Convention center" has the same meaning as in section 72388
307.695 of the Revised Code. 72389

(2) Notwithstanding any contrary provision of division (D) of 72390
this section, the legislative authority of a county with a 72391
population of one million two hundred thousand or more according 72392

to the most recent federal decennial census or the most recent 72393
annual population estimate published or released by the United 72394
States census bureau at the time the resolution is adopted placing 72395
the levy on the ballot, that has levied a tax under division (D) 72396
of this section may, by resolution adopted by a majority of the 72397
members of the legislative authority, provide for the extension of 72398
such levy and may provide that the proceeds of that tax, to the 72399
extent that the proceeds are no longer needed for their original 72400
purpose as defined by a cooperative agreement entered into under 72401
section 307.671 of the Revised Code and after deducting the real 72402
and actual costs of administering the tax, shall be used for 72403
paying the direct and indirect costs of constructing, improving, 72404
expanding, equipping, financing, or operating a convention center. 72405
The resolution shall provide for the extension of the tax at a 72406
rate not to exceed the rate specified in division (D) of this 72407
section for a period of time determined by the legislative 72408
authority of the county, but not to exceed an additional forty 72409
years. 72410

(3) The legislative authority of a county with a population 72411
of one million two hundred thousand or more that has levied a tax 72412
under division (A)(1) of this section may, by resolution adopted 72413
by a majority of the members of the legislative authority, 72414
increase the rate of the tax levied by such county under division 72415
(A)(1) of this section to a rate not to exceed five per cent on 72416
transactions by which lodging by a hotel is or is to be furnished 72417
to transient guests. Notwithstanding any contrary provision of 72418
division (A)(1) of this section, the resolution shall provide that 72419
all collections resulting from the rate levied in excess of three 72420
per cent, after deducting the real and actual costs of 72421
administering the tax, shall be used for paying the direct and 72422
indirect costs of constructing, improving, expanding, equipping, 72423
financing, or operating a convention center. 72424

(4) The legislative authority of a county with a population 72425
of one million two hundred thousand or more that has levied a tax 72426
under division (A)(1) of this section may, by resolution adopted 72427
on or before July 1, 2008, by a majority of the members of the 72428
legislative authority, provide that all or a portion of the 72429
proceeds of the tax levied under division (A)(1) of this section, 72430
after deducting the real and actual costs of administering the tax 72431
and the amounts required to be returned to townships and municipal 72432
corporations with respect to the first three per cent levied under 72433
division (A)(1) of this section, shall be used to satisfy any 72434
pledges made in connection with an agreement entered into under 72435
section 307.695 of the Revised Code or shall otherwise be used for 72436
paying the direct and indirect costs of constructing, improving, 72437
expanding, equipping, financing, or operating a convention center. 72438

(5) Any amount collected from a tax levied or extended under 72439
division (I) of this section may be contributed to a convention 72440
facilities authority created before July 1, 2005, but no amount 72441
collected from a tax levied or extended under division (I) of this 72442
section may be contributed to a convention facilities authority, 72443
corporation, or other entity created after July 1, 2005, unless 72444
the mayor of the municipal corporation in which the convention 72445
center is to be operated by that convention facilities authority, 72446
corporation, or other entity has consented to the creation of that 72447
convention facilities authority, corporation, or entity. 72448

(J)(1) Except as provided in division (J)(2) of this section, 72449
money collected by a county and distributed under this section to 72450
a convention and visitors' bureau in existence as of June 30, 72451
2013, the effective date of H.B. 59 of the 130th general assembly, 72452
except for any such money pledged, as of that effective date, to 72453
the payment of debt service charges on bonds, notes, securities, 72454
or lease agreements, shall be used solely for tourism sales, 72455
marketing and promotion, and their associated costs, including, 72456

but not limited to, operational and administrative costs of the 72457
bureau, sales and marketing, and maintenance of the physical 72458
bureau structure. 72459

(2) A convention and visitors' bureau that has entered into 72460
an agreement under section 307.678 of the Revised Code may use 72461
revenue it receives from a tax levied under division (A)(1) of 72462
this section as described in division (E) of section 307.678 of 72463
the Revised Code. 72464

(K) The board of county commissioners of a county with a 72465
population between one hundred three thousand and one hundred 72466
seven thousand according to the most recent federal decennial 72467
census, by resolution adopted by a majority of the members of the 72468
board within six months after September 15, 2014, the effective 72469
date of H.B. 483 of the 130th general assembly, may levy a tax not 72470
to exceed three per cent on transactions by which a hotel is or is 72471
to be furnished to transient guests. The purpose of the tax shall 72472
be to pay the costs of expanding, maintaining, or operating a 72473
soldiers' memorial and the costs of administering the tax. All 72474
revenue arising from the tax shall be credited to one or more 72475
special funds in the county treasury and shall be spent solely for 72476
the purposes of paying those costs. The board of county 72477
commissioners shall adopt all rules necessary to provide for the 72478
administration of the tax subject to the same limitations on 72479
imposing penalty or interest under division (A)(1) of this 72480
section. 72481

As used in this division "soldiers' memorial" means a 72482
memorial constructed and funded under Chapter 345. of the Revised 72483
Code. 72484

(L) A board of county commissioners of an eligible county, by 72485
resolution adopted by a majority of the members of the board, may 72486
levy an excise tax at the rate of up to three per cent on 72487
transactions by which lodging by a hotel is or is to be furnished 72488

to transient guests for the purpose of paying the costs of 72489
permanent improvements at sites at which one or more agricultural 72490
societies conduct fairs or exhibits, paying the costs of 72491
maintaining or operating such permanent improvements, and paying 72492
the costs of administering the tax. A resolution adopted under 72493
this division, other than a resolution that only extends the 72494
period of time for which the tax is levied, shall direct the board 72495
of elections to submit the question of the proposed lodging tax to 72496
the electors of the county at a special election held on the date 72497
specified by the board in the resolution, provided that the 72498
election occurs not less than ninety days after a certified copy 72499
of the resolution is transmitted to the board of elections. A 72500
resolution submitted to the electors under this division shall not 72501
go into effect unless it is approved by a majority of those voting 72502
upon it. The resolution takes effect on the date the board of 72503
county commissioners receives notification from the board of 72504
elections of an affirmative vote. 72505

The tax shall remain in effect for the period specified in 72506
the resolution, not to exceed five years, and may be extended for 72507
an additional period of time not to exceed fifteen years 72508
thereafter by a resolution adopted by a majority of the members of 72509
the board. A resolution extending the period of time for which the 72510
tax is in effect is not subject to approval of the electors of the 72511
county, but is subject to referendum under sections 305.31 to 72512
305.99 of the Revised Code. All revenue arising from the tax shall 72513
be credited to one or more special funds in the county treasury 72514
and shall be spent solely for the purposes of paying the costs of 72515
such permanent improvements and maintaining or operating the 72516
improvements. Revenue allocated for the use of a county 72517
agricultural society may be credited to the county agricultural 72518
society fund created in section 1711.16 of the Revised Code upon 72519
appropriation by the board. If revenue is credited to that fund, 72520
it shall be expended only as provided in that section. 72521

The board of county commissioners shall adopt all rules 72522
necessary to provide for the administration of the tax. The rules 72523
may prescribe the time for payment of the tax, and may provide for 72524
the imposition or penalty or interest, or both, for late payments, 72525
provided that the penalty does not exceed ten per cent of the 72526
amount of tax due, and the rate at which interest accrues does not 72527
exceed the rate per annum prescribed in section 5703.47 of the 72528
Revised Code. 72529

As used in this division, "eligible county" means a county in 72530
which a county agricultural society or independent agricultural 72531
society is organized under section 1711.01 or 1711.02 of the 72532
Revised Code, provided the agricultural society owns a facility or 72533
site in the county at which an annual harness horse race is 72534
conducted where one-day attendance equals at least forty thousand 72535
attendees. 72536

(M) As used in this division, "eligible county" means a 72537
county in which a tax is levied under division (A) of this section 72538
at a rate of three per cent and whose territory includes a part of 72539
Lake Erie the shoreline of which represents at least fifty per 72540
cent of the linear length of the county's border with other 72541
counties of this state. 72542

The board of county commissioners of an eligible county that 72543
has entered into an agreement with a port authority in the county 72544
under section 4582.56 of the Revised Code may levy an additional 72545
lodging tax on transactions by which lodging by a hotel is or is 72546
to be furnished to transient guests for the purpose of financing 72547
lakeshore improvement projects constructed or financed by the port 72548
authority under that section. The resolution levying the tax shall 72549
specify the purpose of the tax, the rate of the tax, which shall 72550
not exceed two per cent, and the number of years the tax will be 72551
levied or that it will be levied for a continuing period of time. 72552
The tax shall be administered pursuant to the regulations adopted 72553

by the board under division (A) of this section, except that all 72554
the proceeds of the tax levied under this division shall be 72555
pledged to the payment of the costs, including debt charges, of 72556
lakeshore improvements undertaken by a port authority pursuant to 72557
the agreement under section 4582.56 of the Revised Code. No 72558
revenue from the tax may be used to pay the current expenses of 72559
the port authority. 72560

A resolution levying a tax under this division is subject to 72561
referendum under sections 305.31 to 305.41 and 305.99 of the 72562
Revised Code. 72563

(N)(1)(a) Notwithstanding division (A) of this section, the 72564
board of county commissioners, board of township trustees, or 72565
legislative authority of any county, township, or municipal 72566
corporation that levies a lodging tax on September 29, 2017, and 72567
in which any part of a tourism development district is located on 72568
or after that date shall amend the ordinance or resolution levying 72569
the tax to require either of the following: 72570

(i) In the case of a tax levied by a county, that all tourism 72571
development district lodging tax proceeds from that tax be used 72572
exclusively to foster and develop tourism in the tourism 72573
development district; 72574

(ii) In the case of a tax levied by a township or municipal 72575
corporation, that all tourism development district lodging tax 72576
proceeds from that tax be used exclusively to foster and develop 72577
tourism in the tourism development district. 72578

(b) Notwithstanding division (A) of this section, any 72579
ordinance or resolution levying a lodging tax adopted on or after 72580
September 29, 2017, by a county, township, or municipal 72581
corporation in which any part of a tourism development district is 72582
located on or after that date shall require that all tourism 72583
development district lodging tax proceeds from that tax be used 72584

exclusively to foster and develop tourism in the tourism 72585
development district. 72586

(c) A county shall not use any of the proceeds described in 72587
division (N)(1)(a)(i) or (N)(1)(b) of this section unless the 72588
convention and visitors' bureau operating within the county 72589
approves the manner in which such proceeds are used to foster and 72590
develop tourism in the tourism development district. Upon 72591
obtaining such approval, the county may pay such proceeds to the 72592
bureau to use for the agreed-upon purpose. 72593

A municipal corporation or township shall not use any of the 72594
proceeds described in division (N)(1)(a)(ii) or (N)(1)(b) of this 72595
section unless the convention and visitors' bureau operating 72596
within the municipal corporation or township approves the manner 72597
in which such proceeds are used to foster and develop tourism in 72598
the tourism development district. Upon obtaining such approval, 72599
the municipal corporation or township may pay such proceeds to the 72600
bureau to use for the agreed-upon purpose. 72601

(2)(a) Notwithstanding division (A) of this section, the 72602
board of county commissioners of an eligible county that levies a 72603
lodging tax on March 23, 2018, may amend the resolution levying 72604
that tax to require that all or a portion of the proceeds of that 72605
tax otherwise required to be spent solely to make contributions to 72606
the convention and visitors' bureau operating within the county 72607
shall be used to foster and develop tourism in a tourism 72608
development district. 72609

(b) Notwithstanding division (A) of this section, the board 72610
of county commissioners of an eligible county that adopts a 72611
resolution levying a lodging tax on or after March 23, 2018, may 72612
require that all or a portion of the proceeds of that tax 72613
otherwise required to be spent solely to make contributions to the 72614
convention and visitors' bureau operating within the county 72615
pursuant to division (A) of this section shall be used to foster 72616

and develop tourism in a tourism development district. 72617

(c) A county shall not use any of the proceeds in the manner 72618
described in division (N)(2)(a) or (b) of this section unless the 72619
convention and visitors' bureau operating within the county 72620
approves the manner in which such proceeds are used to foster and 72621
develop tourism in the tourism development district. Upon 72622
obtaining such approval, the county may pay such proceeds to the 72623
bureau to use for the agreed upon purpose. 72624

(3) As used in division (N) of this section: 72625

(a) "Tourism development district" means a district 72626
designated by a municipal corporation under section 715.014 of the 72627
Revised Code or by a township under section 503.56 of the Revised 72628
Code. 72629

(b) "Lodging tax" means a tax levied pursuant to this section 72630
or section 5739.08 of the Revised Code. 72631

(c) "Tourism development district lodging tax proceeds" means 72632
all proceeds of a lodging tax derived from transactions by which 72633
lodging by a hotel located in a tourism development district is or 72634
is to be provided to transient guests. 72635

(d) "Eligible county" has the same meaning as in section 72636
307.678 of the Revised Code. 72637

(O) A tax levied pursuant to this section on transactions by 72638
which lodging by a hotel is or is to be furnished to transient 72639
guests, if the transaction is conducted through a hotel 72640
intermediary, shall be levied on the basis of the lodging's fair 72641
market value. The hotel intermediary shall collect the tax due 72642
from the purchaser and remit it to the subdivision levying the 72643
tax. 72644

Sec. 5741.01. As used in this chapter: 72645

(A) "Person" includes individuals, receivers, assignees, 72646

trustees in bankruptcy, estates, firms, partnerships, 72647
associations, joint-stock companies, joint ventures, clubs, 72648
societies, corporations, business trusts, governments, and 72649
combinations of individuals of any form. 72650

(B) "Storage" means and includes any keeping or retention in 72651
this state for use or other consumption in this state. 72652

(C) "Use" means and includes the exercise of any right or 72653
power incidental to the ownership of the thing used. A thing is 72654
also "used" in this state if its consumer gives or otherwise 72655
distributes it, without charge, to recipients in this state. 72656

(D) "Purchase" means acquired or received for a 72657
consideration, whether such acquisition or receipt was effected by 72658
a transfer of title, or of possession, or of both, or a license to 72659
use or consume; whether such transfer was absolute or conditional, 72660
and by whatever means the transfer was effected; and whether the 72661
consideration was money, credit, barter, or exchange. Purchase 72662
includes production, even though the article produced was used, 72663
stored, or consumed by the producer. The transfer of copyrighted 72664
motion picture films for exhibition purposes is not a purchase, 72665
except such films as are used solely for advertising purposes. 72666

(E) "Seller" means the person from whom a purchase is made, 72667
and includes every person engaged in this state or elsewhere in 72668
the business of selling tangible personal property or providing a 72669
service for storage, use, or other consumption or benefit in this 72670
state; and when, in the opinion of the tax commissioner, it is 72671
necessary for the efficient administration of this chapter, to 72672
regard any salesperson, representative, peddler, or canvasser as 72673
the agent of a dealer, distributor, supervisor, or employer under 72674
whom the person operates, or from whom the person obtains tangible 72675
personal property, sold by the person for storage, use, or other 72676
consumption in this state, irrespective of whether or not the 72677
person is making such sales on the person's own behalf, or on 72678

behalf of such dealer, distributor, supervisor, or employer, the 72679
commissioner may regard the person as such agent, and may regard 72680
such dealer, distributor, supervisor, or employer as the seller. 72681
"Seller" A marketplace facilitator shall be treated as the 72682
"seller" with respect to all sales facilitated by the marketplace 72683
facilitator on behalf of one or more marketplace sellers on and 72684
after the first day of the first month that begins at least thirty 72685
days after the marketplace facilitator first has substantial nexus 72686
with this state. Otherwise, "seller" does not include any person 72687
to the extent the person provides a communications medium, such 72688
as, but not limited to, newspapers, magazines, radio, television, 72689
or cable television, by means of which sellers solicit purchases 72690
of their goods or services. 72691

(F) "Consumer" means any person who has purchased tangible 72692
personal property or has been provided a service for storage, use, 72693
or other consumption or benefit in this state. "Consumer" does not 72694
include a person who receives, without charge, tangible personal 72695
property or a service. 72696

A person who performs a facility management or similar 72697
service contract for a contractee is a consumer of all tangible 72698
personal property and services purchased for use in connection 72699
with the performance of such contract, regardless of whether title 72700
to any such property vests in the contractee. The purchase of such 72701
property and services is not subject to the exception for resale 72702
under division (E) of section 5739.01 of the Revised Code. 72703

(G)(1) "Price," except as provided in divisions (G)(2) to (6) 72704
of this section, has the same meaning as in division (H)(1) of 72705
section 5739.01 of the Revised Code. 72706

(2) In the case of watercraft, outboard motors, or new motor 72707
vehicles, "price" has the same meaning as in divisions (H)(2) and 72708
(3) of section 5739.01 of the Revised Code. 72709

(3) In the case of a nonresident business consumer that 72710
purchases and uses tangible personal property outside this state 72711
and subsequently temporarily stores, uses, or otherwise consumes 72712
such tangible personal property in the conduct of business in this 72713
state, the consumer or the tax commissioner may determine the 72714
price based on the value of the temporary storage, use, or other 72715
consumption, in lieu of determining the price pursuant to division 72716
(G)(1) of this section. A price determination made by the consumer 72717
is subject to review and redetermination by the commissioner. 72718

(4) In the case of tangible personal property held in this 72719
state as inventory for sale or lease, and that is temporarily 72720
stored, used, or otherwise consumed in a taxable manner, the price 72721
is the value of the temporary use. A price determination made by 72722
the consumer is subject to review and redetermination by the 72723
commissioner. 72724

(5) In the case of tangible personal property originally 72725
purchased and used by the consumer outside this state, and that 72726
becomes permanently stored, used, or otherwise consumed in this 72727
state more than six months after its acquisition by the consumer, 72728
the consumer or the commissioner may determine the price based on 72729
the current value of such tangible personal property, in lieu of 72730
determining the price pursuant to division (G)(1) of this section. 72731
A price determination made by the consumer is subject to review 72732
and redetermination by the commissioner. 72733

(6) If a consumer produces tangible personal property for 72734
sale and removes that property from inventory for the consumer's 72735
own use, the price is the produced cost of that tangible personal 72736
property. 72737

(H) "Nexus with this state" means that the seller engages in 72738
continuous and widespread solicitation of purchases from residents 72739
of this state or otherwise purposefully directs its business 72740
activities at residents of this state. 72741

(I)(1) "Substantial nexus with this state" means that the seller has sufficient contact with this state, in accordance with Section 8 of Article I of the Constitution of the United States, to allow the state to require the seller to collect and remit use tax on sales of tangible personal property or services made to consumers in this state.

(2) "Substantial nexus with this state" is presumed to exist when the seller does any of the following:

(a) Uses an office, distribution facility, warehouse, storage facility, or similar place of business within this state, whether operated by the seller or any other person, other than a common carrier acting in its capacity as a common carrier.

(b) Regularly uses employees, agents, representatives, solicitors, installers, repairers, salespersons, or other persons in this state for the purpose of conducting the business of the seller or either to engage in a business with the same or a similar industry classification as the seller selling a similar product or line of products as the seller, or to use trademarks, service marks, or trade names in this state that are the same or substantially similar to those used by the seller.

(c) Uses any person, other than a common carrier acting in its capacity as a common carrier, in this state for any of the following purposes:

(i) Receiving or processing orders of the seller's goods or services;

(ii) Using that person's employees or facilities in this state to advertise, promote, or facilitate sales by the seller to customers;

(iii) Delivering, installing, assembling, or performing maintenance services for the seller's customers;

(iv) Facilitating the seller's delivery of tangible personal property to customers in this state by allowing the seller's customers to pick up property sold by the seller at an office, distribution facility, warehouse, storage facility, or similar place of business. 72772
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(d) Makes regular deliveries of tangible personal property into this state by means other than common carrier. 72777
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(e) Has an affiliated person that has substantial nexus with this state. 72779
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(f) Owns tangible personal property that is rented or leased to a consumer in this state, or offers tangible personal property, on approval, to consumers in this state. 72781
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~~(g) Enters into an agreement with one or more residents of this state under which the resident, for a commission or other consideration, directly or indirectly refers potential customers to the seller, whether by a link on a web site, an in person oral presentation, telemarketing, or otherwise, provided the cumulative gross receipts from sales to consumers referred to the seller by all such residents exceeded ten thousand dollars during the preceding twelve months.~~ 72784
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~~(h) Uses in state software to sell or lease taxable tangible personal property or services to consumers, provided the seller has~~ Has gross receipts in excess of ~~five~~ one hundred thousand dollars in the current or preceding calendar year from the sale of tangible personal property for storage, use, or consumption in this state or from providing services the benefit of which is realized in this state. 72792
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~~(i) Provides or enters into an agreement with another person to provide a content distribution network in this state to accelerate or enhance the delivery of the seller's web site to consumers, provided the seller has gross receipts in excess of~~ 72799
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~~five hundred thousand dollars~~ (h) Engages, in the current or 72803
preceding calendar year ~~from the sale of~~ , in two hundred or more 72804
separate transactions selling tangible personal property for 72805
storage, use, or consumption in this state or ~~from~~ providing 72806
services the benefit of which is realized in this state. 72807

(3) A seller presumed to have substantial nexus with this 72808
state under divisions (I)(2)(a) to (f), (g), and (h), ~~and (i)~~ of 72809
this section may rebut that presumption by demonstrating that 72810
activities described in any of those divisions that are conducted 72811
by a person in this state on the seller's behalf are not 72812
significantly associated with the seller's ability to establish or 72813
maintain a market in this state for the seller's sales. 72814

~~(4) A seller presumed to have substantial nexus with this~~ 72815
~~state under division (I)(2)(g) of this section may rebut that~~ 72816
~~presumption by submitting proof that each resident engaged by the~~ 72817
~~seller as described in that division did not engage in any~~ 72818
~~activity within this state during the preceding twelve months that~~ 72819
~~was significantly associated with the seller's ability to~~ 72820
~~establish or maintain the seller's market in this state during the~~ 72821
~~preceding twelve months. Such proof may consist of sworn written~~ 72822
~~statements from all the residents with whom the seller has an~~ 72823
~~agreement stating that the resident did not engage in any~~ 72824
~~solicitation in this state on behalf of the seller during the~~ 72825
~~preceding twelve months if such statements are provided and~~ 72826
~~obtained in good faith. A marketplace facilitator is presumed to~~ 72827
have substantial nexus with this state if either of the following 72828
apply in the current or preceding calendar year: 72829

(a) The aggregate gross receipts derived from sales of 72830
tangible personal property for storage, use, or consumption in 72831
this state or services the benefit of which is realized in this 72832
state, including sales made by the marketplace facilitator on its 72833
own behalf and sales facilitated by the marketplace facilitator on 72834

behalf of one or more marketplace sellers, exceed one hundred thousand dollars; 72835
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(b) The marketplace facilitator engages in on its own behalf, or facilitates on behalf of one or more marketplace sellers, two hundred or more separate transactions selling tangible personal property for storage, use, or consumption in this state or services the benefit of which is realized in this state. 72837
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(5) A seller that does not have substantial nexus with this state, and any affiliated person of the seller, before selling or leasing tangible personal property or services to a state agency, shall register with the tax commissioner in the same manner as a seller described in division (A)(1) of section 5741.17 of the Revised Code. 72842
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(6) As used in division (I) of this section: 72848

(a) "Affiliated person" means any person that is a member of the same controlled group of corporations as the seller or any other person that, notwithstanding the form of organization, bears the same ownership relationship to the seller as a corporation that is a member of the same controlled group of corporations. 72849
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(b) "Controlled group of corporations" has the same meaning as in section 1563(a) of the Internal Revenue Code. 72854
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(c) "State agency" has the same meaning as in section 1.60 of the Revised Code. 72856
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~~(d) "In state software" means computer software, as that term is defined in section 5739.01 of the Revised Code, that is stored on property in this state or is distributed within this state for the purpose of facilitating a seller's sales.~~ 72858
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~~(e) "Content delivery network" means a system of distributed servers that deliver web sites and other web content to a user based on the geographic location of the user, the origin of the~~ 72862
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~~web site or web content, and a content delivery server.~~ 72865

(J) "Fiscal officer" means, with respect to a regional 72866
transit authority, the secretary-treasurer thereof, and with 72867
respect to a county which is a transit authority, the fiscal 72868
officer of the county transit board appointed pursuant to section 72869
306.03 of the Revised Code or, if the board of county 72870
commissioners operates the county transit system, the county 72871
auditor. 72872

(K) "Territory of the transit authority" means all of the 72873
area included within the territorial boundaries of a transit 72874
authority as they from time to time exist. Such territorial 72875
boundaries must at all times include all the area of a single 72876
county or all the area of the most populous county which is a part 72877
of such transit authority. County population shall be measured by 72878
the most recent census taken by the United States census bureau. 72879

(L) "Transit authority" means a regional transit authority 72880
created pursuant to section 306.31 of the Revised Code or a county 72881
in which a county transit system is created pursuant to section 72882
306.01 of the Revised Code. For the purposes of this chapter, a 72883
transit authority must extend to at least the entire area of a 72884
single county. A transit authority which includes territory in 72885
more than one county must include all the area of the most 72886
populous county which is a part of such transit authority. County 72887
population shall be measured by the most recent census taken by 72888
the United States census bureau. 72889

(M) "Providing a service" has the same meaning as in section 72890
5739.01 of the Revised Code. 72891

(N) "Other consumption" includes receiving the benefits of a 72892
service. 72893

(O) "Lease" or "rental" has the same meaning as in section 72894
5739.01 of the Revised Code. 72895

(P) "Certified service provider" has the same meaning as in section 5740.01 of the Revised Code. 72896
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(Q) "Remote sale" means a sale for which the seller could not be legally required to pay, collect, or remit a tax imposed under this chapter or Chapter 5739. of the Revised Code, unless otherwise provided by the laws of the United States. 72898
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(R) "Remote seller" means a seller that lacks substantial nexus with this state but is required to register with the tax commissioner under section 5741.17 of the Revised Code pursuant to federal law authorizing states to require such sellers to register, collect, and remit use tax. A seller that is not required to register with the commissioner under division (A) of section 5741.17 of the Revised Code but registers voluntarily under division (B) of that section is not a "remote seller." A seller that registers with the commissioner under section 5741.17 of the Revised Code after the effective date of any federal law that authorizes states to require sellers that lack substantial nexus with the state to register, collect, and remit use tax is presumed to be a "remote seller." The seller or the commissioner may rebut this presumption with evidence that the seller has substantial nexus with this state. 72902
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(S) "Remote small seller" means a remote seller that has gross annual receipts from remote sales in the United States not exceeding one million dollars for the preceding calendar year. For the purposes of determining whether a person is a small remote seller, the sales of all persons related within the meaning of subsection (b) or (c) of section 267 or section 707(b)(1) of the Internal Revenue Code shall be aggregated, and persons with one or more ownership relationships shall be aggregated if those relationships were designed with the principal purpose to qualify as a remote small seller. 72917
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(T) "Marketplace facilitator" means a person that owns, 72927

operates, or controls a physical or electronic marketplace through 72928
which retail sales are facilitated on behalf of one or more 72929
marketplace sellers, or an affiliate of such a person. 72930

(U) "Marketplace seller" means a person on behalf of which a 72931
marketplace facilitator facilitates the sale of tangible personal 72932
property for storage, use, or consumption in this state or 72933
services the benefit of which are realized in this state, 72934
regardless of whether or not the person has a substantial nexus 72935
with this state. 72936

(V) "Electronic marketplace" includes digital distribution 72937
services, digital distribution platforms, online portals, 72938
application stores, computer software applications, in-app 72939
purchase mechanisms, or other digital products. 72940

(W) A sale is "facilitated" by a marketplace facilitator on 72941
behalf of a marketplace seller if it satisfies divisions (W)(1), 72942
(2), and (3) of this section: 72943

(1) The marketplace facilitator, directly or indirectly, does 72944
any of the following: 72945

(a) Lists, makes available, or advertises the tangible 72946
personal property or services that are the subject of the sale in 72947
a physical or electronic marketplace owned, operated, or 72948
controlled by the marketplace facilitator; 72949

(b) Transmits or otherwise communicates an offer or 72950
acceptance of the sale between the marketplace seller and the 72951
purchaser in a shop, store, booth, catalog, internet site, or 72952
other similar forum; 72953

(c) Owns, rents, licenses, makes available, or operates any 72954
electronic or physical infrastructure or any property, process, 72955
method, copyright, trademark, or patent that connects the 72956
marketplace seller to the purchaser for the purpose of making 72957
sales; 72958

(d) Provides the marketplace in which the sale was made or otherwise facilitates the sale regardless of ownership or control of the tangible personal property or services that are the subject of the sale; 72959
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(e) Provides software development or research and development services directly related to a physical or electronic marketplace that is involved in one or more of the activities described in division (W)(1) of this section; 72963
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(f) Provides fulfillment or storage services for the marketplace seller that are related to the tangible personal property or services that are the subject of the sale; 72967
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(g) Sets the price of the sale on behalf of the marketplace seller; 72970
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(h) Provides or offers customer service to the marketplace seller or the marketplace seller's customers, or accepts or assists with taking orders, returns, or exchanges of the tangible personal property or services that are the subject of the sale; 72972
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(i) Brands or otherwise identifies the sale as a sale of the marketplace facilitator. 72976
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(2) The marketplace facilitator, directly or indirectly, does any of the following: 72978
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(a) Collects the price of the tangible personal property or services sold to the consumer; 72980
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(b) Provides payment processing services for the sale; 72982

(c) Charges, collects, or otherwise receives selling fees, listing fees, referral fees, closing fees, fees for inserting or making available the tangible personal property or services on a marketplace, or other consideration from the facilitation of the sale regardless of ownership or control of the tangible personal property or services that are the subject of the sale; 72983
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(d) Collects payment in connection with the sale from the consumer through terms and conditions, agreements, or arrangements with a third party, and transmits that payment to the marketplace seller, regardless of whether the person collecting and transmitting such payment receives compensation or other consideration in exchange for the service; 72989
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(e) Provides virtual currency that consumers are allowed or required to use to purchase the tangible personal property or services that are the subject of the sale. 72995
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(3) The subject of the sale is tangible personal property or services other than lodging by a hotel that is or is to be furnished to transient guests. 72998
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Sec. 5741.04. Every seller required to register with the tax commissioner pursuant to section 5741.17 of the Revised Code who is engaged in the business of selling or facilitating the sale of tangible personal property in this state for storage, use, or other consumption in this state, to which section 5741.02 of the Revised Code applies, or which is subject to a tax levied pursuant to section 5741.021, 5741.022, or 5741.023 of the Revised Code, shall, and any other seller who is authorized by rule of the tax commissioner to do so may, collect from the consumer the full and exact amount of the tax payable on each such storage, use, or consumption, in the manner and at the times provided as follows: 73001
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(A) If the price is, at or prior to the delivery of possession of the thing sold to the consumer, paid in currency passed from hand to hand by the consumer or the consumer's agent, to the seller or the seller's agent, the seller or the seller's agent shall collect the tax with and at the same time as the price. 73012
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(B) If the price is otherwise paid or to be paid, the seller or the seller's agent shall, at or prior to the delivery of 73018
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possession of the thing sold to the consumer, charge the tax 73020
imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 73021
5741.023 of the Revised Code to the account of the consumer, which 73022
amount shall be collected by the seller from the consumer in 73023
addition to the price. Such transaction shall be reported on the 73024
return for the period in which the transaction occurred, and the 73025
amount of tax applicable to the transaction shall be remitted with 73026
the return or, if the consumer is subject to section 5741.121 of 73027
the Revised Code, in the manner prescribed by that section. The 73028
amount of the tax shall become a legal charge in favor of the 73029
seller and against the consumer. 73030

(C) It shall be the obligation of each consumer, as required 73031
by section 5741.12 of the Revised Code, to report and pay the 73032
taxes levied by sections 5741.021, 5741.022, and 5741.023 of the 73033
Revised Code, if applicable, on any storage, use, or other 73034
consumption of tangible personal property purchased in this state 73035
from a vendor required to be licensed pursuant to section 5739.17 73036
of the Revised Code. 73037

Sec. 5741.05. As used in this section, "receive" means taking 73038
possession of tangible personal property or making first use of a 73039
service. "Receive" does not include possession by a shipping 73040
company on behalf of a consumer. 73041

(A) ~~A~~ Except as otherwise provided in division (B) of this 73042
section, a seller that collects the tax levied by sections 73043
5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code on 73044
transactions, other than sales of titled motor vehicles, titled 73045
watercraft, or titled outboard motors, shall determine under 73046
section 5739.033 or 5739.034 of the Revised Code the jurisdiction 73047
for which to collect the tax. ~~A~~ 73048

(B) A marketplace facilitator that collects the tax levied by 73049
sections 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised 73050

Code on sales facilitated by the marketplace facilitator, other than sales of titled motor vehicles, titled watercraft, or titled outboard motors, shall determine the jurisdiction for which to collect the tax as follows: 73051
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(1) The location known to the marketplace facilitator where the consumer or the donee designated by the consumer receives the tangible personal property or service, including the location indicated by instructions for delivery to the consumer or the consumer's donee; 73055
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(2) If division (B)(1) of this section does not apply, the location indicated by an address for the consumer that is available from the marketplace facilitator's business records that are maintained in the ordinary course of the marketplace facilitator's business, when use of that address does not constitute bad faith; 73060
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(3) If divisions (B)(1) and (2) of this section do not apply, the location indicated by an address for the consumer obtained during the consummation of the sale, including the address associated with the consumer's payment instrument, if no other address is available, when use of that address does not constitute bad faith. 73066
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(4) If divisions (B)(1), (2), and (3) of this section do not apply, including in the circumstance where the marketplace facilitator is without sufficient information to apply any of those divisions, the address from which tangible personal property was shipped, or from which the service was provided, disregarding any location that merely provided the electronic transfer of the property sold or service provided. 73072
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(C) A vendor or seller of motor vehicles, watercraft, or outboard motors required to be titled in this state shall collect the tax levied by section 5739.02 or 5741.02 of the Revised Code 73079
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and the additional taxes levied by division (A)(1) of section 73082
5741.021, division (A)(1) of section 5741.022, and division (A)(1) 73083
of section 5741.023 of the Revised Code for the consumer's county 73084
of residence as provided in section 1548.06 and division (B) of 73085
section 4505.06 of the Revised Code. 73086

~~(B)~~(D) A vendor or seller is not responsible for collecting 73087
or remitting additional tax if a consumer subsequently stores, 73088
uses, or consumes the tangible personal property or service in 73089
another jurisdiction with a rate of tax imposed by sections 73090
5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code that 73091
is higher than the amount collected by the vendor or seller 73092
pursuant to Chapter 5739. or 5741. of the Revised Code. 73093

Sec. 5741.07. Except as otherwise provided in section 5741.11 73094
of the Revised Code, a marketplace facilitator that is treated as 73095
a seller pursuant to division (E) of section 5741.01 of the 73096
Revised Code has the same rights and obligations under this 73097
chapter as other sellers. Such obligations include registering 73098
with the tax commissioner under section 5741.17 of the Revised 73099
Code and collecting and remitting the taxes levied under this 73100
chapter on sales facilitated by the marketplace facilitator in 73101
accordance with section 5741.04 of the Revised Code. A marketplace 73102
facilitator's rights and obligations regarding a sale are not 73103
affected by the amount of the price paid by the consumer that will 73104
accrue to or benefit the marketplace facilitator as compared to 73105
the marketplace seller for which the sale is facilitated, or by 73106
whether or not such marketplace seller has substantial nexus with 73107
this state, registers with the tax commissioner under section 73108
5741.17 of the Revised Code, or collects and remits taxes on sales 73109
not facilitated by a marketplace facilitator in accordance with 73110
section 5741.04 of the Revised Code. 73111

A marketplace seller that is required to collect and remit 73112

the taxes levied under this chapter shall continue to do so for 73113
all sales other than those facilitated by a marketplace 73114
facilitator that is treated as a seller pursuant to division (E) 73115
of section 5741.01 of the Revised Code, including sales 73116
facilitated before the first day of the first month that begins at 73117
least thirty days after the marketplace facilitator first has 73118
substantial nexus with this state. 73119

Sec. 5741.11. ~~¶~~ (A) Except as otherwise provided in 73120
divisions (B) and (C) of this section, if any seller who is 73121
required or authorized to collect the tax imposed by or pursuant 73122
to section 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised 73123
Code fails to do so, ~~he~~ the seller shall be liable personally for 73124
such amount as ~~he~~ the seller failed to collect. If any seller 73125
collects the tax imposed by or pursuant to any such section and 73126
fails to remit the same to the state as prescribed, ~~he~~ the seller 73127
shall be personally liable for any amount collected ~~which he~~ that 73128
the seller failed to remit. The tax commissioner may make an 73129
assessment against such seller, based upon any information within 73130
~~his~~ the commissioner's possession. The commissioner shall give to 73131
the seller written notice of such assessment. Such notice may be 73132
served upon the seller personally or by certified mail. 73133

(B) A marketplace facilitator is relieved of all liability 73134
under division (A) of this section for failure to collect the tax 73135
imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 73136
5741.023 of the Revised Code on a sale facilitated by the 73137
marketplace facilitator on behalf of an unaffiliated marketplace 73138
seller if it is demonstrated to the satisfaction of the 73139
commissioner that the marketplace facilitator made a reasonable 73140
effort to obtain accurate information about the sale from the 73141
marketplace seller and that the marketplace facilitator failed to 73142
collect the correct amount of tax because of incorrect information 73143
provided by the marketplace seller. 73144

If a marketplace facilitator is relieved of liability under this division, the marketplace seller for which the sale was facilitated and the purchaser are personally liable for any amount of tax that is not properly collected, paid, or remitted.

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(C) Division (B) of this section does not absolve a marketplace facilitator, marketplace seller, or any other person from personal liability for collecting but failing to remit the tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code.

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(D) No class action may be brought against a marketplace facilitator in any court of this state on behalf of consumers arising from or in any way related to an overpayment of the tax imposed by or pursuant to sections 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code on sales facilitated by the marketplace facilitator, regardless of whether the claim is characterized as a tax refund claim.

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Sec. 5741.13. (A) Except as provided in division (B) of this section:

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(1) If any person required by section 5741.12 of the Revised Code to make a return to the tax commissioner fails to make such return at the time required by or under authority of such section, the commissioner may make an assessment against such person, based upon any information within the commissioner's possession. The commissioner shall give to such person written notice of the assessment as provided in section 5703.37 of the Revised Code.

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(2) If information in the possession of the commissioner indicates that the tax paid by any consumer is less than that due, the commissioner may audit a representative sample of that consumer's purchases and may issue an assessment based thereon. The commissioner shall make a good faith effort to reach agreement with the consumer on selecting a representative sample.

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(3) If information in the possession of the commissioner 73176
indicates that the amount required to be collected or paid under 73177
this chapter is greater than the amount remitted by the seller, 73178
the commissioner may audit a representative sample of the seller's 73179
sales to determine the per cent of exempt or taxable transactions 73180
or the effective tax rate and may issue an assessment based on the 73181
audit. The commissioner shall make a good faith effort to reach 73182
agreement with the seller in selecting a representative sample. 73183

(B) The commissioner may audit only the marketplace 73184
facilitator for sales with respect to which the marketplace 73185
facilitator is treated as the seller pursuant to division (E) of 73186
section 5741.01 of the Revised Code and may not audit the 73187
marketplace seller on behalf of which the sale was facilitated. 73188
This division does not absolve a marketplace seller or the 73189
purchaser from personal liability under division (B) of section 73190
5741.11 of the Revised Code for taxes that are not properly 73191
collected, paid, or remitted due to the inability of the 73192
marketplace facilitator to obtain accurate information about the 73193
sale from the marketplace seller. 73194

Sec. 5741.17. (A)(1) Except as otherwise provided in 73195
divisions (A)(2), (3), and (4) of this section, every seller of 73196
tangible personal property or services who has substantial nexus 73197
with this state shall register with the tax commissioner and 73198
supply any information concerning the seller's contacts with this 73199
state that may be required by the commissioner. 73200

(2) A seller who is licensed as a vendor pursuant to section 73201
5739.17 of the Revised Code shall not be required to register with 73202
the commissioner pursuant to this section if all sales to 73203
consumers in this state are made under the authority of the 73204
seller's vendor's license. 73205

~~(3) Unless the seller has substantial nexus with this state 73206~~

~~pursuant to division (I)(2)(g) of section 5741.01 of the Revised Code,~~ a A seller is not required to register under this section if the seller has no contact with this state other than an agency relationship with a person engaged in the business of telemarketing in this state and engaged by the seller exclusively for the purpose of solicitation of customers in other states.

(4) A seller is not required to register under this section if the seller has no contact with this state other than the ownership of property that is located at the facility of a printer with which the seller has contracted for printing and that consists of the final printed product, property that becomes a part of the final printed product, or copy from which the final printed product is produced.

(B) A seller who does not have substantial nexus with this state may voluntarily register with the commissioner. A seller who voluntarily registers with the commissioner under this section is entitled to the same benefits and is subject to the same duties and requirements as a seller required to be registered with the commissioner under this chapter.

The commissioner shall maintain an alphabetical index of all sellers registered under this chapter and records of the use tax reported and paid. Upon request, this information shall be made available to the treasurer of state.

(C) A remote small seller is not required to register under this section.

Sec. 5743.62. (A) To provide revenue for the general revenue fund of the state, an excise tax is hereby levied on the seller of tobacco products in this state at one of the following rates:

(1) For tobacco products other than little cigars or premium cigars, seventeen per cent of the wholesale price of the tobacco

product whenever the tobacco product is delivered to a consumer in 73237
this state for the storage, use, or other consumption of such 73238
tobacco products. 73239

(2) For little cigars, thirty-seven per cent of the wholesale 73240
price of the little cigars whenever the little cigars are 73241
delivered to a consumer in this state for the storage, use, or 73242
other consumption of the little cigars. 73243

(3) For premium cigars, whenever the premium cigars are 73244
delivered to a consumer in this state for the storage, use, or 73245
other consumption of the premium cigars, the lesser of seventeen 73246
per cent of the wholesale price of such premium cigars or the 73247
maximum tax amount per each such premium cigar. 73248

The tax imposed by this section applies only to sellers 73249
having substantial nexus ~~in~~ with this state, as defined in section 73250
5741.01 of the Revised Code. 73251

(B) A seller of tobacco products who has substantial nexus ~~in~~ 73252
with this state as defined in section 5741.01 of the Revised Code 73253
shall register with the tax commissioner and supply any 73254
information concerning the seller's contacts with this state as 73255
may be required by the tax commissioner. A seller who does not 73256
have substantial nexus ~~in~~ with this state may voluntarily register 73257
with the tax commissioner. A seller who voluntarily registers with 73258
the tax commissioner is entitled to the same benefits and is 73259
subject to the same duties and requirements as a seller required 73260
to be registered with the tax commissioner under this division. 73261

(C) Each seller of tobacco products subject to the tax levied 73262
by this section, on or before the last day of each month, shall 73263
file with the tax commissioner a return for the preceding month 73264
showing any information the tax commissioner finds necessary for 73265
the proper administration of sections 5743.51 to 5743.66 of the 73266
Revised Code, together with remittance of the tax due, payable to 73267

the treasurer of state. The return and payment of the tax required 73268
by this section shall be filed in such a manner that it is 73269
received by the tax commissioner on or before the last day of the 73270
month following the reporting period. If the return is filed and 73271
the amount of the tax shown on the return to be due is paid on or 73272
before the date the return is required to be filed, the seller is 73273
entitled to a discount equal to two and five-tenths per cent of 73274
the amount shown on the return to be due. 73275

(D) The tax commissioner shall immediately forward to the 73276
treasurer of state all money received from the tax levied by this 73277
section, and the treasurer shall credit the amount to the general 73278
revenue fund. 73279

(E) Each seller of tobacco products subject to the tax levied 73280
by this section shall mark on the invoices of tobacco products 73281
sold that the tax levied by that section has been paid and shall 73282
indicate the seller's account number as assigned by the tax 73283
commissioner. 73284

Sec. 5745.05. (A) Prior to the first day of March, June, 73285
September, and December, the tax commissioner shall certify to the 73286
director of budget and management the amount to be paid to each 73287
municipal corporation, as indicated on the declaration of 73288
estimated tax reports and annual reports received under sections 73289
5745.03 and 5745.04 of the Revised Code, less any amounts 73290
previously distributed and net of any audit adjustments made by 73291
the tax commissioner. Not later than the first day of March, June, 73292
September, and December, the director of budget and management 73293
shall provide for payment of the amount certified to each 73294
municipal corporation from the municipal income tax fund, plus a 73295
pro rata share of any investment earnings accruing to the fund 73296
since the previous payment under this section apportioned among 73297
municipal corporations entitled to such payments in proportion to 73298

the amount certified by the tax commissioner, and minus any 73299
reduction required by the commissioner under division (D) of 73300
section 718.83 of the Revised Code. All investment earnings on 73301
money in the municipal income tax fund shall be credited to that 73302
fund. 73303

(B) If the tax commissioner determines that the amount of tax 73304
paid by a taxpayer and distributed to a municipal corporation 73305
under this section for a taxable year exceeds the amount payable 73306
to that municipal corporation under this chapter after accounting 73307
for amounts remitted with the annual report and as estimated 73308
taxes, the tax commissioner shall permit the taxpayer to credit 73309
the excess against the taxpayer's payments to the municipal 73310
corporation of estimated taxes remitted for an ensuing taxable 73311
year under section 5745.04 of the Revised Code. If, upon the 73312
written request of the taxpayer, the tax commissioner determines 73313
that the excess to be so credited is likely to exceed the amount 73314
of estimated taxes payable by the taxpayer to the municipal 73315
corporation during the ensuing twelve months, the tax commissioner 73316
shall so notify the municipal corporation and the municipal 73317
corporation shall issue a refund of the excess to the taxpayer 73318
within ninety days after receiving such a notice. Interest shall 73319
accrue on the amount to be refunded and is payable to the taxpayer 73320
at the rate per annum prescribed by section 5703.47 of the Revised 73321
Code from the ninety-first day after the notice is received by the 73322
municipal corporation until the day the refund is paid. 73323
Immediately after notifying a municipal corporation under this 73324
division of an excess to be refunded, the commissioner also shall 73325
notify the director of budget and management of the amount of the 73326
excess, and the director shall transfer from the municipal income 73327
tax administrative fund to the municipal income tax fund one and 73328
one-half per cent of the amount of the excess. The commissioner 73329
shall include the transferred amount in the computation of the 73330
amount due the municipal corporation in the next certification to 73331

the director under division (A) of this section. 73332

Sec. 5747.01. Except as otherwise expressly provided or 73333
clearly appearing from the context, any term used in this chapter 73334
that is not otherwise defined in this section has the same meaning 73335
as when used in a comparable context in the laws of the United 73336
States relating to federal income taxes or if not used in a 73337
comparable context in those laws, has the same meaning as in 73338
section 5733.40 of the Revised Code. Any reference in this chapter 73339
to the Internal Revenue Code includes other laws of the United 73340
States relating to federal income taxes. 73341

As used in this chapter: 73342

(A) "Adjusted gross income" or "Ohio adjusted gross income" 73343
means federal adjusted gross income, as defined and used in the 73344
Internal Revenue Code, adjusted as provided in this section: 73345

(1) Add interest or dividends on obligations or securities of 73346
any state or of any political subdivision or authority of any 73347
state, other than this state and its subdivisions and authorities. 73348

(2) Add interest or dividends on obligations of any 73349
authority, commission, instrumentality, territory, or possession 73350
of the United States to the extent that the interest or dividends 73351
are exempt from federal income taxes but not from state income 73352
taxes. 73353

(3) Deduct interest or dividends on obligations of the United 73354
States and its territories and possessions or of any authority, 73355
commission, or instrumentality of the United States to the extent 73356
that the interest or dividends are included in federal adjusted 73357
gross income but exempt from state income taxes under the laws of 73358
the United States. 73359

(4) Deduct disability and survivor's benefits to the extent 73360
included in federal adjusted gross income. 73361

(5) Deduct benefits under Title II of the Social Security Act and tier 1 railroad retirement benefits to the extent included in federal adjusted gross income under section 86 of the Internal Revenue Code. 73362
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(6) In the case of a taxpayer who is a beneficiary of a trust that makes an accumulation distribution as defined in section 665 of the Internal Revenue Code, add, for the beneficiary's taxable years beginning before 2002, the portion, if any, of such distribution that does not exceed the undistributed net income of the trust for the three taxable years preceding the taxable year in which the distribution is made to the extent that the portion was not included in the trust's taxable income for any of the trust's taxable years beginning in 2002 or thereafter. 73366
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"Undistributed net income of a trust" means the taxable income of the trust increased by (a)(i) the additions to adjusted gross income required under division (A) of this section and (ii) the personal exemptions allowed to the trust pursuant to section 642(b) of the Internal Revenue Code, and decreased by (b)(i) the deductions to adjusted gross income required under division (A) of this section, (ii) the amount of federal income taxes attributable to such income, and (iii) the amount of taxable income that has been included in the adjusted gross income of a beneficiary by reason of a prior accumulation distribution. Any undistributed net income included in the adjusted gross income of a beneficiary shall reduce the undistributed net income of the trust commencing with the earliest years of the accumulation period. 73375
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(7) Deduct the amount of wages and salaries, if any, not otherwise allowable as a deduction but that would have been allowable as a deduction in computing federal adjusted gross income for the taxable year, had the targeted jobs credit allowed and determined under sections 38, 51, and 52 of the Internal Revenue Code not been in effect. 73388
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(8) Deduct any interest or interest equivalent on public obligations and purchase obligations to the extent that the interest or interest equivalent is included in federal adjusted gross income. 73394
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(9) Add any loss or deduct any gain resulting from the sale, exchange, or other disposition of public obligations to the extent that the loss has been deducted or the gain has been included in computing federal adjusted gross income. 73398
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(10) Deduct or add amounts, as provided under section 5747.70 of the Revised Code, related to contributions to variable college savings program accounts made or tuition units purchased pursuant to Chapter 3334. of the Revised Code. 73402
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(11)(a) Deduct, to the extent not otherwise allowable as a deduction or exclusion in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer paid during the taxable year for medical care insurance and qualified long-term care insurance for the taxpayer, the taxpayer's spouse, and dependents. No deduction for medical care insurance under division (A)(11) of this section shall be allowed either to any taxpayer who is eligible to participate in any subsidized health plan maintained by any employer of the taxpayer or of the taxpayer's spouse, or to any taxpayer who is entitled to, or on application would be entitled to, benefits under part A of Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. For the purposes of division (A)(11)(a) of this section, "subsidized health plan" means a health plan for which the employer pays any portion of the plan's cost. The deduction allowed under division (A)(11)(a) of this section shall be the net of any related premium refunds, related premium reimbursements, or related insurance premium dividends received during the taxable year. 73406
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(b) Deduct, to the extent not otherwise deducted or excluded 73425

in computing federal or Ohio adjusted gross income during the 73426
taxable year, the amount the taxpayer paid during the taxable 73427
year, not compensated for by any insurance or otherwise, for 73428
medical care of the taxpayer, the taxpayer's spouse, and 73429
dependents, to the extent the expenses exceed seven and one-half 73430
per cent of the taxpayer's federal adjusted gross income. 73431

(c) Deduct, to the extent not otherwise deducted or excluded 73432
in computing federal or Ohio adjusted gross income, any amount 73433
included in federal adjusted gross income under section 105 or not 73434
excluded under section 106 of the Internal Revenue Code solely 73435
because it relates to an accident and health plan for a person who 73436
otherwise would be a "qualifying relative" and thus a "dependent" 73437
under section 152 of the Internal Revenue Code but for the fact 73438
that the person fails to meet the income and support limitations 73439
under section 152(d)(1)(B) and (C) of the Internal Revenue Code. 73440

(d) For purposes of division (A)(11) of this section, 73441
"medical care" has the meaning given in section 213 of the 73442
Internal Revenue Code, subject to the special rules, limitations, 73443
and exclusions set forth therein, and "qualified long-term care" 73444
has the same meaning given in section 7702B(c) of the Internal 73445
Revenue Code. Solely for purposes of divisions (A)(11)(a) and (c) 73446
of this section, "dependent" includes a person who otherwise would 73447
be a "qualifying relative" and thus a "dependent" under section 73448
152 of the Internal Revenue Code but for the fact that the person 73449
fails to meet the income and support limitations under section 73450
152(d)(1)(B) and (C) of the Internal Revenue Code. 73451

(12)(a) Deduct any amount included in federal adjusted gross 73452
income solely because the amount represents a reimbursement or 73453
refund of expenses that in any year the taxpayer had deducted as 73454
an itemized deduction pursuant to section 63 of the Internal 73455
Revenue Code and applicable United States department of the 73456
treasury regulations. The deduction otherwise allowed under 73457

division (A)(12)(a) of this section shall be reduced to the extent 73458
the reimbursement is attributable to an amount the taxpayer 73459
deducted under this section in any taxable year. 73460

(b) Add any amount not otherwise included in Ohio adjusted 73461
gross income for any taxable year to the extent that the amount is 73462
attributable to the recovery during the taxable year of any amount 73463
deducted or excluded in computing federal or Ohio adjusted gross 73464
income in any taxable year. 73465

(13) Deduct any portion of the deduction described in section 73466
1341(a)(2) of the Internal Revenue Code, for repaying previously 73467
reported income received under a claim of right, that meets both 73468
of the following requirements: 73469

(a) It is allowable for repayment of an item that was 73470
included in the taxpayer's adjusted gross income for a prior 73471
taxable year and did not qualify for a credit under division (A) 73472
or (B) of section 5747.05 of the Revised Code for that year; 73473

(b) It does not otherwise reduce the taxpayer's adjusted 73474
gross income for the current or any other taxable year. 73475

(14) Deduct an amount equal to the deposits made to, and net 73476
investment earnings of, a medical savings account during the 73477
taxable year, in accordance with section 3924.66 of the Revised 73478
Code. The deduction allowed by division (A)(14) of this section 73479
does not apply to medical savings account deposits and earnings 73480
otherwise deducted or excluded for the current or any other 73481
taxable year from the taxpayer's federal adjusted gross income. 73482

(15)(a) Add an amount equal to the funds withdrawn from a 73483
medical savings account during the taxable year, and the net 73484
investment earnings on those funds, when the funds withdrawn were 73485
used for any purpose other than to reimburse an account holder 73486
for, or to pay, eligible medical expenses, in accordance with 73487
section 3924.66 of the Revised Code; 73488

(b) Add the amounts distributed from a medical savings account under division (A)(2) of section 3924.68 of the Revised Code during the taxable year. 73489
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(16) Add any amount claimed as a credit under section 5747.059 or 5747.65 of the Revised Code to the extent that such amount satisfies either of the following: 73492
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(a) The amount was deducted or excluded from the computation of the taxpayer's federal adjusted gross income as required to be reported for the taxpayer's taxable year under the Internal Revenue Code; 73495
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(b) The amount resulted in a reduction of the taxpayer's federal adjusted gross income as required to be reported for any of the taxpayer's taxable years under the Internal Revenue Code. 73499
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(17) Deduct the amount contributed by the taxpayer to an individual development account program established by a county department of job and family services pursuant to sections 329.11 to 329.14 of the Revised Code for the purpose of matching funds deposited by program participants. On request of the tax commissioner, the taxpayer shall provide any information that, in the tax commissioner's opinion, is necessary to establish the amount deducted under division (A)(17) of this section. 73502
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(18) Beginning in taxable year 2001 but not for any taxable year beginning after December 31, 2005, if the taxpayer is married and files a joint return and the combined federal adjusted gross income of the taxpayer and the taxpayer's spouse for the taxable year does not exceed one hundred thousand dollars, or if the taxpayer is single and has a federal adjusted gross income for the taxable year not exceeding fifty thousand dollars, deduct amounts paid during the taxable year for qualified tuition and fees paid to an eligible institution for the taxpayer, the taxpayer's spouse, or any dependent of the taxpayer, who is a resident of 73510
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this state and is enrolled in or attending a program that 73520
culminates in a degree or diploma at an eligible institution. The 73521
deduction may be claimed only to the extent that qualified tuition 73522
and fees are not otherwise deducted or excluded for any taxable 73523
year from federal or Ohio adjusted gross income. The deduction may 73524
not be claimed for educational expenses for which the taxpayer 73525
claims a credit under section 5747.27 of the Revised Code. 73526

(19) Add any reimbursement received during the taxable year 73527
of any amount the taxpayer deducted under division (A)(18) of this 73528
section in any previous taxable year to the extent the amount is 73529
not otherwise included in Ohio adjusted gross income. 73530

(20)(a)(i) Subject to divisions (A)(20)(a)(iii), (iv), and 73531
(v) of this section, add five-sixths of the amount of depreciation 73532
expense allowed by subsection (k) of section 168 of the Internal 73533
Revenue Code, including the taxpayer's proportionate or 73534
distributive share of the amount of depreciation expense allowed 73535
by that subsection to a pass-through entity in which the taxpayer 73536
has a direct or indirect ownership interest. 73537

(ii) Subject to divisions (A)(20)(a)(iii), (iv), and (v) of 73538
this section, add five-sixths of the amount of qualifying section 73539
179 depreciation expense, including the taxpayer's proportionate 73540
or distributive share of the amount of qualifying section 179 73541
depreciation expense allowed to any pass-through entity in which 73542
the taxpayer has a direct or indirect ownership interest. 73543

(iii) Subject to division (A)(20)(a)(v) of this section, for 73544
taxable years beginning in 2012 or thereafter, if the increase in 73545
income taxes withheld by the taxpayer is equal to or greater than 73546
ten per cent of income taxes withheld by the taxpayer during the 73547
taxpayer's immediately preceding taxable year, "two-thirds" shall 73548
be substituted for "five-sixths" for the purpose of divisions 73549
(A)(20)(a)(i) and (ii) of this section. 73550

(iv) Subject to division (A)(20)(a)(v) of this section, for taxable years beginning in 2012 or thereafter, a taxpayer is not required to add an amount under division (A)(20) of this section if the increase in income taxes withheld by the taxpayer and by any pass-through entity in which the taxpayer has a direct or indirect ownership interest is equal to or greater than the sum of (I) the amount of qualifying section 179 depreciation expense and (II) the amount of depreciation expense allowed to the taxpayer by subsection (k) of section 168 of the Internal Revenue Code, and including the taxpayer's proportionate or distributive shares of such amounts allowed to any such pass-through entities.

(v) If a taxpayer directly or indirectly incurs a net operating loss for the taxable year for federal income tax purposes, to the extent such loss resulted from depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code and by qualifying section 179 depreciation expense, "the entire" shall be substituted for "five-sixths of the" for the purpose of divisions (A)(20)(a)(i) and (ii) of this section.

The tax commissioner, under procedures established by the commissioner, may waive the add-backs related to a pass-through entity if the taxpayer owns, directly or indirectly, less than five per cent of the pass-through entity.

(b) Nothing in division (A)(20) of this section shall be construed to adjust or modify the adjusted basis of any asset.

(c) To the extent the add-back required under division (A)(20)(a) of this section is attributable to property generating nonbusiness income or loss allocated under section 5747.20 of the Revised Code, the add-back shall be situated to the same location as the nonbusiness income or loss generated by the property for the purpose of determining the credit under division (A) of section 5747.05 of the Revised Code. Otherwise, the add-back shall be apportioned, subject to one or more of the four alternative

methods of apportionment enumerated in section 5747.21 of the Revised Code. 73583
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(d) For the purposes of division (A)(20)(a)(v) of this section, net operating loss carryback and carryforward shall not include the allowance of any net operating loss deduction carryback or carryforward to the taxable year to the extent such loss resulted from depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount. 73585
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(e) For the purposes of divisions (A)(20) and (21) of this section: 73592
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(i) "Income taxes withheld" means the total amount withheld and remitted under sections 5747.06 and 5747.07 of the Revised Code by an employer during the employer's taxable year. 73594
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(ii) "Increase in income taxes withheld" means the amount by which the amount of income taxes withheld by an employer during the employer's current taxable year exceeds the amount of income taxes withheld by that employer during the employer's immediately preceding taxable year. 73597
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(iii) "Qualifying section 179 depreciation expense" means the difference between (I) the amount of depreciation expense directly or indirectly allowed to a taxpayer under section 179 of the Internal Revised Code, and (II) the amount of depreciation expense directly or indirectly allowed to the taxpayer under section 179 of the Internal Revenue Code as that section existed on December 31, 2002. 73602
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(21)(a) If the taxpayer was required to add an amount under division (A)(20)(a) of this section for a taxable year, deduct one of the following: 73609
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(i) One-fifth of the amount so added for each of the five succeeding taxable years if the amount so added was five-sixths of 73612
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qualifying section 179 depreciation expense or depreciation 73614
expense allowed by subsection (k) of section 168 of the Internal 73615
Revenue Code; 73616

(ii) One-half of the amount so added for each of the two 73617
succeeding taxable years if the amount so added was two-thirds of 73618
such depreciation expense; 73619

(iii) One-sixth of the amount so added for each of the six 73620
succeeding taxable years if the entire amount of such depreciation 73621
expense was so added. 73622

(b) If the amount deducted under division (A)(21)(a) of this 73623
section is attributable to an add-back allocated under division 73624
(A)(20)(c) of this section, the amount deducted shall be sitused 73625
to the same location. Otherwise, the add-back shall be apportioned 73626
using the apportionment factors for the taxable year in which the 73627
deduction is taken, subject to one or more of the four alternative 73628
methods of apportionment enumerated in section 5747.21 of the 73629
Revised Code. 73630

(c) No deduction is available under division (A)(21)(a) of 73631
this section with regard to any depreciation allowed by section 73632
168(k) of the Internal Revenue Code and by the qualifying section 73633
179 depreciation expense amount to the extent that such 73634
depreciation results in or increases a federal net operating loss 73635
carryback or carryforward. If no such deduction is available for a 73636
taxable year, the taxpayer may carry forward the amount not 73637
deducted in such taxable year to the next taxable year and add 73638
that amount to any deduction otherwise available under division 73639
(A)(21)(a) of this section for that next taxable year. The 73640
carryforward of amounts not so deducted shall continue until the 73641
entire addition required by division (A)(20)(a) of this section 73642
has been deducted. 73643

(d) No refund shall be allowed as a result of adjustments 73644

made by division (A)(21) of this section. 73645

(22) Deduct, to the extent not otherwise deducted or excluded 73646
in computing federal or Ohio adjusted gross income for the taxable 73647
year, the amount the taxpayer received during the taxable year as 73648
reimbursement for life insurance premiums under section 5919.31 of 73649
the Revised Code. 73650

(23) Deduct, to the extent not otherwise deducted or excluded 73651
in computing federal or Ohio adjusted gross income for the taxable 73652
year, the amount the taxpayer received during the taxable year as 73653
a death benefit paid by the adjutant general under section 5919.33 73654
of the Revised Code. 73655

(24) Deduct, to the extent included in federal adjusted gross 73656
income and not otherwise allowable as a deduction or exclusion in 73657
computing federal or Ohio adjusted gross income for the taxable 73658
year, military pay and allowances received by the taxpayer during 73659
the taxable year for active duty service in the United States 73660
army, air force, navy, marine corps, or coast guard or reserve 73661
components thereof or the national guard. The deduction may not be 73662
claimed for military pay and allowances received by the taxpayer 73663
while the taxpayer is stationed in this state. 73664

(25) Deduct, to the extent not otherwise allowable as a 73665
deduction or exclusion in computing federal or Ohio adjusted gross 73666
income for the taxable year and not otherwise compensated for by 73667
any other source, the amount of qualified organ donation expenses 73668
incurred by the taxpayer during the taxable year, not to exceed 73669
ten thousand dollars. A taxpayer may deduct qualified organ 73670
donation expenses only once for all taxable years beginning with 73671
taxable years beginning in 2007. 73672

For the purposes of division (A)(25) of this section: 73673

(a) "Human organ" means all or any portion of a human liver, 73674
pancreas, kidney, intestine, or lung, and any portion of human 73675

bone marrow. 73676

(b) "Qualified organ donation expenses" means travel 73677
expenses, lodging expenses, and wages and salary forgone by a 73678
taxpayer in connection with the taxpayer's donation, while living, 73679
of one or more of the taxpayer's human organs to another human 73680
being. 73681

(26) Deduct, to the extent not otherwise deducted or excluded 73682
in computing federal or Ohio adjusted gross income for the taxable 73683
year, amounts received by the taxpayer as retired personnel pay 73684
for service in the uniformed services or reserve components 73685
thereof, or the national guard, or received by the surviving 73686
spouse or former spouse of such a taxpayer under the survivor 73687
benefit plan on account of such a taxpayer's death. If the 73688
taxpayer receives income on account of retirement paid under the 73689
federal civil service retirement system or federal employees 73690
retirement system, or under any successor retirement program 73691
enacted by the congress of the United States that is established 73692
and maintained for retired employees of the United States 73693
government, and such retirement income is based, in whole or in 73694
part, on credit for the taxpayer's uniformed service, the 73695
deduction allowed under this division shall include only that 73696
portion of such retirement income that is attributable to the 73697
taxpayer's uniformed service, to the extent that portion of such 73698
retirement income is otherwise included in federal adjusted gross 73699
income and is not otherwise deducted under this section. Any 73700
amount deducted under division (A)(26) of this section is not 73701
included in a taxpayer's adjusted gross income for the purposes of 73702
section 5747.055 of the Revised Code. No amount may be deducted 73703
under division (A)(26) of this section on the basis of which a 73704
credit was claimed under section 5747.055 of the Revised Code. 73705

(27) Deduct, to the extent not otherwise deducted or excluded 73706
in computing federal or Ohio adjusted gross income for the taxable 73707

year, the amount the taxpayer received during the taxable year 73708
from the military injury relief fund created in section 5902.05 of 73709
the Revised Code. 73710

(28) Deduct, to the extent not otherwise deducted or excluded 73711
in computing federal or Ohio adjusted gross income for the taxable 73712
year, the amount the taxpayer received as a veterans bonus during 73713
the taxable year from the Ohio department of veterans services as 73714
authorized by Section 2r of Article VIII, Ohio Constitution. 73715

(29) Deduct, to the extent not otherwise deducted or excluded 73716
in computing federal or Ohio adjusted gross income for the taxable 73717
year, any income derived from a transfer agreement or from the 73718
enterprise transferred under that agreement under section 4313.02 73719
of the Revised Code. 73720

(30) Deduct, to the extent not otherwise deducted or excluded 73721
in computing federal or Ohio adjusted gross income for the taxable 73722
year, Ohio college opportunity or federal Pell grant amounts 73723
received by the taxpayer or the taxpayer's spouse or dependent 73724
pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 73725
1070a, et seq., and used to pay room or board furnished by the 73726
educational institution for which the grant was awarded at the 73727
institution's facilities, including meal plans administered by the 73728
institution. For the purposes of this division, receipt of a grant 73729
includes the distribution of a grant directly to an educational 73730
institution and the crediting of the grant to the enrollee's 73731
account with the institution. 73732

~~(31)(a) For taxable years beginning in 2015, deduct from the 73733
portion of an individual's adjusted gross income that is business 73734
income, to the extent not otherwise deducted or excluded in 73735
computing federal or Ohio adjusted gross income for the taxable 73736
year, the lesser of the following amounts: 73737~~

~~(i) Seventy five per cent of the individual's business 73738~~

income; 73739

~~(ii) Ninety three thousand seven hundred fifty dollars for 73740
each spouse if spouses file separate returns under section 5747.08 73741
of the Revised Code or one hundred eighty seven thousand five 73742
hundred dollars for all other individuals. 73743~~

~~(b) For taxable years beginning in 2016 or thereafter, deduct 73744
Deduct from the portion of an individual's adjusted gross income 73745
that is business income, to the extent not otherwise deducted or 73746
excluded in computing federal adjusted gross income for the 73747
taxable year, ~~one hundred twenty five~~ fifty thousand dollars for 73748
each spouse if spouses file separate returns under section 5747.08 73749
of the Revised Code or ~~two~~ one hundred ~~fifty~~ thousand dollars for 73750
all other individuals. 73751~~

(32) Deduct, as provided under section 5747.78 of the Revised 73752
Code, contributions to ABLE savings accounts made in accordance 73753
with sections 113.50 to 113.56 of the Revised Code. 73754

(33)(a) Deduct, to the extent not otherwise deducted or 73755
excluded in computing federal or Ohio adjusted gross income during 73756
the taxable year, all of the following: 73757

(i) Compensation paid to a qualifying employee described in 73758
division (A)(14)(a) of section 5703.94 of the Revised Code to the 73759
extent such compensation is for disaster work conducted in this 73760
state during a disaster response period pursuant to a qualifying 73761
solicitation received by the employee's employer; 73762

(ii) Compensation paid to a qualifying employee described in 73763
division (A)(14)(b) of section 5703.94 of the Revised Code to the 73764
extent such compensation is for disaster work conducted in this 73765
state by the employee during the disaster response period on 73766
critical infrastructure owned or used by the employee's employer; 73767

(iii) Income received by an out-of-state disaster business 73768
for disaster work conducted in this state during a disaster 73769

response period, or, if the out-of-state disaster business is a 73770
pass-through entity, a taxpayer's distributive share of the 73771
pass-through entity's income from the business conducting disaster 73772
work in this state during a disaster response period, if, in 73773
either case, the disaster work is conducted pursuant to a 73774
qualifying solicitation received by the business. 73775

(b) All terms used in division (A)(33) of this section have 73776
the same meanings as in section 5703.94 of the Revised Code. 73777

(B) "Business income" means income, including gain or loss, 73778
arising from transactions, activities, and sources in the regular 73779
course of a trade or business and includes income, gain, or loss 73780
from real property, tangible property, and intangible property if 73781
the acquisition, rental, management, and disposition of the 73782
property constitute integral parts of the regular course of a 73783
trade or business operation. "Business income" includes income, 73784
including gain or loss, from a partial or complete liquidation of 73785
a business, including, but not limited to, gain or loss from the 73786
sale or other disposition of goodwill. 73787

(C) "Nonbusiness income" means all income other than business 73788
income and may include, but is not limited to, compensation, rents 73789
and royalties from real or tangible personal property, capital 73790
gains, interest, dividends and distributions, patent or copyright 73791
royalties, or lottery winnings, prizes, and awards. 73792

(D) "Compensation" means any form of remuneration paid to an 73793
employee for personal services. 73794

(E) "Fiduciary" means a guardian, trustee, executor, 73795
administrator, receiver, conservator, or any other person acting 73796
in any fiduciary capacity for any individual, trust, or estate. 73797

(F) "Fiscal year" means an accounting period of twelve months 73798
ending on the last day of any month other than December. 73799

(G) "Individual" means any natural person. 73800

(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 73801
73802

(I) "Resident" means any of the following, provided that division (I)(3) of this section applies only to taxable years of a trust beginning in 2002 or thereafter: 73803
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(1) An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code; 73806
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(2) The estate of a decedent who at the time of death was domiciled in this state. The domicile tests of section 5747.24 of the Revised Code are not controlling for purposes of division (I)(2) of this section. 73808
73809
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(3) A trust that, in whole or part, resides in this state. If only part of a trust resides in this state, the trust is a resident only with respect to that part. 73812
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73814

For the purposes of division (I)(3) of this section: 73815

(a) A trust resides in this state for the trust's current taxable year to the extent, as described in division (I)(3)(d) of this section, that the trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred, or caused to be transferred, directly or indirectly, to the trust by any of the following: 73816
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73821

(i) A person, a court, or a governmental entity or instrumentality on account of the death of a decedent, but only if the trust is described in division (I)(3)(e)(i) or (ii) of this section; 73822
73823
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73825

(ii) A person who was domiciled in this state for the purposes of this chapter when the person directly or indirectly transferred assets to an irrevocable trust, but only if at least one of the trust's qualifying beneficiaries is domiciled in this state for the purposes of this chapter during all or some portion 73826
73827
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of the trust's current taxable year; 73831

(iii) A person who was domiciled in this state for the 73832
purposes of this chapter when the trust document or instrument or 73833
part of the trust document or instrument became irrevocable, but 73834
only if at least one of the trust's qualifying beneficiaries is a 73835
resident domiciled in this state for the purposes of this chapter 73836
during all or some portion of the trust's current taxable year. If 73837
a trust document or instrument became irrevocable upon the death 73838
of a person who at the time of death was domiciled in this state 73839
for purposes of this chapter, that person is a person described in 73840
division (I)(3)(a)(iii) of this section. 73841

(b) A trust is irrevocable to the extent that the transferor 73842
is not considered to be the owner of the net assets of the trust 73843
under sections 671 to 678 of the Internal Revenue Code. 73844

(c) With respect to a trust other than a charitable lead 73845
trust, "qualifying beneficiary" has the same meaning as "potential 73846
current beneficiary" as defined in section 1361(e)(2) of the 73847
Internal Revenue Code, and with respect to a charitable lead trust 73848
"qualifying beneficiary" is any current, future, or contingent 73849
beneficiary, but with respect to any trust "qualifying 73850
beneficiary" excludes a person or a governmental entity or 73851
instrumentality to any of which a contribution would qualify for 73852
the charitable deduction under section 170 of the Internal Revenue 73853
Code. 73854

(d) For the purposes of division (I)(3)(a) of this section, 73855
the extent to which a trust consists directly or indirectly, in 73856
whole or in part, of assets, net of any related liabilities, that 73857
were transferred directly or indirectly, in whole or part, to the 73858
trust by any of the sources enumerated in that division shall be 73859
ascertained by multiplying the fair market value of the trust's 73860
assets, net of related liabilities, by the qualifying ratio, which 73861
shall be computed as follows: 73862

(i) The first time the trust receives assets, the numerator 73863
of the qualifying ratio is the fair market value of those assets 73864
at that time, net of any related liabilities, from sources 73865
enumerated in division (I)(3)(a) of this section. The denominator 73866
of the qualifying ratio is the fair market value of all the 73867
trust's assets at that time, net of any related liabilities. 73868

(ii) Each subsequent time the trust receives assets, a 73869
revised qualifying ratio shall be computed. The numerator of the 73870
revised qualifying ratio is the sum of (1) the fair market value 73871
of the trust's assets immediately prior to the subsequent 73872
transfer, net of any related liabilities, multiplied by the 73873
qualifying ratio last computed without regard to the subsequent 73874
transfer, and (2) the fair market value of the subsequently 73875
transferred assets at the time transferred, net of any related 73876
liabilities, from sources enumerated in division (I)(3)(a) of this 73877
section. The denominator of the revised qualifying ratio is the 73878
fair market value of all the trust's assets immediately after the 73879
subsequent transfer, net of any related liabilities. 73880

(iii) Whether a transfer to the trust is by or from any of 73881
the sources enumerated in division (I)(3)(a) of this section shall 73882
be ascertained without regard to the domicile of the trust's 73883
beneficiaries. 73884

(e) For the purposes of division (I)(3)(a)(i) of this 73885
section: 73886

(i) A trust is described in division (I)(3)(e)(i) of this 73887
section if the trust is a testamentary trust and the testator of 73888
that testamentary trust was domiciled in this state at the time of 73889
the testator's death for purposes of the taxes levied under 73890
Chapter 5731. of the Revised Code. 73891

(ii) A trust is described in division (I)(3)(e)(ii) of this 73892
section if the transfer is a qualifying transfer described in any 73893

of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 73894
irrevocable inter vivos trust, and at least one of the trust's 73895
qualifying beneficiaries is domiciled in this state for purposes 73896
of this chapter during all or some portion of the trust's current 73897
taxable year. 73898

(f) For the purposes of division (I)(3)(e)(ii) of this 73899
section, a "qualifying transfer" is a transfer of assets, net of 73900
any related liabilities, directly or indirectly to a trust, if the 73901
transfer is described in any of the following: 73902

(i) The transfer is made to a trust, created by the decedent 73903
before the decedent's death and while the decedent was domiciled 73904
in this state for the purposes of this chapter, and, prior to the 73905
death of the decedent, the trust became irrevocable while the 73906
decedent was domiciled in this state for the purposes of this 73907
chapter. 73908

(ii) The transfer is made to a trust to which the decedent, 73909
prior to the decedent's death, had directly or indirectly 73910
transferred assets, net of any related liabilities, while the 73911
decedent was domiciled in this state for the purposes of this 73912
chapter, and prior to the death of the decedent the trust became 73913
irrevocable while the decedent was domiciled in this state for the 73914
purposes of this chapter. 73915

(iii) The transfer is made on account of a contractual 73916
relationship existing directly or indirectly between the 73917
transferor and either the decedent or the estate of the decedent 73918
at any time prior to the date of the decedent's death, and the 73919
decedent was domiciled in this state at the time of death for 73920
purposes of the taxes levied under Chapter 5731. of the Revised 73921
Code. 73922

(iv) The transfer is made to a trust on account of a 73923
contractual relationship existing directly or indirectly between 73924

the transferor and another person who at the time of the 73925
decedent's death was domiciled in this state for purposes of this 73926
chapter. 73927

(v) The transfer is made to a trust on account of the will of 73928
a testator who was domiciled in this state at the time of the 73929
testator's death for purposes of the taxes levied under Chapter 73930
5731. of the Revised Code. 73931

(vi) The transfer is made to a trust created by or caused to 73932
be created by a court, and the trust was directly or indirectly 73933
created in connection with or as a result of the death of an 73934
individual who, for purposes of the taxes levied under Chapter 73935
5731. of the Revised Code, was domiciled in this state at the time 73936
of the individual's death. 73937

(g) The tax commissioner may adopt rules to ascertain the 73938
part of a trust residing in this state. 73939

(J) "Nonresident" means an individual or estate that is not a 73940
resident. An individual who is a resident for only part of a 73941
taxable year is a nonresident for the remainder of that taxable 73942
year. 73943

(K) "Pass-through entity" has the same meaning as in section 73944
5733.04 of the Revised Code. 73945

(L) "Return" means the notifications and reports required to 73946
be filed pursuant to this chapter for the purpose of reporting the 73947
tax due and includes declarations of estimated tax when so 73948
required. 73949

(M) "Taxable year" means the calendar year or the taxpayer's 73950
fiscal year ending during the calendar year, or fractional part 73951
thereof, upon which the adjusted gross income is calculated 73952
pursuant to this chapter. 73953

(N) "Taxpayer" means any person subject to the tax imposed by 73954

section 5747.02 of the Revised Code or any pass-through entity 73955
that makes the election under division (D) of section 5747.08 of 73956
the Revised Code. 73957

(O) "Dependents" means dependents as defined in the Internal 73958
Revenue Code and as claimed in the taxpayer's federal income tax 73959
return for the taxable year or which the taxpayer would have been 73960
permitted to claim had the taxpayer filed a federal income tax 73961
return. 73962

(P) "Principal county of employment" means, in the case of a 73963
nonresident, the county within the state in which a taxpayer 73964
performs services for an employer or, if those services are 73965
performed in more than one county, the county in which the major 73966
portion of the services are performed. 73967

(Q) As used in sections 5747.50 to 5747.55 of the Revised 73968
Code: 73969

(1) "Subdivision" means any county, municipal corporation, 73970
park district, or township. 73971

(2) "Essential local government purposes" includes all 73972
functions that any subdivision is required by general law to 73973
exercise, including like functions that are exercised under a 73974
charter adopted pursuant to the Ohio Constitution. 73975

(R) "Overpayment" means any amount already paid that exceeds 73976
the figure determined to be the correct amount of the tax. 73977

(S) "Taxable income" or "Ohio taxable income" applies only to 73978
estates and trusts, and means federal taxable income, as defined 73979
and used in the Internal Revenue Code, adjusted as follows: 73980

(1) Add interest or dividends, net of ordinary, necessary, 73981
and reasonable expenses not deducted in computing federal taxable 73982
income, on obligations or securities of any state or of any 73983
political subdivision or authority of any state, other than this 73984

state and its subdivisions and authorities, but only to the extent 73985
that such net amount is not otherwise includible in Ohio taxable 73986
income and is described in either division (S)(1)(a) or (b) of 73987
this section: 73988

(a) The net amount is not attributable to the S portion of an 73989
electing small business trust and has not been distributed to 73990
beneficiaries for the taxable year; 73991

(b) The net amount is attributable to the S portion of an 73992
electing small business trust for the taxable year. 73993

(2) Add interest or dividends, net of ordinary, necessary, 73994
and reasonable expenses not deducted in computing federal taxable 73995
income, on obligations of any authority, commission, 73996
instrumentality, territory, or possession of the United States to 73997
the extent that the interest or dividends are exempt from federal 73998
income taxes but not from state income taxes, but only to the 73999
extent that such net amount is not otherwise includible in Ohio 74000
taxable income and is described in either division (S)(1)(a) or 74001
(b) of this section; 74002

(3) Add the amount of personal exemption allowed to the 74003
estate pursuant to section 642(b) of the Internal Revenue Code; 74004

(4) Deduct interest or dividends, net of related expenses 74005
deducted in computing federal taxable income, on obligations of 74006
the United States and its territories and possessions or of any 74007
authority, commission, or instrumentality of the United States to 74008
the extent that the interest or dividends are exempt from state 74009
taxes under the laws of the United States, but only to the extent 74010
that such amount is included in federal taxable income and is 74011
described in either division (S)(1)(a) or (b) of this section; 74012

(5) Deduct the amount of wages and salaries, if any, not 74013
otherwise allowable as a deduction but that would have been 74014
allowable as a deduction in computing federal taxable income for 74015

the taxable year, had the targeted jobs credit allowed under 74016
sections 38, 51, and 52 of the Internal Revenue Code not been in 74017
effect, but only to the extent such amount relates either to 74018
income included in federal taxable income for the taxable year or 74019
to income of the S portion of an electing small business trust for 74020
the taxable year; 74021

(6) Deduct any interest or interest equivalent, net of 74022
related expenses deducted in computing federal taxable income, on 74023
public obligations and purchase obligations, but only to the 74024
extent that such net amount relates either to income included in 74025
federal taxable income for the taxable year or to income of the S 74026
portion of an electing small business trust for the taxable year; 74027

(7) Add any loss or deduct any gain resulting from sale, 74028
exchange, or other disposition of public obligations to the extent 74029
that such loss has been deducted or such gain has been included in 74030
computing either federal taxable income or income of the S portion 74031
of an electing small business trust for the taxable year; 74032

(8) Except in the case of the final return of an estate, add 74033
any amount deducted by the taxpayer on both its Ohio estate tax 74034
return pursuant to section 5731.14 of the Revised Code, and on its 74035
federal income tax return in determining federal taxable income; 74036

(9)(a) Deduct any amount included in federal taxable income 74037
solely because the amount represents a reimbursement or refund of 74038
expenses that in a previous year the decedent had deducted as an 74039
itemized deduction pursuant to section 63 of the Internal Revenue 74040
Code and applicable treasury regulations. The deduction otherwise 74041
allowed under division (S)(9)(a) of this section shall be reduced 74042
to the extent the reimbursement is attributable to an amount the 74043
taxpayer or decedent deducted under this section in any taxable 74044
year. 74045

(b) Add any amount not otherwise included in Ohio taxable 74046

income for any taxable year to the extent that the amount is 74047
attributable to the recovery during the taxable year of any amount 74048
deducted or excluded in computing federal or Ohio taxable income 74049
in any taxable year, but only to the extent such amount has not 74050
been distributed to beneficiaries for the taxable year. 74051

(10) Deduct any portion of the deduction described in section 74052
1341(a)(2) of the Internal Revenue Code, for repaying previously 74053
reported income received under a claim of right, that meets both 74054
of the following requirements: 74055

(a) It is allowable for repayment of an item that was 74056
included in the taxpayer's taxable income or the decedent's 74057
adjusted gross income for a prior taxable year and did not qualify 74058
for a credit under division (A) or (B) of section 5747.05 of the 74059
Revised Code for that year. 74060

(b) It does not otherwise reduce the taxpayer's taxable 74061
income or the decedent's adjusted gross income for the current or 74062
any other taxable year. 74063

(11) Add any amount claimed as a credit under section 74064
5747.059 or 5747.65 of the Revised Code to the extent that the 74065
amount satisfies either of the following: 74066

(a) The amount was deducted or excluded from the computation 74067
of the taxpayer's federal taxable income as required to be 74068
reported for the taxpayer's taxable year under the Internal 74069
Revenue Code; 74070

(b) The amount resulted in a reduction in the taxpayer's 74071
federal taxable income as required to be reported for any of the 74072
taxpayer's taxable years under the Internal Revenue Code. 74073

(12) Deduct any amount, net of related expenses deducted in 74074
computing federal taxable income, that a trust is required to 74075
report as farm income on its federal income tax return, but only 74076
if the assets of the trust include at least ten acres of land 74077

satisfying the definition of "land devoted exclusively to agricultural use" under section 5713.30 of the Revised Code, regardless of whether the land is valued for tax purposes as such land under sections 5713.30 to 5713.38 of the Revised Code. If the trust is a pass-through entity investor, section 5747.231 of the Revised Code applies in ascertaining if the trust is eligible to claim the deduction provided by division (S)(12) of this section in connection with the pass-through entity's farm income.

Except for farm income attributable to the S portion of an electing small business trust, the deduction provided by division (S)(12) of this section is allowed only to the extent that the trust has not distributed such farm income. Division (S)(12) of this section applies only to taxable years of a trust beginning in 2002 or thereafter.

(13) Add the net amount of income described in section 641(c) of the Internal Revenue Code to the extent that amount is not included in federal taxable income.

(14) Add or deduct the amount the taxpayer would be required to add or deduct under division (A)(20) or (21) of this section if the taxpayer's Ohio taxable income were computed in the same manner as an individual's Ohio adjusted gross income is computed under this section. In the case of a trust, division (S)(14) of this section applies only to any of the trust's taxable years beginning in 2002 or thereafter.

(T) "School district income" and "school district income tax" have the same meanings as in section 5748.01 of the Revised Code.

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) of this section, "public obligations," "purchase obligations," and "interest or interest equivalent" have the same meanings as in section 5709.76 of the Revised Code.

(V) "Limited liability company" means any limited liability

company formed under Chapter 1705. of the Revised Code or under 74109
the laws of any other state. 74110

(W) "Pass-through entity investor" means any person who, 74111
during any portion of a taxable year of a pass-through entity, is 74112
a partner, member, shareholder, or equity investor in that 74113
pass-through entity. 74114

(X) "Banking day" has the same meaning as in section 1304.01 74115
of the Revised Code. 74116

(Y) "Month" means a calendar month. 74117

(Z) "Quarter" means the first three months, the second three 74118
months, the third three months, or the last three months of the 74119
taxpayer's taxable year. 74120

(AA)(1) "Eligible institution" means a state university or 74121
state institution of higher education as defined in section 74122
3345.011 of the Revised Code, or a private, nonprofit college, 74123
university, or other post-secondary institution located in this 74124
state that possesses a certificate of authorization issued by the 74125
chancellor of higher education pursuant to Chapter 1713. of the 74126
Revised Code or a certificate of registration issued by the state 74127
board of career colleges and schools under Chapter 3332. of the 74128
Revised Code. 74129

(2) "Qualified tuition and fees" means tuition and fees 74130
imposed by an eligible institution as a condition of enrollment or 74131
attendance, not exceeding two thousand five hundred dollars in 74132
each of the individual's first two years of post-secondary 74133
education. If the individual is a part-time student, "qualified 74134
tuition and fees" includes tuition and fees paid for the academic 74135
equivalent of the first two years of post-secondary education 74136
during a maximum of five taxable years, not exceeding a total of 74137
five thousand dollars. "Qualified tuition and fees" does not 74138
include: 74139

(a) Expenses for any course or activity involving sports, games, or hobbies unless the course or activity is part of the individual's degree or diploma program;	74140 74141 74142
(b) The cost of books, room and board, student activity fees, athletic fees, insurance expenses, or other expenses unrelated to the individual's academic course of instruction;	74143 74144 74145
(c) Tuition, fees, or other expenses paid or reimbursed through an employer, scholarship, grant in aid, or other educational benefit program.	74146 74147 74148
(BB)(1) "Modified business income" means the business income included in a trust's Ohio taxable income after such taxable income is first reduced by the qualifying trust amount, if any.	74149 74150 74151
(2) "Qualifying trust amount" of a trust means capital gains and losses from the sale, exchange, or other disposition of equity or ownership interests in, or debt obligations of, a qualifying investee to the extent included in the trust's Ohio taxable income, but only if the following requirements are satisfied:	74152 74153 74154 74155 74156
(a) The book value of the qualifying investee's physical assets in this state and everywhere, as of the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, is available to the trust.	74157 74158 74159 74160 74161
(b) The requirements of section 5747.011 of the Revised Code are satisfied for the trust's taxable year in which the trust recognizes the gain or loss.	74162 74163 74164
Any gain or loss that is not a qualifying trust amount is modified business income, qualifying investment income, or modified nonbusiness income, as the case may be.	74165 74166 74167
(3) "Modified nonbusiness income" means a trust's Ohio taxable income other than modified business income, other than the	74168 74169

qualifying trust amount, and other than qualifying investment 74170
income, as defined in section 5747.012 of the Revised Code, to the 74171
extent such qualifying investment income is not otherwise part of 74172
modified business income. 74173

(4) "Modified Ohio taxable income" applies only to trusts, 74174
and means the sum of the amounts described in divisions (BB)(4)(a) 74175
to (c) of this section: 74176

(a) The fraction, calculated under section 5747.013, and 74177
applying section 5747.231 of the Revised Code, multiplied by the 74178
sum of the following amounts: 74179

(i) The trust's modified business income; 74180

(ii) The trust's qualifying investment income, as defined in 74181
section 5747.012 of the Revised Code, but only to the extent the 74182
qualifying investment income does not otherwise constitute 74183
modified business income and does not otherwise constitute a 74184
qualifying trust amount. 74185

(b) The qualifying trust amount multiplied by a fraction, the 74186
numerator of which is the sum of the book value of the qualifying 74187
investee's physical assets in this state on the last day of the 74188
qualifying investee's fiscal or calendar year ending immediately 74189
prior to the day on which the trust recognizes the qualifying 74190
trust amount, and the denominator of which is the sum of the book 74191
value of the qualifying investee's total physical assets 74192
everywhere on the last day of the qualifying investee's fiscal or 74193
calendar year ending immediately prior to the day on which the 74194
trust recognizes the qualifying trust amount. If, for a taxable 74195
year, the trust recognizes a qualifying trust amount with respect 74196
to more than one qualifying investee, the amount described in 74197
division (BB)(4)(b) of this section shall equal the sum of the 74198
products so computed for each such qualifying investee. 74199

(c)(i) With respect to a trust or portion of a trust that is 74200

a resident as ascertained in accordance with division (I)(3)(d) of 74201
this section, its modified nonbusiness income. 74202

(ii) With respect to a trust or portion of a trust that is 74203
not a resident as ascertained in accordance with division 74204
(I)(3)(d) of this section, the amount of its modified nonbusiness 74205
income satisfying the descriptions in divisions (B)(2) to (5) of 74206
section 5747.20 of the Revised Code, except as otherwise provided 74207
in division (BB)(4)(c)(ii) of this section. With respect to a 74208
trust or portion of a trust that is not a resident as ascertained 74209
in accordance with division (I)(3)(d) of this section, the trust's 74210
portion of modified nonbusiness income recognized from the sale, 74211
exchange, or other disposition of a debt interest in or equity 74212
interest in a section 5747.212 entity, as defined in section 74213
5747.212 of the Revised Code, without regard to division (A) of 74214
that section, shall not be allocated to this state in accordance 74215
with section 5747.20 of the Revised Code but shall be apportioned 74216
to this state in accordance with division (B) of section 5747.212 74217
of the Revised Code without regard to division (A) of that 74218
section. 74219

If the allocation and apportionment of a trust's income under 74220
divisions (BB)(4)(a) and (c) of this section do not fairly 74221
represent the modified Ohio taxable income of the trust in this 74222
state, the alternative methods described in division (C) of 74223
section 5747.21 of the Revised Code may be applied in the manner 74224
and to the same extent provided in that section. 74225

(5)(a) Except as set forth in division (BB)(5)(b) of this 74226
section, "qualifying investee" means a person in which a trust has 74227
an equity or ownership interest, or a person or unit of government 74228
the debt obligations of either of which are owned by a trust. For 74229
the purposes of division (BB)(2)(a) of this section and for the 74230
purpose of computing the fraction described in division (BB)(4)(b) 74231
of this section, all of the following apply: 74232

(i) If the qualifying investee is a member of a qualifying controlled group on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, then "qualifying investee" includes all persons in the qualifying controlled group on such last day.

(ii) If the qualifying investee, or if the qualifying investee and any members of the qualifying controlled group of which the qualifying investee is a member on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, separately or cumulatively own, directly or indirectly, on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount, more than fifty per cent of the equity of a pass-through entity, then the qualifying investee and the other members are deemed to own the proportionate share of the pass-through entity's physical assets which the pass-through entity directly or indirectly owns on the last day of the pass-through entity's calendar or fiscal year ending within or with the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount.

(iii) For the purposes of division (BB)(5)(a)(iii) of this section, "upper level pass-through entity" means a pass-through entity directly or indirectly owning any equity of another pass-through entity, and "lower level pass-through entity" means that other pass-through entity.

An upper level pass-through entity, whether or not it is also a qualifying investee, is deemed to own, on the last day of the upper level pass-through entity's calendar or fiscal year, the proportionate share of the lower level pass-through entity's

physical assets that the lower level pass-through entity directly 74265
or indirectly owns on the last day of the lower level pass-through 74266
entity's calendar or fiscal year ending within or with the last 74267
day of the upper level pass-through entity's fiscal or calendar 74268
year. If the upper level pass-through entity directly and 74269
indirectly owns less than fifty per cent of the equity of the 74270
lower level pass-through entity on each day of the upper level 74271
pass-through entity's calendar or fiscal year in which or with 74272
which ends the calendar or fiscal year of the lower level 74273
pass-through entity and if, based upon clear and convincing 74274
evidence, complete information about the location and cost of the 74275
physical assets of the lower pass-through entity is not available 74276
to the upper level pass-through entity, then solely for purposes 74277
of ascertaining if a gain or loss constitutes a qualifying trust 74278
amount, the upper level pass-through entity shall be deemed as 74279
owning no equity of the lower level pass-through entity for each 74280
day during the upper level pass-through entity's calendar or 74281
fiscal year in which or with which ends the lower level 74282
pass-through entity's calendar or fiscal year. Nothing in division 74283
(BB)(5)(a)(iii) of this section shall be construed to provide for 74284
any deduction or exclusion in computing any trust's Ohio taxable 74285
income. 74286

(b) With respect to a trust that is not a resident for the 74287
taxable year and with respect to a part of a trust that is not a 74288
resident for the taxable year, "qualifying investee" for that 74289
taxable year does not include a C corporation if both of the 74290
following apply: 74291

(i) During the taxable year the trust or part of the trust 74292
recognizes a gain or loss from the sale, exchange, or other 74293
disposition of equity or ownership interests in, or debt 74294
obligations of, the C corporation. 74295

(ii) Such gain or loss constitutes nonbusiness income. 74296

(6) "Available" means information is such that a person is able to learn of the information by the due date plus extensions, if any, for filing the return for the taxable year in which the trust recognizes the gain or loss.

(CC) "Qualifying controlled group" has the same meaning as in section 5733.04 of the Revised Code.

(DD) "Related member" has the same meaning as in section 5733.042 of the Revised Code.

(EE)(1) For the purposes of division (EE) of this section:

(a) "Qualifying person" means any person other than a qualifying corporation.

(b) "Qualifying corporation" means any person classified for federal income tax purposes as an association taxable as a corporation, except either of the following:

(i) A corporation that has made an election under subchapter S, chapter one, subtitle A, of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year;

(ii) A subsidiary that is wholly owned by any corporation that has made an election under subchapter S, chapter one, subtitle A of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year.

(2) For the purposes of this chapter, unless expressly stated otherwise, no qualifying person indirectly owns any asset directly or indirectly owned by any qualifying corporation.

(FF) For purposes of this chapter and Chapter 5751. of the Revised Code:

(1) "Trust" does not include a qualified pre-income tax trust.

(2) A "qualified pre-income tax trust" is any pre-income tax

trust that makes a qualifying pre-income tax trust election as 74327
described in division (FF)(3) of this section. 74328

(3) A "qualifying pre-income tax trust election" is an 74329
election by a pre-income tax trust to subject to the tax imposed 74330
by section 5751.02 of the Revised Code the pre-income tax trust 74331
and all pass-through entities of which the trust owns or controls, 74332
directly, indirectly, or constructively through related interests, 74333
five per cent or more of the ownership or equity interests. The 74334
trustee shall notify the tax commissioner in writing of the 74335
election on or before April 15, 2006. The election, if timely 74336
made, shall be effective on and after January 1, 2006, and shall 74337
apply for all tax periods and tax years until revoked by the 74338
trustee of the trust. 74339

(4) A "pre-income tax trust" is a trust that satisfies all of 74340
the following requirements: 74341

(a) The document or instrument creating the trust was 74342
executed by the grantor before January 1, 1972; 74343

(b) The trust became irrevocable upon the creation of the 74344
trust; and 74345

(c) The grantor was domiciled in this state at the time the 74346
trust was created. 74347

(GG) "Uniformed services" has the same meaning as in 10 74348
U.S.C. 101. 74349

~~(HH) "Taxable business income" means the amount by which an 74350
individual's business income that is included in federal adjusted 74351
gross income exceeds the amount of business income the individual 74352
is authorized to deduct under division (A)(31) of this section for 74353
the taxable year. 74354~~

~~(II) "Employer" does not include a franchisor with respect to 74355
the franchisor's relationship with a franchisee or an employee of 74356~~

a franchisee, unless the franchisor agrees to assume that role in 74357
writing or a court of competent jurisdiction determines that the 74358
franchisor exercises a type or degree of control over the 74359
franchisee or the franchisee's employees that is not customarily 74360
exercised by a franchisor for the purpose of protecting the 74361
franchisor's trademark, brand, or both. For purposes of this 74362
division, "franchisor" and "franchisee" have the same meanings as 74363
in 16 C.F.R. 436.1. 74364

(II) "Modified adjusted gross income" means Ohio adjusted 74365
gross income plus any amount deducted under division (A)(31) of 74366
this section for the taxable year. 74367

Sec. 5747.02. (A) For the purpose of providing revenue for 74368
the support of schools and local government functions, to provide 74369
relief to property taxpayers, to provide revenue for the general 74370
revenue fund, and to meet the expenses of administering the tax 74371
levied by this chapter, there is hereby levied on every 74372
individual, trust, and estate residing in or earning or receiving 74373
income in this state, on every individual, trust, and estate 74374
earning or receiving lottery winnings, prizes, or awards pursuant 74375
to Chapter 3770. of the Revised Code, on every individual, trust, 74376
and estate earning or receiving winnings on casino gaming, and on 74377
every individual, trust, and estate otherwise having nexus with or 74378
in this state under the Constitution of the United States, an 74379
annual tax measured as prescribed in divisions (A)(1) to ~~(4)~~(3) of 74380
this section. 74381

(1) In the case of trusts, the tax imposed by this section 74382
shall be measured by modified Ohio taxable income under division 74383
(D) of this section and levied in the same amount as the tax is 74384
imposed on estates as prescribed in division (A)(2) of this 74385
section. 74386

(2) In the case of estates, the tax imposed by this section 74387

shall be measured by Ohio taxable income and levied at the rate of 74388
~~seven thousand four hundred twenty five ten~~ one and three hundred 74389
seventy-four thousandths per cent for the first ~~ten~~ twenty-two 74390
thousand ~~five~~ two hundred fifty dollars of such income and, for 74391
income in excess of that amount, at the same rates prescribed in 74392
division (A)(3) of this section for individuals. 74393

(3) In the case of individuals, ~~for taxable years beginning~~ 74394
~~in 2017 or thereafter~~, the tax imposed by this section ~~on income~~ 74395
~~other than taxable business income~~ shall be measured by Ohio 74396
adjusted gross income, ~~less taxable business income and~~ less an 74397
exemption for the taxpayer, the taxpayer's spouse, and each 74398
dependent as provided in section 5747.025 of the Revised Code. If 74399
the balance thus obtained is equal to or less than ~~ten~~ twenty-two 74400
thousand ~~five~~ two hundred fifty dollars, no tax shall be imposed 74401
on that balance. If the balance thus obtained is greater than ~~ten~~ 74402
twenty-two thousand ~~five~~ two hundred fifty dollars, the tax is 74403
hereby levied as follows: 74404

OHIO ADJUSTED GROSS INCOME LESS 74405

~~TAXABLE BUSINESS INCOME AND~~
EXEMPTIONS (INDIVIDUALS)

OR 74406

MODIFIED OHIO 74407

TAXABLE INCOME (TRUSTS) 74408

OR 74409

OHIO TAXABLE INCOME (ESTATES) TAX 74410

~~More than \$10,500 but not more~~ ~~\$77.96 plus 1.980%~~ ~~of the amount~~ 74413
~~than \$15,800~~ ~~in excess of \$10,500~~

~~More than \$15,800 but not more~~ ~~\$182.90 plus 2.476%~~ ~~of the~~ 74414
~~than \$21,100~~ ~~amount in excess of \$15,800~~

More than ~~\$21,100~~ 22,250 but not ~~\$314.13~~ 309.12 plus ~~2.969~~ 2.773% 74415

more than \$42,100 <u>44,400</u>	of the amount in excess of \$21,100 <u>22,250</u>	
More than \$42,100 <u>44,400</u> but not more than \$84,200 <u>88,800</u>	\$937.62 <u>923.34</u> plus 3.46 <u>3.236</u> % of the amount in excess of \$42,100 <u>44,400</u>	74416
More than \$84,200 <u>88,800</u> but not more than \$105,300 <u>111,100</u>	\$2,396.39 <u>2,360.12</u> plus 3.96 <u>3.699</u> % of the amount in excess of \$84,200 <u>88,800</u>	74417
More than \$105,300 <u>111,100</u> but not more than \$210,600 <u>222,200</u>	\$3,231.95 <u>3,185.00</u> plus 4.59 <u>4.294</u> % of the amount in excess of \$105,300 <u>111,100</u>	74418
More than \$210,600 <u>222,200</u>	\$8,072.59 <u>7,955.63</u> plus 4.99 <u>4.667</u> % of the amount in excess of \$210,600 <u>222,200</u>	74419
(4)(a) In the case of individuals, for taxable years beginning in 2016 or thereafter, the tax imposed by this section on taxable business income shall equal three per cent of the result obtained by subtracting any amount allowed under division (A)(4)(b) of this section from the individual's taxable business income.		74420 74421 74422 74423 74424 74425
(b) If the exemptions allowed to an individual under division (A)(3) of this section exceed the taxpayer's Ohio adjusted gross income less taxable business income, the excess shall be deducted from taxable business income before computing the tax under division (A)(4)(a) of this section.		74426 74427 74428 74429 74430
(5) Except as otherwise provided in this division, in August of each year, the tax commissioner shall make a new adjustment to the income amounts prescribed in divisions (A)(2) and (3) of this section by multiplying the percentage increase in the gross domestic product deflator computed that year under section 5747.025 of the Revised Code by each of the income amounts resulting from the adjustment under this division in the preceding		74431 74432 74433 74434 74435 74436 74437

year, adding the resulting product to the corresponding income 74438
amount resulting from the adjustment in the preceding year, and 74439
rounding the resulting sum to the nearest multiple of fifty 74440
dollars. The tax commissioner also shall recompute each of the tax 74441
dollar amounts to the extent necessary to reflect the new 74442
adjustment of the income amounts. To recompute the tax dollar 74443
amount corresponding to the lowest tax rate in division (A)(3) of 74444
this section, the commissioner shall multiply the tax rate 74445
prescribed in division (A)(2) of this section by the income amount 74446
specified in that division and as adjusted according to this 74447
paragraph. The rates of taxation shall not be adjusted. 74448

The adjusted amounts apply to taxable years beginning in the 74449
calendar year in which the adjustments are made and to taxable 74450
years beginning in each ensuing calendar year until a calendar 74451
year in which a new adjustment is made pursuant to this division. 74452
The tax commissioner shall not make a new adjustment in any year 74453
in which the amount resulting from the adjustment would be less 74454
than the amount resulting from the adjustment in the preceding 74455
year. 74456

(B) If the director of budget and management makes a 74457
certification to the tax commissioner under division (B) of 74458
section 131.44 of the Revised Code, the amount of tax as 74459
determined under divisions (A)(1) to (3) of this section shall be 74460
reduced by the percentage prescribed in that certification for 74461
taxable years beginning in the calendar year in which that 74462
certification is made. 74463

(C) The levy of this tax on income does not prevent a 74464
municipal corporation, a joint economic development zone created 74465
under section 715.691, or a joint economic development district 74466
created under section 715.70, 715.71, or 715.72 of the Revised 74467
Code from levying a tax on income. 74468

(D) This division applies only to taxable years of a trust 74469

beginning in 2002 or thereafter. 74470

(1) The tax imposed by this section on a trust shall be 74471
computed by multiplying the Ohio modified taxable income of the 74472
trust by the rates prescribed by division (A) of this section. 74473

(2) A resident trust may claim a credit against the tax 74474
computed under division (D) of this section equal to the lesser of 74475
(a) the tax paid to another state or the District of Columbia on 74476
the resident trust's modified nonbusiness income, other than the 74477
portion of the resident trust's nonbusiness income that is 74478
qualifying investment income as defined in section 5747.012 of the 74479
Revised Code, or (b) the effective tax rate, based on modified 74480
Ohio taxable income, multiplied by the resident trust's modified 74481
nonbusiness income other than the portion of the resident trust's 74482
nonbusiness income that is qualifying investment income. The 74483
credit applies before any other applicable credits. 74484

(3) ~~The credits enumerated in divisions (A)(1) to (9) and~~ 74485
~~(A)(18) to (20) of section 5747.98 authorized by the following~~ 74486
sections of the Revised Code do not apply to a trust subject to 74487
division (D) of this section: section 5747.022, 5747.05, 5747.054, 74488
5747.055, 5747.27, 5747.37, 5747.66, or 5747.71 of the Revised 74489
Code. Any ~~credits enumerated in other divisions of credit~~ 74490
authorized against the tax imposed by this section 5747.98 of the 74491
~~Revised Code apply~~ applies to a trust subject to division (D) of 74492
this section that otherwise qualifies for such a credit. To the 74493
extent that the trust distributes income for the taxable year for 74494
which a credit is available to the trust, the credit shall be 74495
shared by the trust and its beneficiaries. The tax commissioner 74496
and the trust shall be guided by applicable regulations of the 74497
United States treasury regarding the sharing of credits. 74498

(E) For the purposes of this section, "trust" means any trust 74499
described in Subchapter J of Chapter 1 of the Internal Revenue 74500
Code, excluding trusts that are not irrevocable as defined in 74501

division (I)(3)(b) of section 5747.01 of the Revised Code and that 74502
have no modified Ohio taxable income for the taxable year, 74503
charitable remainder trusts, qualified funeral trusts and preneed 74504
funeral contract trusts established pursuant to sections 4717.31 74505
to 4717.38 of the Revised Code that are not qualified funeral 74506
trusts, endowment and perpetual care trusts, qualified settlement 74507
trusts and funds, designated settlement trusts and funds, and 74508
trusts exempted from taxation under section 501(a) of the Internal 74509
Revenue Code. 74510

(F) Nothing in division (A)(3) of this section shall prohibit 74511
an individual with an Ohio adjusted gross income, less ~~taxable~~ 74512
~~business income and~~ exemptions, of ~~ten~~ twenty-two thousand ~~five~~ 74513
two hundred fifty dollars or less from filing a return under this 74514
chapter to receive a refund of taxes withheld or to claim any 74515
refundable credit allowed under this chapter. 74516

Sec. 5747.022. An individual subject to the tax imposed by 74517
section 5747.02 of the Revised Code whose ~~Ohio~~ modified adjusted 74518
gross income, less applicable exemptions under section 5747.025 of 74519
the Revised Code, for the taxable year as shown on an individual 74520
or joint annual return is less than thirty thousand dollars may 74521
claim a credit equal to twenty dollars times the number of 74522
exemptions allowed for the taxpayer, the taxpayer's spouse, and 74523
each dependent under section 5747.02 of the Revised Code. The 74524
credit shall be claimed in the order required under section 74525
5747.98 of the Revised Code. The credit shall not be considered in 74526
determining the taxes required to be withheld under section 74527
5747.06 of the Revised Code or the estimated taxes required to be 74528
paid under section 5747.09 of the Revised Code. In the case of an 74529
individual with respect to whom an exemption under section 5747.02 74530
of the Revised Code is allowable to another taxpayer for a taxable 74531
year beginning in the calendar year in which the individual's 74532
taxable year begins, the "number of exemptions allowed" for 74533

purposes of calculating the credit allowed under this section to 74534
such individual for the individual's taxable year shall not 74535
include an exemption for the individual. 74536

Sec. 5747.025. (A) For taxable years beginning in 2014 or 74537
2015, the personal exemption for the taxpayer, the taxpayer's 74538
spouse, and each dependent shall be one of the following amounts: 74539

(1) Two thousand two hundred dollars if the taxpayer's ~~Ohio~~ 74540
modified adjusted gross income for the taxable year as shown on an 74541
individual or joint annual return is less than or equal to forty 74542
thousand dollars; 74543

(2) One thousand nine hundred fifty dollars if the taxpayer's 74544
~~Ohio~~ modified adjusted gross income for the taxable year as shown 74545
on an individual or joint annual return is greater than forty 74546
thousand dollars but less than or equal to eighty thousand 74547
dollars; 74548

(3) One thousand seven hundred dollars if the taxpayer's ~~Ohio~~ 74549
modified adjusted gross income for the taxable year as shown on an 74550
individual or joint annual return is greater than eighty thousand 74551
dollars. 74552

(B) For taxable years beginning in 2016 and thereafter, the 74553
personal exemption amounts prescribed in division (A) of this 74554
section shall be adjusted each year in the manner prescribed in 74555
division (C) of this section. In the case of an individual with 74556
respect to whom an exemption under section 5747.02 of the Revised 74557
Code is allowable to another taxpayer for a taxable year beginning 74558
in the calendar year in which the individual's taxable year 74559
begins, the exemption amount applicable to such individual for 74560
such individual's taxable year shall be zero. 74561

(C) Except as otherwise provided in this division, in August 74562
of each year, the tax commissioner shall determine the percentage 74563

increase in the gross domestic product deflator determined by the 74564
bureau of economic analysis of the United States department of 74565
commerce from the first day of January of the preceding calendar 74566
year to the last day of December of the preceding year, and make a 74567
new adjustment to the personal exemption amount for taxable years 74568
beginning in the current calendar year by multiplying that amount 74569
by the percentage increase in the gross domestic product deflator 74570
for that period; adding the resulting product to the personal 74571
exemption amount for taxable years beginning in the preceding 74572
calendar year; and rounding the resulting sum upward to the 74573
nearest multiple of fifty dollars. The adjusted amount applies to 74574
taxable years beginning in the calendar year in which the 74575
adjustment is made and to taxable years beginning in each ensuing 74576
calendar year until a calendar year in which a new adjustment is 74577
made pursuant to this division. The commissioner shall not make a 74578
new adjustment in any calendar year in which the amount resulting 74579
from the adjustment would be less than the amount resulting from 74580
the adjustment in the preceding calendar year. 74581

Sec. 5747.05. As used in this section, "income tax" includes 74582
both a tax on net income and a tax measured by net income. 74583

The following credits shall be allowed against the aggregate 74584
income tax liability imposed by section 5747.02 of the Revised 74585
Code on individuals and estates: 74586

(A)(1) The amount of tax otherwise due under section 5747.02 74587
of the Revised Code on such portion of the combined adjusted gross 74588
income and business income of any nonresident taxpayer that is not 74589
allocable or apportionable to this state pursuant to sections 74590
5747.20 to 5747.23 of the Revised Code. The credit provided under 74591
this division shall not exceed the total tax due under section 74592
5747.02 of the Revised Code. 74593

(2) The tax commissioner may enter into an agreement with the 74594

taxing authorities of any state or of the District of Columbia 74595
that imposes an income tax to provide that compensation paid in 74596
this state to a nonresident taxpayer shall not be subject to the 74597
tax levied in section 5747.02 of the Revised Code so long as 74598
compensation paid in such other state or in the District of 74599
Columbia to a resident taxpayer shall likewise not be subject to 74600
the income tax of such other state or of the District of Columbia. 74601

(B) The lesser of division (B)(1) or (2) of this section: 74602

(1) The aggregate amount of tax otherwise due under section 74603
5747.02 of the Revised Code on such portion of the combined 74604
adjusted gross income and business income of a resident taxpayer 74605
that in another state or in the District of Columbia is subjected 74606
to an income tax. The credit provided under division (B)(1) of 74607
this section shall not exceed the total tax due under section 74608
5747.02 of the Revised Code. 74609

(2) The amount of income tax liability to another state or 74610
the District of Columbia on the portion of the combined adjusted 74611
gross income and business income of a resident taxpayer that in 74612
another state or in the District of Columbia is subjected to an 74613
income tax. The credit provided under division (B)(2) of this 74614
section shall not exceed the total amount of tax otherwise due 74615
under section 5747.02 of the Revised Code. 74616

(3) If the credit provided under division (B) of this section 74617
is affected by a change in either the portion of the combined 74618
adjusted gross income and business income of a resident taxpayer 74619
subjected to an income tax in another state or the District of 74620
Columbia or the amount of income tax liability that has been paid 74621
to another state or the District of Columbia, the taxpayer shall 74622
report the change to the tax commissioner within sixty days of the 74623
change in such form as the commissioner requires. 74624

(a) In the case of an underpayment, the report shall be 74625

accompanied by payment of any additional tax due as a result of 74626
the reduction in credit together with interest on the additional 74627
tax and is a return subject to assessment under section 5747.13 of 74628
the Revised Code solely for the purpose of assessing any 74629
additional tax due under this division, together with any 74630
applicable penalty and interest. It shall not reopen the 74631
computation of the taxpayer's tax liability under this chapter 74632
from a previously filed return no longer subject to assessment 74633
except to the extent that such liability is affected by an 74634
adjustment to the credit allowed by division (B) of this section. 74635

(b) In the case of an overpayment, an application for refund 74636
may be filed under this division within the sixty-day period 74637
prescribed for filing the report even if it is beyond the period 74638
prescribed in section 5747.11 of the Revised Code if it otherwise 74639
conforms to the requirements of such section. An application filed 74640
under this division shall only claim refund of overpayments 74641
resulting from an adjustment to the credit allowed by division (B) 74642
of this section unless it is also filed within the time prescribed 74643
in section 5747.11 of the Revised Code. It shall not reopen the 74644
computation of the taxpayer's tax liability except to the extent 74645
that such liability is affected by an adjustment to the credit 74646
allowed by division (B) of this section. 74647

(4) No credit shall be allowed under division (B) of this 74648
section: 74649

(a) For income tax paid or accrued to another state or to the 74650
District of Columbia if the taxpayer, when computing federal 74651
adjusted gross income, has directly or indirectly deducted, or was 74652
required to directly or indirectly deduct, the amount of that 74653
income tax; 74654

(b) For compensation that is not subject to the income tax of 74655
another state or the District of Columbia as the result of an 74656
agreement entered into by the tax commissioner under division 74657

(A)(3) of this section; or 74658

(c) For income tax paid or accrued to another state or the 74659
District of Columbia if the taxpayer fails to furnish such proof 74660
as the tax commissioner shall require that such income tax 74661
liability has been paid. 74662

(C) An individual who is a resident for part of a taxable 74663
year and a nonresident for the remainder of the taxable year is 74664
allowed the credits under divisions (A) and (B) of this section in 74665
accordance with rules prescribed by the tax commissioner. In no 74666
event shall the same income be subject to both credits. 74667

(D) The credit allowed under division (A) of this section 74668
shall be calculated based upon the amount of tax due under section 74669
5747.02 of the Revised Code after subtracting any other credits 74670
that precede the credit under that division in the order required 74671
under section 5747.98 of the Revised Code. The credit allowed 74672
under division (B) of this section shall be calculated based upon 74673
the amount of tax due under section 5747.02 of the Revised Code 74674
after subtracting any other credits that precede the credit under 74675
that division in the order required under section 5747.98 of the 74676
Revised Code. 74677

(E)(1) On a joint return filed by a husband and wife, each of 74678
whom had adjusted gross income of at least five hundred dollars, 74679
exclusive of interest, dividends and distributions, royalties, 74680
rent, and capital gains, a credit equal to the lesser of six 74681
hundred fifty dollars or the percentage shown in column B that 74682
corresponds with the taxpayer's modified adjusted gross income, 74683
less exemptions for the taxable year, of the total amount of tax 74684
due after allowing for any other credit that precedes this credit 74685
as required under section 5747.98 of the Revised Code: 74686

A.

B.

74687

IF THE MODIFIED ADJUSTED GROSS

THE CREDIT FOR THE TAXABLE

74688

INCOME, LESS EXEMPTIONS, FOR THE YEAR IS:

TAX YEAR IS:

\$25,000 or less	20%	74689
More than \$25,000 but not more than \$50,000	15%	74690
More than \$50,000 but not more than \$75,000	10%	74691
More than \$75,000	5%	74692

(2) The credit shall be claimed in the order required under section 5747.98 of the Revised Code. 74693
74694

(F) No claim for credit under this section shall be allowed unless the claimant furnishes such supporting information as the tax commissioner prescribes by rules. 74695
74696
74697

Sec. 5747.054. In addition to all other credits allowed by this chapter, a credit shall be allowed against a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code for taxpayers with modified adjusted gross income of less than forty thousand dollars. The amount of the credit shall equal twenty-five per cent of the federal dependent care credit for which the taxpayer is eligible for the taxable year under section 21 of the Internal Revenue Code, 26 U.S.C.A. 21; except that the amount of the credit for a taxpayer with modified adjusted gross income of less than twenty thousand dollars shall equal the federal credit for which the taxpayer is eligible, in any case without regard to any limitation imposed by section 26 of the Internal Revenue Code, 26 U.S.C.A. 26. 74698
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The credit allowed by this section shall be claimed in the order required under section 5747.98 of the Revised Code. 74711
74712

Sec. 5747.055. (A) As used in this section "retirement income" means retirement benefits, annuities, or distributions 74713
74714

that are made from or pursuant to a pension, retirement, or profit-sharing plan and that:

(1) In the case of an individual, are received by the individual on account of retirement and are included in the individual's adjusted gross income;

(2) In the case of an estate, are payable to the estate for the benefit of the surviving spouse of the decedent and are included in the estate's taxable income.

(B) A credit shall be allowed against a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code for taxpayers who received retirement income during the taxable year and whose modified adjusted gross income for the taxable year, less applicable exemptions under section 5747.025 of the Revised Code, as shown on an individual or joint annual return is less than one hundred thousand dollars. Only one such credit shall be allowed for each return, and the amount of the credit shall be computed in accordance with the following schedule:

AMOUNT OF RETIREMENT INCOME RECEIVED DURING THE TAXABLE YEAR	CREDIT FOR THE TAXABLE YEAR
\$500 or less	\$ 0
Over \$500 but not more than \$1,500	\$ 25
Over \$1,500 but not more than \$3,000	\$ 50
Over \$3,000 but not more than \$5,000	\$ 80
Over \$5,000 but not more than \$8,000	\$130
Over \$8,000	\$200

(C) A taxpayer who received a lump-sum distribution from a pension, retirement, or profit-sharing plan in the taxable year and whose modified adjusted gross income for the taxable year, less applicable exemptions under section 5747.025 of the Revised Code, as shown on an individual or joint annual return is less than one hundred thousand dollars, may elect to receive a credit

under this division in lieu of the credit allowed under division 74746
(B) of this section. A taxpayer making such an election is not 74747
entitled to the credit authorized under this division or division 74748
(B) of this section in subsequent taxable years. A taxpayer 74749
electing the credit under this division shall receive a credit for 74750
the taxable year against the taxpayer's aggregate tax liability 74751
under section 5747.02 of the Revised Code computed as follows: 74752

(1) Divide the amount of retirement income received during 74753
the taxable year by the taxpayer's expected remaining life on the 74754
last day of the taxable year, as shown by annuity tables issued 74755
under the provisions of the Internal Revenue Code and in effect 74756
for the calendar year that includes the last day of the taxable 74757
year; 74758

(2) Using the quotient thus obtained as the amount of 74759
retirement income received during the taxable year, compute the 74760
credit for the taxable year in accordance with division (B) of 74761
this section; 74762

(3) Multiply the credit thus obtained by the taxpayer's 74763
expected remaining life. The product thus obtained shall be the 74764
credit under this division for the taxable year. 74765

(D) If the credit under division (C) or (E) of this section 74766
exceeds the taxpayer's aggregate tax liability under section 74767
5747.02 of the Revised Code for the taxable year after allowing 74768
for any other credit that precedes that credit in the order 74769
required under section 5747.98 of the Revised Code, the taxpayer 74770
may elect to receive a credit for each subsequent taxable year. 74771
The amount of the credit for each such year shall be computed as 74772
follows: 74773

(1) Determine the amount by which the unused credit elected 74774
under division (C) or (E) of this section exceeded the total tax 74775
due for the taxable year after allowing for any preceding credit 74776

in the required order; 74777

(2) Divide the amount of such excess by one year less than 74778
the taxpayer's expected remaining life on the last day of the 74779
taxable year of the distribution for which the credit was allowed 74780
under division (C) or (E) of this section. The quotient thus 74781
obtained shall be the credit for each subsequent year. 74782

(E) If subsequent to the receipt of a lump-sum distribution 74783
and an election under division (C) of this section an individual 74784
receives another lump-sum distribution within one taxable year, 74785
and the taxpayer's modified adjusted gross income for the taxable 74786
year, less applicable exemptions under section 5747.025 of the 74787
Revised Code, as shown on an individual or joint annual return is 74788
less than one hundred thousand dollars, the taxpayer may elect to 74789
receive a credit for that taxable year. The credit shall equal the 74790
lesser of: 74791

(1) A credit computed in the manner prescribed in division 74792
(C) of this section; 74793

(2) The amount of credit, if any, to which the taxpayer would 74794
otherwise be entitled for the taxable year under division (D) of 74795
this section times the taxpayer's expected remaining life on the 74796
last day of the taxable year. A taxpayer who elects to receive a 74797
credit under this division is not entitled to a credit under this 74798
division or division (B) or (C) of this section for any subsequent 74799
year except as provided in division (D) of this section. 74800

(F) A credit equal to fifty dollars for each return required 74801
to be filed under section 5747.08 of the Revised Code shall be 74802
allowed against a taxpayer's aggregate tax liability under section 74803
5747.02 of the Revised Code for taxpayers sixty-five years of age 74804
or older during the taxable year whose modified adjusted gross 74805
income, less applicable exemptions under section 5747.025 of the 74806
Revised Code, as shown on an individual or joint annual return is 74807

less than one hundred thousand dollars for that taxable year. 74808

(G) A taxpayer sixty-five years of age or older during the 74809
taxable year who has received a lump-sum distribution from a 74810
pension, retirement, or profit-sharing plan in the taxable year, 74811
and whose modified adjusted gross income, less applicable 74812
exemptions under section 5747.025 of the Revised Code, as shown on 74813
an individual or joint annual return is less than one hundred 74814
thousand dollars for that taxable year may elect to receive a 74815
credit under this division in lieu of the credit to which the 74816
taxpayer is entitled under division (F) of this section. A 74817
taxpayer making such an election shall receive a credit for the 74818
taxable year against the taxpayer's aggregate tax liability under 74819
section 5747.02 of the Revised Code equal to fifty dollars times 74820
the taxpayer's expected remaining life as shown by annuity tables 74821
issued under the Internal Revenue Code and in effect for the 74822
calendar year that includes the last day of the taxable year. A 74823
taxpayer making an election under this division is not entitled to 74824
the credit authorized under this division or division (F) of this 74825
section in subsequent taxable years. 74826

(H) The credits allowed by this section shall be claimed in 74827
the order required under section 5747.98 of the Revised Code. The 74828
tax commissioner may require a taxpayer to furnish any information 74829
necessary to support a claim for credit under this section, and no 74830
credit shall be allowed unless such information is provided. 74831

Sec. 5747.08. An annual return with respect to the tax 74832
imposed by section 5747.02 of the Revised Code and each tax 74833
imposed under Chapter 5748. of the Revised Code shall be made by 74834
every taxpayer for any taxable year for which the taxpayer is 74835
liable for the tax imposed by that section or under that chapter, 74836
unless the total credits allowed under division (E) of section 74837
5747.05 and divisions (F) and (G) of section 5747.055 of the 74838

Revised Code for the year are equal to or exceed the tax imposed 74839
by section 5747.02 of the Revised Code, in which case no return 74840
shall be required unless the taxpayer is liable for a tax imposed 74841
pursuant to Chapter 5748. of the Revised Code. 74842

(A) If an individual is deceased, any return or notice 74843
required of that individual under this chapter shall be made and 74844
filed by that decedent's executor, administrator, or other person 74845
charged with the property of that decedent. 74846

(B) If an individual is unable to make a return or notice 74847
required by this chapter, the return or notice required of that 74848
individual shall be made and filed by the individual's duly 74849
authorized agent, guardian, conservator, fiduciary, or other 74850
person charged with the care of the person or property of that 74851
individual. 74852

(C) Returns or notices required of an estate or a trust shall 74853
be made and filed by the fiduciary of the estate or trust. 74854

(D)(1)(a) Except as otherwise provided in division (D)(1)(b) 74855
of this section, any pass-through entity may file a single return 74856
on behalf of one or more of the entity's investors other than an 74857
investor that is a person subject to the tax imposed under section 74858
5733.06 of the Revised Code. The single return shall set forth the 74859
name, address, and social security number or other identifying 74860
number of each of those pass-through entity investors and shall 74861
indicate the distributive share of each of those pass-through 74862
entity investor's income taxable in this state in accordance with 74863
sections 5747.20 to 5747.231 of the Revised Code. Such 74864
pass-through entity investors for whom the pass-through entity 74865
elects to file a single return are not entitled to the exemption 74866
or credit provided for by sections 5747.02 and 5747.022 of the 74867
Revised Code; shall calculate the tax before business credits at 74868
the highest rate of tax set forth in section 5747.02 of the 74869
Revised Code for the taxable year for which the return is filed; 74870

and are entitled to only their distributive share of the business 74871
credits as defined in division (D)(2) of this section. A single 74872
check drawn by the pass-through entity shall accompany the return 74873
in full payment of the tax due, as shown on the single return, for 74874
such investors, other than investors who are persons subject to 74875
the tax imposed under section 5733.06 of the Revised Code. 74876

(b)(i) A pass-through entity shall not include in such a 74877
single return any investor that is a trust to the extent that any 74878
direct or indirect current, future, or contingent beneficiary of 74879
the trust is a person subject to the tax imposed under section 74880
5733.06 of the Revised Code. 74881

(ii) A pass-through entity shall not include in such a single 74882
return any investor that is itself a pass-through entity to the 74883
extent that any direct or indirect investor in the second 74884
pass-through entity is a person subject to the tax imposed under 74885
section 5733.06 of the Revised Code. 74886

(c) Nothing in division (D) of this section precludes the tax 74887
commissioner from requiring such investors to file the return and 74888
make the payment of taxes and related interest, penalty, and 74889
interest penalty required by this section or section 5747.02, 74890
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 74891
of this section precludes such an investor from filing the annual 74892
return under this section, utilizing the refundable credit equal 74893
to the investor's proportionate share of the tax paid by the 74894
pass-through entity on behalf of the investor under division (I) 74895
of this section, and making the payment of taxes imposed under 74896
section 5747.02 of the Revised Code. Nothing in division (D) of 74897
this section shall be construed to provide to such an investor or 74898
pass-through entity any additional deduction or credit, other than 74899
the credit provided by division (I) of this section, solely on 74900
account of the entity's filing a return in accordance with this 74901
section. Such a pass-through entity also shall make the filing and 74902

payment of estimated taxes on behalf of the pass-through entity 74903
investors other than an investor that is a person subject to the 74904
tax imposed under section 5733.06 of the Revised Code. 74905

(2) For the purposes of this section, "business credits" 74906
means the credits listed in section 5747.98 of the Revised Code 74907
excluding the following credits: 74908

(a) The retirement income credit under division (B) of 74909
section 5747.055 of the Revised Code; 74910

(b) The senior citizen credit under division (F) of section 74911
5747.055 of the Revised Code; 74912

(c) The lump sum distribution credit under division (G) of 74913
section 5747.055 of the Revised Code; 74914

(d) The dependent care credit under section 5747.054 of the 74915
Revised Code; 74916

(e) The lump sum retirement income credit under division (C) 74917
of section 5747.055 of the Revised Code; 74918

(f) The lump sum retirement income credit under division (D) 74919
of section 5747.055 of the Revised Code; 74920

(g) The lump sum retirement income credit under division (E) 74921
of section 5747.055 of the Revised Code; 74922

(h) The credit for displaced workers who pay for job training 74923
under section 5747.27 of the Revised Code; 74924

(i) The twenty-dollar personal exemption credit under section 74925
5747.022 of the Revised Code; 74926

(j) The joint filing credit under division (E) of section 74927
5747.05 of the Revised Code; 74928

(k) The nonresident credit under division (A) of section 74929
5747.05 of the Revised Code; 74930

(l) The credit for a resident's out-of-state income under 74931

division (B) of section 5747.05 of the Revised Code; 74932

(m) The earned income tax credit under section 5747.71 of the Revised Code; 74933
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(n) The lead abatement credit under section 5747.26 of the Revised Code. 74935
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(3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner provides otherwise, this election, once made, is binding and irrevocable for the taxable year for which the election is made. Nothing in this division shall be construed to provide for any deduction or credit that would not be allowable if a nonresident pass-through entity investor were to file an annual return. 74937
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(4) If a pass-through entity makes the election provided for under division (D) of this section, the pass-through entity shall be liable for any additional taxes, interest, interest penalty, or penalties imposed by this chapter if the tax commissioner finds that the single return does not reflect the correct tax due by the pass-through entity investors covered by that return. Nothing in this division shall be construed to limit or alter the liability, if any, imposed on pass-through entity investors for unpaid or underpaid taxes, interest, interest penalty, or penalties as a result of the pass-through entity's making the election provided for under division (D) of this section. For the purposes of division (D) of this section, "correct tax due" means the tax that would have been paid by the pass-through entity had the single return been filed in a manner reflecting the commissioner's findings. Nothing in division (D) of this section shall be construed to make or hold a pass-through entity liable for tax attributable to a pass-through entity investor's income from a source other than the pass-through entity electing to file the single return. 74945
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(E) If a husband and wife file a joint federal income tax return for a taxable year, they shall file a joint return under this section for that taxable year, and their liabilities are joint and several, but, if the federal income tax liability of either spouse is determined on a separate federal income tax return, they shall file separate returns under this section.

If either spouse is not required to file a federal income tax return and either or both are required to file a return pursuant to this chapter, they may elect to file separate or joint returns, and, pursuant to that election, their liabilities are separate or joint and several. If a husband and wife file separate returns pursuant to this chapter, each must claim the taxpayer's own exemption, but not both, as authorized under section 5747.02 of the Revised Code on the taxpayer's own return.

(F) Each return or notice required to be filed under this section shall contain the signature of the taxpayer or the taxpayer's duly authorized agent and of the person who prepared the return for the taxpayer, and shall include the taxpayer's social security number. Each return shall be verified by a declaration under the penalties of perjury. The tax commissioner shall prescribe the form that the signature and declaration shall take.

(G) Each return or notice required to be filed under this section shall be made and filed as required by section 5747.04 of the Revised Code, on or before the fifteenth day of April of each year, on forms that the tax commissioner shall prescribe, together with remittance made payable to the treasurer of state in the combined amount of the state and all school district income taxes shown to be due on the form.

Upon good cause shown, the commissioner may extend the period for filing any notice or return required to be filed under this section and may adopt rules relating to extensions. If the

extension results in an extension of time for the payment of any 74996
state or school district income tax liability with respect to 74997
which the return is filed, the taxpayer shall pay at the time the 74998
tax liability is paid an amount of interest computed at the rate 74999
per annum prescribed by section 5703.47 of the Revised Code on 75000
that liability from the time that payment is due without extension 75001
to the time of actual payment. Except as provided in section 75002
5747.132 of the Revised Code, in addition to all other interest 75003
charges and penalties, all taxes imposed under this chapter or 75004
Chapter 5748. of the Revised Code and remaining unpaid after they 75005
become due, except combined amounts due of one dollar or less, 75006
bear interest at the rate per annum prescribed by section 5703.47 75007
of the Revised Code until paid or until the day an assessment is 75008
issued under section 5747.13 of the Revised Code, whichever occurs 75009
first. 75010

If the commissioner considers it necessary in order to ensure 75011
the payment of the tax imposed by section 5747.02 of the Revised 75012
Code or any tax imposed under Chapter 5748. of the Revised Code, 75013
the commissioner may require returns and payments to be made 75014
otherwise than as provided in this section. 75015

To the extent that any provision in this division conflicts 75016
with any provision in section 5747.026 of the Revised Code, the 75017
provision in that section prevails. 75018

(H) The amounts withheld by an employer pursuant to section 75019
5747.06 of the Revised Code, a casino operator pursuant to section 75020
5747.063 of the Revised Code, or a lottery sales agent pursuant to 75021
section 5747.064 of the Revised Code shall be allowed to the 75022
recipient of the compensation casino winnings, or lottery prize 75023
award as credits against payment of the appropriate taxes imposed 75024
on the recipient by section 5747.02 and under Chapter 5748. of the 75025
Revised Code. 75026

(I) If a pass-through entity elects to file a single return 75027

under division (D) of this section and if any investor is required 75028
to file the annual return and make the payment of taxes required 75029
by this chapter on account of the investor's other income that is 75030
not included in a single return filed by a pass-through entity or 75031
any other investor elects to file the annual return, the investor 75032
is entitled to a refundable credit equal to the investor's 75033
proportionate share of the tax paid by the pass-through entity on 75034
behalf of the investor. The investor shall claim the credit for 75035
the investor's taxable year in which or with which ends the 75036
taxable year of the pass-through entity. Nothing in this chapter 75037
shall be construed to allow any credit provided in this chapter to 75038
be claimed more than once. For the purpose of computing any 75039
interest, penalty, or interest penalty, the investor shall be 75040
deemed to have paid the refundable credit provided by this 75041
division on the day that the pass-through entity paid the 75042
estimated tax or the tax giving rise to the credit. 75043

(J) The tax commissioner shall ensure that each return 75044
required to be filed under this section includes a box that the 75045
taxpayer may check to authorize a paid tax preparer who prepared 75046
the return to communicate with the department of taxation about 75047
matters pertaining to the return. The return or instructions 75048
accompanying the return shall indicate that by checking the box 75049
the taxpayer authorizes the department of taxation to contact the 75050
preparer concerning questions that arise during the processing of 75051
the return and authorizes the preparer only to provide the 75052
department with information that is missing from the return, to 75053
contact the department for information about the processing of the 75054
return or the status of the taxpayer's refund or payments, and to 75055
respond to notices about mathematical errors, offsets, or return 75056
preparation that the taxpayer has received from the department and 75057
has shown to the preparer. 75058

(K) The tax commissioner shall permit individual taxpayers to 75059

instruct the department of taxation to cause any refund of 75060
overpaid taxes to be deposited directly into a checking account, 75061
savings account, or an individual retirement account or individual 75062
retirement annuity, or preexisting college savings plan or program 75063
account offered by the Ohio tuition trust authority under Chapter 75064
3334. of the Revised Code, as designated by the taxpayer, when the 75065
taxpayer files the annual return required by this section 75066
electronically. 75067

(L) The tax commissioner may adopt rules to administer this 75068
section. 75069

Sec. 5747.10. ~~¶~~ (A) As used in this section: 75070

(1) "Administrative adjustment request" means an 75071
administrative adjustment request filed by a partnership under 75072
section 6227 of the Internal Revenue Code. 75073

(2) "Audited partnership" means a partnership subject to a 75074
partnership level audit resulting in a federal adjustment. 75075

(3) "Direct partner" means a partner that holds a direct 75076
interest in a partnership or other pass-through entity. 75077

(4) "Exempt partner" means a partner that is not subject to 75078
the tax levied by section 5747.02 of the Revised Code. 75079

(5) "Federal adjustment" means a change to an item or amount 75080
required to be determined under the Internal Revenue Code that 75081
affects a taxpayer's aggregate tax liability under section 5747.02 75082
or Chapter 5748. of the Revised Code and that results from an 75083
action by the internal revenue service, including a partnership 75084
level audit, or from the filing of an amended federal tax return, 75085
a claim for a federal tax refund, or an administrative adjustment 75086
request. A federal adjustment is positive to the extent that it 75087
increases a taxpayer's aggregate tax liability under section 75088
5747.02 or Chapter 5748. of the Revised Code and is negative to 75089

the extent that it decreases a taxpayer's aggregate tax liability. 75090

(6) "Federal adjustments report" means the form or other 75091
document prescribed by the tax commissioner for use by a taxpayer 75092
in reporting final federal adjustments. 75093

(7) "Federal partnership representative" means the person 75094
designated as the partnership's representative for federal income 75095
tax purposes pursuant to section 6223(a) of the Internal Revenue 75096
Code. 75097

(8) "Final determination date" means one of the following: 75098

(a) If the federal adjustment arises from an audit or other 75099
action by the internal revenue service, the first day on which no 75100
federal adjustments arising from that audit or action remain to be 75101
finally determined, whether by decision of the internal revenue 75102
service with respect to which all rights of appeal have been 75103
waived or exhausted, by agreement, or, if appealed or contested, 75104
by a final decision with respect to which all rights of appeal 75105
have been waived or exhausted. For agreements required to be 75106
signed by the internal revenue service and the taxpayer, the final 75107
determination date is the date on which the last party signed the 75108
agreement. 75109

(b) If the federal adjustment arises from the filing of an 75110
amended federal return, a claim for a federal tax refund, an 75111
administrative adjustment request, or a similar report filed 75112
pursuant to section 6225(c) of the Internal Revenue Code, the date 75113
on which the amended return, refund claim, administrative 75114
adjustment request, or similar report was filed. 75115

(9) "Final federal adjustment" means a federal adjustment 75116
after the final determination date for that federal adjustment has 75117
passed. 75118

(10) "Indirect partner" means a partner in a partnership or 75119
other pass-through entity that itself holds an interest directly, 75120

or through another indirect partner, in a partnership or other 75121
pass-through entity. 75122

(11) "Nonresident partner" means a partner that is not a 75123
resident partner. 75124

(12) "Partner" means a person that holds an interest directly 75125
or indirectly in a partnership or other pass-through entity. 75126

(13) "Partnership" means an entity subject to taxation under 75127
subchapter K of the Internal Revenue Code. 75128

(14) "Partnership level audit" means an examination by the 75129
internal revenue service at the partnership level pursuant to 75130
subchapter C, chapter 63, subtitle F of the Internal Revenue Code 75131
that results in final federal adjustments. 75132

(15) "Resident partner" means a partner that is a resident 75133
under this chapter. 75134

(16) "Reviewed year" means the taxable year of a partnership 75135
that is subject to a partnership level audit that results in final 75136
federal adjustments. 75137

(17) "Taxpayer" includes a partnership that is subject to a 75138
partnership level audit or that has filed an administrative 75139
adjustment request, and any tiered partner of such a partnership. 75140

(18) "Tiered partner" means a partner that is a partnership 75141
or other pass-through entity. 75142

(B) Except in the case of final federal adjustments that are 75143
required to be reported by a partnership and its partners under 75144
division (C) of this section, if any of the facts, figures, 75145
computations, or attachments required in a taxpayer's annual 75146
return to determine the tax charged by this chapter or Chapter 75147
5748. of the Revised Code must be altered as the result of ~~an a~~ 75148
final federal adjustment ~~to the taxpayer's federal income tax~~ 75149
~~return, whether initiated by the taxpayer or the internal revenue~~ 75150

~~service, and such alteration affects the taxpayer's tax liability~~ 75151
~~under this chapter or Chapter 5748. of the Revised Code, the~~ 75152
~~taxpayer shall file an amended return with the tax commissioner in~~ 75153
~~such form as the commissioner requires. The amended return shall~~ 75154
~~be filed not later than sixty one hundred eighty days after the~~ 75155
~~adjustment has been agreed to or finally determined for federal~~ 75156
~~income tax purposes or any federal income tax deficiency or~~ 75157
~~refund, or the abatement or credit resulting therefrom, has been~~ 75158
~~assessed or paid, whichever occurs first final determination date.~~ 75159

(A) In the case of an underpayment, the amended return shall 75160
be accompanied by payment of any combined additional tax due 75161
together with interest thereon. ~~An amended return required by this~~ 75162
~~section is a return subject to assessment under section 5747.13 of~~ 75163
~~the Revised Code for the purpose of assessing any additional tax~~ 75164
~~due under this section, together with any applicable penalty and~~ 75165
~~interest. It shall not reopen those facts, figures, computations,~~ 75166
~~or attachments from a previously filed return no longer subject to~~ 75167
~~assessment that are not affected, either directly or indirectly,~~ 75168
~~by the adjustment to the taxpayer's federal income tax return.~~ 75169

(B) ~~In the case of an overpayment, an application for refund~~ 75170
~~may be filed under this division within the sixty day period~~ 75171
~~prescribed for filing the amended return even if it is filed~~ 75172
~~beyond the period prescribed in section 5747.11 of the Revised~~ 75173
~~Code if it otherwise conforms to the requirements of such section.~~ 75174
~~An application filed under this division shall claim refund of~~ 75175
~~overpayments resulting from alterations to only those facts,~~ 75176
~~figures, computations, or attachments required in the taxpayer's~~ 75177
~~annual return that are affected, either directly or indirectly, by~~ 75178
~~the adjustment to the taxpayer's federal income tax return unless~~ 75179
~~it is also filed within the time prescribed in section 5747.11 of~~ 75180
~~the Revised Code. It shall not reopen those facts, figures,~~ 75181
~~computations, or attachments that are not affected, either~~ 75182

~~directly or indirectly, by the adjustment to the taxpayer's
federal income tax return.~~ 75183
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(C) Except for adjustments required to be reported for
federal purposes pursuant to section 6225(a)(2) of the Internal
Revenue Code and adjustments that are taken into account on a
federal amended return or similar report filed pursuant to section
6225(c)(2) of the Internal Revenue Code, partnerships and partners
shall report final federal adjustments arising from a partnership
level audit or an administrative adjustment request and make
payments as required under division (C) of this section. 75185
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(1)(a) With respect to an action required or permitted to be
taken by a partnership under this section, and any petition for
reassessment or appeal to the board of tax appeals or any court
with respect to such an action, the state partnership
representative shall have the sole authority to act on behalf of
the partnership, and the partnership's direct partners and
indirect partners shall be bound by those actions. 75193
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(b) A partnership's state partnership representative for a
reviewed year shall be the partnership's federal partnership
representative for that year, unless the partnership designates,
on the form prescribed by the tax commissioner, another person as
the state partnership representative. 75200
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(c) The tax commissioner may establish reasonable
qualifications and procedures for the designation of a person
other than the federal partnership representative as a
partnership's state partnership representative. 75205
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(2)(a) Unless an audited partnership makes the election under
division (C)(3) of this section, the audited partnership shall do
all of the following within ninety days after a final
determination date: 75209
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(i) File a federal adjustments report with the tax 75213

commissioner; 75214

(ii) Notify each of its direct partners of their distributive share of the final federal adjustments; 75215
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(iii) File an amended tax return on behalf of its partners and pay any additional tax that would have been due under section 5747.41 of the Revised Code with respect to those partners had the final federal adjustments been reported properly. 75217
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(b) Unless a partnership or tiered partner paid an amount on behalf of its partners under division (C)(3) of this section, each direct partner that is subject to the tax levied by section 5747.02 of the Revised Code shall do all of the following within one hundred eighty days after a final determination date: 75221
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(i) File a federal adjustments report that reports the distributive share of the adjustments reported to the direct partner under division (C)(2)(a)(ii) of this section; 75226
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(ii) Pay any additional tax that would have been due from the direct partner had the final federal adjustments been reported properly, less any amounts paid on the direct partner's behalf under division (C)(2)(a)(iii) of this section. 75229
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(3) If an audited partnership or a tiered partner makes the election under division (C)(3) of this section, the partnership or tiered partner shall do all of the following: 75233
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(a) Within ninety days after a final determination date, file a federal adjustments report and notify the tax commissioner that the partnership or tiered partner is making the election under division (C)(3) of this section; 75236
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(b) Pay the amount described in division (C)(3)(b)(iv) of this section, calculated as follows: 75240
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(i) Exclude from final federal adjustments each exempt partner's distributive share of such adjustments that are 75242
75243

allocable or apportionable to this state; 75244

(ii) Determine each nonresident direct partner's and tiered partner's distributive share of the remaining final federal adjustments that are allocable or apportionable to this state. 75245
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(iii) Determine each resident direct partner's distributive share of the remaining final federal adjustments; 75248
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(iv) Add the amounts computed under division (C)(3)(b)(ii) and (iii) of this section, and multiply the resulting sum by the highest rate of tax set forth in section 5747.02 of the Revised Code. 75250
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An audited partnership shall pay the amount within one hundred eighty days after the final determination date. A tiered partnership shall pay the amount within ninety days after the deadline for filing and furnishing statements to tiered partners and their partners under section 6226 of the Internal Revenue Code and regulations adopted pursuant thereto. 75254
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(4) Upon application by an audited partnership or tiered partner, the tax commissioner may enter into an agreement with a partnership or tiered partner under which the partnership or tiered partner uses a reporting and payment method that is different than those specified in divisions (C)(2) and (3) of this section. The application must be submitted before the applicable deadline for payment under division (C)(3)(b) of this section. 75260
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(5) An election made under division (C)(3) of this section is irrevocable, unless the tax commissioner determines otherwise. 75267
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(6)(a) If properly reported and paid by the audited partnership or tiered partner, an amount paid pursuant to division (C)(3) or (4) of this section shall be treated as paid in lieu of the taxes due from such person's partners with respect to the reported final federal adjustments. No partner may take any deduction or credit for such amount paid, claim a refund of such 75269
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amount, or include such amount on the partner's return in any 75275
manner. 75276

(b) Nothing in division (C)(6) of this section shall preclude 75277
a resident direct partner from claiming a credit against taxes 75278
paid to this state for any amounts paid by the audited partnership 75279
or tiered partner on such partner's behalf to another state as 75280
otherwise authorized by this chapter. 75281

(7) Nothing in division (C) of this section precludes the tax 75282
commissioner from issuing an assessment under this chapter against 75283
any direct partner or indirect partner for taxes due from the 75284
partner in the event that an audited partnership or tiered 75285
partnership fails to timely make any report or payment required by 75286
this section for any reason. 75287

(D) A federal adjustments report or amended return required 75288
by this section is a return subject to assessment under section 75289
5747.13 of the Revised Code for the purpose of assessing any 75290
additional tax due under this section, together with any 75291
applicable penalty and interest. It shall not reopen those facts, 75292
figures, computations, or attachments from a previously filed 75293
return no longer subject to assessment that are not affected, 75294
either directly or indirectly, by the federal adjustments reported 75295
on the federal adjustments report or amended return. 75296
Notwithstanding section 5747.13 of the Revised Code, the tax 75297
commissioner shall assess any additional tax, interest, and 75298
penalties arising from final federal adjustments on or before the 75299
later of the dates described in division (D)(1) or (2) of this 75300
section if the taxpayer timely filed the federal adjustments 75301
report or amended return, or the later of the dates described in 75302
division (D)(1), (2), or (3) of this section if the taxpayer 75303
failed to timely file a federal adjustments report or amended 75304
return as required under this section, omits final federal 75305
adjustments on a report, or understates the amount of tax due on a 75306

report. 75307

(1) The expiration of the period for issuing an assessment under section 5747.13 of the Revised Code; 75308
75309

(2) The expiration of the one-year period after the date on which the taxpayer filed a federal adjustments report or amended return with the tax commissioner; 75310
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75312

(3) Absent fraud, the expiration of the six-year period after the final determination date. 75313
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(E) The tax commissioner may accept estimated payments of the tax arising from federal adjustments expected to result from a pending partnership level audit before the date for filing a federal adjustments report. The commissioner may adopt rules for the payment of such estimated taxes. 75315
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(F) Except for final federal adjustments described in section 6225(a)(2) of the Internal Revenue Code, a taxpayer may apply for a refund of any overpayment made under this chapter arising from federal adjustments made by the internal revenue service on or before the later of the following dates: 75320
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(1) The deadline for filing a refund application under section 5747.11 of the Revised Code; 75325
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(2) The expiration of the one-year period after the date the taxpayer was required to file a federal adjustments report or amended return under this section. 75327
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An application filed under this division shall claim a refund of overpayments resulting from alterations to only those facts, figures, computations, or attachments required in the taxpayer's annual return that are affected, either directly or indirectly, by the federal adjustments unless it is also filed within the time prescribed in section 5747.11 of the Revised Code. It shall not reopen those facts, figures, computations, or attachments that are 75330
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not affected, either directly or indirectly, by the federal 75337
adjustments. 75338

(G)(1) Unless otherwise agreed in writing by the taxpayer and 75339
the tax commissioner, or except as provided in division (G)(2) of 75340
this section, any adjustments made by either party after the end 75341
of the period for issuing an assessment under section 5747.13 of 75342
the Revised Code are limited to changes to the taxpayer's 75343
aggregate tax liability under section 5747.02 of the Revised Code 75344
arising from federal adjustments. 75345

(2) The deadline specified in division (G)(1) of this section 75346
shall be extended by sixty days if an audited partnership or 75347
tiered partner with ten thousand or more direct partners submits a 75348
request for extension before that deadline. 75349

(3) Any extension authorized under this section shall also 75350
extend the period for issuing assessments or applying for a refund 75351
by the same amount of time. 75352

Sec. 5747.26. (A) Terms used in this section have the same 75353
meanings as in section 3742.50 of the Revised Code. 75354

(B) There is hereby allowed a nonrefundable credit against a 75355
taxpayer's aggregate tax liability under section 5747.02 of the 75356
Revised Code for a taxpayer to whom a lead abatement tax credit 75357
certificate was issued under section 3742.50 of the Revised Code. 75358
The credit equals the amount listed on the certificate and shall 75359
be claimed for the taxable year in which the certificate was 75360
issued. 75361

The credit shall be claimed in the order required under 75362
section 5747.98 of the Revised Code. If the credit exceeds the 75363
taxpayer's aggregate tax due under section 5747.02 of the Revised 75364
Code for that taxable year after allowing for credits that precede 75365
the credit under this section in that order, such excess shall be 75366

allowed as a credit in each of the ensuing seven taxable years, 75367
but the amount of any excess credit allowed in any such taxable 75368
year shall be deducted from the balance carried forward to the 75369
ensuing taxable year. 75370

(C) The taxpayer shall provide, upon request of the tax 75371
commissioner, any documentation necessary to verify the taxpayer 75372
is entitled to the credit under this section. 75373

Sec. 5747.41. For the same purposes for which the tax is 75374
levied under section 5747.02 of the Revised Code, there is hereby 75375
levied a withholding tax on every qualifying pass-through entity 75376
having at least one qualifying investor who is an individual and 75377
on every qualifying trust having at least one qualifying 75378
beneficiary who is an individual. The withholding tax imposed by 75379
this section is imposed on the sum of the adjusted qualifying 75380
amounts of a qualifying pass-through entity's qualifying investors 75381
who are individuals and on the sum of the adjusted qualifying 75382
amounts of a qualifying trust's qualifying beneficiaries, at the 75383
rate of ~~five~~ three per cent of that sum. 75384

The tax imposed by this section applies only if the 75385
qualifying entity has nexus with this state under the Constitution 75386
of the United States for any portion of the qualifying entity's 75387
qualifying taxable year, and the sum of the qualifying entity's 75388
adjusted qualifying amounts exceeds one thousand dollars for the 75389
qualifying entity's qualifying taxable year. 75390

The levy of the tax under this section does not prevent a 75391
municipal corporation or a joint economic development district 75392
created under section 715.70, 715.71, or 715.72 of the Revised 75393
Code from levying a tax on income. 75394

Sec. 5747.461. There is hereby created in the state treasury 75395
the local government audit support fund. The fund shall consist of 75396

revenue credited pursuant to section 131.511 of the Revised Code 75397
and any other revenue as provided by law. The auditor of state 75398
shall use the fund to support the cost of financial audits, 75399
performance audits, and other audits of local public offices 75400
performed pursuant to Chapter 117. of the Revised Code or as 75401
otherwise provided by law. 75402

The fund shall be used in a manner to be determined by the 75403
auditor of state to offset the audit costs that would otherwise be 75404
charged to local public offices in the absence of the fund. 75405

Sec. 5747.73. There is hereby allowed a nonrefundable credit 75406
against a taxpayer's aggregate tax liability under section 5747.02 75407
of the Revised Code equal to thirty per cent of the amount of the 75408
credit the taxpayer claims for the taxable year under section 51 75409
of the Internal Revenue Code on the basis of service rendered by a 75410
qualified ex-felon, as that term is defined under that section. 75411
The credit shall be claimed in the order required under section 75412
5747.98 of the Revised Code. Any credit amount in excess of the 75413
tax due, after allowing for other credits preceding the credit in 75414
that order, may be carried forward for seven taxable years, but 75415
the amount of the excess credit allowed in any such year shall be 75416
deducted from the balance carried forward to the next year. 75417

Sec. 5747.98. (A) To provide a uniform procedure for 75418
calculating a taxpayer's aggregate tax liability under section 75419
5747.02 of the Revised Code, a taxpayer shall claim any credits to 75420
which the taxpayer is entitled in the following order: 75421

(1) Either the retirement income credit under division (B) of 75422
section 5747.055 of the Revised Code or the lump sum retirement 75423
income credits under divisions (C), (D), and (E) of that section; 75424

(2) Either the senior citizen credit under division (F) of 75425
section 5747.055 of the Revised Code or the lump sum distribution 75426

credit under division (G) of that section;	75427
(3) The dependent care credit under section 5747.054 of the Revised Code;	75428 75429
(4) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	75430 75431
(5) The campaign contribution credit under section 5747.29 of the Revised Code;	75432 75433
(6) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	75434 75435
(7) <u>(6)</u> The joint filing credit under division (G) of section 5747.05 of the Revised Code;	75436 75437
(8) <u>(7)</u> The earned income credit under section 5747.71 of the Revised Code;	75438 75439
(9) <u>(8)</u> The credit for adoption of a minor child under section 5747.37 of the Revised Code;	75440 75441
(10) <u>(9)</u> The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;	75442 75443
(11) <u>(10)</u> The enterprise zone credit under section 5709.66 of the Revised Code;	75444 75445
(12) <u>(11)</u> The ethanol plant investment credit under section 5747.75 of the Revised Code;	75446 75447
(13) <u>(12)</u> The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	75448 75449
(14) <u>(13)</u> The small business investment credit under section 5747.81 of the Revised Code;	75450 75451
(15) <u>(14)</u> The nonrefundable lead abatement credit under section 5747.26 of the Revised Code;	75452 75453
<u>(15) The opportunity zone investment credit under section 122.84 of the Revised Code;</u>	75454 75455

<u>(16) The nonrefundable credit for employing ex-felons under section 5747.73 of the Revised Code;</u>	75456 75457
<u>(17) The enterprise zone credits under section 5709.65 of the Revised Code;</u>	75458 75459
(16) <u>(18) The research and development credit under section 5747.331 of the Revised Code;</u>	75460 75461
(17) <u>(19) The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;</u>	75462 75463
(18) <u>(20) The nonresident credit under division (A) of section 5747.05 of the Revised Code;</u>	75464 75465
(19) <u>(21) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;</u>	75466 75467
(20) <u>(22) The refundable motion picture production credit under section 5747.66 of the Revised Code;</u>	75468 75469
(21) <u>(23) The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;</u>	75470 75471
(22) <u>(24) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;</u>	75472 75473
(23) <u>(25) The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;</u>	75474 75475 75476
(24) <u>(26) The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;</u>	75477 75478 75479
(25) <u>(27) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;</u>	75480 75481
(26) The refundable credit for financial institution taxes paid by a pass-through entity granted under section 5747.65 of the Revised Code.	75482 75483 75484

(B) For any credit, except the refundable credits enumerated 75485
in this section and the credit granted under division (H) of 75486
section 5747.08 of the Revised Code, the amount of the credit for 75487
a taxable year shall not exceed the taxpayer's aggregate amount of 75488
tax due under section 5747.02 of the Revised Code, after allowing 75489
for any other credit that precedes it in the order required under 75490
this section. Any excess amount of a particular credit may be 75491
carried forward if authorized under the section creating that 75492
credit. Nothing in this chapter shall be construed to allow a 75493
taxpayer to claim, directly or indirectly, a credit more than once 75494
for a taxable year. 75495

Sec. 5748.01. As used in this chapter: 75496

(A) "School district income tax" means an income tax adopted 75497
under one of the following: 75498

(1) Former section 5748.03 of the Revised Code as it existed 75499
prior to its repeal by Amended Substitute House Bill No. 291 of 75500
the 115th general assembly; 75501

(2) Section 5748.03 of the Revised Code as enacted in 75502
Substitute Senate Bill No. 28 of the 118th general assembly; 75503

(3) Section 5748.08 of the Revised Code as enacted in Amended 75504
Substitute Senate Bill No. 17 of the 122nd general assembly; 75505

(4) Section 5748.021 of the Revised Code; 75506

(5) Section 5748.081 of the Revised Code; 75507

(6) Section 5748.09 of the Revised Code. 75508

(B) "Individual" means an individual subject to the tax 75509
levied by section 5747.02 of the Revised Code. 75510

(C) "Estate" means an estate subject to the tax levied by 75511
section 5747.02 of the Revised Code. 75512

(D) "Taxable year" means a taxable year as defined in 75513

division (M) of section 5747.01 of the Revised Code. 75514

(E) "Taxable income" means: 75515

(1) In the case of an individual, one of the following, as 75516
specified in the resolution imposing the tax: 75517

(a) ~~Ohio Modified~~ adjusted gross income for the taxable year, 75518
as defined in ~~division (A) of~~ section 5747.01 of the Revised Code, 75519
less the exemptions provided by section 5747.02 of the Revised 75520
Code, ~~plus any amount deducted under division (A)(31) of section~~ 75521
~~5747.01 of the Revised Code for the taxable year;~~ 75522

(b) Wages, salaries, tips, and other employee compensation to 75523
the extent included in ~~Ohio modified~~ adjusted gross income as 75524
defined in section 5747.01 of the Revised Code, and net earnings 75525
from self-employment, as defined in section 1402(a) of the 75526
Internal Revenue Code, to the extent included in ~~Ohio modified~~ 75527
adjusted gross income. 75528

(2) In the case of an estate, taxable income for the taxable 75529
year as defined in division (S) of section 5747.01 of the Revised 75530
Code. 75531

(F) "Resident" of the school district means: 75532

(1) An individual who is a resident of this state as defined 75533
in division (I) of section 5747.01 of the Revised Code during all 75534
or a portion of the taxable year and who, during all or a portion 75535
of such period of state residency, is domiciled in the school 75536
district or lives in and maintains a permanent place of abode in 75537
the school district; 75538

(2) An estate of a decedent who, at the time of death, was 75539
domiciled in the school district. 75540

(G) "School district income" means: 75541

(1) With respect to an individual, the portion of the taxable 75542
income of an individual that is received by the individual during 75543

the portion of the taxable year that the individual is a resident 75544
of the school district and the school district income tax is in 75545
effect in that school district. An individual may have school 75546
district income with respect to more than one school district. 75547

(2) With respect to an estate, the taxable income of the 75548
estate for the portion of the taxable year that the school 75549
district income tax is in effect in that school district. 75550

(H) "Taxpayer" means an individual or estate having school 75551
district income upon which a school district income tax is 75552
imposed. 75553

(I) "School district purposes" means any of the purposes for 75554
which a tax may be levied pursuant to division (A) of section 75555
5705.21 of the Revised Code, including the combined purposes 75556
authorized by section 5705.217 of the Revised Code. 75557

Sec. 5751.02. (A) For the purpose of funding the needs of 75558
this state and its local governments, there is hereby levied a 75559
commercial activity tax on each person with taxable gross receipts 75560
for the privilege of doing business in this state. For the 75561
purposes of this chapter, "doing business" means engaging in any 75562
activity, whether legal or illegal, that is conducted for, or 75563
results in, gain, profit, or income, at any time during a calendar 75564
year. Persons on which the commercial activity tax is levied 75565
include, but are not limited to, persons with substantial nexus 75566
with this state. The tax imposed under this section is not a 75567
transactional tax and is not subject to Public Law No. 86-272, 73 75568
Stat. 555. The tax imposed under this section is in addition to 75569
any other taxes or fees imposed under the Revised Code. The tax 75570
levied under this section is imposed on the person receiving the 75571
gross receipts and is not a tax imposed directly on a purchaser. 75572
The tax imposed by this section is an annual privilege tax for the 75573
calendar year that, in the case of calendar year taxpayers, is the 75574

annual tax period and, in the case of calendar quarter taxpayers, 75575
contains all quarterly tax periods in the calendar year. A 75576
taxpayer is subject to the annual privilege tax for doing business 75577
during any portion of such calendar year. 75578

(B) The tax imposed by this section is a tax on the taxpayer 75579
and shall not be billed or invoiced to another person. Even if the 75580
tax or any portion thereof is billed or invoiced and separately 75581
stated, such amounts remain part of the price for purposes of the 75582
sales and use taxes levied under Chapters 5739. and 5741. of the 75583
Revised Code. Nothing in division (B) of this section prohibits: 75584

(1) A person from including in the price charged for a good 75585
or service an amount sufficient to recover the tax imposed by this 75586
section; or 75587

(2) A lessor from including an amount sufficient to recover 75588
the tax imposed by this section in a lease payment charged, or 75589
from including such an amount on a billing or invoice pursuant to 75590
the terms of a written lease agreement providing for the recovery 75591
of the lessor's tax costs. The recovery of such costs shall be 75592
based on an estimate of the total tax cost of the lessor during 75593
the tax period, as the tax liability of the lessor cannot be 75594
calculated until the end of that period. 75595

(C)(1) The commercial activities tax receipts fund is hereby 75596
created in the state treasury and shall consist of money arising 75597
from the tax imposed under this chapter. ~~Seventy-five~~ Sixty-five 75598
one-hundredths of one per cent of the money credited to that fund 75599
shall be credited to the revenue enhancement fund and shall be 75600
used to defray the costs incurred by the department of taxation in 75601
administering the tax imposed by this chapter and in implementing 75602
tax reform measures. The remainder of the money in the commercial 75603
activities tax receipts fund shall first be credited to the 75604
commercial activity tax motor fuel receipts fund, pursuant to 75605

division (C)(2) of this section, and the remainder shall be 75606
 credited in the following percentages each fiscal year to the 75607
 general revenue fund, to the school district tangible property tax 75608
 replacement fund, which is hereby created in the state treasury 75609
 for the purpose of making the payments described in section 75610
 5709.92 of the Revised Code, and to the local government tangible 75611
 property tax replacement fund, which is hereby created in the 75612
 state treasury for the purpose of making the payments described in 75613
 section 5709.93 of the Revised Code, in the following percentages: 75614

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	
2014 and 2015	50.0%	35.0%	15.0%	75616
2016 and 2017	75.0%	20.0%	5.0%	75617
2018 and thereafter	85.0%	13.0%	2.0%	75618

(2) Not later than the twentieth day of February, May, 75619
 August, and November of each year, the commissioner shall provide 75620
 for payment from the commercial activities tax receipts fund to 75621
 the commercial activity tax motor fuel receipts fund an amount 75622
 that bears the same ratio to the balance in the commercial 75623
 activities tax receipts fund that (a) the taxable gross receipts 75624
 attributed to motor fuel used for propelling vehicles on public 75625
 highways as indicated by returns filed by the tenth day of that 75626
 month for a liability that is due and payable on or after July 1, 75627
 2013, for a tax period ending before July 1, 2014, bears to (b) 75628
 all taxable gross receipts as indicated by those returns for such 75629
 liabilities. 75630

(D)(1) If the total amount in the school district tangible 75631
 property tax replacement fund is insufficient to make all payments 75632
 under section 5709.92 of the Revised Code at the times the 75633

payments are to be made, the director of budget and management 75634
shall transfer from the general revenue fund to the school 75635
district tangible property tax replacement fund the difference 75636
between the total amount to be paid and the amount in the school 75637
district tangible property tax replacement fund. 75638

(2) If the total amount in the local government tangible 75639
property tax replacement fund is insufficient to make all payments 75640
under section 5709.93 of the Revised Code at the times the 75641
payments are to be made, the director of budget and management 75642
shall transfer from the general revenue fund to the local 75643
government tangible property tax replacement fund the difference 75644
between the total amount to be paid and the amount in the local 75645
government tangible property tax replacement fund. 75646

(E)(1) On or after the first day of June of each year, the 75647
director of budget and management may transfer any balance in the 75648
school district tangible property tax replacement fund to the 75649
general revenue fund. 75650

(2) On or after the first day of June of each year, the 75651
director of budget and management may transfer any balance in the 75652
local government tangible property tax replacement fund to the 75653
general revenue fund. 75654

(F)(1) There is hereby created in the state treasury the 75655
commercial activity tax motor fuel receipts fund. 75656

(2) On or before the fifteenth day of June of each fiscal 75657
year beginning with fiscal year 2015, the director of the Ohio 75658
public works commission shall certify to the director of budget 75659
and management the amount of debt service paid from the general 75660
revenue fund in the current fiscal year on bonds issued to finance 75661
or assist in the financing of the cost of local subdivision public 75662
infrastructure capital improvement projects, as provided for in 75663
Sections 2k, 2m, 2p, and 2s of Article VIII, Ohio Constitution, 75664

that are attributable to costs for construction, reconstruction, 75665
maintenance, or repair of public highways and bridges and other 75666
statutory highway purposes. That certification shall allocate the 75667
total amount of debt service paid from the general revenue fund 75668
and attributable to those costs in the current fiscal year 75669
according to the applicable section of the Ohio Constitution under 75670
which the bonds were originally issued. 75671

(3) On or before the thirtieth day of June of each fiscal 75672
year beginning with fiscal year 2015, the director of budget and 75673
management shall determine an amount up to but not exceeding the 75674
amount certified under division (F)(2) of this section and shall 75675
reserve that amount from the cash balance in the petroleum 75676
activity tax public highways fund or the commercial activity tax 75677
motor fuel receipts fund for transfer to the general revenue fund 75678
at times and in amounts to be determined by the director. The 75679
director shall transfer the cash balance in the petroleum activity 75680
tax public highways fund or the commercial activity tax motor fuel 75681
receipts fund in excess of the amount so reserved to the highway 75682
operating fund on or before the thirtieth day of June of the 75683
current fiscal year. 75684

Sec. 5903.12. (A) As used in this section: 75685

"Continuing education" means continuing education required of 75686
a licensee by law and includes, but is not limited to, the 75687
continuing education required of licensees under sections 75688
3737.881, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 75689
4725.16, 4725.51, 4730.14, 4730.49, 4731.155, 4731.282, 4734.25, 75690
4735.141, 4736.11, 4741.16, 4741.19, ~~4751.07~~, 4751.24, 4751.25, 75691
4755.63, 4757.33, 4759.06, 4761.06, and 4763.07 of the Revised 75692
Code. 75693

"Reporting period" means the period of time during which a 75694
licensee must complete the number of hours of continuing education 75695

required of the licensee by law. 75696

(B) A licensee may submit an application to a licensing 75697
agency, stating that the licensee requires an extension of the 75698
current reporting period because the licensee has served on active 75699
duty during the current or a prior reporting period. The licensee 75700
shall submit proper documentation certifying the active duty 75701
service and the length of that active duty service. Upon receiving 75702
the application and proper documentation, the licensing agency 75703
shall extend the current reporting period by an amount of time 75704
equal to the total number of months that the licensee spent on 75705
active duty during the current reporting period. For purposes of 75706
this division, any portion of a month served on active duty shall 75707
be considered one full month. 75708

Sec. 5910.01. As used in this chapter and section 5919.34 of 75709
the Revised Code: 75710

(A) "Child" includes natural and adopted children and 75711
stepchildren who have not been legally adopted by the veteran 75712
parent provided that the relationship between the stepchild and 75713
the veteran parent meets the following criteria: 75714

(1) The veteran parent is married to the child's natural or 75715
adoptive parent at the time application for a scholarship granted 75716
under this chapter is made; or if the veteran parent is deceased, 75717
the child's natural or adoptive parent was married to the veteran 75718
parent at the time of the veteran parent's death; 75719

(2) The child resided with the veteran parent for a period of 75720
not less than ten consecutive years immediately prior to making 75721
application for the scholarship; or if the veteran parent is 75722
deceased, the child resided with the veteran parent for a period 75723
of not less than ten consecutive years immediately prior to the 75724
veteran parent's death; 75725

(3) The child received financial support from the veteran parent for a period of not less than ten consecutive years immediately prior to making application for the scholarship; or if the veteran parent is deceased, the child received financial support from the veteran parent for a period of not less than ten consecutive years immediately prior to the veteran parent's death.

(B) "Veteran" includes any of the following:

(1) Any person who was a member of the armed services of the United States for a period of ninety days or more, or who was discharged from the armed services due to a disability incurred while a member with less than ninety days' service, or who died while a member of the armed services; provided that such service, disability, or death occurred during one of the following periods: April 6, 1917, to November 11, 1918; December 7, 1941, to December 31, 1946; June 25, 1950, to January 31, 1955; January 1, 1960, to May 7, 1975; August 2, 1990, to the end of operations conducted as a result of the invasion of Kuwait by Iraq, including support for operation desert shield and operation desert storm, as declared by the president of the United States or the congress; October 7, 2001, to the end of operation enduring freedom as declared by the president of the United States or the congress; March 20, 2003, to the end of operation Iraqi freedom as declared by the president of the United States or the congress; or any other period of conflict established by the United States department of veterans affairs for pension purposes;

(2) Any person who was a member of the armed services of the United States and participated in an operation for which the armed forces expeditionary medal was awarded;

(3) Any person who served as a member of the United States merchant marine and to whom either of the following applies:

(a) The person has an honorable report of separation from the

active duty military service, form DD214 or DD215. 75757

(b) The person served in the United States merchant marine 75758
between December 7, 1941, and December 31, 1946, and died on 75759
active duty while serving in a war zone during that period of 75760
service. 75761

(C) "Armed services of the United States" or "United States 75762
armed forces" includes the army, air force, navy, marine corps, 75763
coast guard, and such other military service branch as may be 75764
designated by congress as a part of the armed forces of the United 75765
States. 75766

(D) "Board" means the Ohio war orphans and severely disabled 75767
veterans' children scholarship board created by section 5910.02 of 75768
the Revised Code. 75769

(E) "Disabled" means having a sixty per cent or greater 75770
service-connected disability or receiving benefits for permanent 75771
and total nonservice-connected disability, as determined by the 75772
United States department of veterans affairs. 75773

(F) "United States merchant marine" includes the United 75774
States army transport service and the United States naval 75775
transport service. 75776

Sec. 5910.02. There is hereby created an Ohio war orphans and 75777
severely disabled veterans' children scholarship board as part of 75778
the department of veterans services. The board consists of eight 75779
members as follows: the chancellor of the Ohio board of regents or 75780
the chancellor's designee; the director of veterans services or 75781
the director's designee; one member of the house of 75782
representatives, appointed by the speaker; one member of the 75783
senate, appointed by the president of the senate; and four members 75784
appointed by the governor, one of whom shall be a representative 75785
of the American Legion, one of whom shall be a representative of 75786

the Veterans of Foreign Wars, one of whom shall be a 75787
representative of the Disabled American Veterans, and one of whom 75788
shall be a representative of the AMVETS. At least ninety days 75789
prior to the expiration of the term of office of the 75790
representative of a veterans organization appointed by the 75791
governor, the governor shall notify the state headquarters of the 75792
affected organization of the need for an appointment and request 75793
the organization to make at least three nominations. Within sixty 75794
days after making the request for nominations, the governor may 75795
make the appointment from the nominations received, or may reject 75796
all the nominations and request at least three new nominations, 75797
from which the governor shall make an appointment within thirty 75798
days after making the request for the new nominations. If the 75799
governor receives no nominations during this thirty-day period, 75800
the governor may appoint any veteran. 75801

Terms of office for the four members appointed by the 75802
governor shall be for four years, commencing on the first day of 75803
January and ending on the thirty-first day of December, except 75804
that the term of the AMVETS representative shall expire December 75805
31, 1998, and the new term that succeeds it shall commence on 75806
January 1, 1999, and end on December 31, 2002. Each member shall 75807
hold office from the date of the member's appointment until the 75808
end of the term for which the member was appointed. The other 75809
members shall serve during their terms of office. Any vacancy 75810
shall be filled by appointment in the same manner as by original 75811
appointment. Any member appointed to fill a vacancy occurring 75812
prior to the expiration of the term for which the member's 75813
predecessor was appointed shall hold office for the remainder of 75814
such term. Any appointed member shall continue in office 75815
subsequent to the expiration date of the member's term until the 75816
member's successor takes office, or until a period of sixty days 75817
has elapsed, whichever occurs first. The members of the board 75818
shall serve without pay but shall be reimbursed for travel 75819

expenses and for other actual and necessary expenses incurred in 75820
the performance of their duties, not to exceed ten dollars per day 75821
for ten days in any one year to be appropriated out of any moneys 75822
in the state treasury to the credit of the general revenue fund. 75823

The chancellor of the board of regents shall act as secretary 75824
to the board and shall furnish such clerical and other assistance 75825
as may be necessary to the performance of the duties of the board. 75826

The board shall determine the number of scholarships to be 75827
made available, receive applications for scholarships, pass upon 75828
the eligibility of applicants, decide which applicants are to 75829
receive scholarships, and do all other things necessary for the 75830
proper administration of this chapter. 75831

The board may apply for, and may receive and accept, grants, 75832
and may receive and accept gifts, bequests, and contributions, 75833
from public and private sources, including agencies and 75834
instrumentalities of the United States and this state, and shall 75835
deposit the grants, gifts, bequests, or contributions into the 75836
Ohio war orphans and severely disabled veterans' children 75837
scholarship donation fund. 75838

Sec. 5910.031. War orphans⁺ and severely disabled veterans' 75839
children scholarships provided in sections 5910.01 to 5910.06 of 75840
the Revised Code, shall be granted to children of members of the 75841
Ohio national guard and the reserve components of any of the armed 75842
services of the United States who are killed or permanently and 75843
totally disabled while on active duty pursuant to bona fide orders 75844
of the governor or the president of the United States, or who are 75845
killed or permanently and totally disabled while at a scheduled 75846
training assembly, a field training period of any duration or 75847
length, or active duty for training, pursuant to bona fide orders 75848
issued by a competent authority. Such scholarships shall be 75849
granted within the total number of scholarships provided under 75850

section 5910.05 of the Revised Code and are available only to 75851
children who further qualify pursuant to divisions (A), (B), and 75852
(C), ~~and (D)~~ of section 5910.03 of the Revised Code. 75853

As used in this section, "permanently and totally disabled" 75854
means having a disability which renders the person incapable of 75855
engaging in substantially gainful employment and which is presumed 75856
to be permanent, as determined by a special board of three 75857
officers of the Ohio national guard named by the governor, one of 75858
whom shall be a medical officer licensed to practice in this 75859
state. 75860

Sec. 5910.032. (A) A war orphans and severely disabled 75861
veterans' children scholarship, as provided under sections 5910.01 75862
to 5910.06 of the Revised Code, shall be granted to the child of 75863
any person who, in the course of honorable service in the armed 75864
services of the United States, was declared by the United States 75865
department of defense to be a prisoner of war or missing in action 75866
as a result of the United States' participation in armed conflict 75867
on or after January 1, 1960, if either of the following apply: 75868

(1) The parent, at the time of entry into the armed services 75869
of the United States, or at the time the parent was declared to be 75870
a prisoner of war or missing in action, was a resident of Ohio; 75871

(2) If the parent did not enter the armed services as a 75872
resident of Ohio and was not a resident of Ohio when declared a 75873
prisoner of war or missing in action, the child has resided in 75874
Ohio for the year immediately preceding the year in which the 75875
application for the scholarship is made and any four of the last 75876
ten years. 75877

The scholarships shall be in addition to the total number of 75878
scholarships provided under section 5910.05 of the Revised Code. 75879
Notwithstanding section 5910.03 of the Revised Code, scholarships 75880
provided under this section shall be made to any such child who, 75881

at the time of application, has attained the sixteenth, but not 75882
the twenty-first, birthday. The termination of a child's parent or 75883
guardian's status as a prisoner of war or being missing in action 75884
does not affect such child's eligibility for the benefit provided 75885
by this section. 75886

(B) Scholarships provided under this section shall consist of 75887
either of the following: 75888

(1) A scholarship of the type described in division (A) of 75889
section 5910.04 of the Revised Code together with reasonable and 75890
necessary expenses for room, board, books, and laboratory fees. 75891
The additional amount for such expenses shall be paid from moneys 75892
appropriated by the general assembly for such purpose. 75893

(2) A scholarship of the type described in division (B) of 75894
section 5910.04 of the Revised Code together with an additional 75895
grant equal to the average value of the reasonable and necessary 75896
expenses granted under division (B)(1) of this section during the 75897
preceding year for room, board, books, and laboratory fees. The 75898
additional grant shall be paid from moneys appropriated by the 75899
general assembly for such purpose, and shall be paid to the child 75900
through the institution in which the child is enrolled. In no case 75901
shall the additional grant exceed the amount actually expended by 75902
the child for room, board, books, and laboratory fees. 75903

Sec. 5910.04. Scholarships granted under sections 5910.01 to 75904
5910.06 of the Revised Code shall consist of either of the 75905
following: 75906

(A) An exemption from the payment of one hundred per cent of 75907
the general and instructional fees at colleges and universities 75908
which receive support from the state of Ohio and are approved by 75909
the chancellor of the board of regents, except that the percentage 75910
may be reduced by the war orphans and severely disabled veterans' 75911
children scholarship board in any year that insufficient funds are 75912

appropriated to fully fund scholarships for all eligible students; 75913

(B) A grant to an eligible child who is enrolled in an 75914
institution that has received a certificate of authorization from 75915
the board of regents under Chapter 1713. of the Revised Code, or a 75916
private institution exempt from regulation under Chapter 3332. of 75917
the Revised Code as prescribed in section 3333.046 of the Revised 75918
Code, or an institution that has received a certificate of 75919
registration from the state board of ~~proprietary school~~ 75920
~~registration~~ career colleges and schools. Students who attend an 75921
institution that holds a certificate of registration shall be 75922
enrolled in either a program leading to an associate degree or a 75923
program leading to a bachelor's degree for which associate or 75924
bachelor's degree program the institution has received program 75925
authorization issued under section 3332.05 of the Revised Code to 75926
offer such degree program. The grant shall be paid to the child 75927
through the institution in which the child is enrolled, and shall 75928
equal one hundred per cent of the average value of all 75929
scholarships granted under division (A) of this section during the 75930
preceding year, except that the percentage may be reduced by the 75931
war orphans and severely disabled veterans' children scholarship 75932
board in any year that insufficient funds are appropriated to 75933
fully fund scholarships for all eligible students. In no case 75934
shall the grant exceed the total general and instructional charges 75935
of the institution. 75936

The board shall not reduce the percentage to be paid for 75937
scholarships awarded pursuant to section 5910.032 of the Revised 75938
Code below one hundred per cent. 75939

Sec. 5910.05. The Ohio war orphans and severely disabled 75940
veterans' children scholarship board shall determine how many 75941
scholarships are to be granted based upon available funds provided 75942
by the Ohio general assembly. If funds are available all eligible 75943

applicants shall be granted a scholarship. There shall be no 75944
limitation on the number of scholarships granted under section 75945
5910.032 of the Revised Code, nor any limitation on the number of 75946
scholarships granted to any college or university under such 75947
section. No person shall be granted a scholarship for more than 75948
five academic years of education, which shall be at the 75949
undergraduate level. The board shall provide minimum scholastic 75950
requirements for recipients and shall withdraw the aid from any 75951
person who fails to maintain such requirements. 75952

Sec. 5910.06. The Ohio war orphans and severely disabled 75953
veterans' children scholarship board shall make a complete report 75954
of its administration of this chapter, to each first regular 75955
session of the general assembly. 75956

Sec. 5910.07. The Ohio war orphans and severely disabled 75957
veterans' children scholarship donation fund is created in the 75958
state treasury. The fund shall consist of gifts, bequests, grants, 75959
and contributions made to the fund under section 5910.02 of the 75960
Revised Code. Investment earnings of the fund shall be deposited 75961
into the fund. The fund shall be used to operate the war orphans 75962
and severely disabled veterans' children scholarship program and 75963
to provide grants under sections 5910.01 to 5910.06 of the Revised 75964
Code. 75965

Sec. 5910.08. There is hereby created in the state treasury 75966
the war orphans and severely disabled veterans' children 75967
scholarship reserve fund. As soon as possible following the end of 75968
each fiscal year, the chancellor of higher education shall certify 75969
to the director of budget and management the unencumbered balance 75970
of the general revenue fund appropriations made in the immediately 75971
preceding fiscal year for purposes of the war orphans and severely 75972
disabled veterans' children scholarship program created in Chapter 75973

5910. of the Revised Code. Upon receipt of the certification, the 75974
director of budget and management may transfer an amount not 75975
exceeding the certified amount from the general revenue fund to 75976
the war orphans and severely disabled veterans' children 75977
scholarship reserve fund. Moneys in the war orphans and severely 75978
disabled veterans' children scholarship reserve fund shall be used 75979
to pay scholarship obligations in excess of the general revenue 75980
fund appropriations made for that purpose. 75981

The director of budget and management may transfer any 75982
unencumbered balance from the war orphans and severely disabled 75983
veterans' children scholarship reserve fund to the general revenue 75984
fund. 75985

If it is determined that general revenue fund appropriations 75986
are insufficient to meet the obligations of the war orphans and 75987
severely disabled veterans' children scholarship in a fiscal year, 75988
the director of budget and management may transfer funds from the 75989
war orphans and severely disabled veterans' children scholarship 75990
reserve fund to the general revenue fund in order to meet those 75991
obligations. The amount transferred is hereby appropriated. If the 75992
funds transferred from the war orphans and severely disabled 75993
veterans' children scholarship reserve fund are not needed, the 75994
director of budget and management may transfer the unexpended 75995
balance from the general revenue fund back to the war orphans and 75996
severely disabled veterans' children scholarship reserve fund. 75997

Section 101.02. That existing sections 101.15, 101.38, 75998
102.021, 103.41, 103.416, 103.50, 107.036, 109.572, 111.15, 75999
111.28, 113.50, 113.51, 113.53, 113.55, 113.56, 117.13, 120.04, 76000
120.06, 120.18, 120.28, 120.33, 120.34, 120.35, 120.52, 120.521, 76001
120.53, 121.083, 121.22, 121.37, 122.075, 122.175, 122.85, 122.86, 76002
123.21, 124.132, 124.82, 124.824, 125.01, 125.14, 125.18, 125.25, 76003
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5747.08, 5747.10, 5747.41, 5747.98, 5748.01, 5751.02, 5903.12, 76090
5910.01, 5910.02, 5910.031, 5910.032, 5910.04, 5910.05, 5910.06, 76091
5910.07, and 5910.08 of the Revised Code are hereby repealed. 76092

Section 105.01. That sections 166.30, 191.01, 191.02, 191.04, 76093
191.06, 191.08, 191.09, 191.10, 1505.12, 1505.13, 1561.24, 76094
2151.861, 3302.10, 3302.101, 3302.102, 3302.11, 3302.12, 3319.271, 76095
3701.25, 3701.26, 3701.264, 3701.27, 3702.594, 3706.27, 3706.30, 76096
3721.41, 3721.42, 3798.06, 3798.08, 3798.14, 3798.15, 3798.16, 76097
4501.16, 4731.292, 4731.296, 4751.02, 4751.04, 4751.09, 5104.035, 76098
5104.036, 5104.20, 5104.37, 5120.135, 5162.58, 5162.60, 5162.62, 76099

5162.64, 5164.37, 5167.16, 5167.25, 5747.031, 5747.29, and 5747.65 76100
of the Revised Code are hereby repealed. 76101

76102

Section 125.10. Section 103.416 of the Revised Code is hereby 76103
repealed, effective July 1, 2020. The amendment by this act to 76104
section 103.416 of the Revised Code does not affect this repeal. 76105

Section 130.10. That sections 921.06, 955.43, 3301.07, 76106
3301.071, 3301.0711, 3301.16, 3301.162, 3301.164, 3301.52, 76107
3301.541, 3302.07, 3302.41, 3310.01, 3312.01, 3312.04, 3312.05, 76108
3312.09, 3313.41, 3313.48, 3313.481, 3313.482, 3313.536, 3313.539, 76109
3313.5311, 3313.603, 3313.62, 3313.716, 3313.717, 3313.718, 76110
3313.719, 3313.7111, 3313.7112, 3313.7114, 3313.813, 3313.86, 76111
3313.976, 3317.024, 3317.03, 3317.06, 3317.062, 3317.063, 3317.13, 76112
3319.311, 3319.313, 3319.314, 3319.317, 3319.39, 3319.391, 76113
3319.392, 3319.40, 3319.52, 3321.01, 3326.01, 3326.03, 3326.032, 76114
3326.04, 3326.09, 3327.07, 3327.10, 3365.01, 3365.02, 3701.133, 76115
3781.106, 3781.11, 4729.513, 4729.541, 5104.01, 5104.02, and 76116
5139.18 be amended and section 3301.165 of the Revised Code be 76117
enacted to read as follows: 76118

Sec. 921.06. (A)(1) No individual shall do any of the 76119
following without having a commercial applicator license issued by 76120
the director of agriculture: 76121

(a) Apply pesticides for a pesticide business without direct 76122
supervision; 76123

(b) Apply pesticides as part of the individual's duties while 76124
acting as an employee of the United States government, a state, 76125
county, township, or municipal corporation, or a park district, 76126
port authority, or sanitary district created under Chapter 1545., 76127
4582., or 6115. of the Revised Code, respectively; 76128

(c) Apply restricted use pesticides. Division (A)(1)(c) of 76129
this section does not apply to a private applicator or an 76130
immediate family member or a subordinate employee of a private 76131
applicator who is acting under the direct supervision of that 76132
private applicator. 76133

(d) If the individual is the owner of a business other than a 76134
pesticide business or an employee of such an owner, apply 76135
pesticides at any of the following publicly accessible sites that 76136
are located on the property: 76137

(i) Food service operations that are licensed under Chapter 76138
3717. of the Revised Code; 76139

(ii) Retail food establishments that are licensed under 76140
Chapter 3717. of the Revised Code; 76141

(iii) Golf courses; 76142

(iv) Rental properties of more than four apartment units at 76143
one location; 76144

(v) Hospitals or medical facilities as defined in section 76145
3701.01 of the Revised Code; 76146

(vi) Child day-care centers or school child day-care centers 76147
as defined in section 5104.01 of the Revised Code; 76148

(vii) Facilities owned or operated by a school district 76149
established under Chapter 3311. of the Revised Code, including an 76150
educational service center, a community school established under 76151
Chapter 3314. of the Revised Code, ~~or~~ a chartered or nonchartered 76152
nonpublic school that meets minimum standards established by the 76153
state board of education, or an accredited nonpublic school as 76154
described in section 3301.165 of the Revised Code; 76155

(viii) State institutions of higher education as defined in 76156
section 3345.011 of the Revised Code, nonprofit institutions 76157
holding a certificate of authorization pursuant to Chapter 1713. 76158

of the Revised Code, institutions holding a certificate of 76159
registration from the state board of career colleges and schools 76160
and program authorization for an associate or bachelor's degree 76161
program issued under section 3332.05 of the Revised Code, and 76162
private institutions exempt from regulation under Chapter 3332. of 76163
the Revised Code as prescribed in section 3333.046 of the Revised 76164
Code; 76165

(ix) Food processing establishments as defined in section 76166
3715.021 of the Revised Code; 76167

(x) Any other site designated by rule. 76168

(e) Conduct authorized diagnostic inspections. 76169

(2) Divisions (A)(1)(a) to (d) of this section do not apply 76170
to an individual who is acting as a trained serviceperson under 76171
the direct supervision of a commercial applicator. 76172

(3) Licenses shall be issued for a period of time established 76173
by rule and shall be renewed in accordance with deadlines 76174
established by rule. The fee for each such license shall be 76175
established by rule. If a license is not issued or renewed, the 76176
application fee shall be retained by the state as payment for the 76177
reasonable expense of processing the application. The director 76178
shall by rule classify by pesticide-use category licenses to be 76179
issued under this section. A single license may include more than 76180
one pesticide-use category. No individual shall be required to pay 76181
an additional license fee if the individual is licensed for more 76182
than one category. 76183

The fee for each license or renewal does not apply to an 76184
applicant who is an employee of the department of agriculture 76185
whose job duties require licensure as a commercial applicator as a 76186
condition of employment. 76187

(B) Application for a commercial applicator license shall be 76188
made on a form prescribed by the director. Each application for a 76189

license shall state the pesticide-use category or categories of 76190
license for which the applicant is applying and other information 76191
that the director determines essential to the administration of 76192
this chapter. 76193

(C) If the director finds that the applicant is competent to 76194
apply pesticides and conduct diagnostic inspections and that the 76195
applicant has passed both the general examination and each 76196
applicable pesticide-use category examination as required under 76197
division (A) of section 921.12 of the Revised Code, the director 76198
shall issue a commercial applicator license limited to the 76199
pesticide-use category or categories for which the applicant is 76200
found to be competent. If the director rejects an application, the 76201
director may explain why the application was rejected, describe 76202
the additional requirements necessary for the applicant to obtain 76203
a license, and return the application. The applicant may resubmit 76204
the application without payment of any additional fee. 76205

(D)(1) A person who is a commercial applicator shall be 76206
deemed to hold a private applicator's license for purposes of 76207
applying pesticides on agricultural commodities that are produced 76208
by the commercial applicator. 76209

(2) A commercial applicator shall apply pesticides only in 76210
the pesticide-use category or categories in which the applicator 76211
is licensed under this chapter. 76212

(E) All money collected under this section shall be credited 76213
to the pesticide, fertilizer, and lime program fund created in 76214
section 921.22 of the Revised Code. 76215

Sec. 955.43. (A) When either a blind, deaf or hearing 76216
impaired, or mobility impaired person or a trainer of an 76217
assistance dog is accompanied by an assistance dog, the person or 76218
the trainer, as applicable, is entitled to the full and equal 76219
accommodations, advantages, facilities, and privileges of all 76220

public conveyances, hotels, lodging places, all places of public 76221
accommodation, amusement, or resort, all institutions of 76222
education, and other places to which the general public is 76223
invited, and may take the dog into such conveyances and places, 76224
subject only to the conditions and limitations applicable to all 76225
persons not so accompanied, except that: 76226

(1) The dog shall not occupy a seat in any public conveyance. 76227

(2) The dog shall be upon a leash while using the facilities 76228
of a common carrier. 76229

(3) Any dog in training to become an assistance dog shall be 76230
covered by a liability insurance policy provided by the nonprofit 76231
special agency engaged in such work protecting members of the 76232
public against personal injury or property damage caused by the 76233
dog. 76234

(B) No person shall deprive a blind, deaf or hearing 76235
impaired, or mobility impaired person or a trainer of an 76236
assistance dog who is accompanied by an assistance dog of any of 76237
the advantages, facilities, or privileges provided in division (A) 76238
of this section, nor charge the person or trainer a fee or charge 76239
for the dog. 76240

(C) As used in this section, "institutions of education" 76241
means: 76242

(1) Any state university or college as defined in section 76243
3345.32 of the Revised Code; 76244

(2) Any private college or university that holds a 76245
certificate of authorization issued by the Ohio board of regents 76246
pursuant to Chapter 1713. of the Revised Code; 76247

(3) Any elementary or secondary school operated by a board of 76248
education; 76249

(4) Any chartered, accredited, or nonchartered nonpublic 76250

elementary or secondary school+. As used in this section, 76251
"accredited nonpublic school" means an accredited nonpublic school 76252
as described in section 3301.165 of the Revised Code. 76253

(5) Any school issued a certificate of registration by the 76254
state board of career colleges and schools. 76255

Sec. 3301.07. The state board of education shall exercise 76256
under the acts of the general assembly general supervision of the 76257
system of public education in the state. In addition to the powers 76258
otherwise imposed on the state board under the provisions of law, 76259
the board shall have the powers described in this section. 76260

(A) The state board shall exercise policy forming, planning, 76261
and evaluative functions for the public schools of the state 76262
except as otherwise provided by law. 76263

(B)(1) The state board shall exercise leadership in the 76264
improvement of public education in this state, and administer the 76265
educational policies of this state relating to public schools, and 76266
relating to instruction and instructional material, building and 76267
equipment, transportation of pupils, administrative 76268
responsibilities of school officials and personnel, and finance 76269
and organization of school districts, educational service centers, 76270
and territory. Consultative and advisory services in such matters 76271
shall be provided by the board to school districts and educational 76272
service centers of this state. 76273

(2) The state board also shall develop a standard of 76274
financial reporting which shall be used by each school district 76275
board of education and each governing board of an educational 76276
service center, each governing authority of a community school 76277
established under Chapter 3314., each governing body of a STEM 76278
school established under Chapter 3328., and each board of trustees 76279
of a college-preparatory boarding school established under Chapter 76280
3328. of the Revised Code to make its financial information and 76281

annual budgets for each school building under its control 76282
available to the public in a format understandable by the average 76283
citizen. The format shall show, both at the district and at the 76284
school building level, revenue by source; expenditures for 76285
salaries, wages, and benefits of employees, showing such amounts 76286
separately for classroom teachers, other employees required to 76287
hold licenses issued pursuant to sections 3319.22 to 3319.31 of 76288
the Revised Code, and all other employees; expenditures other than 76289
for personnel, by category, including utilities, textbooks and 76290
other educational materials, equipment, permanent improvements, 76291
pupil transportation, extracurricular athletics, and other 76292
extracurricular activities; and per pupil expenditures. The format 76293
shall also include information on total revenue and expenditures, 76294
per pupil revenue, and expenditures for both classroom and 76295
nonclassroom purposes, as defined by the standards adopted under 76296
section 3302.20 of the Revised Code in the aggregate and for each 76297
subgroup of students, as defined by section 3317.40 of the Revised 76298
Code, that receives services provided for by state or federal 76299
funding. 76300

(3) Each school district board, governing authority, 76301
governing body, or board of trustees, or its respective designee, 76302
shall annually report, to the department of education, all 76303
financial information required by the standards for financial 76304
reporting, as prescribed by division (B)(2) of this section and 76305
adopted by the state board. The department shall make all reports 76306
submitted pursuant to this division available in such a way that 76307
allows for comparison between financial information included in 76308
these reports and financial information included in reports 76309
produced prior to July 1, 2013. The department shall post these 76310
reports in a prominent location on its web site and shall notify 76311
each school when reports are made available. 76312

(C) The state board shall administer and supervise the 76313

allocation and distribution of all state and federal funds for 76314
public school education under the provisions of law, and may 76315
prescribe such systems of accounting as are necessary and proper 76316
to this function. It may require county auditors and treasurers, 76317
boards of education, educational service center governing boards, 76318
treasurers of such boards, teachers, and other school officers and 76319
employees, or other public officers or employees, to file with it 76320
such reports as it may prescribe relating to such funds, or to the 76321
management and condition of such funds. 76322

(D)(1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 76323
XLVII, and LI of the Revised Code a reference is made to standards 76324
prescribed under this section or division (D) of this section, 76325
that reference shall be construed to refer to the standards 76326
prescribed under division (D)(2) of this section, unless the 76327
context specifically indicates a different meaning or intent. 76328

(2) The state board shall formulate and prescribe minimum 76329
standards to be applied to all elementary and secondary schools in 76330
this state for the purpose of providing children access to a 76331
general education of high quality according to the learning needs 76332
of each individual, including students with disabilities, 76333
economically disadvantaged students, limited English proficient 76334
students, and students identified as gifted. Such standards shall 76335
provide adequately for: the licensing of teachers, administrators, 76336
and other professional personnel and their assignment according to 76337
training and qualifications; efficient and effective instructional 76338
materials and equipment, including library facilities; the proper 76339
organization, administration, and supervision of each school, 76340
including regulations for preparing all necessary records and 76341
reports and the preparation of a statement of policies and 76342
objectives for each school; the provision of safe buildings, 76343
grounds, health and sanitary facilities and services; admission of 76344
pupils, and such requirements for their promotion from grade to 76345

grade as will assure that they are capable and prepared for the 76346
level of study to which they are certified; requirements for 76347
graduation; and such other factors as the board finds necessary. 76348

The state board shall base any standards governing the 76349
promotion of students or requirements for graduation on the 76350
ability of students, at any grade level, to earn credits or 76351
advance upon demonstration of mastery of knowledge and skills 76352
through competency-based learning models. Credits of grade level 76353
advancement shall not require a minimum number of days or hours in 76354
a classroom. 76355

The state board shall base any standards governing the 76356
assignment of staff on ensuring each school has a sufficient 76357
number of teachers to ensure a student has an appropriate level of 76358
interaction to meet each student's personal learning goals. 76359

In the formulation and administration of such standards for 76360
nonpublic schools the board shall also consider the particular 76361
needs, methods and objectives of those schools, provided they do 76362
not conflict with the provision of a general education of a high 76363
quality and provided that regular procedures shall be followed for 76364
promotion from grade to grade of pupils who have met the 76365
educational requirements prescribed. 76366

All chartered, nonchartered, and accredited nonpublic schools 76367
shall comply with the minimum education standards adopted by the 76368
state board under this division. However, the state board shall 76369
not prescribe additional operating standards for nonchartered or 76370
accredited nonpublic schools. As used in this section, "accredited 76371
nonpublic school" means an accredited nonpublic school as 76372
described in section 3301.165 of the Revised Code. 76373

(3) In addition to the minimum standards required by division 76374
(D)(2) of this section, the state board may formulate and 76375
prescribe the following additional minimum operating standards for 76376

school districts: 76377

(a) Standards for the effective and efficient organization, 76378
administration, and supervision of each school district with a 76379
commitment to high expectations for every student based on the 76380
learning needs of each individual, including students with 76381
disabilities, economically disadvantaged students, limited English 76382
proficient students, and students identified as gifted, and 76383
commitment to closing the achievement gap without suppressing the 76384
achievement levels of higher achieving students so that all 76385
students achieve core knowledge and skills in accordance with the 76386
statewide academic standards adopted under section 3301.079 of the 76387
Revised Code; 76388

(b) Standards for the establishment of business advisory 76389
councils under section 3313.82 of the Revised Code; 76390

(c) Standards for school district buildings that may require 76391
the effective and efficient organization, administration, and 76392
supervision of each school district building with a commitment to 76393
high expectations for every student based on the learning needs of 76394
each individual, including students with disabilities, 76395
economically disadvantaged students, limited English proficient 76396
students, and students identified as gifted, and commitment to 76397
closing the achievement gap without suppressing the achievement 76398
levels of higher achieving students so that all students achieve 76399
core knowledge and skills in accordance with the statewide 76400
academic standards adopted under section 3301.079 of the Revised 76401
Code. 76402

(E) The state board may require as part of the health 76403
curriculum information developed under section 2108.34 of the 76404
Revised Code promoting the donation of anatomical gifts pursuant 76405
to Chapter 2108. of the Revised Code and may provide the 76406
information to high schools, educational service centers, and 76407
joint vocational school district boards of education; 76408

(F) The state board shall prepare and submit annually to the governor and the general assembly a report on the status, needs, and major problems of the public schools of the state, with recommendations for necessary legislative action and a ten-year projection of the state's public and nonpublic school enrollment, by year and by grade level.

(G) The state board shall prepare and submit to the director of budget and management the biennial budgetary requests of the state board of education, for its agencies and for the public schools of the state.

(H) The state board shall cooperate with federal, state, and local agencies concerned with the health and welfare of children and youth of the state.

(I) The state board shall require such reports from school districts and educational service centers, school officers, and employees as are necessary and desirable. The superintendents and treasurers of school districts and educational service centers shall certify as to the accuracy of all reports required by law or state board or state department of education rules to be submitted by the district or educational service center and which contain information necessary for calculation of state funding. Any superintendent who knowingly falsifies such report shall be subject to license revocation pursuant to section 3319.31 of the Revised Code.

(J) In accordance with Chapter 119. of the Revised Code, the state board shall adopt procedures, standards, and guidelines for the education of children with disabilities pursuant to Chapter 3323. of the Revised Code, including procedures, standards, and guidelines governing programs and services operated by county boards of developmental disabilities pursuant to section 3323.09 of the Revised Code.

(K) For the purpose of encouraging the development of special 76440
programs of education for academically gifted children, the state 76441
board shall employ competent persons to analyze and publish data, 76442
promote research, advise and counsel with boards of education, and 76443
encourage the training of teachers in the special instruction of 76444
gifted children. The board may provide financial assistance out of 76445
any funds appropriated for this purpose to boards of education and 76446
educational service center governing boards for developing and 76447
conducting programs of education for academically gifted children. 76448

(L) The state board shall require that all public schools 76449
emphasize and encourage, within existing units of study, the 76450
teaching of energy and resource conservation as recommended to 76451
each district board of education by leading business persons 76452
involved in energy production and conservation, beginning in the 76453
primary grades. 76454

(M) The state board shall formulate and prescribe minimum 76455
standards requiring the use of phonics as a technique in the 76456
teaching of reading in grades kindergarten through three. In 76457
addition, the state board shall provide in-service training 76458
programs for teachers on the use of phonics as a technique in the 76459
teaching of reading in grades kindergarten through three. 76460

(N) The state board may adopt rules necessary for carrying 76461
out any function imposed on it by law, and may provide rules as 76462
are necessary for its government and the government of its 76463
employees, and may delegate to the superintendent of public 76464
instruction the management and administration of any function 76465
imposed on it by law. It may provide for the appointment of board 76466
members to serve on temporary committees established by the board 76467
for such purposes as are necessary. Permanent or standing 76468
committees shall not be created. 76469

(O) Upon application from the board of education of a school 76470
district, the superintendent of public instruction may issue a 76471

waiver exempting the district from compliance with the standards 76472
adopted under divisions (B)(2) and (D) of this section, as they 76473
relate to the operation of a school operated by the district. The 76474
state board shall adopt standards for the approval or disapproval 76475
of waivers under this division. The state superintendent shall 76476
consider every application for a waiver, and shall determine 76477
whether to grant or deny a waiver in accordance with the state 76478
board's standards. For each waiver granted, the state 76479
superintendent shall specify the period of time during which the 76480
waiver is in effect, which shall not exceed five years. A district 76481
board may apply to renew a waiver. 76482

Sec. 3301.071. (A)(1) In the case of nontax-supported schools 76483
other than accredited nonpublic schools, as described in section 76484
3301.165 of the Revised Code, standards for teacher certification 76485
prescribed under section 3301.07 of the Revised Code shall provide 76486
for certification, without further educational requirements, of 76487
any administrator, supervisor, or teacher who has attended and 76488
received a bachelor's degree from a college or university 76489
accredited by a national or regional association in the United 76490
States except that, at the discretion of the state board of 76491
education, this requirement may be met by having an equivalent 76492
degree from a foreign college or university of comparable 76493
standing. Standards for certification of any administrator, 76494
supervisor, or teacher of an accredited nonpublic school shall 76495
require compliance with the educational qualifications prescribed 76496
by the independent schools association of the central states. 76497
However, nothing in this section exempts an accredited nonpublic 76498
school from the requirement that each applicant undergo a criminal 76499
records check under section 3319.39 of the Revised Code. 76500

(2) In the case of nonchartered, nontax-supported schools, 76501
the standards for teacher certification prescribed under section 76502
3301.07 of the Revised Code shall provide for certification, 76503

without further educational requirements, of any administrator, 76504
supervisor, or teacher who has attended and received a diploma 76505
from a "bible college" or "bible institute" described in division 76506
(E) of section 1713.02 of the Revised Code. 76507

(3) A certificate issued under division (A)(3) of this 76508
section shall be valid only for teaching foreign language, music, 76509
religion, computer technology, or fine arts. 76510

Notwithstanding division (A)(1) of this section, the 76511
standards for teacher certification prescribed under section 76512
3301.07 of the Revised Code shall provide for certification of a 76513
person as a teacher upon receipt by the state board of an 76514
affidavit signed by the chief administrative officer of a 76515
chartered nonpublic school seeking to employ the person, stating 76516
that the person meets one of the following conditions: 76517

(a) The person has specialized knowledge, skills, or 76518
expertise that qualifies the person to provide instruction. 76519

(b) The person has provided to the chief administrative 76520
officer evidence of at least three years of teaching experience in 76521
a public or nonpublic school. 76522

(c) The person has provided to the chief administrative 76523
officer evidence of completion of a teacher training program named 76524
in the affidavit. 76525

(B) Each person applying for a certificate under this section 76526
for purposes of serving in a nonpublic school chartered by the 76527
state board under section 3301.16 of the Revised Code shall pay a 76528
fee in the amount established under division (A) of section 76529
3319.51 of the Revised Code. Any fees received under this division 76530
shall be paid into the state treasury to the credit of the state 76531
board of education certification fund established under division 76532
(B) of section 3319.51 of the Revised Code. 76533

(C) A person applying for or holding any certificate pursuant 76534

to this section for purposes of serving in a nonpublic school 76535
chartered by the state board is subject to sections 3123.41 to 76536
3123.50 of the Revised Code and any applicable rules adopted under 76537
section 3123.63 of the Revised Code and sections 3319.31 and 76538
3319.311 of the Revised Code. 76539

(D) Divisions (B) and (C) of this section and sections 76540
3319.291, 3319.31, and 3319.311 of the Revised Code do not apply 76541
to any administrators, supervisors, or teachers in nonchartered, 76542
nontax-supported schools. 76543

Sec. 3301.0711. (A) The department of education shall: 76544

(1) Annually furnish to, grade, and score all assessments 76545
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 76546
the Revised Code to be administered by city, local, exempted 76547
village, and joint vocational school districts, except that each 76548
district shall score any assessment administered pursuant to 76549
division (B)(10) of this section. Each assessment so furnished 76550
shall include the data verification code of the student to whom 76551
the assessment will be administered, as assigned pursuant to 76552
division (D)(2) of section 3301.0714 of the Revised Code. In 76553
furnishing the practice versions of Ohio graduation tests 76554
prescribed by division (D) of section 3301.0710 of the Revised 76555
Code, the department shall make the tests available on its web 76556
site for reproduction by districts. In awarding contracts for 76557
grading assessments, the department shall give preference to 76558
Ohio-based entities employing Ohio residents. 76559

(2) Adopt rules for the ethical use of assessments and 76560
prescribing the manner in which the assessments prescribed by 76561
section 3301.0710 of the Revised Code shall be administered to 76562
students. 76563

(B) Except as provided in divisions (C) and (J) of this 76564
section, the board of education of each city, local, and exempted 76565

village school district shall, in accordance with rules adopted 76566
under division (A) of this section: 76567

(1) Administer the English language arts assessments 76568
prescribed under division (A)(1)(a) of section 3301.0710 of the 76569
Revised Code twice annually to all students in the third grade who 76570
have not attained the score designated for that assessment under 76571
division (A)(2)(c) of section 3301.0710 of the Revised Code. 76572

(2) Administer the mathematics assessment prescribed under 76573
division (A)(1)(a) of section 3301.0710 of the Revised Code at 76574
least once annually to all students in the third grade. 76575

(3) Administer the assessments prescribed under division 76576
(A)(1)(b) of section 3301.0710 of the Revised Code at least once 76577
annually to all students in the fourth grade. 76578

(4) Administer the assessments prescribed under division 76579
(A)(1)(c) of section 3301.0710 of the Revised Code at least once 76580
annually to all students in the fifth grade. 76581

(5) Administer the assessments prescribed under division 76582
(A)(1)(d) of section 3301.0710 of the Revised Code at least once 76583
annually to all students in the sixth grade. 76584

(6) Administer the assessments prescribed under division 76585
(A)(1)(e) of section 3301.0710 of the Revised Code at least once 76586
annually to all students in the seventh grade. 76587

(7) Administer the assessments prescribed under division 76588
(A)(1)(f) of section 3301.0710 of the Revised Code at least once 76589
annually to all students in the eighth grade. 76590

(8) Except as provided in division (B)(9) of this section, 76591
administer any assessment prescribed under division (B)(1) of 76592
section 3301.0710 of the Revised Code as follows: 76593

(a) At least once annually to all tenth grade students and at 76594
least twice annually to all students in eleventh or twelfth grade 76595

who have not yet attained the score on that assessment designated 76596
under that division; 76597

(b) To any person who has successfully completed the 76598
curriculum in any high school or the individualized education 76599
program developed for the person by any high school pursuant to 76600
section 3323.08 of the Revised Code but has not received a high 76601
school diploma and who requests to take such assessment, at any 76602
time such assessment is administered in the district. 76603

(9) In lieu of the board of education of any city, local, or 76604
exempted village school district in which the student is also 76605
enrolled, the board of a joint vocational school district shall 76606
administer any assessment prescribed under division (B)(1) of 76607
section 3301.0710 of the Revised Code at least twice annually to 76608
any student enrolled in the joint vocational school district who 76609
has not yet attained the score on that assessment designated under 76610
that division. A board of a joint vocational school district may 76611
also administer such an assessment to any student described in 76612
division (B)(8)(b) of this section. 76613

(10) If the district has a three-year average graduation rate 76614
of not more than seventy-five per cent, administer each assessment 76615
prescribed by division (D) of section 3301.0710 of the Revised 76616
Code in September to all ninth grade students who entered ninth 76617
grade prior to July 1, 2014. 76618

Except as provided in section 3313.614 of the Revised Code 76619
for administration of an assessment to a person who has fulfilled 76620
the curriculum requirement for a high school diploma but has not 76621
passed one or more of the required assessments, the assessments 76622
prescribed under division (B)(1) of section 3301.0710 of the 76623
Revised Code shall not be administered after the date specified in 76624
the rules adopted by the state board of education under division 76625
(D)(1) of section 3301.0712 of the Revised Code. 76626

(11)(a) Except as provided in division (B)(11)(b) of this section, administer the assessments prescribed by division (B)(2) of section 3301.0710 and section 3301.0712 of the Revised Code in accordance with the timeline and plan for implementation of those assessments prescribed by rule of the state board adopted under division (D)(1) of section 3301.0712 of the Revised Code;

(b) A student who has presented evidence to the district or school of having satisfied the condition prescribed by division (A)(1) of section 3313.618 of the Revised Code to qualify for a high school diploma prior to the date of the administration of the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code shall not be required to take that assessment. However, no board shall prohibit a student who is not required to take such assessment from taking the assessment.

(C)(1)(a) In the case of a student receiving special education services under Chapter 3323. of the Revised Code, the individualized education program developed for the student under that chapter shall specify the manner in which the student will participate in the assessments administered under this section, except that a student with significant cognitive disabilities to whom an alternate assessment is administered in accordance with division (C)(1) of this section and a student determined to have a disability that includes an intellectual disability as outlined in guidance issued by the department shall not be required to take the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code. The individualized education program may excuse the student from taking any particular assessment required to be administered under this section if it instead specifies an alternate assessment method approved by the department of education as conforming to requirements of federal law for receipt of federal funds for disadvantaged pupils. To the extent possible, the individualized education program shall not

excuse the student from taking an assessment unless no reasonable 76659
accommodation can be made to enable the student to take the 76660
assessment. No board shall prohibit a student who is not required 76661
to take an assessment under division (C)(1) of this section from 76662
taking the assessment. 76663

(b) Any alternate assessment approved by the department for a 76664
student under this division shall produce measurable results 76665
comparable to those produced by the assessment it replaces in 76666
order to allow for the student's results to be included in the 76667
data compiled for a school district or building under section 76668
3302.03 of the Revised Code. 76669

(c)(i) Any student enrolled in a chartered nonpublic school 76670
or an accredited nonpublic school who has been identified, based 76671
on an evaluation conducted in accordance with section 3323.03 of 76672
the Revised Code or section 504 of the "Rehabilitation Act of 76673
1973," 87 Stat. 355, 29 U.S.C.A. 794, as amended, as a child with 76674
a disability shall be excused from taking any particular 76675
assessment required to be administered under this section if a 76676
plan developed for the student pursuant to rules adopted by the 76677
state board excuses the student from taking that assessment. 76678

(ii) A student with significant cognitive disabilities to 76679
whom an alternate assessment is administered in accordance with 76680
division (C)(1) of this section and a student determined to have a 76681
disability that includes an intellectual disability as outlined in 76682
guidance issued by the department shall not be required to take 76683
the assessment prescribed under division (B)(1) of section 76684
3301.0712 of the Revised Code. 76685

(iii) In the case of any student who is enrolled in a 76686
chartered nonpublic school and is so excused from taking an 76687
assessment under division (C)(1)(c) of this section, the ~~chartered~~ 76688
~~nonpublic~~ school shall not prohibit the student from taking the 76689
assessment. 76690

(2) A district board may, for medical reasons or other good cause, excuse a student from taking an assessment administered under this section on the date scheduled, but that assessment shall be administered to the excused student not later than nine days following the scheduled date. The district board shall annually report the number of students who have not taken one or more of the assessments required by this section to the state board not later than the thirtieth day of June.

(3) As used in this division, "limited English proficient student" has the same meaning as in 20 U.S.C. 7801.

No school district board shall excuse any limited English proficient student from taking any particular assessment required to be administered under this section, except as follows:

(a) Any limited English proficient student who has been enrolled in United States schools for less than two years and for whom no appropriate accommodations are available based on guidance issued by the department shall not be required to take the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code.

(b) Any limited English proficient student who has been enrolled in United States schools for less than one full school year shall not be required to take any reading, writing, or English language arts assessment.

However, no board shall prohibit a limited English proficient student who is not required to take an assessment under division (C)(3) of this section from taking the assessment. A board may permit any limited English proficient student to take an assessment required to be administered under this section with appropriate accommodations, as determined by the department. For each limited English proficient student, each school district shall annually assess that student's progress in learning English,

in accordance with procedures approved by the department. 76722

(4)(a) The governing authority of a chartered nonpublic or an 76723
accredited nonpublic school may excuse a limited English 76724
proficient student from taking any assessment administered under 76725
this section. 76726

(b) No governing authority of a chartered nonpublic school 76727
shall require a limited English proficient student who has been 76728
enrolled in United States schools for less than two years and for 76729
whom no appropriate accommodations are available based on guidance 76730
issued by the department to take the assessment prescribed under 76731
division (B)(1) of section 3301.0712 of the Revised Code. 76732

(c) No governing authority of a chartered nonpublic school 76733
shall prohibit a limited English proficient student from taking an 76734
assessment from which the student was excused under division 76735
(C)(4) of this section. 76736

(D)(1) In the school year next succeeding the school year in 76737
which the assessments prescribed by division (A)(1) or (B)(1) of 76738
section 3301.0710 of the Revised Code or former division (A)(1), 76739
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 76740
existed prior to September 11, 2001, are administered to any 76741
student, the board of education of any school district in which 76742
the student is enrolled in that year shall provide to the student 76743
intervention services commensurate with the student's performance, 76744
including any intensive intervention required under section 76745
3313.608 of the Revised Code, in any skill in which the student 76746
failed to demonstrate at least a score at the proficient level on 76747
the assessment. 76748

(2) Following any administration of the assessments 76749
prescribed by division (D) of section 3301.0710 of the Revised 76750
Code to ninth grade students, each school district that has a 76751
three-year average graduation rate of not more than seventy-five 76752

per cent shall determine for each high school in the district 76753
whether the school shall be required to provide intervention 76754
services to any students who took the assessments. In determining 76755
which high schools shall provide intervention services based on 76756
the resources available, the district shall consider each school's 76757
graduation rate and scores on the practice assessments. The 76758
district also shall consider the scores received by ninth grade 76759
students on the English language arts and mathematics assessments 76760
prescribed under division (A)(1)(f) of section 3301.0710 of the 76761
Revised Code in the eighth grade in determining which high schools 76762
shall provide intervention services. 76763

Each high school selected to provide intervention services 76764
under this division shall provide intervention services to any 76765
student whose results indicate that the student is failing to make 76766
satisfactory progress toward being able to attain scores at the 76767
proficient level on the Ohio graduation tests. Intervention 76768
services shall be provided in any skill in which a student 76769
demonstrates unsatisfactory progress and shall be commensurate 76770
with the student's performance. Schools shall provide the 76771
intervention services prior to the end of the school year, during 76772
the summer following the ninth grade, in the next succeeding 76773
school year, or at any combination of those times. 76774

(E) Except as provided in section 3313.608 of the Revised 76775
Code and division (N) of this section, no school district board of 76776
education shall utilize any student's failure to attain a 76777
specified score on an assessment administered under this section 76778
as a factor in any decision to deny the student promotion to a 76779
higher grade level. However, a district board may choose not to 76780
promote to the next grade level any student who does not take an 76781
assessment administered under this section or make up an 76782
assessment as provided by division (C)(2) of this section and who 76783
is not exempt from the requirement to take the assessment under 76784

division (C)(3) of this section. 76785

(F) No person shall be charged a fee for taking any 76786
assessment administered under this section. 76787

(G)(1) Each school district board shall designate one 76788
location for the collection of assessments administered in the 76789
spring under division (B)(1) of this section and those 76790
administered under divisions (B)(2) to (7) of this section. Each 76791
district board shall submit the assessments to the entity with 76792
which the department contracts for the scoring of the assessments 76793
as follows: 76794

(a) If the district's total enrollment in grades kindergarten 76795
through twelve during the first full school week of October was 76796
less than two thousand five hundred, not later than the Friday 76797
after all of the assessments have been administered; 76798

(b) If the district's total enrollment in grades kindergarten 76799
through twelve during the first full school week of October was 76800
two thousand five hundred or more, but less than seven thousand, 76801
not later than the Monday after all of the assessments have been 76802
administered; 76803

(c) If the district's total enrollment in grades kindergarten 76804
through twelve during the first full school week of October was 76805
seven thousand or more, not later than the Tuesday after all of 76806
the assessments have been administered. 76807

However, any assessment that a student takes during the 76808
make-up period described in division (C)(2) of this section shall 76809
be submitted not later than the Friday following the day the 76810
student takes the assessment. 76811

(2) The department or an entity with which the department 76812
contracts for the scoring of the assessment shall send to each 76813
school district board a list of the individual scores of all 76814
persons taking a state achievement assessment as follows: 76815

(a) Except as provided in division (G)(2)(b) or (c) of this section, within forty-five days after the administration of the assessments prescribed by sections 3301.0710 and 3301.0712 of the Revised Code, but in no case shall the scores be returned later than the thirtieth day of June following the administration;

(b) In the case of the third-grade English language arts assessment, within forty-five days after the administration of that assessment, but in no case shall the scores be returned later than the fifteenth day of June following the administration;

(c) In the case of the writing component of an assessment or end-of-course examination in the area of English language arts, except for the third-grade English language arts assessment, the results may be sent after forty-five days of the administration of the writing component, but in no case shall the scores be returned later than the thirtieth day of June following the administration.

(3) For assessments administered under this section by a joint vocational school district, the department or entity shall also send to each city, local, or exempted village school district a list of the individual scores of any students of such city, local, or exempted village school district who are attending school in the joint vocational school district.

(4) Beginning with the 2019-2020 school year, a school district, other public school, ~~or~~ chartered nonpublic school, or accredited nonpublic school may administer the third-grade English language arts or mathematics assessment, or both, in a paper format in any school year for which the district board of education or school governing body adopts a resolution indicating that the district or school chooses to administer the assessment in a paper format. The board or governing body shall submit a copy of the resolution to the department of education not later than the first day of May prior to the school year for which it will apply. If the resolution is submitted, the district or school

shall administer the assessment in a paper format to all students 76848
in the third grade, except that any student whose individualized 76849
education program or plan developed under section 504 of the 76850
"Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as 76851
amended, specifies that taking the assessment in an online format 76852
is an appropriate accommodation for the student may take the 76853
assessment in an online format. 76854

(H) Individual scores on any assessments administered under 76855
this section shall be released by a district board only in 76856
accordance with section 3319.321 of the Revised Code and the rules 76857
adopted under division (A) of this section. No district board or 76858
its employees shall utilize individual or aggregate results in any 76859
manner that conflicts with rules for the ethical use of 76860
assessments adopted pursuant to division (A) of this section. 76861

(I) Except as provided in division (G) of this section, the 76862
department or an entity with which the department contracts for 76863
the scoring of the assessment shall not release any individual 76864
scores on any assessment administered under this section. The 76865
state board shall adopt rules to ensure the protection of student 76866
confidentiality at all times. The rules may require the use of the 76867
data verification codes assigned to students pursuant to division 76868
(D)(2) of section 3301.0714 of the Revised Code to protect the 76869
confidentiality of student scores. 76870

(J) Notwithstanding division (D) of section 3311.52 of the 76871
Revised Code, this section does not apply to the board of 76872
education of any cooperative education school district except as 76873
provided under rules adopted pursuant to this division. 76874

(1) In accordance with rules that the state board shall 76875
adopt, the board of education of any city, exempted village, or 76876
local school district with territory in a cooperative education 76877
school district established pursuant to divisions (A) to (C) of 76878
section 3311.52 of the Revised Code may enter into an agreement 76879

with the board of education of the cooperative education school 76880
district for administering any assessment prescribed under this 76881
section to students of the city, exempted village, or local school 76882
district who are attending school in the cooperative education 76883
school district. 76884

(2) In accordance with rules that the state board shall 76885
adopt, the board of education of any city, exempted village, or 76886
local school district with territory in a cooperative education 76887
school district established pursuant to section 3311.521 of the 76888
Revised Code shall enter into an agreement with the cooperative 76889
district that provides for the administration of any assessment 76890
prescribed under this section to both of the following: 76891

(a) Students who are attending school in the cooperative 76892
district and who, if the cooperative district were not 76893
established, would be entitled to attend school in the city, 76894
local, or exempted village school district pursuant to section 76895
3313.64 or 3313.65 of the Revised Code; 76896

(b) Persons described in division (B)(8)(b) of this section. 76897

Any assessment of students pursuant to such an agreement 76898
shall be in lieu of any assessment of such students or persons 76899
pursuant to this section. 76900

(K)(1) Except as otherwise provided in division (K)(1) or (2) 76901
of this section, each chartered nonpublic school for which at 76902
least sixty-five per cent of its total enrollment is made up of 76903
students who are participating in state scholarship programs shall 76904
administer the elementary assessments prescribed by section 76905
3301.0710 of the Revised Code. In accordance with procedures and 76906
deadlines prescribed by the department, the parent or guardian of 76907
a student enrolled in the school who is not participating in a 76908
state scholarship program may submit notice to the chief 76909
administrative officer of the school that the parent or guardian 76910

does not wish to have the student take the elementary assessments 76911
prescribed for the student's grade level under division (A) of 76912
section 3301.0710 of the Revised Code. If a parent or guardian 76913
submits an opt-out notice, the school shall not administer the 76914
assessments to that student. This option does not apply to any 76915
assessment required for a high school diploma under section 76916
3313.612 of the Revised Code. 76917

(2) A chartered nonpublic school may submit to the 76918
superintendent of public instruction a request for a waiver from 76919
administering the elementary assessments prescribed by division 76920
(A) of section 3301.0710 of the Revised Code. The state 76921
superintendent shall approve or disapprove a request for a waiver 76922
submitted under division (K)(2) of this section. No waiver shall 76923
be approved for any school year prior to the 2015-2016 school 76924
year. 76925

To be eligible to submit a request for a waiver, a chartered 76926
nonpublic school shall meet the following conditions: 76927

(a) At least ninety-five per cent of the students enrolled in 76928
the school are children with disabilities, as defined under 76929
section 3323.01 of the Revised Code, or have received a diagnosis 76930
by a school district or from a physician, including a 76931
neuropsychiatrist or psychiatrist, or a psychologist who is 76932
authorized to practice in this or another state as having a 76933
condition that impairs academic performance, such as dyslexia, 76934
dyscalculia, attention deficit hyperactivity disorder, or 76935
Asperger's syndrome. 76936

(b) The school has solely served a student population 76937
described in division (K)(1)(a) of this section for at least ten 76938
years. 76939

(c) The school provides to the department at least five years 76940
of records of internal testing conducted by the school that 76941

affords the department data required for accountability purposes, 76942
including diagnostic assessments and nationally standardized 76943
norm-referenced achievement assessments that measure reading and 76944
math skills. 76945

(3) Any chartered nonpublic school that is not subject to 76946
division (K)(1) of this section may participate in the assessment 76947
program by administering any of the assessments prescribed by 76948
division (A) of section 3301.0710 of the Revised Code. The chief 76949
administrator of the school shall specify which assessments the 76950
school will administer. Such specification shall be made in 76951
writing to the superintendent of public instruction prior to the 76952
first day of August of any school year in which assessments are 76953
administered and shall include a pledge that the nonpublic school 76954
will administer the specified assessments in the same manner as 76955
public schools are required to do under this section and rules 76956
adopted by the department. 76957

(4) The department of education shall furnish the assessments 76958
prescribed by section 3301.0710 of the Revised Code to each 76959
chartered nonpublic school that is subject to division (K)(1) of 76960
this section or participates under division (K)(3) of this 76961
section. 76962

(L) If a chartered or accredited nonpublic school is 76963
educating students in grades nine through twelve, the following 76964
shall apply: 76965

(1) Except as provided in division (L)(4) of this section, 76966
for a student who is enrolled in a ~~chartered~~ an accredited 76967
nonpublic school ~~that is accredited through the independent~~ 76968
~~schools association of the central states~~ and who is attending the 76969
school under a state scholarship program, the student shall either 76970
take all of the assessments prescribed by division (B) of section 76971
3301.0712 of the Revised Code or take an alternative assessment 76972
approved by the department under section 3313.619 of the Revised 76973

Code. However, a student who is excused from taking an assessment 76974
under division (C) of this section or has presented evidence to 76975
the ~~chartered~~ accredited nonpublic school of having satisfied the 76976
condition prescribed by division (A)(1) of section 3313.618 of the 76977
Revised Code to qualify for a high school diploma prior to the 76978
date of the administration of the assessment prescribed under 76979
division (B)(1) of section 3301.0712 of the Revised Code shall not 76980
be required to take that assessment. No governing authority of a 76981
~~chartered~~ an accredited nonpublic school shall prohibit a student 76982
who is not required to take such assessment from taking the 76983
assessment. 76984

(2) For a student who is enrolled in a ~~chartered~~ an 76985
accredited nonpublic school ~~that is accredited through the~~ 76986
~~independent schools association of the central states~~, and who is 76987
not attending the school under a state scholarship program, the 76988
student shall not be required to take any assessment prescribed 76989
under section 3301.0712 or 3313.619 of the Revised Code. 76990

(3)(a) Except as provided in divisions (L)(3)(b) and (4) of 76991
this section, for a student who is enrolled in a chartered 76992
nonpublic school ~~that is not accredited through the independent~~ 76993
~~schools association of the central states~~, regardless of whether 76994
the student is attending or is not attending the school under a 76995
state scholarship program, the student shall do one of the 76996
following: 76997

(i) Take all of the assessments prescribed by division (B) of 76998
section 3301.0712 of the Revised Code; 76999

(ii) Take only the assessment prescribed by division (B)(1) 77000
of section 3301.0712 of the Revised Code, provided that the 77001
student's school publishes the results of that assessment for each 77002
graduating class. The published results of that assessment shall 77003
include the overall composite scores, mean scores, twenty-fifth 77004
percentile scores, and seventy-fifth percentile scores for each 77005

subject area of the assessment. 77006

(iii) Take an alternative assessment approved by the 77007
department under section 3313.619 of the Revised Code. 77008

(b) A student who is excused from taking an assessment under 77009
division (C) of this section or has presented evidence to the 77010
chartered nonpublic school of having satisfied the condition 77011
prescribed by division (A)(1) of section 3313.618 of the Revised 77012
Code to qualify for a high school diploma prior to the date of the 77013
administration of the assessment prescribed under division (B)(1) 77014
of section 3301.0712 of the Revised Code shall not be required to 77015
take that assessment. No governing authority of a chartered 77016
nonpublic school shall prohibit a student who is not required to 77017
take such assessment from taking the assessment. 77018

(4) The assessments prescribed by sections 3301.0712 and 77019
3313.619 of the Revised Code shall not be administered to any 77020
student attending the school, if the school meets all of the 77021
following conditions: 77022

(a) At least ninety-five per cent of the students enrolled in 77023
the school are children with disabilities, as defined under 77024
section 3323.01 of the Revised Code, or have received a diagnosis 77025
by a school district or from a physician, including a 77026
neuropsychologist or psychiatrist, or a psychologist who is 77027
authorized to practice in this or another state as having a 77028
condition that impairs academic performance, such as dyslexia, 77029
dyscalculia, attention deficit hyperactivity disorder, or 77030
Asperger's syndrome. 77031

(b) The school has solely served a student population 77032
described in division (L)(4)(a) of this section for at least ten 77033
years. 77034

(c) The school makes available to the department at least 77035
five years of records of internal testing conducted by the school 77036

that affords the department data required for accountability 77037
purposes, including growth in student achievement in reading or 77038
mathematics, or both, as measured by nationally norm-referenced 77039
assessments that have developed appropriate standards for 77040
students. 77041

Division (L)(4) of this section applies to any student 77042
attending such school regardless of whether the student receives 77043
special education or related services and regardless of whether 77044
the student is attending the school under a state scholarship 77045
program. 77046

(M)(1) The superintendent of the state school for the blind 77047
and the superintendent of the state school for the deaf shall 77048
administer the assessments described by sections 3301.0710 and 77049
3301.0712 of the Revised Code. Each superintendent shall 77050
administer the assessments in the same manner as district boards 77051
are required to do under this section and rules adopted by the 77052
department of education and in conformity with division (C)(1)(a) 77053
of this section. 77054

(2) The department of education shall furnish the assessments 77055
described by sections 3301.0710 and 3301.0712 of the Revised Code 77056
to each superintendent. 77057

(N) Notwithstanding division (E) of this section, a school 77058
district may use a student's failure to attain a score in at least 77059
the proficient range on the mathematics assessment described by 77060
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 77061
an assessment described by division (A)(1)(b), (c), (d), (e), or 77062
(f) of section 3301.0710 of the Revised Code as a factor in 77063
retaining that student in the current grade level. 77064

(O)(1) In the manner specified in divisions (O)(3), (4), (6), 77065
and (7) of this section, the assessments required by division 77066
(A)(1) of section 3301.0710 of the Revised Code shall become 77067

public records pursuant to section 149.43 of the Revised Code on 77068
the thirty-first day of July following the school year that the 77069
assessments were administered. 77070

(2) The department may field test proposed questions with 77071
samples of students to determine the validity, reliability, or 77072
appropriateness of questions for possible inclusion in a future 77073
year's assessment. The department also may use anchor questions on 77074
assessments to ensure that different versions of the same 77075
assessment are of comparable difficulty. 77076

Field test questions and anchor questions shall not be 77077
considered in computing scores for individual students. Field test 77078
questions and anchor questions may be included as part of the 77079
administration of any assessment required by division (A)(1) or 77080
(B) of section 3301.0710 and division (B) of section 3301.0712 of 77081
the Revised Code. 77082

(3) Any field test question or anchor question administered 77083
under division (O)(2) of this section shall not be a public 77084
record. Such field test questions and anchor questions shall be 77085
redacted from any assessments which are released as a public 77086
record pursuant to division (O)(1) of this section. 77087

(4) This division applies to the assessments prescribed by 77088
division (A) of section 3301.0710 of the Revised Code. 77089

(a) The first administration of each assessment, as specified 77090
in former section 3301.0712 of the Revised Code, shall be a public 77091
record. 77092

(b) For subsequent administrations of each assessment prior 77093
to the 2011-2012 school year, not less than forty per cent of the 77094
questions on the assessment that are used to compute a student's 77095
score shall be a public record. The department shall determine 77096
which questions will be needed for reuse on a future assessment 77097
and those questions shall not be public records and shall be 77098

redacted from the assessment prior to its release as a public 77099
record. However, for each redacted question, the department shall 77100
inform each city, local, and exempted village school district of 77101
the statewide academic standard adopted by the state board under 77102
section 3301.079 of the Revised Code and the corresponding 77103
benchmark to which the question relates. The preceding sentence 77104
does not apply to field test questions that are redacted under 77105
division (O)(3) of this section. 77106

(c) The administrations of each assessment in the 2011-2012, 77107
2012-2013, and 2013-2014 school years shall not be a public 77108
record. 77109

(5) Each assessment prescribed by division (B)(1) of section 77110
3301.0710 of the Revised Code shall not be a public record. 77111

(6)(a) Except as provided in division (O)(6)(b) of this 77112
section, for the administrations in the 2014-2015, 2015-2016, and 77113
2016-2017 school years, questions on the assessments prescribed 77114
under division (A) of section 3301.0710 and division (B)(2) of 77115
section 3301.0712 of the Revised Code and the corresponding 77116
preferred answers that are used to compute a student's score shall 77117
become a public record as follows: 77118

(i) Forty per cent of the questions and preferred answers on 77119
the assessments on the thirty-first day of July following the 77120
administration of the assessment; 77121

(ii) Twenty per cent of the questions and preferred answers 77122
on the assessment on the thirty-first day of July one year after 77123
the administration of the assessment; 77124

(iii) The remaining forty per cent of the questions and 77125
preferred answers on the assessment on the thirty-first day of 77126
July two years after the administration of the assessment. 77127

The entire content of an assessment shall become a public 77128
record within three years of its administration. 77129

The department shall make the questions that become a public record under this division readily accessible to the public on the department's web site. Questions on the spring administration of each assessment shall be released on an annual basis, in accordance with this division.

(b) No questions and corresponding preferred answers shall become a public record under division (O)(6) of this section after July 31, 2017.

(7) Division (O)(7) of this section applies to the assessments prescribed by division (A) of section 3301.0710 and division (B)(2) of section 3301.0712 of the Revised Code.

Beginning with the assessments administered in the spring of the 2017-2018 school year, not less than forty per cent of the questions on each assessment that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the corresponding statewide academic standard adopted by the state board under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The department is not required to provide corresponding standards and benchmarks to field test questions that are redacted under division (O)(3) of this section.

(P) As used in this section:

(1) "Three-year average" means the average of the most recent consecutive three school years of data.

(2) "Dropout" means a student who withdraws from school before completing course requirements for graduation and who is

not enrolled in an education program approved by the state board 77161
of education or an education program outside the state. "Dropout" 77162
does not include a student who has departed the country. 77163

(3) "Graduation rate" means the ratio of students receiving a 77164
diploma to the number of students who entered ninth grade four 77165
years earlier. Students who transfer into the district are added 77166
to the calculation. Students who transfer out of the district for 77167
reasons other than dropout are subtracted from the calculation. If 77168
a student who was a dropout in any previous year returns to the 77169
same school district, that student shall be entered into the 77170
calculation as if the student had entered ninth grade four years 77171
before the graduation year of the graduating class that the 77172
student joins. 77173

(4) "State scholarship programs" means the educational choice 77174
scholarship pilot program established under sections 3310.01 to 77175
3310.17 of the Revised Code, the autism scholarship program 77176
established under section 3310.41 of the Revised Code, the Jon 77177
Peterson special needs scholarship program established under 77178
sections 3310.51 to 3310.64 of the Revised Code, and the pilot 77179
project scholarship program established under sections 3313.974 to 77180
3313.979 of the Revised Code. 77181

(5) "Other public school" means a community school 77182
established under Chapter 3314., a STEM school established under 77183
Chapter 3326., or a college-preparatory boarding school 77184
established under Chapter 3328. of the Revised Code. 77185

(6) "Accredited nonpublic school" means an accredited 77186
nonpublic school as described in section 3301.165 of the Revised 77187
Code. 77188

Sec. 3301.16. Pursuant to standards prescribed by the state 77189
board of education as provided in division (D) of section 3301.07 77190
of the Revised Code, the state board shall classify and charter 77191

school districts and individual schools within each district 77192
except that no charter shall be granted to a nonpublic school 77193
unless the school complies with divisions (K)(1) and (L) of 77194
section 3301.0711, as applicable, and sections 3301.164 and 77195
3313.612 of the Revised Code. 77196

In the course of considering the charter of a new school 77197
district created under section 3311.26 or 3311.38 of the Revised 77198
Code, the state board shall require the party proposing creation 77199
of the district to submit to the board a map, certified by the 77200
county auditor of the county in which the proposed new district is 77201
located, showing the boundaries of the proposed new district. In 77202
the case of a proposed new district located in more than one 77203
county, the map shall be certified by the county auditor of each 77204
county in which the proposed district is located. 77205

The state board shall revoke the charter of any school 77206
district or school which fails to meet the standards for 77207
elementary and high schools as prescribed by the board. The state 77208
board shall also revoke the charter of any nonpublic school that 77209
does not comply with divisions (K)(1) and (L) of section 77210
3301.0711, if applicable, and sections 3301.164 and 3313.612 of 77211
the Revised Code. 77212

In the issuance and revocation of school district or school 77213
charters, the state board shall be governed by the provisions of 77214
Chapter 119. of the Revised Code. 77215

No school district, or individual school operated by a school 77216
district, shall operate without a charter issued by the state 77217
board under this section. 77218

In case a school district charter is revoked pursuant to this 77219
section, the state board may dissolve the school district and 77220
transfer its territory to one or more adjacent districts. An 77221
equitable division of the funds, property, and indebtedness of the 77222

school district shall be made by the state board among the 77223
receiving districts. The board of education of a receiving 77224
district shall accept such territory pursuant to the order of the 77225
state board. Prior to dissolving the school district, the state 77226
board shall notify the appropriate educational service center 77227
governing board and all adjacent school district boards of 77228
education of its intention to do so. Boards so notified may make 77229
recommendations to the state board regarding the proposed 77230
dissolution and subsequent transfer of territory. Except as 77231
provided in section 3301.161 of the Revised Code, the transfer 77232
ordered by the state board shall become effective on the date 77233
specified by the state board, but the date shall be at least 77234
thirty days following the date of issuance of the order. 77235

A high school is one of higher grade than an elementary 77236
school, in which instruction and training are given in accordance 77237
with sections 3301.07 and 3313.60 of the Revised Code and which 77238
also offers other subjects of study more advanced than those 77239
taught in the elementary schools and such other subjects as may be 77240
approved by the state board of education. 77241

An elementary school is one in which instruction and training 77242
are given in accordance with sections 3301.07 and 3313.60 of the 77243
Revised Code and which offers such other subjects as may be 77244
approved by the state board of education. In districts wherein a 77245
junior high school is maintained, the elementary schools in that 77246
district may be considered to include only the work of the first 77247
six school years inclusive, plus the kindergarten year. This 77248
section shall not apply to accredited nonpublic schools described 77249
in section 3301.165 of the Revised Code. 77250

Sec. 3301.162. (A) If the governing authority of a chartered 77251
nonpublic school or an accredited nonpublic school described in 77252
section 3301.165 of the Revised Code intends to close the school, 77253

the governing authority shall notify all of the following of that intent prior to closing the school:

(1) The department of education;

(2) The school district that receives auxiliary services funding under division (E) of section 3317.024 of the Revised Code on behalf of the students enrolled in the school;

(3) The accrediting association that most recently accredited the school for purposes of chartering the school in accordance with the rules of the state board of education, if applicable;

(4) If the school has been designated as a STEM school equivalent under section 3326.032 of the Revised Code, the STEM committee established under section 3326.02 of the Revised Code.

The notice shall include the school year and, if possible, the actual date the school will close.

(B) The chief administrator of each chartered nonpublic school and each accredited nonpublic school that closes shall deposit the school's records with either:

(1) The accrediting association that most recently accredited the school for purposes of chartering the school in accordance with the rules of the state board, if applicable;

(2) The school district that received auxiliary services funding under division (E) of section 3317.024 of the Revised Code on behalf of the students enrolled in the school.

The school district that receives the records may charge for and receive a one-time reimbursement from auxiliary services funding under division (E) of section 3317.024 of the Revised Code for costs the district incurred to store the records.

Sec. 3301.164. Each chartered nonpublic school shall publish on the school's web site both of the following:

(A) The number of students enrolled in the school by the last 77283
day of October of the current school year; 77284

(B) The school's policy regarding background checks for 77285
teaching and nonteaching employees and for volunteers who have 77286
direct contact with students. 77287

This section shall not apply to accredited nonpublic schools 77288
described in section 3301.165 of the Revised Code. 77289

Sec. 3301.165. (A) The state board of education shall revoke 77290
the charter of any chartered nonpublic school that fails to do one 77291
of the following: 77292

(1) Comply with the operating standards for a school 77293
established under section 3301.07 of the Revised Code; 77294

(2) Maintain accreditation from an association, other than 77295
the independent schools association of the central states, whose 77296
standards have been approved by the state board; 77297

(3) Maintain accreditation from the independent schools 77298
association of the central states. The department of education 77299
shall designate a nonpublic school that maintains eligibility for 77300
a charter under division (A)(3) of this section as an "accredited 77301
nonpublic school." The department shall accept an affirmation of 77302
accreditation only from either the independent schools association 77303
of the central states or an organization recognized by the 77304
department that represents the independent schools association of 77305
the central states. 77306

(B) An accredited nonpublic school shall comply with the 77307
minimum education standards adopted by the state board under 77308
division (D)(2) of section 3301.07 of the Revised Code. However, 77309
the state board shall not prescribe additional operating standards 77310
for accredited nonpublic schools. Unless otherwise specifically 77311
required in the Revised Code, an accredited nonpublic school shall 77312

be exempt from any requirement to which a chartered nonpublic school is subject under Title XXXIII of the Revised Code. 77313
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(C) To ensure that an accredited nonpublic school or a school in the process of being accredited by the independent schools association of the central states is providing an education of high quality, the department may do both of the following: 77315
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(1) Send a representative to accompany an accrediting team from the independent schools association of the central states on any site visit to observe the activities and the report of the accrediting team; 77319
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(2) Request a copy of the report by the independent schools association of the central states that is issued as part of the accreditation cycle of a school. 77323
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(D) An accredited nonpublic school shall cooperate with the department in the department's execution of division (C) of this section. If an accredited nonpublic school fails to comply with this division, the department shall revoke the school's designation as an accredited nonpublic school, and the school shall be considered a chartered nonpublic school as long as it maintains eligibility for a charter under division (A)(1) or (2) of this section. 77326
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(E) Any accredited nonpublic school that fails to maintain a full accreditation from the independent schools association of the central states shall be considered a chartered nonpublic school, as long as it maintains eligibility for a charter under division (A)(1) or (2) of this section, and shall be required to comply with all laws applicable to chartered nonpublic schools. 77334
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(F) The department of education shall not create ratings or any type of report card for accredited nonpublic schools. 77340
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Sec. 3301.52. As used in sections 3301.52 to 3301.59 of the 77342

Revised Code: 77343

(A) "Preschool program" means either of the following: 77344

(1) A child care program for preschool children that is 77345
operated by a school district board of education or an eligible 77346
nonpublic school. 77347

(2) A child care program for preschool children age three or 77348
older that is operated by a county board of developmental 77349
disabilities or a community school. 77350

(B) "Preschool child" or "child" means a child who has not 77351
entered kindergarten and is not of compulsory school age. 77352

(C) "Parent, guardian, or custodian" means the person or 77353
government agency that is or will be responsible for a child's 77354
school attendance under section 3321.01 of the Revised Code. 77355

(D) "Superintendent" means the superintendent of a school 77356
district or the chief administrative officer of a community school 77357
or an eligible nonpublic school. 77358

(E) "Director" means the director, head teacher, elementary 77359
principal, or site administrator who is the individual on site and 77360
responsible for supervision of a preschool program. 77361

(F) "Preschool staff member" means a preschool employee whose 77362
primary responsibility is care, teaching, or supervision of 77363
preschool children. 77364

(G) "Nonteaching employee" means a preschool program or 77365
school child program employee whose primary responsibilities are 77366
duties other than care, teaching, and supervision of preschool 77367
children or school children. 77368

(H) "Eligible nonpublic school" means an accredited nonpublic 77369
school described in section 3301.165 of the Revised Code, a 77370
nonpublic school chartered as described in division (B)(8) of 77371

section 5104.02 of the Revised Code, or a nonpublic school 77372
chartered by the state board of education for any combination of 77373
grades one through twelve, regardless of whether it also offers 77374
kindergarten. 77375

(I) "School child program" means a child care program for 77376
only school children that is operated by a school district board 77377
of education, county board of developmental disabilities, 77378
community school, or eligible nonpublic school. 77379

(J) "School child" means a child who is enrolled in or is 77380
eligible to be enrolled in a grade of kindergarten or above but is 77381
less than fifteen years old. 77382

(K) "School child program staff member" means an employee 77383
whose primary responsibility is the care, teaching, or supervision 77384
of children in a school child program. 77385

(L) "Child care" means administering to the needs of infants, 77386
toddlers, preschool children, and school children outside of 77387
school hours by persons other than their parents or guardians, 77388
custodians, or relatives by blood, marriage, or adoption for any 77389
part of the twenty-four-hour day in a place or residence other 77390
than a child's own home. 77391

(M) "Child day-care center," "publicly funded child care," 77392
and "school-age child care center" have the same meanings as in 77393
section 5104.01 of the Revised Code. 77394

(N) "Community school" means either of the following: 77395

(1) A community school established under Chapter 3314. of the 77396
Revised Code that is sponsored by an entity that is rated 77397
"exemplary" under section 3314.016 of the Revised Code. 77398

(2) A community school established under Chapter 3314. of the 77399
Revised Code that has received, on its most recent report card, 77400
either of the following: 77401

(a) If the school offers any of grade levels four through 77402
twelve, a grade of "C" or better for the overall value-added 77403
progress dimension under division (C)(1)(e) of section 3302.03 of 77404
the Revised Code and for the performance index score under 77405
division (C)(1)(b) of section 3302.03 of the Revised Code; 77406

(b) If the school does not offer a grade level higher than 77407
three, a grade of "C" or better for making progress in improving 77408
literacy in grades kindergarten through three under division 77409
(C)(1)(g) of section 3302.03 of the Revised Code. 77410

Sec. 3301.541. (A)(1) The director, head teacher, elementary 77411
principal, or site administrator of a preschool program shall 77412
request the superintendent of the bureau of criminal 77413
identification and investigation to conduct a criminal records 77414
check with respect to any applicant who has applied to the 77415
preschool program for employment as a person responsible for the 77416
care, custody, or control of a child. If the applicant does not 77417
present proof that the applicant has been a resident of this state 77418
for the five-year period immediately prior to the date upon which 77419
the criminal records check is requested or does not provide 77420
evidence that within that five-year period the superintendent has 77421
requested information about the applicant from the federal bureau 77422
of investigation in a criminal records check, the director, head 77423
teacher, or elementary principal shall request that the 77424
superintendent obtain information from the federal bureau of 77425
investigation as a part of the criminal records check for the 77426
applicant. If the applicant presents proof that the applicant has 77427
been a resident of this state for that five-year period, the 77428
director, head teacher, or elementary principal may request that 77429
the superintendent include information from the federal bureau of 77430
investigation in the criminal records check. 77431

(2) Any director, head teacher, elementary principal, or site 77432

administrator required by division (A)(1) of this section to 77433
request a criminal records check shall provide to each applicant a 77434
copy of the form prescribed pursuant to division (C)(1) of section 77435
109.572 of the Revised Code, provide to each applicant a standard 77436
impression sheet to obtain fingerprint impressions prescribed 77437
pursuant to division (C)(2) of section 109.572 of the Revised 77438
Code, obtain the completed form and impression sheet from each 77439
applicant, and forward the completed form and impression sheet to 77440
the superintendent of the bureau of criminal identification and 77441
investigation at the time the person requests a criminal records 77442
check pursuant to division (A)(1) of this section. 77443

(3) Any applicant who receives pursuant to division (A)(2) of 77444
this section a copy of the form prescribed pursuant to division 77445
(C)(1) of section 109.572 of the Revised Code and a copy of an 77446
impression sheet prescribed pursuant to division (C)(2) of that 77447
section and who is requested to complete the form and provide a 77448
set of fingerprint impressions shall complete the form or provide 77449
all the information necessary to complete the form and provide the 77450
impression sheet with the impressions of the applicant's 77451
fingerprints. If an applicant, upon request, fails to provide the 77452
information necessary to complete the form or fails to provide 77453
impressions of the applicant's fingerprints, the preschool program 77454
shall not employ that applicant for any position for which a 77455
criminal records check is required by division (A)(1) of this 77456
section. 77457

(B)(1) Except as provided in rules adopted by the department 77458
of education in accordance with division (E) of this section, no 77459
preschool program shall employ a person as a person responsible 77460
for the care, custody, or control of a child if the person 77461
previously has been convicted of or pleaded guilty to any of the 77462
following: 77463

(a) A violation of section 2903.01, 2903.02, 2903.03, 77464

2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 77465
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 77466
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 77467
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 77468
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 77469
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 77470
2925.06, or 3716.11 of the Revised Code, a violation of section 77471
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 77472
violation of section 2919.23 of the Revised Code that would have 77473
been a violation of section 2905.04 of the Revised Code as it 77474
existed prior to July 1, 1996, had the violation occurred prior to 77475
that date, a violation of section 2925.11 of the Revised Code that 77476
is not a minor drug possession offense, or felonious sexual 77477
penetration in violation of former section 2907.12 of the Revised 77478
Code; 77479

(b) A violation of an existing or former law of this state, 77480
any other state, or the United States that is substantially 77481
equivalent to any of the offenses or violations described in 77482
division (B)(1)(a) of this section. 77483

(2) A preschool program may employ an applicant conditionally 77484
until the criminal records check required by this section is 77485
completed and the preschool program receives the results of the 77486
criminal records check. If the results of the criminal records 77487
check indicate that, pursuant to division (B)(1) of this section, 77488
the applicant does not qualify for employment, the preschool 77489
program shall release the applicant from employment. 77490

(C)(1) Each preschool program shall pay to the bureau of 77491
criminal identification and investigation the fee prescribed 77492
pursuant to division (C)(3) of section 109.572 of the Revised Code 77493
for each criminal records check conducted in accordance with that 77494
section upon the request pursuant to division (A)(1) of this 77495
section of the director, head teacher, elementary principal, or 77496

site administrator of the preschool program. 77497

(2) A preschool program may charge an applicant a fee for the 77498
costs it incurs in obtaining a criminal records check under this 77499
section. A fee charged under this division shall not exceed the 77500
amount of fees the preschool program pays under division (C)(1) of 77501
this section. If a fee is charged under this division, the 77502
preschool program shall notify the applicant at the time of the 77503
applicant's initial application for employment of the amount of 77504
the fee and that, unless the fee is paid, the applicant will not 77505
be considered for employment. 77506

(D) The report of any criminal records check conducted by the 77507
bureau of criminal identification and investigation in accordance 77508
with section 109.572 of the Revised Code and pursuant to a request 77509
under division (A)(1) of this section is not a public record for 77510
the purposes of section 149.43 of the Revised Code and shall not 77511
be made available to any person other than the applicant who is 77512
the subject of the criminal records check or the applicant's 77513
representative, the preschool program requesting the criminal 77514
records check or its representative, and any court, hearing 77515
officer, or other necessary individual in a case dealing with the 77516
denial of employment to the applicant. 77517

(E) The department of education shall adopt rules pursuant to 77518
Chapter 119. of the Revised Code to implement this section, 77519
including rules specifying circumstances under which a preschool 77520
program may hire a person who has been convicted of an offense 77521
listed in division (B)(1) of this section but who meets standards 77522
in regard to rehabilitation set by the department. 77523

(F) Any person required by division (A)(1) of this section to 77524
request a criminal records check shall inform each person, at the 77525
time of the person's initial application for employment, that the 77526
person is required to provide a set of impressions of the person's 77527
fingerprints and that a criminal records check is required to be 77528

conducted and satisfactorily completed in accordance with section 77529
109.572 of the Revised Code if the person comes under final 77530
consideration for appointment or employment as a precondition to 77531
employment for that position. 77532

(G) As used in this section: 77533

(1) "Applicant" means a person who is under final 77534
consideration for appointment or employment in a position with a 77535
preschool program as a person responsible for the care, custody, 77536
or control of a child, except that "applicant" does not include a 77537
person already employed by a board of education, community school, 77538
~~or~~ chartered nonpublic school, or accredited nonpublic school 77539
described in section 3301.165 of the Revised Code in a position of 77540
care, custody, or control of a child who is under consideration 77541
for a different position with such board or school. 77542

(2) "Criminal records check" has the same meaning as in 77543
section 109.572 of the Revised Code. 77544

(3) "Minor drug possession offense" has the same meaning as 77545
in section 2925.01 of the Revised Code. 77546

(H) If the board of education of a local school district 77547
adopts a resolution requesting the assistance of the educational 77548
service center in which the local district has territory in 77549
conducting criminal records checks of substitute teachers under 77550
this section, the appointing or hiring officer of such educational 77551
service center governing board shall serve for purposes of this 77552
section as the appointing or hiring officer of the local board in 77553
the case of hiring substitute teachers for employment in the local 77554
district. 77555

Sec. 3302.07. (A) The board of education of any school 77556
district, the governing board of any educational service center, 77557
or the administrative authority of any chartered nonpublic school 77558

or any accredited nonpublic school described in section 3301.165 77559
of the Revised Code may submit to the state board of education an 77560
application proposing an innovative education pilot program the 77561
implementation of which requires exemptions from specific 77562
statutory provisions or rules. If a district or service center 77563
board employs teachers under a collective bargaining agreement 77564
adopted pursuant to Chapter 4117. of the Revised Code, any 77565
application submitted under this division shall include the 77566
written consent of the teachers' employee representative 77567
designated under division (B) of section 4117.04 of the Revised 77568
Code. The exemptions requested in the application shall be limited 77569
to any requirement of Title XXXIII of the Revised Code or of any 77570
rule of the state board adopted pursuant to that title except that 77571
the application may not propose an exemption from any requirement 77572
of or rule adopted pursuant to Chapter 3307. or 3309., sections 77573
3319.07 to 3319.21, or Chapter 3323. of the Revised Code. 77574
Furthermore, an exemption from any operating standard adopted 77575
under division (B)(2) or (D) of section 3301.07 of the Revised 77576
Code shall be granted only pursuant to a waiver granted by the 77577
superintendent of public instruction under division (O) of that 77578
section. 77579

(B) The state board of education shall accept any application 77580
submitted in accordance with division (A) of this section. The 77581
superintendent of public instruction shall approve or disapprove 77582
the application in accordance with standards for approval, which 77583
shall be adopted by the state board. 77584

(C) The superintendent of public instruction shall exempt 77585
each district or service center board or chartered or accredited 77586
nonpublic school administrative authority with an application 77587
approved under division (B) of this section for a specified period 77588
from the statutory provisions or rules specified in the approved 77589
application. The period of exemption shall not exceed the period 77590

during which the pilot program proposed in the application is 77591
being implemented and a reasonable period to allow for evaluation 77592
of the effectiveness of the program. 77593

Sec. 3302.41. As used in this section, "blended learning" has 77594
the same meaning as in section 3301.079 of the Revised Code. 77595

(A) Any local, city, exempted village, or joint vocational 77596
school district, community school established under Chapter 3314. 77597
of the Revised Code, STEM school established under Chapter 3326. 77598
of the Revised Code, college-preparatory boarding school 77599
established under Chapter 3328. of the Revised Code, ~~or~~ chartered 77600
nonpublic school, or accredited nonpublic school described in 77601
section 3301.165 of the Revised Code may operate all or part of a 77602
school using a blended learning model. If a school is operated 77603
using a blended learning model or is to cease operating using a 77604
blended learning model, the superintendent of the school or 77605
district or director of the school shall notify the department of 77606
education of that fact not later than the first day of July of the 77607
school year for which the change is effective. If any school 77608
district school, community school, or STEM school is already 77609
operated using a blended learning model on ~~the effective date of~~ 77610
~~this section~~ September 24, 2012, the superintendent of the school 77611
or district may notify the department within ninety days after ~~the~~ 77612
~~effective date of this section~~ by December 23, 2012, of that fact 77613
and request that the school be classified as a blended learning 77614
school. 77615

(B) The state board of education shall revise any operating 77616
standards for school districts and chartered nonpublic schools 77617
adopted under section 3301.07 of the Revised Code to include 77618
standards for the operation of blended learning under this 77619
section. The blended learning operation standards shall provide 77620
for all of the following: 77621

(1) Student-to-teacher ratios whereby no school or classroom is required to have more than one teacher for every one hundred twenty-five students in blended learning classrooms; 77622
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(2) The extent to which the school is or is not obligated to provide students with access to digital learning tools; 77625
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(3) The ability of all students, at any grade level, to earn credits or advance grade levels upon demonstrating mastery of knowledge or skills through competency-based learning models. Credits or grade level advancement shall not be based on a minimum number of days or hours in a classroom. 77627
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(4) An exemption from minimum school year or school day requirements in sections 3313.48 and 3313.481 of the Revised Code; 77632
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(5) Adequate provisions for: the licensing of teachers, administrators, and other professional personnel and their assignment according to training and qualifications; efficient and effective instructional materials and equipment, including library facilities; the proper organization, administration, and supervision of each school, including regulations for preparing all necessary records and reports and the preparation of a statement of policies and objectives for each school; buildings, grounds, and health and sanitary facilities and services; admission of pupils, and such requirements for their promotion from grade to grade as will ensure that they are capable and prepared for the level of study to which they are certified; requirements for graduation; and such other factors as the board finds necessary. 77634
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(C) An internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, is not a blended learning school authorized under this section. Nor does this section affect any provisions for the operation of and payments to an internet- or computer-based community school prescribed in 77648
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Chapter 3314. of the Revised Code. 77653

Sec. 3310.01. As used in sections 3310.01 to 3310.17 of the 77654
Revised Code: 77655

(A) "Chartered nonpublic school" ~~means a~~ includes both of the 77656
following: 77657

(1) A nonpublic school that holds a valid charter issued by 77658
the state board of education under section 3301.16 of the Revised 77659
Code and meets the standards established for such schools in rules 77660
adopted by the state board; 77661

(2) An accredited nonpublic school as described in section 77662
3301.165 of the Revised Code. 77663

(B) An "eligible student" is a student who satisfies the 77664
conditions specified in section 3310.03 or 3310.032 of the Revised 77665
Code. 77666

(C) "Parent" has the same meaning as in section 3313.98 of 77667
the Revised Code. 77668

(D) "Resident district" means the school district in which a 77669
student is entitled to attend school under section 3313.64 or 77670
3313.65 of the Revised Code. 77671

(E) "School year" has the same meaning as in section 3313.62 77672
of the Revised Code. 77673

Sec. 3312.01. (A) The educational regional service system is 77674
hereby established. The system shall support state and regional 77675
education initiatives and efforts to improve school effectiveness 77676
and student achievement. Services, including special education and 77677
related services, shall be provided under the system to school 77678
districts, community schools established under Chapter 3314. of 77679
the Revised Code, ~~and~~ chartered nonpublic schools, and accredited 77680
nonpublic schools described in section 3301.165 of the Revised 77681

Code. 77682

It is the intent of the general assembly that the educational regional service system reduce the unnecessary duplication of programs and services and provide for a more streamlined and efficient delivery of educational services without reducing the availability of the services needed by school districts and schools. 77683
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(B) The educational regional service system shall consist of the following: 77689
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(1) The advisory councils and subcommittees established under sections 3312.03 and 3312.05 of the Revised Code; 77691
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(2) A fiscal agent for each of the regions as configured under section 3312.02 of the Revised Code; 77693
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(3) Educational service centers, information technology centers established under section 3301.075 of the Revised Code, and other regional education service providers. 77695
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(C) Educational service centers shall provide the services that they are specifically required to provide by the Revised Code and may enter into agreements pursuant to section 3313.843, 3313.844, or 3313.845 of the Revised Code for the provision of other services, which may include any of the following: 77698
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(1) Assistance in improving student performance; 77703

(2) Services to enable a school district or school to operate more efficiently or economically; 77704
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(3) Professional development for teachers or administrators; 77706

(4) Assistance in the recruitment and retention of teachers and administrators; 77707
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(5) Any other educational, administrative, or operational services. 77709
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In addition to implementing state and regional education 77711
initiatives and school improvement efforts under the educational 77712
regional service system, educational service centers shall 77713
implement state or federally funded initiatives assigned to the 77714
service centers by the general assembly or the department of 77715
education. 77716

Any educational service center selected to be a fiscal agent 77717
for its region pursuant to section 3312.07 of the Revised Code 77718
shall continue to operate as an educational service center for the 77719
part of the region that comprises its territory. 77720

(D) Information technology centers may enter into agreements 77721
for the provision of services pursuant to section 3312.10 of the 77722
Revised Code. 77723

(E) No school district, community school, or chartered or 77724
accredited nonpublic school shall be required to purchase services 77725
from an educational service center or information technology 77726
center in the region in which the district or school is located, 77727
except that a local school district shall receive any services 77728
required by the Revised Code to be provided by an educational 77729
service center to the local school districts in its territory from 77730
the educational service center in whose territory the district is 77731
located. 77732

Sec. 3312.04. The advisory council of each region of the 77733
educational regional service system shall do all of the following: 77734

(A) Identify regional needs and priorities for educational 77735
services to inform the department of education in the development 77736
of the performance contracts entered into by the fiscal agent of 77737
the region under section 3312.08 of the Revised Code; 77738

(B) Develop policies to coordinate the delivery of services 77739
to school districts, community schools, and chartered and 77740

accredited nonpublic schools in a manner that responds to regional 77741
needs and priorities. Such policies shall not supersede any 77742
requirement of a performance contract entered into by the fiscal 77743
agent of the region under section 3312.08 of the Revised Code. 77744

(C) Make recommendations to the fiscal agent for the region 77745
regarding the expenditure of funds available to the region for 77746
implementation of state and regional education initiatives and 77747
school improvement efforts; 77748

(D) Monitor implementation of state and regional education 77749
initiatives and school improvement efforts by educational service 77750
centers, information technology centers, and other regional 77751
service providers to ensure that the terms of the performance 77752
contracts entered into by the fiscal agent for the region under 77753
section 3312.08 of the Revised Code are being met; 77754

(E) Establish an accountability system to evaluate the 77755
advisory council on its performance of the duties described in 77756
divisions (A) to (D) of this section. 77757

Sec. 3312.05. (A) The advisory council of each region of the 77758
educational regional service system shall establish the following 77759
specialized subcommittees of the council: 77760

(1) A school improvement subcommittee, which shall include 77761
one classroom teacher appointed jointly by the Ohio education 77762
association and the Ohio federation of teachers and 77763
representatives of community schools and education personnel with 77764
expertise in the area of school improvement; 77765

(2) An education technology subcommittee, which shall include 77766
classroom teachers or curriculum coordinators, parents, elementary 77767
and secondary school principals, representatives of chartered or 77768
accredited nonpublic schools, representatives of information 77769
technology centers, representatives of business, and 77770

representatives of two-year and four-year institutions of higher education; 77771
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(3) A professional development subcommittee, which shall include classroom teachers, principals, school district superintendents, curriculum coordinators, representatives of chartered or accredited nonpublic schools, and representatives of two-year and four-year institutions of higher education; 77773
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(4) A special education subcommittee, which shall consist of one classroom teacher appointed jointly by the Ohio education association and the Ohio federation of teachers and the members of the governing board of the special education regional resource center in the region; 77778
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(5) An information technology center subcommittee, which shall consist of one classroom teacher appointed jointly by the Ohio education association and the Ohio federation of teachers; the administrator, or the administrator's designee, of each information technology center providing services in the region; and two school district administrators appointed by each information technology center providing services in the region. 77783
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(B) The advisory council shall appoint persons who reside or practice their occupations in the region to serve on the subcommittees established under divisions (A)(1) to (3) of this section. If the advisory council is unable to appoint such a person to a subcommittee, the council shall appoint a similarly situated person from an adjacent region. 77790
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(C) An advisory council may establish additional subcommittees as needed to address topics of interest to the council. Members of any additional subcommittee shall be appointed by the advisory council and shall include a diverse range of classroom teachers and other education personnel with expertise in the topic addressed by the subcommittee and representatives of 77796
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individuals or groups with an interest in the topic. 77802

(D) Any member of an advisory council may participate in the 77803
deliberations of any subcommittee established by the council. 77804

Sec. 3312.09. (A) Each performance contract entered into by 77805
the department of education and the fiscal agent of a region for 77806
implementation of a state or regional education initiative or 77807
school improvement effort shall include the following: 77808

(1) An explanation of how the regional needs and priorities 77809
for educational services have been identified by the advisory 77810
council of the region, the advisory council's subcommittees, and 77811
the department; 77812

(2) A definition of the services to be provided to school 77813
districts, community schools, and chartered and accredited 77814
nonpublic schools in the region, including any services provided 77815
pursuant to division (A) of section 3302.04 of the Revised Code; 77816

(3) Expected outcomes from the provision of the services 77817
defined in the contract; 77818

(4) The method the department will use to evaluate whether 77819
the expected outcomes have been achieved; 77820

(5) A requirement that the fiscal agent develop and implement 77821
a corrective action plan if the results of the evaluation are 77822
unsatisfactory; 77823

(6) Data reporting requirements; 77824

(7) The aggregate fees to be charged by the fiscal agent and 77825
any entity with which it subcontracts to cover personnel and 77826
program costs associated with administering the contract, which 77827
fees shall be subject to controlling board approval if in excess 77828
of four per cent of the value of the contract. 77829

(B) Upon completion of each evaluation described in a 77830

performance contract, the department shall post the results of 77831
that evaluation on its web site. 77832

Sec. 3313.41. (A) Except as provided in divisions (C), (D), 77833
and (F) of this section and in sections 3313.412 and 3313.413 of 77834
the Revised Code, when a board of education decides to dispose of 77835
real or personal property that it owns in its corporate capacity 77836
and that exceeds in value ten thousand dollars, it shall sell the 77837
property at public auction, after giving at least thirty days' 77838
notice of the auction by publication in a newspaper of general 77839
circulation in the school district, by publication as provided in 77840
section 7.16 of the Revised Code, or by posting notices in five of 77841
the most public places in the school district in which the 77842
property, if it is real property, is situated, or, if it is 77843
personal property, in the school district of the board of 77844
education that owns the property. The board may offer real 77845
property for sale as an entire tract or in parcels. 77846

(B) When the board of education has offered real or personal 77847
property for sale at public auction at least once pursuant to 77848
division (A) of this section, and the property has not been sold, 77849
the board may sell it at a private sale. Regardless of how it was 77850
offered at public auction, at a private sale, the board shall, as 77851
it considers best, sell real property as an entire tract or in 77852
parcels, and personal property in a single lot or in several lots. 77853

(C) If a board of education decides to dispose of real or 77854
personal property that it owns in its corporate capacity and that 77855
exceeds in value ten thousand dollars, it may sell the property to 77856
the adjutant general; to any subdivision or taxing authority as 77857
respectively defined in section 5705.01 of the Revised Code, 77858
township park district, board of park commissioners established 77859
under Chapter 755. of the Revised Code, or park district 77860
established under Chapter 1545. of the Revised Code; to a wholly 77861

or partially tax-supported university, university branch, or 77862
college; to a nonprofit institution of higher education that has a 77863
certificate of authorization under Chapter 1713. of the Revised 77864
Code; to the governing authority of a chartered nonpublic school 77865
or an accredited nonpublic school described in section 3301.165 of 77866
the Revised Code; or to the board of trustees of a school district 77867
library, upon such terms as are agreed upon. The sale of real or 77868
personal property to the board of trustees of a school district 77869
library is limited, in the case of real property, to a school 77870
district library within whose boundaries the real property is 77871
situated, or, in the case of personal property, to a school 77872
district library whose boundaries lie in whole or in part within 77873
the school district of the selling board of education. 77874

(D) When a board of education decides to trade as a part or 77875
an entire consideration, an item of personal property on the 77876
purchase price of an item of similar personal property, it may 77877
trade the same upon such terms as are agreed upon by the parties 77878
to the trade. 77879

(E) The president and the treasurer of the board of education 77880
shall execute and deliver deeds or other necessary instruments of 77881
conveyance to complete any sale or trade under this section. 77882

(F) When a board of education has identified a parcel of real 77883
property that it determines is needed for school purposes, the 77884
board may, upon a majority vote of the members of the board, 77885
acquire that property by exchanging real property that the board 77886
owns in its corporate capacity for the identified real property or 77887
by using real property that the board owns in its corporate 77888
capacity as part or an entire consideration for the purchase price 77889
of the identified real property. Any exchange or acquisition made 77890
pursuant to this division shall be made by a conveyance executed 77891
by the president and the treasurer of the board. 77892

(G) When a school district board of education has property 77893

that the board, by resolution, finds is not needed for school 77894
district use, is obsolete, or is unfit for the use for which it 77895
was acquired, the board may donate that property in accordance 77896
with this division if the fair market value of the property is, in 77897
the opinion of the board, two thousand five hundred dollars or 77898
less. 77899

The property may be donated to an eligible nonprofit 77900
organization that is located in this state and is exempt from 77901
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 77902
Before donating any property under this division, the board shall 77903
adopt a resolution expressing its intent to make unneeded, 77904
obsolete, or unfit-for-use school district property available to 77905
these organizations. The resolution shall include guidelines and 77906
procedures the board considers to be necessary to implement the 77907
donation program and shall indicate whether the school district 77908
will conduct the donation program or the board will contract with 77909
a representative to conduct it. If a representative is known when 77910
the resolution is adopted, the resolution shall provide contact 77911
information such as the representative's name, address, and 77912
telephone number. 77913

The resolution shall include within its procedures a 77914
requirement that any nonprofit organization desiring to obtain 77915
donated property under this division shall submit a written notice 77916
to the board or its representative. The written notice shall 77917
include evidence that the organization is a nonprofit organization 77918
that is located in this state and is exempt from federal income 77919
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 77920
the organization's primary purpose; a description of the type or 77921
types of property the organization needs; and the name, address, 77922
and telephone number of a person designated by the organization's 77923
governing board to receive donated property and to serve as its 77924
agent. 77925

After adoption of the resolution, the board shall publish, in 77926
a newspaper of general circulation in the school district or as 77927
provided in section 7.16 of the Revised Code, notice of its intent 77928
to donate unneeded, obsolete, or unfit-for-use school district 77929
property to eligible nonprofit organizations. The notice shall 77930
include a summary of the information provided in the resolution 77931
and shall be published twice. The second notice shall be published 77932
not less than ten nor more than twenty days after the previous 77933
notice. A similar notice also shall be posted continually in the 77934
board's office. If the school district maintains a web site on the 77935
internet, the notice shall be posted continually at that web site. 77936

The board or its representatives shall maintain a list of all 77937
nonprofit organizations that notify the board or its 77938
representative of their desire to obtain donated property under 77939
this division and that the board or its representative determines 77940
to be eligible, in accordance with the requirements set forth in 77941
this section and in the donation program's guidelines and 77942
procedures, to receive donated property. 77943

The board or its representative also shall maintain a list of 77944
all school district property the board finds to be unneeded, 77945
obsolete, or unfit for use and to be available for donation under 77946
this division. The list shall be posted continually in a 77947
conspicuous location in the board's office, and, if the school 77948
district maintains a web site on the internet, the list shall be 77949
posted continually at that web site. An item of property on the 77950
list shall be donated to the eligible nonprofit organization that 77951
first declares to the board or its representative its desire to 77952
obtain the item unless the board previously has established, by 77953
resolution, a list of eligible nonprofit organizations that shall 77954
be given priority with respect to the item's donation. Priority 77955
may be given on the basis that the purposes of a nonprofit 77956
organization have a direct relationship to specific school 77957

district purposes of programs provided or administered by the 77958
board. A resolution giving priority to certain nonprofit 77959
organizations with respect to the donation of an item of property 77960
shall specify the reasons why the organizations are given that 77961
priority. 77962

Members of the board shall consult with the Ohio ethics 77963
commission, and comply with Chapters 102. and 2921. of the Revised 77964
Code, with respect to any donation under this division to a 77965
nonprofit organization of which a board member, any member of a 77966
board member's family, or any business associate of a board member 77967
is a trustee, officer, board member, or employee. 77968

Sec. 3313.48. (A) The board of education of each city, 77969
exempted village, local, and joint vocational school district 77970
shall provide for the free education of the youth of school age 77971
within the district under its jurisdiction, at such places as will 77972
be most convenient for the attendance of the largest number 77973
thereof. Each school so provided ~~and~~, each chartered nonpublic 77974
school, and each accredited nonpublic school described in section 77975
3301.165 of the Revised Code shall be open for instruction with 77976
pupils in attendance, including scheduled classes, supervised 77977
activities, and approved education options but excluding lunch and 77978
breakfast periods and extracurricular activities, for not less 77979
than four hundred fifty-five hours in the case of pupils in 77980
kindergarten unless such pupils are provided all-day kindergarten, 77981
as defined in section 3321.05 of the Revised Code, in which case 77982
the pupils shall be in attendance for nine hundred ten hours; nine 77983
hundred ten hours in the case of pupils in grades one through six; 77984
and one thousand one hours in the case of pupils in grades seven 77985
through twelve in each school year, which may include all of the 77986
following: 77987

(1) Up to the equivalent of two school days per year during 77988

which pupils would otherwise be in attendance but are not required 77989
to attend for the purpose of individualized parent-teacher 77990
conferences and reporting periods; 77991

(2) Up to the equivalent of two school days per year during 77992
which pupils would otherwise be in attendance but are not required 77993
to attend for professional meetings of teachers; 77994

(3) Morning and afternoon recess periods of not more than 77995
fifteen minutes duration per period for pupils in grades 77996
kindergarten through six. 77997

(B) Not later than thirty days prior to adopting a school 77998
calendar, the board of education of each city, exempted village, 77999
and local school district shall hold a public hearing on the 78000
school calendar, addressing topics that include, but are not 78001
limited to, the total number of hours in a school year, length of 78002
school day, and beginning and end dates of instruction. 78003

(C) No school operated by a city, exempted village, local, or 78004
joint vocational school district shall reduce the number of hours 78005
in each school year that the school is scheduled to be open for 78006
instruction from the number of hours per year the school was open 78007
for instruction during the previous school year unless the 78008
reduction is approved by a resolution adopted by the district 78009
board of education. Any reduction so approved shall not result in 78010
fewer hours of instruction per school year than the applicable 78011
number of hours required under division (A) of this section. 78012

(D) Prior to making any change in the hours or days in which 78013
a high school under its jurisdiction is open for instruction, the 78014
board of education of each city, exempted village, and local 78015
school district shall consider the compatibility of the proposed 78016
change with the scheduling needs of any joint vocational school 78017
district in which any of the high school's students are also 78018
enrolled. The board shall consider the impact of the proposed 78019

change on student access to the instructional programs offered by 78020
the joint vocational school district, incentives for students to 78021
participate in career-technical education, transportation, and the 78022
timing of graduation. The board shall provide the joint vocational 78023
school district board with advance notice of the proposed change 78024
and the two boards shall enter into a written agreement 78025
prescribing reasonable accommodations to meet the scheduling needs 78026
of the joint vocational school district prior to implementation of 78027
the change. 78028

(E) Prior to making any change in the hours or days in which 78029
a school under its jurisdiction is open for instruction, the board 78030
of education of each city, exempted village, and local school 78031
district shall consider the compatibility of the proposed change 78032
with the scheduling needs of any community school established 78033
under Chapter 3314. of the Revised Code to which the district is 78034
required to transport students under sections 3314.09 and 3327.01 78035
of the Revised Code. The board shall consider the impact of the 78036
proposed change on student access to the instructional programs 78037
offered by the community school, transportation, and the timing of 78038
graduation. The board shall provide the sponsor, governing 78039
authority, and operator of the community school with advance 78040
notice of the proposed change, and the board and the governing 78041
authority, or operator if such authority is delegated to the 78042
operator, shall enter into a written agreement prescribing 78043
reasonable accommodations to meet the scheduling needs of the 78044
community school prior to implementation of the change. 78045

(F) Prior to making any change in the hours or days in which 78046
the schools under its jurisdiction are open for instruction, the 78047
board of education of each city, exempted village, and local 78048
school district shall consult with the chartered and accredited 78049
nonpublic schools to which the district is required to transport 78050
students under section 3327.01 of the Revised Code and shall 78051

consider the effect of the proposed change on the schedule for 78052
transportation of those students to their nonpublic schools. The 78053
governing authority of a chartered or an accredited nonpublic 78054
school shall consult with each school district board of education 78055
that transports students to the chartered nonpublic school under 78056
section 3327.01 of the Revised Code prior to making any change in 78057
the hours or days in which the nonpublic school is open for 78058
instruction. 78059

(G) The state board of education shall not adopt or enforce 78060
any rule or standard that imposes on chartered or accredited 78061
nonpublic schools the procedural requirements imposed on school 78062
districts by divisions (B), (C), (D), and (E) of this section. 78063

Sec. 3313.481. Wherever in Title XXXIII of the Revised Code 78064
the term "school day" is used, unless otherwise specified, that 78065
term shall be construed to mean the time during a calendar day 78066
that a school is open for instruction pursuant to the schedule 78067
adopted by the board of education of the school district or the 78068
governing authority of the chartered or accredited nonpublic 78069
school in accordance with section 3313.48 of the Revised Code. 78070

Sec. 3313.482. (A)(1) Prior to the first day of August of 78071
each school year, the board of education of any school district 78072
~~or~~ the governing authority of any chartered nonpublic school, or 78073
the governing authority of an accredited nonpublic school 78074
described in section 3301.165 of the Revised Code may adopt a plan 78075
to require students to access and complete classroom lessons 78076
posted on the district's or nonpublic school's web portal or web 78077
site in order to make up hours in that school year on which it is 78078
necessary to close schools for disease epidemic, hazardous weather 78079
conditions, law enforcement emergencies, inoperability of school 78080
buses or other equipment necessary to the school's operation, 78081
damage to a school building, or other temporary circumstances due 78082

to utility failure rendering the school building unfit for school use. 78083
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Prior to the first day of August of each school year, the governing authority of any community school established under Chapter 3314. that is not an internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, may adopt a plan to require students to access and complete classroom lessons posted on the school's web portal or web site in order to make up hours in that school year on which it is necessary to close the school for any of the reasons specified in division (H)(4) of section 3314.08 of the Revised Code so that the school is in compliance with the minimum number of hours required under Chapter 3314. of the Revised Code. 78085
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A plan adopted by a school district board, chartered nonpublic school governing authority, accredited nonpublic school governing authority, or community school governing authority shall provide for making up any number of hours, up to a maximum of the number of hours that are the equivalent of three school days. 78096
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(2) Each plan adopted under this section by a school district board of education shall include the written consent of the teachers' employee representative designated under division (B) of section 4117.04 of the Revised Code. 78101
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(3) Each plan adopted under this section shall provide for the following: 78105
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(a) Not later than the first day of November of the school year, each classroom teacher shall develop a sufficient number of lessons for each course taught by the teacher that school year to cover the number of make-up hours specified in the plan. The teacher shall designate the order in which the lessons are to be posted on the district's, community school's, or nonpublic school's web portal or web site in the event of a school closure. 78107
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Teachers may be granted up to one professional development day to 78114
create lesson plans for those lessons. 78115

(b) To the extent possible and necessary, a classroom teacher 78116
shall update or replace, based on current instructional progress, 78117
one or more of the lesson plans developed under division (A)(3)(a) 78118
of this section before they are posted on the web portal or web 78119
site under division (A)(3)(c) of this section or distributed under 78120
division (B) of this section. 78121

(c) As soon as practicable after a school closure, a district 78122
or school employee responsible for web portal or web site 78123
operations shall make the designated lessons available to students 78124
on the district's, community school's, or nonpublic school's 78125
portal or site. A lesson shall be posted for each course that was 78126
scheduled to meet on the day or hours of the closure. 78127

(d) Each student enrolled in a course for which a lesson is 78128
posted on the portal or site shall be granted a two-week period 78129
from the date of posting to complete the lesson. The student's 78130
classroom teacher shall grade the lesson in the same manner as 78131
other lessons. The student may receive an incomplete or failing 78132
grade if the lesson is not completed on time. 78133

(e) If a student does not have access to a computer at the 78134
student's residence and the plan does not include blizzard bags 78135
under division (B) of this section, the student shall be permitted 78136
to work on the posted lessons at school after the student's school 78137
reopens. If the lessons were posted prior to the reopening, the 78138
student shall be granted a two-week period from the date of the 78139
reopening, rather than from the date of posting as otherwise 78140
required under division (A)(3)(d) of this section, to complete the 78141
lessons. The district board or community school or nonpublic 78142
school governing authority may provide the student access to a 78143
computer before, during, or after the regularly scheduled school 78144
day or may provide a substantially similar paper lesson in order 78145

to complete the lessons. 78146

(B)(1) In addition to posting classroom lessons online under 78147
division (A) of this section, the board of education of any school 78148
district or governing authority of any community, accredited, or 78149
chartered nonpublic school may include in the plan distribution of 78150
"blizzard bags," which are paper copies of the lessons posted 78151
online. 78152

(2) If a school opts to use blizzard bags, teachers shall 78153
prepare paper copies in conjunction with the lessons to be posted 78154
online and update the paper copies whenever the teacher updates 78155
the online lesson plans. 78156

(3) The board of education of any school district or 78157
governing authority of any community, accredited, or chartered 78158
nonpublic school that opts to use blizzard bags shall specify in 78159
the plan the method of distribution of blizzard bag lessons, which 78160
may include, but not be limited to, requiring distribution by a 78161
specific deadline or requiring distribution prior to anticipated 78162
school closure as directed by the superintendent of a school 78163
district or the principal, director, chief administrative officer, 78164
or the equivalent, of a school. 78165

(4) Students shall turn in completed lessons in accordance 78166
with division (A)(3)(d) of this section. 78167

(C)(1) No school district that implements a plan in 78168
accordance with this section shall be considered to have failed to 78169
comply with division (B) of section 3317.01 of the Revised Code 78170
with respect to the number of make-up hours specified in the plan. 78171

(2) No community school that implements a plan in accordance 78172
with this section shall be considered to have failed to comply 78173
with the minimum number of hours required under Chapter 3314. of 78174
the Revised Code with respect to the number of make-up hours 78175
specified in the plan. 78176

Sec. 3313.536. (A) As used in this section:	78177
(1) "Administrator" means the superintendent, principal, chief administrative officer, or other person having supervisory authority of any of the following:	78178 78179 78180
(a) A city, exempted village, local, or joint vocational school district;	78181 78182
(b) A community school established under Chapter 3314. of the Revised Code, as required through reference in division (A)(11)(d) of section 3314.03 of the Revised Code;	78183 78184 78185
(c) A STEM school established under Chapter 3326. of the Revised Code, as required through reference in section 3326.11 of the Revised Code;	78186 78187 78188
(d) A college-preparatory boarding school established under Chapter 3328. of the Revised Code;	78189 78190
(e) A district or school operating a career-technical education program approved by the department of education under section 3317.161 of the Revised Code;	78191 78192 78193
(f) A chartered nonpublic school;	78194
(g) <u>An accredited nonpublic school described in section 3301.165 of the Revised Code;</u>	78195 78196
<u>(h)</u> An educational service center;	78197
(h) <u>(i)</u> A preschool program or school-age child care program licensed by the department of education;	78198 78199
(i) <u>(j)</u> Any other facility that primarily provides educational services to children subject to regulation by the department of education.	78200 78201 78202
(2) "Emergency management test" means a regularly scheduled drill, exercise, or activity designed to assess and evaluate an emergency management plan under this section.	78203 78204 78205

(3) "Building" means any school, school building, facility, program, or center.

(B)(1) Each administrator shall develop and adopt a comprehensive emergency management plan, in accordance with rules adopted by the state board of education pursuant to division (F) of this section, for each building under the administrator's control. The administrator shall examine the environmental conditions and operations of each building to determine potential hazards to student and staff safety and shall propose operating changes to promote the prevention of potentially dangerous problems and circumstances. In developing the plan for each building, the administrator shall involve community law enforcement and safety officials, parents of students who are assigned to the building, and teachers and nonteaching employees who are assigned to the building. The administrator shall incorporate remediation strategies into the plan for any building where documented safety problems have occurred.

(2) Each administrator shall also incorporate into the emergency management plan adopted under division (B)(1) of this section all of the following:

(a) A protocol for addressing serious threats to the safety of property, students, employees, or administrators;

(b) A protocol for responding to any emergency events that occur and compromise the safety of property, students, employees, or administrators. This protocol shall include, but not be limited to, all of the following:

(i) A floor plan that is unique to each floor of the building;

(ii) A site plan that includes all building property and surrounding property;

(iii) An emergency contact information sheet.

(3) Each protocol described in divisions (B)(2)(a) and (b) of this section shall include procedures determined to be appropriate by the administrator for responding to threats and emergency events, respectively, including such things as notification of appropriate law enforcement personnel, calling upon specified emergency response personnel for assistance, and informing parents of affected students.

Prior to the opening day of each school year, the administrator shall inform each student or child enrolled in the school and the student's or child's parent of the parental notification procedures included in the protocol.

(4) Each administrator shall keep a copy of the emergency management plan adopted pursuant to this section in a secure place.

(C)(1) The administrator shall submit to the department of education, in accordance with rules adopted by the state board of education pursuant to division (F) of this section, an electronic copy of the emergency management plan prescribed by division (B) of this section not less than once every three years, whenever a major modification to the building requires changes in the procedures outlined in the plan, and whenever information on the emergency contact information sheet changes.

(2) The administrator also shall file a copy of the plan with each law enforcement agency that has jurisdiction over the school building and, upon request, to any of the following:

(a) The fire department that serves the political subdivision in which the building is located;

(b) The emergency medical service organization that serves the political subdivision in which the building is located;

(c) The county emergency management agency for the county in which the building is located.

(3) Upon receipt of an emergency management plan, the department of education shall submit the information in accordance with rules adopted by the state board of education pursuant to division (F) of this section, to both of the following:

(a) The attorney general, who shall post that information on the Ohio law enforcement gateway or its successor;

(b) The director of public safety, who shall post the information on the contact and information management system.

(4) Any department or entity to which copies of an emergency management plan are filed under this section shall keep the copies in a secure place.

(D)(1) Not later than the first day of July of each year, each administrator shall review the emergency management plan and certify to the department of education that the plan is current and accurate.

(2) Anytime that an administrator updates the emergency management plan pursuant to division (C)(1) of this section, the administrator shall file copies, not later than the tenth day after the revision is adopted and in accordance with rules adopted by the state board pursuant to division (F) of this section, to the department of education and to any entity with which the administrator filed a copy under division (C)(2) of this section.

(E) Each administrator shall do both of the following:

(1) Prepare and conduct at least one annual emergency management test, as defined in division (A)(2) of this section, in accordance with rules adopted by the state board pursuant to division (F) of this section;

(2) Grant access to each building under the control of the administrator to law enforcement personnel and to entities described in division (C)(2) of this section, to enable the

personnel and entities to hold training sessions for responding to 78298
threats and emergency events affecting the building, provided that 78299
the access occurs outside of student instructional hours and the 78300
administrator, or the administrator's designee, is present in the 78301
building during the training sessions. 78302

(F) The state board of education, in accordance with Chapter 78303
119. of the Revised Code, shall adopt rules regarding emergency 78304
management plans under this section, including the content of the 78305
plans and procedures for filing the plans. The rules shall specify 78306
that plans and information required under division (B) of this 78307
section be submitted on standardized forms developed by the 78308
department of education for such purpose. The rules shall also 78309
specify the requirements and procedures for emergency management 78310
tests conducted pursuant to division (E)(1) of this section. 78311
Failure to comply with the rules may result in discipline pursuant 78312
to section 3319.31 of the Revised Code or any other action against 78313
the administrator as prescribed by rule. 78314

(G) Division (B) of section 3319.31 of the Revised Code 78315
applies to any administrator who is subject to the requirements of 78316
this section and is not exempt under division (H) of this section 78317
and who is an applicant for a license or holds a license from the 78318
state board pursuant to section 3319.22 of the Revised Code. 78319

(H) The superintendent of public instruction may exempt any 78320
administrator from the requirements of this section, if the 78321
superintendent determines that the requirements do not otherwise 78322
apply to a building or buildings under the control of that 78323
administrator. 78324

(I) Copies of the emergency management plan and information 78325
required under division (B) of this section are security records 78326
and are not public records pursuant to section 149.433 of the 78327
Revised Code. In addition, the information posted to the contact 78328
and information management system, pursuant to division (C)(3)(b) 78329

of this section, is exempt from public disclosure or release in 78330
accordance with sections 149.43, 149.433, and 5502.03 of the 78331
Revised Code. 78332

Notwithstanding section 149.433 of the Revised Code, a floor 78333
plan filed with the attorney general pursuant to this section is 78334
not a public record to the extent it is a record kept by the 78335
attorney general. 78336

Sec. 3313.539. (A) As used in this section: 78337

(1) "Licensing agency" has the same meaning as in section 78338
4745.01 of the Revised Code. 78339

(2) "Licensed health care professional" means an individual, 78340
other than a physician, who is authorized under Title XLVII of the 78341
Revised Code to practice a health care profession. 78342

(3) "Physician" means a person authorized under Chapter 4731. 78343
of the Revised Code to practice medicine and surgery or 78344
osteopathic medicine and surgery. 78345

(B) No school district board of education or governing 78346
authority of a chartered nonpublic, accredited nonpublic school 78347
described in section 3301.165 of the Revised Code, or nonchartered 78348
nonpublic school shall permit a student to practice for or compete 78349
in interscholastic athletics until the student has submitted, to a 78350
school official designated by the board or governing authority, a 78351
form signed by the parent, guardian, or other person having care 78352
or charge of the student stating that the student and the parent, 78353
guardian, or other person having care or charge of the student 78354
have received the concussion and head injury information sheet 78355
required by section 3707.52 of the Revised Code. A completed form 78356
shall be submitted each school year, as defined in section 3313.62 78357
of the Revised Code, for each sport or other category of 78358
interscholastic athletics for or in which the student practices or 78359

competes. 78360

(C)(1) No school district board of education or governing 78361
authority of a chartered, accredited, or nonchartered nonpublic 78362
school shall permit an individual to coach interscholastic 78363
athletics unless the individual holds a pupil-activity program 78364
permit issued under section 3319.303 of the Revised Code for 78365
coaching interscholastic athletics. 78366

(2) No school district board of education or governing 78367
authority of a chartered, accredited, or nonchartered nonpublic 78368
school shall permit an individual to referee interscholastic 78369
athletics unless the individual holds a pupil-activity program 78370
permit issued under section 3319.303 of the Revised Code for 78371
coaching interscholastic athletics or presents evidence that the 78372
individual has successfully completed, within the previous three 78373
years, a training program in recognizing the symptoms of 78374
concussions and head injuries to which the department of health 78375
has provided a link on its internet web site under section 3707.52 78376
of the Revised Code or a training program authorized and required 78377
by an organization that regulates interscholastic athletic 78378
competition and conducts interscholastic athletic events. 78379

(D) If a student practicing for or competing in an 78380
interscholastic athletic event exhibits signs, symptoms, or 78381
behaviors consistent with having sustained a concussion or head 78382
injury while participating in the practice or competition, the 78383
student shall be removed from the practice or competition by 78384
either of the following: 78385

(1) The individual who is serving as the student's coach 78386
during that practice or competition; 78387

(2) An individual who is serving as a referee during that 78388
practice or competition. 78389

(E)(1) If a student is removed from practice or competition 78390

under division (D) of this section, the coach or referee who 78391
removed the student shall not allow the student, on the same day 78392
the student is removed, to return to that practice or competition 78393
or to participate in any other practice or competition for which 78394
the coach or referee is responsible. Thereafter, the coach or 78395
referee shall not allow the student to return to that practice or 78396
competition or to participate in any other practice or competition 78397
for which the coach or referee is responsible until both of the 78398
following conditions are satisfied: 78399

(a) The student's condition is assessed by any of the 78400
following who has complied with the requirements in division 78401
(E)(4) of this section: 78402

(i) A physician; 78403

(ii) A licensed health care professional the school district 78404
board of education or governing authority of the chartered, 78405
accredited, or nonchartered nonpublic school, pursuant to division 78406
(E)(2) of this section, authorizes to assess a student who has 78407
been removed from practice or competition under division (D) of 78408
this section; 78409

(iii) A licensed health care professional who meets the 78410
minimum education requirements established by rules adopted under 78411
section 3707.521 of the Revised Code by the professional's 78412
licensing agency. 78413

(b) The student receives written clearance that it is safe 78414
for the student to return to practice or competition from the 78415
physician or licensed health care professional who assessed the 78416
student's condition. 78417

(2) A school district board of education or governing 78418
authority of a chartered, accredited, or nonchartered nonpublic 78419
school may authorize a licensed health care professional to make 78420
an assessment or grant a clearance for purposes of division (E)(1) 78421

of this section only if the professional is acting in accordance 78422
with one of the following, as applicable to the professional's 78423
authority to practice in this state: 78424

(a) In consultation with a physician; 78425

(b) Pursuant to the referral of a physician; 78426

(c) In collaboration with a physician; 78427

(d) Under the supervision of a physician. 78428

(3) A physician or licensed health care professional who 78429
makes an assessment or grants a clearance for purposes of division 78430
(E)(1) of this section may be a volunteer. 78431

(4) Beginning one year after ~~the effective date of this~~ 78432
~~amendment~~ September 17, 2015, all physicians and licensed health 78433
care professionals who conduct assessments and clearances under 78434
division (E)(1) of this section must meet the minimum education 78435
requirements established by rules adopted under section 3707.521 78436
of the Revised Code by their respective licensing agencies. 78437

(F) A school district board of education or governing 78438
authority of a chartered, accredited, or nonchartered nonpublic 78439
school that is subject to the rules of an interscholastic 78440
conference or an organization that regulates interscholastic 78441
athletic competition and conducts interscholastic athletic events 78442
shall be considered to be in compliance with divisions (B), (D), 78443
and (E) of this section, as long as the requirements of those 78444
rules are substantially similar to the requirements of divisions 78445
(B), (D), and (E) of this section. 78446

(G)(1) A school district, member of a school district board 78447
of education, or school district employee or volunteer, including 78448
a coach or referee, is not liable in damages in a civil action for 78449
injury, death, or loss to person or property allegedly arising 78450
from providing services or performing duties under this section, 78451

unless the act or omission constitutes willful or wanton 78452
misconduct. 78453

This section does not eliminate, limit, or reduce any other 78454
immunity or defense that a school district, member of a school 78455
district board of education, or school district employee or 78456
volunteer, including a coach or referee, may be entitled to under 78457
Chapter 2744. or any other provision of the Revised Code or under 78458
the common law of this state. 78459

(2) A chartered, accredited, or nonchartered nonpublic school 78460
or any officer, director, employee, or volunteer of the school, 78461
including a coach or referee, is not liable in damages in a civil 78462
action for injury, death, or loss to person or property allegedly 78463
arising from providing services or performing duties under this 78464
section, unless the act or omission constitutes willful or wanton 78465
misconduct. 78466

Sec. 3313.5311. (A) As used in this section and in section 78467
3313.5312 of the Revised Code, "extracurricular activity" has the 78468
same meaning as in section 3313.537 of the Revised Code. 78469

(B) If the nonpublic school in which the student is enrolled 78470
does not offer the extracurricular activity, a student enrolled in 78471
a chartered nonpublic school, accredited nonpublic school 78472
described in section 3301.165 of the Revised Code, or nonchartered 78473
nonpublic school shall be afforded, by the superintendent of the 78474
school district in which the student is entitled to attend school 78475
under section 3313.64 or 3313.65 of the Revised Code, the 78476
opportunity to participate in that extracurricular activity at the 78477
district school to which the student otherwise would be assigned 78478
during that school year. If more than one school operated by the 78479
school district serves the student's grade level, as determined by 78480
the district superintendent based on the student's age and 78481
academic performance, the student shall be afforded the 78482

opportunity to participate in that extracurricular activity at the 78483
school to which the student would be assigned by the 78484
superintendent under section 3319.01 of the Revised Code. 78485

(C) The superintendent of any school district may afford any 78486
student enrolled in a nonpublic school, and who is not entitled to 78487
attend school in the district under section 3313.64 or 3313.65 of 78488
the Revised Code, the opportunity to participate in an 78489
extracurricular activity offered by a school of the district, if 78490
the nonpublic school in which the student is enrolled does not 78491
offer the extracurricular activity and either of the following 78492
apply: 78493

(1) The extracurricular activity is not interscholastic 78494
athletics or interscholastic contests or competition in music, 78495
drama, or forensics. 78496

(2) The extracurricular activity is in an interscholastic 78497
athletic or interscholastic contest or competition in music, 78498
drama, or forensics. In order to participate under division (C)(2) 78499
of this section, the student shall seek to participate at either 78500
the school district in which the student's nonpublic school is 78501
located or the school district in which the student is entitled to 78502
attend school under section 3313.64 or 3313.65 of the Revised 78503
Code, so long as the chosen district offers the extracurricular 78504
activity. 78505

If the student seeks to participate under division (C)(2) of 78506
this section at the school district in which the student's 78507
nonpublic school is located, both of the following shall apply: 78508

(a) The superintendent of the school district in which the 78509
student is entitled to attend school shall certify that the 78510
student has not participated in any extracurricular activity that 78511
is in an interscholastic athletic or interscholastic contest or 78512
competition in music, drama, or forensics at that school district 78513

during that school year. If the student has participated in such 78514
an extracurricular activity at that school district during the 78515
school year, the student shall be ineligible to participate at the 78516
school district in which the student's nonpublic school is located 78517
for that school year. 78518

(b) The superintendent of the school district in which the 78519
student is entitled to attend school and the superintendent of the 78520
school district in which the student is seeking to participate 78521
shall mutually agree, in writing, to allow the student to 78522
participate in the extracurricular activity at the school district 78523
in which the student's nonpublic school is located. 78524

(D) In order to participate in an extracurricular activity 78525
under this section, the student shall be of the appropriate age 78526
and grade level, as determined by the superintendent of the 78527
district, for the school that offers the extracurricular activity, 78528
and shall fulfill the same academic, nonacademic, and financial 78529
requirements as any other participant. 78530

(E) No school district shall impose additional rules on a 78531
student to participate under this section that do not apply to 78532
other students participating in the same extracurricular activity. 78533
No district shall impose additional fees for a student to 78534
participate under this section that exceed any fees charged to 78535
other students participating in the same extracurricular activity. 78536

(F) No school district, interscholastic conference, or 78537
organization that regulates interscholastic conferences or events 78538
shall require a student who is eligible to participate in 78539
interscholastic extracurricular activities under this section to 78540
meet eligibility requirements that conflict with this section. 78541

Sec. 3313.603. (A) As used in this section: 78542

(1) "One unit" means a minimum of one hundred twenty hours of 78543

course instruction, except that for a laboratory course, "one unit" means a minimum of one hundred fifty hours of course instruction. 78544
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(2) "One-half unit" means a minimum of sixty hours of course instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction. 78547
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(B) Beginning September 15, 2001, except as required in division (C) of this section and division (C) of section 3313.614 of the Revised Code, the requirements for graduation from every high school shall include twenty units earned in grades nine through twelve and shall be distributed as follows: 78551
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78553
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78555

(1) English language arts, four units; 78556

(2) Health, one-half unit; 78557

(3) Mathematics, three units; 78558

(4) Physical education, one-half unit; 78559

(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following: 78560
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78562

(a) Biological sciences, one unit; 78563

(b) Physical sciences, one unit. 78564

(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following: 78565
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78567

(a) American history, one-half unit; 78568

(b) American government, one-half unit. 78569

(7) Social studies, two units. 78570

Beginning with students who enter ninth grade for the first time on or after July 1, 2017, the two units of instruction 78571
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prescribed by division (B)(7) of this section shall include at 78573
least one-half unit of instruction in the study of world history 78574
and civilizations. 78575

(8) Elective units, seven units until September 15, 2003, and 78576
six units thereafter. 78577

Each student's electives shall include at least one unit, or 78578
two half units, chosen from among the areas of 78579
business/technology, fine arts, and/or foreign language. 78580

(C) Beginning with students who enter ninth grade for the 78581
first time on or after July 1, 2010, except as provided in 78582
divisions (D) to (F) of this section, the requirements for 78583
graduation from every public and chartered nonpublic high school 78584
shall include twenty units that are designed to prepare students 78585
for the workforce and college. The units shall be distributed as 78586
follows: 78587

(1) English language arts, four units; 78588

(2) Health, one-half unit, which shall include instruction in 78589
nutrition and the benefits of nutritious foods and physical 78590
activity for overall health; 78591

(3) Mathematics, four units, which shall include one unit of 78592
algebra II or the equivalent of algebra II, or one unit of 78593
advanced computer science as described in the standards adopted 78594
pursuant to division (A)(4) of section 3301.079 of the Revised 78595
Code. However, students who enter ninth grade for the first time 78596
on or after July 1, 2015, and who are pursuing a career-technical 78597
instructional track shall not be required to take algebra II or 78598
advanced computer science, and instead may complete a career-based 78599
pathway mathematics course approved by the department of education 78600
as an alternative. 78601

For students who choose to take advanced computer science in 78602
lieu of algebra II under division (C)(3) of this section, the 78603

school shall communicate to those students that some institutions 78604
of higher education may require algebra II for the purpose of 78605
college admission. Also, the parent, guardian, or legal custodian 78606
of each student who chooses to take advanced computer science in 78607
lieu of algebra II shall sign and submit to the school a document 78608
containing a statement acknowledging that not taking algebra II 78609
may have an adverse effect on college admission decisions. 78610

(4) Physical education, one-half unit; 78611

(5) Science, three units with inquiry-based laboratory 78612
experience that engages students in asking valid scientific 78613
questions and gathering and analyzing information, which shall 78614
include the following, or their equivalent: 78615

(a) Physical sciences, one unit; 78616

(b) Life sciences, one unit; 78617

(c) Advanced study in one or more of the following sciences, 78618
one unit: 78619

(i) Chemistry, physics, or other physical science; 78620

(ii) Advanced biology or other life science; 78621

(iii) Astronomy, physical geology, or other earth or space 78622
science; 78623

(iv) Computer science. 78624

No student shall substitute a computer science course for a 78625
life sciences or biology course under division (C)(5) of this 78626
section. 78627

(6) History and government, one unit, which shall comply with 78628
division (M) of this section and shall include both of the 78629
following: 78630

(a) American history, one-half unit; 78631

(b) American government, one-half unit. 78632

(7) Social studies, two units. 78633

Each school shall integrate the study of economics and 78634
financial literacy, as expressed in the social studies academic 78635
content standards adopted by the state board of education under 78636
division (A)(1) of section 3301.079 of the Revised Code and the 78637
academic content standards for financial literacy and 78638
entrepreneurship adopted under division (A)(2) of that section, 78639
into one or more existing social studies credits required under 78640
division (C)(7) of this section, or into the content of another 78641
class, so that every high school student receives instruction in 78642
those concepts. In developing the curriculum required by this 78643
paragraph, schools shall use available public-private partnerships 78644
and resources and materials that exist in business, industry, and 78645
through the centers for economics education at institutions of 78646
higher education in the state. 78647

Beginning with students who enter ninth grade for the first 78648
time on or after July 1, 2017, the two units of instruction 78649
prescribed by division (C)(7) of this section shall include at 78650
least one-half unit of instruction in the study of world history 78651
and civilizations. 78652

(8) Five units consisting of one or any combination of 78653
foreign language, fine arts, business, career-technical education, 78654
family and consumer sciences, technology which may include 78655
computer science, agricultural education, a junior reserve officer 78656
training corps (JROTC) program approved by the congress of the 78657
United States under title 10 of the United States Code, or English 78658
language arts, mathematics, science, or social studies courses not 78659
otherwise required under division (C) of this section. 78660

Ohioans must be prepared to apply increased knowledge and 78661
skills in the workplace and to adapt their knowledge and skills 78662
quickly to meet the rapidly changing conditions of the 78663
twenty-first century. National studies indicate that all high 78664

school graduates need the same academic foundation, regardless of 78665
the opportunities they pursue after graduation. The goal of Ohio's 78666
system of elementary and secondary education is to prepare all 78667
students for and seamlessly connect all students to success in 78668
life beyond high school graduation, regardless of whether the next 78669
step is entering the workforce, beginning an apprenticeship, 78670
engaging in post-secondary training, serving in the military, or 78671
pursuing a college degree. 78672

The requirements for graduation prescribed in division (C) of 78673
this section are the standard expectation for all students 78674
entering ninth grade for the first time at a public or chartered 78675
nonpublic high school on or after July 1, 2010. A student may 78676
satisfy this expectation through a variety of methods, including, 78677
but not limited to, integrated, applied, career-technical, and 78678
traditional coursework. 78679

Stronger coordination between high schools and institutions 78680
of higher education is necessary to prepare students for more 78681
challenging academic endeavors and to lessen the need for academic 78682
remediation in college, thereby reducing the costs of higher 78683
education for Ohio's students, families, and the state. The state 78684
board and the chancellor of higher education shall develop 78685
policies to ensure that only in rare instances will students who 78686
complete the requirements for graduation prescribed in division 78687
(C) of this section require academic remediation after high 78688
school. 78689

School districts, community schools, and chartered nonpublic 78690
schools shall integrate technology into learning experiences 78691
across the curriculum in order to maximize efficiency, enhance 78692
learning, and prepare students for success in the 78693
technology-driven twenty-first century. Districts and schools 78694
shall use distance and web-based course delivery as a method of 78695
providing or augmenting all instruction required under this 78696

division, including laboratory experience in science. Districts 78697
and schools shall utilize technology access and electronic 78698
learning opportunities provided by the broadcast educational media 78699
commission, chancellor, the Ohio learning network, education 78700
technology centers, public television stations, and other public 78701
and private providers. 78702

(D) Except as provided in division (E) of this section, a 78703
student who enters ninth grade on or after July 1, 2010, and 78704
before July 1, 2016, may qualify for graduation from a public or 78705
chartered nonpublic high school even though the student has not 78706
completed the requirements for graduation prescribed in division 78707
(C) of this section if all of the following conditions are 78708
satisfied: 78709

(1) During the student's third year of attending high school, 78710
as determined by the school, the student and the student's parent, 78711
guardian, or custodian sign and file with the school a written 78712
statement asserting the parent's, guardian's, or custodian's 78713
consent to the student's graduating without completing the 78714
requirements for graduation prescribed in division (C) of this 78715
section and acknowledging that one consequence of not completing 78716
those requirements is ineligibility to enroll in most state 78717
universities in Ohio without further coursework. 78718

(2) The student and parent, guardian, or custodian fulfill 78719
any procedural requirements the school stipulates to ensure the 78720
student's and parent's, guardian's, or custodian's informed 78721
consent and to facilitate orderly filing of statements under 78722
division (D)(1) of this section. Annually, each district or school 78723
shall notify the department of the number of students who choose 78724
to qualify for graduation under division (D) of this section and 78725
the number of students who complete the student's success plan and 78726
graduate from high school. 78727

(3) The student and the student's parent, guardian, or 78728

custodian and a representative of the student's high school 78729
jointly develop a student success plan for the student in the 78730
manner described in division (C)(1) of section 3313.6020 of the 78731
Revised Code that specifies the student matriculating to a 78732
two-year degree program, acquiring a business and 78733
industry-recognized credential, or entering an apprenticeship. 78734

(4) The student's high school provides counseling and support 78735
for the student related to the plan developed under division 78736
(D)(3) of this section during the remainder of the student's high 78737
school experience. 78738

(5)(a) Except as provided in division (D)(5)(b) of this 78739
section, the student successfully completes, at a minimum, the 78740
curriculum prescribed in division (B) of this section. 78741

(b) Beginning with students who enter ninth grade for the 78742
first time on or after July 1, 2014, a student shall be required 78743
to complete successfully, at the minimum, the curriculum 78744
prescribed in division (B) of this section, except as follows: 78745

(i) Mathematics, four units, one unit which shall be one of 78746
the following: 78747

(I) Probability and statistics; 78748

(II) Computer science; 78749

(III) Applied mathematics or quantitative reasoning; 78750

(IV) Any other course approved by the department using 78751
standards established by the superintendent not later than October 78752
1, 2014. 78753

(ii) Elective units, five units; 78754

(iii) Science, three units as prescribed by division (B) of 78755
this section which shall include inquiry-based laboratory 78756
experience that engages students in asking valid scientific 78757
questions and gathering and analyzing information. 78758

The department, in collaboration with the chancellor, shall analyze student performance data to determine if there are mitigating factors that warrant extending the exception permitted by division (D) of this section to high school classes beyond those entering ninth grade before July 1, 2016. The department shall submit its findings and any recommendations not later than December 1, 2015, to the speaker and minority leader of the house of representatives, the president and minority leader of the senate, the chairpersons and ranking minority members of the standing committees of the house of representatives and the senate that consider education legislation, the state board of education, and the superintendent of public instruction.

(E) Each school district and chartered nonpublic school retains the authority to require an even more challenging minimum curriculum for high school graduation than specified in division (B) or (C) of this section. A school district board of education, through the adoption of a resolution, or the governing authority of a chartered nonpublic school may stipulate any of the following:

(1) A minimum high school curriculum that requires more than twenty units of academic credit to graduate;

(2) An exception to the district's or school's minimum high school curriculum that is comparable to the exception provided in division (D) of this section but with additional requirements, which may include a requirement that the student successfully complete more than the minimum curriculum prescribed in division (B) of this section;

(3) That no exception comparable to that provided in division (D) of this section is available.

(F) A student enrolled in a dropout prevention and recovery program, which program has received a waiver from the department,

may qualify for graduation from high school by successfully 78790
completing a competency-based instructional program administered 78791
by the dropout prevention and recovery program in lieu of 78792
completing the requirements for graduation prescribed in division 78793
(C) of this section. The department shall grant a waiver to a 78794
dropout prevention and recovery program, within sixty days after 78795
the program applies for the waiver, if the program meets all of 78796
the following conditions: 78797

(1) The program serves only students not younger than sixteen 78798
years of age and not older than twenty-one years of age. 78799

(2) The program enrolls students who, at the time of their 78800
initial enrollment, either, or both, are at least one grade level 78801
behind their cohort age groups or experience crises that 78802
significantly interfere with their academic progress such that 78803
they are prevented from continuing their traditional programs. 78804

(3) The program requires students to attain at least the 78805
applicable score designated for each of the assessments prescribed 78806
under division (B)(1) of section 3301.0710 of the Revised Code or, 78807
to the extent prescribed by rule of the state board under division 78808
(D)(5) of section 3301.0712 of the Revised Code, division (B)(2) 78809
of that section. 78810

(4) The program develops a student success plan for the 78811
student in the manner described in division (C)(1) of section 78812
3313.6020 of the Revised Code that specifies the student's 78813
matriculating to a two-year degree program, acquiring a business 78814
and industry-recognized credential, or entering an apprenticeship. 78815

(5) The program provides counseling and support for the 78816
student related to the plan developed under division (F)(4) of 78817
this section during the remainder of the student's high school 78818
experience. 78819

(6) The program requires the student and the student's 78820

parent, guardian, or custodian to sign and file, in accordance 78821
with procedural requirements stipulated by the program, a written 78822
statement asserting the parent's, guardian's, or custodian's 78823
consent to the student's graduating without completing the 78824
requirements for graduation prescribed in division (C) of this 78825
section and acknowledging that one consequence of not completing 78826
those requirements is ineligibility to enroll in most state 78827
universities in Ohio without further coursework. 78828

(7) Prior to receiving the waiver, the program has submitted 78829
to the department an instructional plan that demonstrates how the 78830
academic content standards adopted by the state board under 78831
section 3301.079 of the Revised Code will be taught and assessed. 78832

(8) Prior to receiving the waiver, the program has submitted 78833
to the department a policy on career advising that satisfies the 78834
requirements of section 3313.6020 of the Revised Code, with an 78835
emphasis on how every student will receive career advising. 78836

(9) Prior to receiving the waiver, the program has submitted 78837
to the department a written agreement outlining the future 78838
cooperation between the program and any combination of local job 78839
training, postsecondary education, nonprofit, and health and 78840
social service organizations to provide services for students in 78841
the program and their families. 78842

Divisions (F)(8) and (9) of this section apply only to 78843
waivers granted on or after July 1, 2015. 78844

If the department does not act either to grant the waiver or 78845
to reject the program application for the waiver within sixty days 78846
as required under this section, the waiver shall be considered to 78847
be granted. 78848

(G) Every high school may permit students below the ninth 78849
grade to take advanced work. If a high school so permits, it shall 78850
award high school credit for successful completion of the advanced 78851

work and shall count such advanced work toward the graduation 78852
requirements of division (B) or (C) of this section if the 78853
advanced work was both: 78854

(1) Taught by a person who possesses a license or certificate 78855
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 78856
Code that is valid for teaching high school; 78857

(2) Designated by the board of education of the city, local, 78858
or exempted village school district, the board of the cooperative 78859
education school district, or the governing authority of the 78860
chartered nonpublic school as meeting the high school curriculum 78861
requirements. 78862

Each high school shall record on the student's high school 78863
transcript all high school credit awarded under division (G) of 78864
this section. In addition, if the student completed a seventh- or 78865
eighth-grade fine arts course described in division (K) of this 78866
section and the course qualified for high school credit under that 78867
division, the high school shall record that course on the 78868
student's high school transcript. 78869

(H) The department shall make its individual academic career 78870
plan available through its Ohio career information system web site 78871
for districts and schools to use as a tool for communicating with 78872
and providing guidance to students and families in selecting high 78873
school courses. 78874

(I) A school district or chartered nonpublic school may 78875
integrate academic content in a subject area for which the state 78876
board has adopted standards under section 3301.079 of the Revised 78877
Code into a course in a different subject area, including a 78878
career-technical education course, in accordance with guidance for 78879
integrated coursework developed by the department. Upon successful 78880
completion of an integrated course, a student may receive credit 78881
for both subject areas that were integrated into the course. Units 78882

earned for subject area content delivered through integrated 78883
academic and career-technical instruction are eligible to meet the 78884
graduation requirements of division (B) or (C) of this section. 78885

For purposes of meeting graduation requirements, if an 78886
end-of-course examination has been prescribed under section 78887
3301.0712 of the Revised Code for the subject area delivered 78888
through integrated instruction, the school district or school may 78889
administer the related subject area examinations upon the 78890
student's completion of the integrated course. 78891

Nothing in division (I) of this section shall be construed to 78892
excuse any school district, chartered nonpublic school, or student 78893
from any requirement in the Revised Code related to curriculum, 78894
assessments, or the awarding of a high school diploma. 78895

(J)(1) The state board, in consultation with the chancellor, 78896
shall adopt a statewide plan implementing methods for students to 78897
earn units of high school credit based on a demonstration of 78898
subject area competency, instead of or in combination with 78899
completing hours of classroom instruction. The state board shall 78900
adopt the plan not later than March 31, 2009, and commence phasing 78901
in the plan during the 2009-2010 school year. The plan shall 78902
include a standard method for recording demonstrated proficiency 78903
on high school transcripts. Each school district and community 78904
school shall comply with the state board's plan adopted under this 78905
division and award units of high school credit in accordance with 78906
the plan. The state board may adopt existing methods for earning 78907
high school credit based on a demonstration of subject area 78908
competency as necessary prior to the 2009-2010 school year. 78909

(2) Not later than December 31, 2015, the state board shall 78910
update the statewide plan adopted pursuant to division (J)(1) of 78911
this section to also include methods for students enrolled in 78912
seventh and eighth grade to meet curriculum requirements based on 78913
a demonstration of subject area competency, instead of or in 78914

combination with completing hours of classroom instruction. 78915
Beginning with the 2017-2018 school year, each school district and 78916
community school also shall comply with the updated plan adopted 78917
pursuant to this division and permit students enrolled in seventh 78918
and eighth grade to meet curriculum requirements based on subject 78919
area competency in accordance with the plan. 78920

(3) Not later than December 31, 2017, the department shall 78921
develop a framework for school districts and community schools to 78922
use in granting units of high school credit to students who 78923
demonstrate subject area competency through work-based learning 78924
experiences, internships, or cooperative education. Beginning with 78925
the 2018-2019 school year, each district and community school 78926
shall comply with the framework. Each district and community 78927
school also shall review any policy it has adopted regarding the 78928
demonstration of subject area competency to identify ways to 78929
incorporate work-based learning experiences, internships, and 78930
cooperative education into the policy in order to increase student 78931
engagement and opportunities to earn units of high school credit. 78932

(K) This division does not apply to students who qualify for 78933
graduation from high school under division (D) or (F) of this 78934
section, or to students pursuing a career-technical instructional 78935
track as determined by the school district board of education or 78936
the chartered nonpublic school's governing authority. 78937
Nevertheless, the general assembly encourages such students to 78938
consider enrolling in a fine arts course as an elective. 78939

Beginning with students who enter ninth grade for the first 78940
time on or after July 1, 2010, each student enrolled in a public 78941
or chartered nonpublic high school shall complete two semesters or 78942
the equivalent of fine arts to graduate from high school. The 78943
coursework may be completed in any of grades seven to twelve. Each 78944
student who completes a fine arts course in grade seven or eight 78945
may elect to count that course toward the five units of electives 78946

required for graduation under division (C)(8) of this section, if 78947
the course satisfied the requirements of division (G) of this 78948
section. In that case, the high school shall award the student 78949
high school credit for the course and count the course toward the 78950
five units required under division (C)(8) of this section. If the 78951
course in grade seven or eight did not satisfy the requirements of 78952
division (G) of this section, the high school shall not award the 78953
student high school credit for the course but shall count the 78954
course toward the two semesters or the equivalent of fine arts 78955
required by this division. 78956

(L) Notwithstanding anything to the contrary in this section, 78957
the board of education of each school district and the governing 78958
authority of each chartered nonpublic school may adopt a policy to 78959
excuse from the high school physical education requirement each 78960
student who, during high school, has participated in 78961
interscholastic athletics, marching band, or cheerleading for at 78962
least two full seasons or in the junior reserve officer training 78963
corps for at least two full school years. If the board or 78964
authority adopts such a policy, the board or authority shall not 78965
require the student to complete any physical education course as a 78966
condition to graduate. However, the student shall be required to 78967
complete one-half unit, consisting of at least sixty hours of 78968
instruction, in another course of study. In the case of a student 78969
who has participated in the junior reserve officer training corps 78970
for at least two full school years, credit received for that 78971
participation may be used to satisfy the requirement to complete 78972
one-half unit in another course of study. 78973

(M) It is important that high school students learn and 78974
understand United States history and the governments of both the 78975
United States and the state of Ohio. Therefore, beginning with 78976
students who enter ninth grade for the first time on or after July 78977
1, 2012, the study of American history and American government 78978

required by divisions (B)(6) and (C)(6) of this section shall	78979
include the study of all of the following documents:	78980
(1) The Declaration of Independence;	78981
(2) The Northwest Ordinance;	78982
(3) The Constitution of the United States with emphasis on the Bill of Rights;	78983 78984
(4) The Ohio Constitution.	78985
The study of each of the documents prescribed in divisions (M)(1) to (4) of this section shall include study of that document in its original context.	78986 78987 78988
The study of American history and government required by divisions (B)(6) and (C)(6) of this section shall include the historical evidence of the role of documents such as the Federalist Papers and the Anti-Federalist Papers to firmly establish the historical background leading to the establishment of the provisions of the Constitution and Bill of Rights.	78989 78990 78991 78992 78993 78994
(N) A student may apply one unit of instruction in computer science to satisfy one unit of mathematics or one unit of science under division (C) of this section as the student chooses, regardless of the field of certification of the teacher who teaches the course, so long as that teacher meets the licensure requirements prescribed by section 3319.236 of the Revised Code and, prior to teaching the course, completes a professional development program determined to be appropriate by the district board.	78995 78996 78997 78998 78999 79000 79001 79002 79003
If a student applies more than one computer science course to satisfy curriculum requirements under that division, the courses shall be sequential and progressively more difficult or cover different subject areas within computer science.	79004 79005 79006 79007
<u>(O) This section shall not apply to accredited nonpublic</u>	79008

schools described in section 3301.165 of the Revised Code. 79009

Sec. 3313.62. The school year shall begin on the first day of 79010
July of each calendar year and close on the thirtieth day of June 79011
of the succeeding calendar year. A school week shall consist of 79012
five days. A chartered nonpublic school or an accredited nonpublic 79013
school described in section 3301.165 of the Revised Code may be 79014
open for instruction with pupils in attendance on any day of the 79015
week, including Saturday or Sunday. 79016

Sec. 3313.716. (A) Notwithstanding section 3313.713 of the 79017
Revised Code or any policy adopted under that section, a student 79018
of a school operated by a city, local, exempted village, or joint 79019
vocational school district ~~or~~, a student of a chartered nonpublic 79020
school, or a student of an accredited nonpublic school described 79021
in section 3301.165 of the Revised Code may possess and use a 79022
metered dose inhaler or a dry powder inhaler to alleviate 79023
asthmatic symptoms, or before exercise to prevent the onset of 79024
asthmatic symptoms, if both of the following conditions are 79025
satisfied: 79026

(1) The student has the written approval of the student's 79027
physician and, if the student is a minor, the written approval of 79028
the parent, guardian, or other person having care or charge of the 79029
student. The physician's written approval shall include at least 79030
all of the following information: 79031

(a) The student's name and address; 79032

(b) The names and dose of the medication contained in the 79033
inhaler; 79034

(c) The date the administration of the medication is to 79035
begin; 79036

(d) The date, if known, that the administration of the 79037
medication is to cease; 79038

(e) Written instructions that outline procedures school personnel should follow in the event that the asthma medication does not produce the expected relief from the student's asthma attack; 79039
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(f) Any severe adverse reactions that may occur to the child using the inhaler and that should be reported to the physician; 79043
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(g) Any severe adverse reactions that may occur to another child, for whom the inhaler is not prescribed, should such a child receive a dose of the medication; 79045
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(h) At least one emergency telephone number for contacting the physician in an emergency; 79048
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(i) At least one emergency telephone number for contacting the parent, guardian, or other person having care or charge of the student in an emergency; 79050
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(j) Any other special instructions from the physician. 79053

(2) The school principal and, if a school nurse is assigned to the student's school building, the school nurse has received copies of the written approvals required by division (A)(1) of this section. 79054
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If these conditions are satisfied, the student may possess and use the inhaler at school or at any activity, event, or program sponsored by or in which the student's school is a participant. 79058
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(B)(1) A school district, member of a school district board of education, or school district employee is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from a district employee's prohibiting a student from using an inhaler because of the employee's good faith belief that the conditions of divisions (A)(1) and (2) of this section had not been satisfied. A school district, member of a school 79062
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district board of education, or school district employee is not 79069
liable in damages in a civil action for injury, death, or loss to 79070
person or property allegedly arising from a district employee's 79071
permitting a student to use an inhaler because of the employee's 79072
good faith belief that the conditions of divisions (A)(1) and (2) 79073
of this section had been satisfied. Furthermore, when a school 79074
district is required by this section to permit a student to 79075
possess and use an inhaler because the conditions of divisions 79076
(A)(1) and (2) of this section have been satisfied, the school 79077
district, any member of the school district board of education, or 79078
any school district employee is not liable in damages in a civil 79079
action for injury, death, or loss to person or property allegedly 79080
arising from the use of the inhaler by a student for whom it was 79081
not prescribed. 79082

This section does not eliminate, limit, or reduce any other 79083
immunity or defense that a school district, member of a school 79084
district board of education, or school district employee may be 79085
entitled to under Chapter 2744. or any other provision of the 79086
Revised Code or under the common law of this state. 79087

(2) A chartered or an accredited nonpublic school or any 79088
officer, director, or employee of the school is not liable in 79089
damages in a civil action for injury, death, or loss to person or 79090
property allegedly arising from a school employee's prohibiting a 79091
student from using an inhaler because of the employee's good faith 79092
belief that the conditions of divisions (A)(1) and (2) of this 79093
section had not been satisfied. A chartered or an accredited 79094
nonpublic school or any officer, director, or employee of the 79095
school is not liable in damages in a civil action for injury, 79096
death, or loss to person or property allegedly arising from a 79097
school employee's permitting a student to use an inhaler because 79098
of the employee's good faith belief that the conditions of 79099
divisions (A)(1) and (2) of this section had been satisfied. 79100

Furthermore, when a chartered or an accredited nonpublic school is 79101
required by this section to permit a student to possess and use an 79102
inhaler because the conditions of divisions (A)(1) and (2) of this 79103
section have been satisfied, the chartered or accredited nonpublic 79104
school or any officer, director, or employee of the school is not 79105
liable in damages in a civil action for injury, death, or loss to 79106
person or property allegedly arising from the use of the inhaler 79107
by a student for whom it was not prescribed. 79108

Sec. 3313.717. (A) As used in this section, "automated 79109
external defibrillator" means a specialized defibrillator that is 79110
approved for use as a medical device by the United States food and 79111
drug administration for performing automated external 79112
defibrillation, as defined in section 2305.235 of the Revised 79113
Code. 79114

(B)(1) The board of education of each school district may 79115
require the placement of an automated external defibrillator in 79116
each school under the control of the board. Not later than July 1, 79117
2018, pursuant to section 3313.6023 of the Revised Code, all 79118
persons employed by a school district shall receive training in 79119
the use of an automated external defibrillator in accordance with 79120
that section, except for substitutes, adult education instructors 79121
who are scheduled to work the full-time equivalent of less than 79122
one hundred twenty days per school year, or persons who are 79123
employed on an as-needed, seasonal, or intermittent basis, so long 79124
as the persons are not employed to coach or supervise 79125
interscholastic athletics. 79126

(2) The administrative authority of each chartered nonpublic 79127
school and the administrative authority of each accredited 79128
nonpublic school described in section 3301.165 of the Revised Code 79129
may require the placement of an automated external defibrillator 79130
in each school under the control of the authority. If an authority 79131

requires the placement of an automated external defibrillator as 79132
provided in this section, the authority also shall require that a 79133
sufficient number of the staff persons assigned to each school 79134
under the control of the authority successfully complete an 79135
appropriate training course in the use of an automated external 79136
defibrillator as described in section 3701.85 of the Revised Code. 79137

(C) In regard to the use of an automated external 79138
defibrillator that is placed in a school as specified in this 79139
section, and except in the case of willful or wanton misconduct or 79140
when there is no good faith attempt to activate an emergency 79141
medical services system in accordance with section 3701.85 of the 79142
Revised Code, no person shall be held liable in civil damages for 79143
injury, death, or loss to person or property, or held criminally 79144
liable, for performing automated external defibrillation in good 79145
faith, regardless of whether the person has obtained appropriate 79146
training on how to perform automated external defibrillation or 79147
successfully completed a course in cardiopulmonary resuscitation. 79148

Sec. 3313.718. (A) As used in this section, "prescriber" has 79149
the same meaning as in section 4729.01 of the Revised Code. 79150

(B) Notwithstanding section 3313.713 of the Revised Code or 79151
any policy adopted under that section, a student of a school 79152
operated by a city, local, exempted village, or joint vocational 79153
school district ~~or~~, a student of a chartered nonpublic school, or 79154
a student of an accredited nonpublic school described in section 79155
3301.165 of the Revised Code may possess and use an epinephrine 79156
autoinjector to treat anaphylaxis, if all of the following 79157
conditions are satisfied: 79158

(1) The student has the written approval of the prescriber of 79159
the autoinjector and, if the student is a minor, the written 79160
approval of the parent, guardian, or other person having care or 79161
charge of the student. The prescriber's written approval shall 79162

include at least all of the following information:	79163
(a) The student's name and address;	79164
(b) The names and dose of the medication contained in the autoinjector;	79165 79166
(c) The date the administration of the medication is to begin;	79167 79168
(d) The date, if known, that the administration of the medication is to cease;	79169 79170
(e) Acknowledgment that the prescriber has determined that the student is capable of possessing and using the autoinjector appropriately and has provided the student with training in the proper use of the autoinjector;	79171 79172 79173 79174
(f) Circumstances in which the autoinjector should be used;	79175
(g) Written instructions that outline procedures school employees should follow in the event that the student is unable to administer the anaphylaxis medication or the medication does not produce the expected relief from the student's anaphylaxis;	79176 79177 79178 79179
(h) Any severe adverse reactions that may occur to the child using the autoinjector that should be reported to the prescriber;	79180 79181
(i) Any severe adverse reactions that may occur to another child, for whom the autoinjector is not prescribed, should such a child receive a dose of the medication;	79182 79183 79184
(j) At least one emergency telephone number for contacting the prescriber in an emergency;	79185 79186
(k) At least one emergency telephone number for contacting the parent, guardian, or other person having care or charge of the student in an emergency;	79187 79188 79189
(1) Any other special instructions from the prescriber.	79190
(2) The school principal and, if a school nurse is assigned	79191

to the student's school building, the school nurse has received 79192
copies of the written approvals required by division (B)(1) of 79193
this section. 79194

(3) The school principal or, if a school nurse is assigned to 79195
the student's school building, the school nurse has received a 79196
backup dose of the anaphylaxis medication from the parent, 79197
guardian, or other person having care or charge of the student or, 79198
if the student is not a minor, from the student. 79199

If these conditions are satisfied, the student may possess 79200
and use the autoinjector at school or at any activity, event, or 79201
program sponsored by or in which the student's school is a 79202
participant. 79203

(C) Whenever a student uses an autoinjector at school or at 79204
any activity, event, or program sponsored by or in which the 79205
student's school is a participant or whenever a school employee 79206
administers anaphylaxis medication to a student that was possessed 79207
by the student pursuant to the written approvals described in 79208
division (B)(1) of this section, a school employee shall 79209
immediately request assistance from an emergency medical service 79210
provider. 79211

(D)(1) A school district, member of a school district board 79212
of education, or school district employee is not liable in damages 79213
in a civil action for injury, death, or loss to person or property 79214
allegedly arising from a district employee's prohibiting a student 79215
from using an autoinjector because of the employee's good faith 79216
belief that the conditions of division (B) of this section had not 79217
been satisfied. A school district, member of a school district 79218
board of education, or school district employee is not liable in 79219
damages in a civil action for injury, death, or loss to person or 79220
property allegedly arising from a district employee's permitting a 79221
student to use an autoinjector because of the employee's good 79222
faith belief that the conditions of division (B) of this section 79223

had been satisfied. Furthermore, when a school district is 79224
required by this section to permit a student to possess and use an 79225
autoinjector because the conditions of division (B) of this 79226
section have been satisfied, the school district, any member of 79227
the school district board of education, or any school district 79228
employee is not liable in damages in a civil action for injury, 79229
death, or loss to person or property allegedly arising from the 79230
use of the autoinjector by a student for whom it was not 79231
prescribed. 79232

This section does not eliminate, limit, or reduce any other 79233
immunity or defense that a school district, member of a school 79234
district board of education, or school district employee may be 79235
entitled to under Chapter 2744. or any other provision of the 79236
Revised Code or under the common law of this state. 79237

(2) A chartered or an accredited nonpublic school or any 79238
officer, director, or employee of the school is not liable in 79239
damages in a civil action for injury, death, or loss to person or 79240
property allegedly arising from a school employee's prohibiting a 79241
student from using an autoinjector because of the employee's good 79242
faith belief that the conditions of division (B) of this section 79243
had not been satisfied. A chartered or an accredited nonpublic 79244
school or any officer, director, or employee of the school is not 79245
liable in damages in a civil action for injury, death, or loss to 79246
person or property allegedly arising from a school employee's 79247
permitting a student to use an autoinjector because of the 79248
employee's good faith belief that the conditions of division (B) 79249
of this section had been satisfied. Furthermore, when a chartered 79250
or an accredited nonpublic school is required by this section to 79251
permit a student to possess and use an autoinjector because the 79252
conditions of division (B) of this section have been satisfied, 79253
the chartered or accredited nonpublic school or any officer, 79254
director, or employee of the school is not liable in damages in a 79255

civil action for injury, death, or loss to person or property 79256
allegedly arising from the use of the autoinjector by a student 79257
for whom it was not prescribed. 79258

Sec. 3313.719. The board of education of each city, local, 79259
exempted village, and joint vocational school district ~~and~~, the 79260
governing authority of each chartered nonpublic school, and the 79261
governing authority of each accredited nonpublic school described 79262
in section 3301.165 of the Revised Code shall establish a written 79263
policy with respect to protecting students with peanut or other 79264
food allergies. The policy shall be developed in consultation with 79265
parents, school nurses and other school employees, school 79266
volunteers, students, and community members. 79267

Sec. 3313.7111. (A) With the approval of its governing 79268
authority, a chartered nonpublic school, accredited nonpublic 79269
school described in section 3301.165 of the Revised Code, or 79270
nonchartered nonpublic school may procure epinephrine 79271
autoinjectors in the manner prescribed by section 3313.7110 of the 79272
Revised Code. A chartered, accredited, or nonchartered nonpublic 79273
school that elects to do so shall comply with all provisions of 79274
that section as if it were a school district. 79275

(B)(1) The following are not liable in damages in a civil 79276
action for injury, death, or loss to person or property that 79277
allegedly arises from an act or omission associated with 79278
procuring, maintaining, accessing, or using an epinephrine 79279
autoinjector under this section, unless the act or omission 79280
constitutes willful or wanton misconduct: 79281

(a) A chartered, accredited, or nonchartered nonpublic 79282
school; 79283

(b) A member of a chartered, accredited, or nonchartered 79284
nonpublic school governing authority; 79285

(c) An employee or contractor of the school;	79286
(d) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes epinephrine autoinjectors, provides a consultation, or issues a protocol pursuant to this section.	79287 79288 79289 79290
(2) This division does not eliminate, limit, or reduce any other immunity or defense that a chartered, <u>accredited</u> , or nonchartered nonpublic school or governing authority, member of a chartered, <u>accredited</u> , or nonchartered nonpublic school governing authority, chartered, <u>accredited</u> , or nonchartered nonpublic school employee or contractor, or licensed health professional may be entitled to under any other provision of the Revised Code or the common law of this state.	79291 79292 79293 79294 79295 79296 79297 79298
(C) A chartered, <u>accredited</u> , or nonchartered nonpublic school may accept donations of epinephrine autoinjectors from a wholesale distributor of dangerous drugs or a manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase epinephrine autoinjectors.	79299 79300 79301 79302 79303 79304
(D) A chartered, <u>accredited</u> , or nonchartered nonpublic school that elects to procure epinephrine autoinjectors under this section shall report to the department of education each procurement and occurrence in which an epinephrine autoinjector is used from the school's supply of epinephrine autoinjectors.	79305 79306 79307 79308 79309
Sec. 3313.7112. (A) As used in this section:	79310
(1) "Board of education" means a board of education of a city, local, exempted village, or joint vocational school district.	79311 79312 79313
(2) "Governing authority" means a governing authority of a chartered nonpublic school <u>or an accredited nonpublic school</u>	79314 79315

operating under section 3301.165 of the Revised Code. 79316

(3) "Licensed health care professional" means any of the 79317
following: 79318

(a) A physician authorized under Chapter 4731. of the Revised 79319
Code to practice medicine and surgery or osteopathic medicine and 79320
surgery; 79321

(b) A registered nurse, advanced practice registered nurse, 79322
or licensed practical nurse licensed under Chapter 4723. of the 79323
Revised Code; 79324

(c) A physician assistant licensed under Chapter 4730. of the 79325
Revised Code. 79326

(4) "Local health department" means a department operated by 79327
a board of health of a city or general health district or the 79328
authority having the duties of a board of health as described in 79329
section 3709.05 of the Revised Code. 79330

(5) "School employee" or "employee" means either of the 79331
following: 79332

(a) A person employed by a board of education or governing 79333
authority; 79334

(b) A licensed health care professional employed by or under 79335
contract with a local health department who is assigned to a 79336
school in a city, local, exempted village, or joint vocational 79337
school district ~~or~~, a chartered nonpublic school, or an accredited 79338
nonpublic school described in section 3301.165 of the Revised 79339
Code. 79340

(6) "Treating practitioner" means any of the following who 79341
has primary responsibility for treating a student's diabetes and 79342
has been identified as such by the student's parent, guardian, or 79343
other person having care or charge of the student or, if the 79344
student is at least eighteen years of age, by the student: 79345

(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 79346
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(b) An advanced practice registered nurse who holds a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code and is designated as a clinical nurse specialist or certified nurse practitioner in accordance with section 4723.42 of the Revised Code; 79349
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(c) A physician assistant who holds a license issued under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority. 79355
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(7) "504 plan" means a plan based on an evaluation conducted in accordance with section 504 of the "Rehabilitation Act of 1973," 29 U.S.C. 794, as amended. 79359
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(B)(1) Each board of education or governing authority shall ensure that each student enrolled in the school district or chartered nonpublic school who has diabetes receives appropriate and needed diabetes care in accordance with an order signed by the student's treating practitioner. The diabetes care to be provided includes any of the following: 79362
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(a) Checking and recording blood glucose levels and ketone levels or assisting the student with checking and recording these levels; 79368
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(b) Responding to blood glucose levels that are outside of the student's target range; 79371
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(c) In the case of severe hypoglycemia, administering glucagon and other emergency treatments as prescribed; 79373
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(d) Administering insulin or assisting the student in 79375

self-administering insulin through the insulin delivery system the student uses; 79376
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(e) Providing oral diabetes medications; 79378

(f) Understanding recommended schedules and food intake for meals and snacks in order to calculate medication dosages pursuant to the order of the student's treating practitioner; 79379
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(g) Following the treating practitioner's instructions regarding meals, snacks, and physical activity; 79382
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(h) Administering diabetes medication, as long as the conditions prescribed in division (C) of this section are satisfied. 79384
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(2) Not later than fourteen days after receipt of an order signed by the treating practitioner of a student with diabetes, the board of education or governing authority shall inform the student's parent, guardian, or other person having care or charge of the student that the student may be entitled to a 504 plan regarding the student's diabetes. The department of education shall develop a 504 plan information sheet for use by a board of education or governing authority when informing a student's parent, guardian, or other person having care or charge of the student that the student may be entitled to a 504 plan regarding the student's diabetes. 79387
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(C) Notwithstanding division (B) of section 3313.713 of the Revised Code or any other provision of the Revised Code, diabetes medication may be administered under this section by a school nurse or, in the absence of a school nurse, a school employee who is trained in diabetes care under division (E) of this section. Medication administration may be provided under this section only when the conditions prescribed in division (C) of section 3313.713 of the Revised Code are satisfied. 79398
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Notwithstanding division (D) of section 3313.713 of the 79406

Revised Code, medication that is to be administered under this 79407
section may be kept in an easily accessible location. 79408

(D)(1) The department of education shall adopt nationally 79409
recognized guidelines, as determined by the department, for the 79410
training of school employees in diabetes care for students. In 79411
doing so, the department shall consult with the department of 79412
health, the American diabetes association, and the Ohio school 79413
nurses association. The department may consult with any other 79414
organizations as determined appropriate by the department. 79415

(2) The guidelines shall address all of the following issues: 79416

(a) Recognizing the symptoms of hypoglycemia and 79417
hyperglycemia; 79418

(b) The appropriate treatment for a student who exhibits the 79419
symptoms of hypoglycemia or hyperglycemia; 79420

(c) Recognizing situations that require the provision of 79421
emergency medical assistance to a student; 79422

(d) Understanding the appropriate treatment for a student, 79423
based on an order issued by the student's treating practitioner, 79424
if the student's blood glucose level is not within the target 79425
range indicated by the order; 79426

(e) Understanding the instructions in an order issued by a 79427
student's treating practitioner concerning necessary medications; 79428

(f) Performing blood glucose and ketone tests for a student 79429
in accordance with an order issued by the student's treating 79430
practitioner and recording the results of those tests; 79431

(g) Administering insulin, glucagon, or other medication to a 79432
student in accordance with an order issued by the student's 79433
treating practitioner and recording the results of the 79434
administration; 79435

(h) Understanding the relationship between the diet 79436

recommended in an order issued by a student's treating 79437
practitioner and actions that may be taken if the recommended diet 79438
is not followed. 79439

(E)(1) To ensure that a student with diabetes receives the 79440
diabetes care specified in division (B) of this section, a board 79441
of education or governing authority may provide training that 79442
complies with the guidelines developed under division (D) of this 79443
section to a school employee at each school attended by a student 79444
with diabetes. With respect to any training provided, all of the 79445
following apply: 79446

(a) The training shall be coordinated by a school nurse or, 79447
if the school does not employ a school nurse, a licensed health 79448
care professional with expertise in diabetes who is approved by 79449
the school to provide the training. 79450

(b) The training shall take place prior to the beginning of 79451
each school year or, as needed, not later than fourteen days after 79452
receipt by the board of education or governing authority of an 79453
order signed by the treating practitioner of a student with 79454
diabetes. 79455

(c) On completion of the training, the board of education or 79456
governing authority, in a manner it determines, shall determine 79457
whether each employee trained is competent to provide diabetes 79458
care. 79459

(d) The school nurse or approved licensed health care 79460
professional with expertise in diabetes care shall promptly 79461
provide all necessary follow-up training and supervision to an 79462
employee who receives training. 79463

(2) The principal of a school attended by a student with 79464
diabetes or another school official authorized to act on behalf of 79465
the principal may distribute a written notice to each employee 79466
containing all of the following: 79467

(a) A statement that the school is required to provide diabetes care to a student with diabetes and is seeking employees who are willing to be trained to provide that care;	79468 79469 79470
(b) A description of the tasks to be performed;	79471
(c) A statement that participation is voluntary and that the school district or governing authority will not take action against an employee who does not agree to provide diabetes care;	79472 79473 79474
(d) A statement that training will be provided by a licensed health care professional to an employee who agrees to provide care;	79475 79476 79477
(e) A statement that a trained employee is immune from liability under division (J) of this section;	79478 79479
(f) The name of the individual who should be contacted if an employee is interested in providing diabetes care.	79480 79481
(3) No employee of a board of education or governing authority shall be subject to a penalty or disciplinary action under school or district policies for refusing to volunteer to be trained in diabetes care.	79482 79483 79484 79485
(4) No board or governing authority shall discourage employees from agreeing to provide diabetes care under this section.	79486 79487 79488
(F) A board of education or governing authority may provide training in the recognition of hypoglycemia and hyperglycemia and actions to take in response to emergency situations involving these conditions to both of the following:	79489 79490 79491 79492
(1) A school employee who has primary responsibility for supervising a student with diabetes during some portion of the school day;	79493 79494 79495
(2) A bus driver employed by a school district or , chartered nonpublic school, <u>or accredited nonpublic school described in</u>	79496 79497

section 3301.165 of the Revised Code, who is responsible for the 79498
transportation of a student with diabetes. 79499

(G) A student with diabetes shall be permitted to attend the 79500
school the student would otherwise attend if the student did not 79501
have diabetes and the diabetes care specified in division (B) of 79502
this section shall be provided at the school. A board of education 79503
or governing authority shall not restrict a student who has 79504
diabetes from attending the school on the basis that the student 79505
has diabetes, that the school does not have a full-time school 79506
nurse, or that the school does not have an employee trained in 79507
diabetes care. The school shall not require or pressure a parent, 79508
guardian, or other person having care or charge of a student to 79509
provide diabetes care for the student with diabetes at school or 79510
school-related activities. 79511

(H)(1) Notwithstanding section 3313.713 of the Revised Code 79512
or any policy adopted under that section and except as provided in 79513
division (H)(2) of this section, on written request of the parent, 79514
guardian, or other person having care or charge of a student and 79515
authorization by the student's treating practitioner, a student 79516
with diabetes shall be permitted during regular school hours and 79517
school-sponsored activities to attend to the care and management 79518
of the student's diabetes in accordance with the order issued by 79519
the student's treating practitioner if the student's treating 79520
practitioner determines that the student is capable of performing 79521
diabetes care tasks. The student shall be permitted to perform 79522
diabetes care tasks in a classroom, in any area of the school or 79523
school grounds, and at any school-related activity, and to possess 79524
on the student's self at all times all necessary supplies and 79525
equipment to perform these tasks. If the student or the parent, 79526
guardian, or other person having care or charge of the student so 79527
requests, the student shall have access to a private area for 79528
performing diabetes care tasks. 79529

(2) If the student performs any diabetes care tasks or uses medical equipment for purposes other than the student's own care, the board of education or governing authority may revoke the student's permission to attend to the care and management of the student's diabetes.

(I)(1) Notwithstanding any other provision of the Revised Code to the contrary, a licensed health care professional shall be permitted to provide training to a school employee under division (E) of this section or to supervise the employee in performing diabetes care tasks.

(2) Nothing in this section diminishes the rights of eligible students or the obligations of school districts or governing authorities under the "Individuals with Disabilities Education Act," 20 U.S.C. 1400 et seq., section 504 of the "Rehabilitation Act," 29 U.S.C. 794, or the "Americans with Disabilities Act," 42 U.S.C. 12101 et seq.

(J)(1) A school or school district, a member of a board or governing authority, or a district or school employee is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing care or performing duties under this section unless the act or omission constitutes willful or wanton misconduct.

This section does not eliminate, limit, or reduce any other immunity or defense that a school or school district, member of a board of education or governing authority, or district or school employee may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

(2) A school employee shall not be subject to disciplinary action under school or district policies for providing care or performing duties under this section.

(3) A school nurse or other licensed health care professional shall be immune from disciplinary action by the board of nursing or any other regulatory board for providing care or performing duties under this section if the care provided or duties performed are consistent with applicable professional standards.

(K)(1) Not later than the last day of December of each year, a board of education or governing authority shall report to the department of education both of the following:

(a) The number of students with diabetes enrolled in the school district ~~or~~, chartered nonpublic school, or accredited nonpublic school during the previous school year;

(b) The number of errors associated with the administration of diabetes medication to students with diabetes during the previous school year.

(2) Not later than the last day of March of each year, the department shall issue a report summarizing the information received by the department under division (K)(1) of this section for the previous school year. The department shall make the report available on its internet web site.

Sec. 3313.7114. (A) As used in this section, "inhaler" has the same meaning as in section 3313.7113 of the Revised Code.

(B) With the approval of its governing authority, a chartered nonpublic school, accredited nonpublic school described in section 3301.165 of the Revised Code, or nonchartered nonpublic school may procure inhalers in the manner prescribed by section 3313.7113 of the Revised Code. A chartered, accredited, or nonchartered nonpublic school that elects to do so shall comply with all provisions of that section as if it were a school district.

(C) A chartered, accredited, or nonchartered nonpublic school, a member of a chartered, accredited, or nonchartered

nonpublic school governing authority, or an employee or contractor 79591
of the school is not liable in damages in a civil action for 79592
injury, death, or loss to person or property that allegedly arises 79593
from an act or omission associated with procuring, maintaining, 79594
accessing, or using an inhaler under this section, unless the act 79595
or omission constitutes willful or wanton misconduct. 79596

(D) A chartered, accredited, or nonchartered nonpublic school 79597
may accept donations of inhalers from a wholesale distributor of 79598
dangerous drugs or a manufacturer of dangerous drugs, as defined 79599
in section 4729.01 of the Revised Code, and may accept donations 79600
of money from any person to purchase inhalers. 79601

(E) A chartered, accredited, or nonchartered nonpublic school 79602
that elects to procure inhalers under this section shall report to 79603
the department of education each procurement and occurrence in 79604
which an inhaler is used from the school's supply of inhalers. 79605

Sec. 3313.813. (A) As used in this section: 79606

(1) "Outdoor education center" means a public or nonprofit 79607
private entity that provides to pupils enrolled in any public or 79608
accredited or chartered nonpublic elementary or secondary school 79609
an outdoor educational curriculum that the school considers to be 79610
part of its educational program. 79611

(2) "Outside-school-hours care center" has the meaning 79612
established in 7 C.F.R. 226.2. 79613

(3) "Accredited nonpublic school" means an accredited 79614
nonpublic school as described in section 3301.165 of the Revised 79615
Code. 79616

(B) The state board of education shall establish standards 79617
for a school lunch program, school breakfast program, child and 79618
adult care food program, special food service program for 79619
children, summer food service program for children, special milk 79620

program for children, food service equipment assistance program, 79621
and commodity distribution program established under the "National 79622
School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as 79623
amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 79624
U.S.C. 1771, as amended. Any board of education of a school 79625
district, nonprofit private school, outdoor education center, 79626
child care institution, outside-school-hours care center, or 79627
summer camp desiring to participate in such a program or required 79628
to participate under this section shall, if eligible to 79629
participate under the "National School Lunch Act," as amended, or 79630
the "Child Nutrition Act of 1966," as amended, make application to 79631
the state board of education for assistance. The board shall 79632
administer the allocation and distribution of all state and 79633
federal funds for these programs. 79634

(C) The state board of education shall require the board of 79635
education of each school district to establish and maintain a 79636
school breakfast, lunch, and summer food service program pursuant 79637
to the "National School Lunch Act" and the "Child Nutrition Act of 79638
1966," as described in divisions (C)(1) to (4) of this section. 79639

(1) The state board shall require the board of education in 79640
each school district to establish a breakfast program in every 79641
school where at least one-fifth of the pupils in the school are 79642
eligible under federal requirements for free breakfasts and to 79643
establish a lunch program in every school where at least one-fifth 79644
of the pupils are eligible for free lunches. The board of 79645
education required to establish a breakfast program under this 79646
division may make a charge in accordance with federal requirements 79647
for each reduced price breakfast or paid breakfast to cover the 79648
cost incurred in providing that meal. 79649

(2) The state board shall require the board of education in 79650
each school district to establish a breakfast program in every 79651
school in which the parents of at least one-half of the children 79652

enrolled in the school have requested that the breakfast program 79653
be established. The board of education required to establish a 79654
program under this division may make a charge in accordance with 79655
federal requirements for each meal to cover all or part of the 79656
costs incurred in establishing such a program. 79657

(3) The state board shall require the board of education in 79658
each school district to establish one of the following for summer 79659
intervention services described in division (D) of section 79660
3301.0711 or provided under section 3313.608 of the Revised Code, 79661
and any other summer intervention program required by law: 79662

(a) An extension of the school breakfast program pursuant to 79663
the "National School Lunch Act" and the "Child Nutrition Act of 79664
1966"; 79665

(b) An extension of the school lunch program pursuant to 79666
those acts; 79667

(c) A summer food service program pursuant to those acts. 79668

(4)(a) If the board of education of a school district 79669
determines that, for financial reasons, it cannot comply with 79670
division (C)(1) or (3) of this section, the district board may 79671
choose not to comply with either or both divisions, except as 79672
provided in divisions (C)(4)(b) and (c) of this section. The 79673
district board publicly shall communicate to the residents of the 79674
district, in the manner it determines appropriate, its decision 79675
not to comply. 79676

(b) If a district board chooses not to comply with division 79677
(C)(1) of this section, the state board nevertheless shall require 79678
the district board to establish a breakfast program in every 79679
school where at least one-third of the pupils in the school are 79680
eligible under federal requirements for free breakfasts and to 79681
establish a lunch program in every school where at least one-third 79682
of the pupils are eligible for free lunches. The district board 79683

may make a charge in accordance with federal requirements for each 79684
reduced price breakfast or paid breakfast to cover the cost 79685
incurred in providing that meal. 79686

(c) If the board of education of a school district chooses 79687
not to comply with division (C)(3) of this section, the state 79688
board nevertheless shall require the district board to permit an 79689
approved summer food service program sponsor to use school 79690
facilities located in a school building attendance area where at 79691
least one-half of the pupils are eligible for free lunches. 79692

The department of education shall post in a prominent 79693
location on the department's web site a list of approved summer 79694
food service program sponsors that may use school facilities under 79695
this division. 79696

Subject to the provisions of sections 3313.75 and 3313.77 of 79697
the Revised Code, a school district may charge the summer food 79698
service program sponsor a reasonable fee for the use of school 79699
facilities that may include the actual cost of custodial services, 79700
charges for the use of school equipment, and a prorated share of 79701
the utility costs as determined by the district board. A school 79702
district shall require the summer food service program sponsor to 79703
indemnify and hold harmless the district from any potential 79704
liability resulting from the operation of the summer food service 79705
program under this division. For this purpose, the district shall 79706
either add the summer food service program sponsor, as an 79707
additional insured party, to the district's existing liability 79708
insurance policy or require the summer food service program 79709
sponsor to submit evidence of a separate liability insurance 79710
policy, for an amount approved by the district board. The summer 79711
food service program sponsor shall be responsible for any costs 79712
incurred in obtaining coverage under either option. 79713

(d) If a school district cannot for good cause comply with 79714
the requirements of division (C)(2) or (4)(b) or (c) of this 79715

section at the time the state board determines that a district is 79716
subject to these requirements, the state board shall grant a 79717
reasonable extension of time. Good cause for an extension of time 79718
shall include, but need not be limited to, economic impossibility 79719
of compliance with the requirements at the time the state board 79720
determines that a district is subject to them. 79721

(D)(1) The state board shall accept the application of any 79722
outdoor education center in the state making application for 79723
participation in a program pursuant to division (B) of this 79724
section. 79725

(2) For purposes of participation in any program pursuant to 79726
this section, the board shall certify any outdoor education center 79727
making application as an educational unit that is part of the 79728
educational system of the state, if the center: 79729

(a) Meets the definition of an outdoor education center; 79730

(b) Provides its outdoor education curriculum to pupils on an 79731
overnight basis so that pupils are in residence at the center for 79732
more than twenty-four consecutive hours; 79733

(c) Operates under public or nonprofit private ownership in a 79734
single building or complex of buildings. 79735

(3) The board shall approve any outdoor education center 79736
certified under this division for participation in the program for 79737
which the center is making application on the same basis as any 79738
other applicant for that program. 79739

(E) Any school district board of education or chartered or 79740
accredited nonpublic school that participates in a breakfast 79741
program pursuant to this section may offer breakfast to pupils in 79742
their classrooms during the school day. 79743

(F) Notwithstanding anything in this section to the contrary, 79744
in each fiscal year in which the general assembly appropriates 79745

funds for purposes of this division, the board of education of 79746
each school district and each chartered and accredited nonpublic 79747
school that participates in a breakfast program pursuant to this 79748
section shall provide a breakfast free of charge to each pupil who 79749
is eligible under federal requirements for a reduced price 79750
breakfast. 79751

Sec. 3313.86. The board of education of each city, exempted 79752
village, local, and joint vocational school district ~~and~~, the 79753
governing authority of each chartered nonpublic school, and the 79754
governing authority of each accredited nonpublic school described 79755
in section 3301.165 of the Revised Code periodically shall review 79756
its policies and procedures to ensure the safety of students, 79757
employees, and other persons using a school building from any 79758
known hazards in the building or on building grounds that, in the 79759
judgment of the board or governing authority, pose an immediate 79760
risk to health or safety. The board or governing authority shall 79761
further ensure that its policies and procedures comply with all 79762
federal laws and regulations regarding health and safety 79763
applicable to school buildings. 79764

Sec. 3313.976. (A) No private school may receive scholarship 79765
payments from parents pursuant to section 3313.979 of the Revised 79766
Code until the chief administrator of the private school registers 79767
the school with the superintendent of public instruction. The 79768
state superintendent shall register any school that meets the 79769
following requirements: 79770

(1) The school either: 79771

(a) Offers any of grades kindergarten through twelve and is 79772
located within the boundaries of the pilot project school 79773
district; 79774

(b) Offers any of grades nine through twelve and is located 79775

within the boundaries of a city, local, or exempted village school district that is both: 79776
79777

(i) Located in a municipal corporation with a population of fifteen thousand or more; 79778
79779

(ii) Located within five miles of the border of the pilot project school district. 79780
79781

(2) The school indicates in writing its commitment to follow all requirements for a state-sponsored scholarship program specified under sections 3313.974 to 3313.979 of the Revised Code, including, but not limited to, the requirements for admitting students pursuant to section 3313.977 of the Revised Code; 79782
79783
79784
79785
79786

(3) The school ~~meets~~ either: 79787

(a) Meets all state minimum standards for chartered nonpublic schools in effect on July 1, 1992, except that the state superintendent at the superintendent's discretion may register nonchartered nonpublic schools meeting the other requirements of this division; or 79788
79789
79790
79791
79792

(b) Is an accredited nonpublic school described in section 3301.165 of the Revised Code. 79793
79794

(4) The school does not discriminate on the basis of race, religion, or ethnic background; 79795
79796

(5) The school enrolls a minimum of ten students per class or a sum of at least twenty-five students in all the classes offered; 79797
79798

(6) The school does not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity, national origin, or religion; 79799
79800
79801

(7) The school does not provide false or misleading information about the school to parents, students, or the general public; 79802
79803
79804

(8) For students in grades kindergarten through eight with 79805

family incomes at or below two hundred per cent of the federal 79806
poverty guidelines, as defined in section 5104.46 of the Revised 79807
Code, the school agrees not to charge any tuition in excess of the 79808
scholarship amount established pursuant to division (C)(1) of 79809
section 3313.978 of the Revised Code, excluding any increase 79810
described in division (C)(2) of that section. 79811

(9) For students in grades kindergarten through eight with 79812
family incomes above two hundred per cent of the federal poverty 79813
guidelines, whose scholarship amounts are less than the actual 79814
tuition charge of the school, the school agrees not to charge any 79815
tuition in excess of the difference between the actual tuition 79816
charge of the school and the scholarship amount established 79817
pursuant to division (C)(1) of section 3313.978 of the Revised 79818
Code, excluding any increase described in division (C)(2) of that 79819
section. The school shall permit such tuition, at the discretion 79820
of the parent, to be satisfied by the family's provision of 79821
in-kind contributions or services. 79822

(10) The school agrees not to charge any tuition to families 79823
of students in grades nine through twelve receiving a scholarship 79824
in excess of the actual tuition charge of the school less the 79825
scholarship amount established pursuant to division (C)(1) of 79826
section 3313.978 of the Revised Code, excluding any increase 79827
described in division (C)(2) of that section. 79828

(11) Except as provided in divisions (K)(1) and (L) of 79829
section 3301.0711 of the Revised Code, it annually administers the 79830
applicable assessments prescribed by section 3301.0710, 3301.0712, 79831
or 3313.619 of the Revised Code to each scholarship student 79832
enrolled in the school in accordance with section 3301.0711 or 79833
3301.0712 of the Revised Code and reports to the department of 79834
education the results of each such assessment administered to each 79835
scholarship student. 79836

(B) The state superintendent shall revoke the registration of 79837

any school if, after a hearing, the superintendent determines that 79838
the school is in violation of any of the provisions of division 79839
(A) of this section. 79840

(C) Any public school located in a school district adjacent 79841
to the pilot project district may receive scholarship payments on 79842
behalf of parents pursuant to section 3313.979 of the Revised Code 79843
if the superintendent of the district in which such public school 79844
is located notifies the state superintendent prior to the first 79845
day of March that the district intends to admit students from the 79846
pilot project district for the ensuing school year pursuant to 79847
section 3327.06 of the Revised Code. 79848

(D) Any parent wishing to purchase tutorial assistance from 79849
any person or governmental entity pursuant to the pilot project 79850
program under sections 3313.974 to 3313.979 of the Revised Code 79851
shall apply to the state superintendent. The state superintendent 79852
shall approve providers who appear to possess the capability of 79853
furnishing the instructional services they are offering to 79854
provide. 79855

Sec. 3317.024. The following shall be distributed monthly, 79856
quarterly, or annually as may be determined by the state board of 79857
education: 79858

(A) An amount for each island school district and each joint 79859
state school district for the operation of each high school and 79860
each elementary school maintained within such district and for 79861
capital improvements for such schools. Such amounts shall be 79862
determined on the basis of standards adopted by the state board of 79863
education. However, for fiscal years 2012 and 2013, an island 79864
district shall receive the lesser of its actual cost of operation, 79865
as certified to the department of education, or ninety-three per 79866
cent of the amount the district received in state operating 79867
funding for fiscal year 2011. If an island district received no 79868

funding for fiscal year 2011, it shall receive no funding for 79869
either of fiscal year 2012 or 2013. 79870

(B) An amount for each school district required to pay 79871
tuition for a child in an institution maintained by the department 79872
of youth services pursuant to section 3317.082 of the Revised 79873
Code, provided the child was not included in the calculation of 79874
the district's formula ADM, as that term is defined in section 79875
3317.02 of the Revised Code, for the preceding school year. 79876

(C) An amount for the approved cost of transporting eligible 79877
pupils with disabilities attending a special education program 79878
approved by the department of education whom it is impossible or 79879
impractical to transport by regular school bus in the course of 79880
regular route transportation provided by the school district or 79881
educational service center. No district or service center is 79882
eligible to receive a payment under this division for the cost of 79883
transporting any pupil whom it transports by regular school bus 79884
and who is included in the district's transportation ADM. The 79885
state board of education shall establish standards and guidelines 79886
for use by the department of education in determining the approved 79887
cost of such transportation for each district or service center. 79888

(D) An amount to each school district, including each 79889
cooperative education school district, pursuant to section 3313.81 79890
of the Revised Code to assist in providing free lunches to needy 79891
children. The amounts shall be determined on the basis of rules 79892
adopted by the state board of education. 79893

(E)(1) An amount for auxiliary services to each school 79894
district, for each pupil attending a chartered or an accredited 79895
nonpublic elementary or high school within the district that is 79896
either of the following: 79897

(a) A school affiliated with a religious order, sect, church, 79898
or denomination or has a curriculum or mission that contains 79899

religious content, religious courses, devotional exercises, 79900
religious training, or any other religious activity; 79901

(b) A school not described in division (E)(1)(a) of this 79902
section that has not elected to receive funds under division 79903
(E)(2) of this section. 79904

(2) An amount for auxiliary services paid directly to each 79905
chartered or an accredited nonpublic school that has elected to 79906
receive funds under division (E)(2) of this section for each pupil 79907
attending the school. To elect to receive funds under division 79908
(E)(2) of this section, a school, by the first day of April of 79909
each odd-numbered year, shall notify the department and the school 79910
district in which the school is located of the election and shall 79911
submit to the department an affidavit certifying that the school 79912
is not affiliated with a religious order, sect, church, or 79913
denomination and does not have a curriculum or mission that 79914
contains religious content, religious courses, devotional 79915
exercises, religious training, or any other religious activity. 79916
The election shall take effect the following first day of July, 79917
unless the department determines that the school meets the 79918
criteria in division (E)(1)(a) of this section. The school 79919
subsequently may rescind its election, but it may do so only in an 79920
odd-numbered year by notifying the department and the school 79921
district in which the school is located of the rescission not 79922
later than the first day of April of that year. Beginning the 79923
following first day of July after the rescission, the school shall 79924
receive funds under division (E)(1) of this section. 79925

The amount paid under divisions (E)(1) and (2) of this 79926
section shall equal the total amount appropriated for the 79927
implementation of sections 3317.06 and 3317.062 of the Revised 79928
Code divided by the average daily membership in grades 79929
kindergarten through twelve in chartered or accredited nonpublic 79930
elementary and high schools within the state as determined as of 79931

the last day of October of each school year. 79932

For purposes of this section, "accredited nonpublic school" 79933
means an accredited nonpublic school as described in section 79934
3301.165 of the Revised Code. 79935

(F) An amount for each county board of developmental 79936
disabilities, distributed on the basis of standards adopted by the 79937
state board of education, for the approved cost of transportation 79938
required for children attending special education programs 79939
operated by the county board under section 3323.09 of the Revised 79940
Code; 79941

(G) An amount to each institution defined under section 79942
3317.082 of the Revised Code providing elementary or secondary 79943
education to children other than children receiving special 79944
education under section 3323.091 of the Revised Code. This amount 79945
for any institution in any fiscal year shall equal the total of 79946
all tuition amounts required to be paid to the institution under 79947
division (A)(1) of section 3317.082 of the Revised Code. 79948

The state board of education or any other board of education 79949
or governing board may provide for any resident of a district or 79950
educational service center territory any educational service for 79951
which funds are made available to the board by the United States 79952
under the authority of public law, whether such funds come 79953
directly or indirectly from the United States or any agency or 79954
department thereof or through the state or any agency, department, 79955
or political subdivision thereof. 79956

Sec. 3317.03. (A) The superintendent of each city, local, and 79957
exempted village school district shall report to the state board 79958
of education as of the last day of October, March, and June of 79959
each year the enrollment of students receiving services from 79960
schools under the superintendent's supervision, and the numbers of 79961
other students entitled to attend school in the district under 79962

section 3313.64 or 3313.65 of the Revised Code the superintendent 79963
is required to report under this section, so that the department 79964
of education can calculate the district's formula ADM, total ADM, 79965
category one through five career-technical education ADM, category 79966
one through three limited English proficient ADM, category one 79967
through six special education ADM, preschool scholarship ADM, 79968
transportation ADM, and, for purposes of provisions of law outside 79969
of Chapter 3317. of the Revised Code, average daily membership. 79970

(1) The enrollment reported by the superintendent during the 79971
reporting period shall consist of the number of students in grades 79972
kindergarten through twelve receiving any educational services 79973
from the district, except that the following categories of 79974
students shall not be included in the determination: 79975

(a) Students enrolled in adult education classes; 79976

(b) Adjacent or other district students enrolled in the 79977
district under an open enrollment policy pursuant to section 79978
3313.98 of the Revised Code; 79979

(c) Students receiving services in the district pursuant to a 79980
compact, cooperative education agreement, or a contract, but who 79981
are entitled to attend school in another district pursuant to 79982
section 3313.64 or 3313.65 of the Revised Code; 79983

(d) Students for whom tuition is payable pursuant to sections 79984
3317.081 and 3323.141 of the Revised Code; 79985

(e) Students receiving services in the district through a 79986
scholarship awarded under either section 3310.41 or sections 79987
3310.51 to 3310.64 of the Revised Code. 79988

When reporting students under division (A)(1) of this 79989
section, the superintendent also shall report the district where 79990
each student is entitled to attend school pursuant to sections 79991
3313.64 and 3313.65 of the Revised Code. 79992

(2) The department of education shall compile a list of all 79993
students reported to be enrolled in a district under division 79994
(A)(1) of this section and of the students entitled to attend 79995
school in the district pursuant to section 3313.64 or 3313.65 of 79996
the Revised Code on an FTE basis but receiving educational 79997
services in grades kindergarten through twelve from one or more of 79998
the following entities: 79999

(a) A community school pursuant to Chapter 3314. of the 80000
Revised Code, including any participation in a college pursuant to 80001
Chapter 3365. of the Revised Code while enrolled in such community 80002
school; 80003

(b) An alternative school pursuant to sections 3313.974 to 80004
3313.979 of the Revised Code as described in division (I)(2)(a) or 80005
(b) of this section; 80006

(c) A college pursuant to Chapter 3365. of the Revised Code, 80007
except when the student is enrolled in the college while also 80008
enrolled in a community school pursuant to Chapter 3314., a 80009
science, technology, engineering, and mathematics school 80010
established under Chapter 3326., or a college-preparatory boarding 80011
school established under Chapter 3328. of the Revised Code; 80012

(d) An adjacent or other school district under an open 80013
enrollment policy adopted pursuant to section 3313.98 of the 80014
Revised Code; 80015

(e) An educational service center or cooperative education 80016
district; 80017

(f) Another school district under a cooperative education 80018
agreement, compact, or contract; 80019

(g) A chartered or an accredited nonpublic school with a 80020
scholarship paid under section 3310.08 of the Revised Code, if the 80021
students qualified for the scholarship under section 3310.03 of 80022
the Revised Code; 80023

As used in this division and in division (B)(3)(f) of this section, "accredited nonpublic school" means an accredited nonpublic school as described in section 3301.165 of the Revised Code.

(h) An alternative public provider or a registered private provider with a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code.

As used in this section, "alternative public provider" and "registered private provider" have the same meanings as in section 3310.41 or 3310.51 of the Revised Code, as applicable.

(i) A science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;

(j) A college-preparatory boarding school established under Chapter 3328. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school.

(3) The department also shall compile a list of the students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in a joint vocational school district or under a career-technical education compact, excluding any students so entitled to attend school in the district who are enrolled in another school district through an open enrollment policy as reported under division (A)(2)(d) of this section and then enroll in a joint vocational school district or under a career-technical education compact.

The department shall provide each city, local, and exempted village school district with an opportunity to review the list of students compiled under divisions (A)(2) and (3) of this section to ensure that the students reported accurately reflect the

enrollment of students in the district. 80055

(B) To enable the department of education to obtain the data 80056
needed to complete the calculation of payments pursuant to this 80057
chapter, each superintendent shall certify from the reports 80058
provided by the department under division (A) of this section all 80059
of the following: 80060

(1) The total student enrollment in regular learning day 80061
classes included in the report under division (A)(1) or (2) of 80062
this section for each of the individual grades kindergarten 80063
through twelve in schools under the superintendent's supervision; 80064

(2) The unduplicated count of the number of preschool 80065
children with disabilities enrolled in the district for whom the 80066
district is eligible to receive funding under section 3317.0213 of 80067
the Revised Code adjusted for the portion of the year each child 80068
is so enrolled, in accordance with the disability categories 80069
prescribed in section 3317.013 of the Revised Code; 80070

(3) The number of children entitled to attend school in the 80071
district pursuant to section 3313.64 or 3313.65 of the Revised 80072
Code who are: 80073

(a) Participating in a pilot project scholarship program 80074
established under sections 3313.974 to 3313.979 of the Revised 80075
Code as described in division (I)(2)(a) or (b) of this section; 80076

(b) Enrolled in a college under Chapter 3365. of the Revised 80077
Code, except when the student is enrolled in the college while 80078
also enrolled in a community school pursuant to Chapter 3314. of 80079
the Revised Code, a science, technology, engineering, and 80080
mathematics school established under Chapter 3326., or a 80081
college-preparatory boarding school established under Chapter 80082
3328. of the Revised Code; 80083

(c) Enrolled in an adjacent or other school district under 80084
section 3313.98 of the Revised Code; 80085

- (d) Enrolled in a community school established under Chapter 3314. of the Revised Code that is not an internet- or computer-based community school as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school; 80086
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- (e) Enrolled in an internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school; 80092
80093
80094
80095
- (f) Enrolled in a chartered or an accredited nonpublic school with a scholarship paid under section 3310.08 of the Revised Code and who qualified for the scholarship under section 3310.03 of the Revised Code; 80096
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80098
80099
- (g) Enrolled in kindergarten through grade twelve in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code; 80100
80101
80102
- (h) Enrolled as a preschool child with a disability in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code; 80103
80104
80105
- (i) Participating in a program operated by a county board of developmental disabilities or a state institution; 80106
80107
- (j) Enrolled in a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school; 80108
80109
80110
80111
- (k) Enrolled in a college-preparatory boarding school established under Chapter 3328. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school; 80112
80113
80114
80115

(1) Enrolled in an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code.	80116 80117 80118
(4) The total enrollment of pupils in joint vocational schools;	80119 80120
(5) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	80121 80122 80123 80124 80125 80126 80127 80128
(6) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	80129 80130 80131 80132 80133 80134 80135 80136
(7) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	80137 80138 80139 80140 80141 80142 80143 80144
(8) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section receiving	80145 80146

special education services for category four disabilities 80147
described in division (D) of section 3317.013 of the Revised Code, 80148
including children attending a special education program operated 80149
by an alternative public provider or a registered private provider 80150
with a scholarship awarded under sections 3310.51 to 3310.64 of 80151
the Revised Code; 80152

(9) The combined enrollment of children with disabilities 80153
reported under division (A)(1) or (2) of this section receiving 80154
special education services for the category five disabilities 80155
described in division (E) of section 3317.013 of the Revised Code, 80156
including children attending a special education program operated 80157
by an alternative public provider or a registered private provider 80158
with a scholarship awarded under sections 3310.51 to 3310.64 of 80159
the Revised Code; 80160

(10) The combined enrollment of children with disabilities 80161
reported under division (A)(1) or (2) and under division (B)(3)(h) 80162
of this section receiving special education services for category 80163
six disabilities described in division (F) of section 3317.013 of 80164
the Revised Code, including children attending a special education 80165
program operated by an alternative public provider or a registered 80166
private provider with a scholarship awarded under either section 80167
3310.41 or sections 3310.51 to 3310.64 of the Revised Code; 80168

(11) The enrollment of pupils reported under division (A)(1) 80169
or (2) of this section on a full-time equivalency basis in 80170
category one career-technical education programs or classes, 80171
described in division (A) of section 3317.014 of the Revised Code, 80172
operated by the school district or by another district that is a 80173
member of the district's career-technical planning district, other 80174
than a joint vocational school district, or by an educational 80175
service center, notwithstanding division (G) of section 3317.02 of 80176
the Revised Code and division (C)(3) of this section; 80177

(12) The enrollment of pupils reported under division (A)(1) 80178

or (2) of this section on a full-time equivalency basis in 80179
category two career-technical education programs or services, 80180
described in division (B) of section 3317.014 of the Revised Code, 80181
operated by the school district or another school district that is 80182
a member of the district's career-technical planning district, 80183
other than a joint vocational school district, or by an 80184
educational service center, notwithstanding division (G) of 80185
section 3317.02 of the Revised Code and division (C)(3) of this 80186
section; 80187

(13) The enrollment of pupils reported under division (A)(1) 80188
or (2) of this section on a full-time equivalency basis in 80189
category three career-technical education programs or services, 80190
described in division (C) of section 3317.014 of the Revised Code, 80191
operated by the school district or another school district that is 80192
a member of the district's career-technical planning district, 80193
other than a joint vocational school district, or by an 80194
educational service center, notwithstanding division (G) of 80195
section 3317.02 of the Revised Code and division (C)(3) of this 80196
section; 80197

(14) The enrollment of pupils reported under division (A)(1) 80198
or (2) of this section on a full-time equivalency basis in 80199
category four career-technical education programs or services, 80200
described in division (D) of section 3317.014 of the Revised Code, 80201
operated by the school district or another school district that is 80202
a member of the district's career-technical planning district, 80203
other than a joint vocational school district, or by an 80204
educational service center, notwithstanding division (G) of 80205
section 3317.02 of the Revised Code and division (C)(3) of this 80206
section; 80207

(15) The enrollment of pupils reported under division (A)(1) 80208
or (2) of this section on a full-time equivalency basis in 80209
category five career-technical education programs or services, 80210

described in division (E) of section 3317.014 of the Revised Code, 80211
operated by the school district or another school district that is 80212
a member of the district's career-technical planning district, 80213
other than a joint vocational school district, or by an 80214
educational service center, notwithstanding division (G) of 80215
section 3317.02 of the Revised Code and division (C)(3) of this 80216
section; 80217

(16) The enrollment of pupils reported under division (A)(1) 80218
or (2) of this section who are limited English proficient students 80219
described in division (A) of section 3317.016 of the Revised Code, 80220
excluding any student reported under division (B)(3)(e) of this 80221
section as enrolled in an internet- or computer-based community 80222
school; 80223

(17) The enrollment of pupils reported under division (A)(1) 80224
or (2) of this section who are limited English proficient students 80225
described in division (B) of section 3317.016 of the Revised Code, 80226
excluding any student reported under division (B)(3)(e) of this 80227
section as enrolled in an internet- or computer-based community 80228
school; 80229

(18) The enrollment of pupils reported under division (A)(1) 80230
or (2) of this section who are limited English proficient students 80231
described in division (C) of section 3317.016 of the Revised Code, 80232
excluding any student reported under division (B)(3)(e) of this 80233
section as enrolled in an internet- or computer-based community 80234
school; 80235

(19) The average number of children transported during the 80236
reporting period by the school district on board-owned or 80237
contractor-owned and -operated buses, reported in accordance with 80238
rules adopted by the department of education; 80239

(20)(a) The number of children, other than preschool children 80240
with disabilities, the district placed with a county board of 80241

developmental disabilities in fiscal year 1998. Division 80242
(B)(20)(a) of this section does not apply after fiscal year 2013. 80243

(b) The number of children with disabilities, other than 80244
preschool children with disabilities, placed with a county board 80245
of developmental disabilities in the current fiscal year to 80246
receive special education services for the category one disability 80247
described in division (A) of section 3317.013 of the Revised Code; 80248

(c) The number of children with disabilities, other than 80249
preschool children with disabilities, placed with a county board 80250
of developmental disabilities in the current fiscal year to 80251
receive special education services for category two disabilities 80252
described in division (B) of section 3317.013 of the Revised Code; 80253

(d) The number of children with disabilities, other than 80254
preschool children with disabilities, placed with a county board 80255
of developmental disabilities in the current fiscal year to 80256
receive special education services for category three disabilities 80257
described in division (C) of section 3317.013 of the Revised Code; 80258

(e) The number of children with disabilities, other than 80259
preschool children with disabilities, placed with a county board 80260
of developmental disabilities in the current fiscal year to 80261
receive special education services for category four disabilities 80262
described in division (D) of section 3317.013 of the Revised Code; 80263

(f) The number of children with disabilities, other than 80264
preschool children with disabilities, placed with a county board 80265
of developmental disabilities in the current fiscal year to 80266
receive special education services for the category five 80267
disabilities described in division (E) of section 3317.013 of the 80268
Revised Code; 80269

(g) The number of children with disabilities, other than 80270
preschool children with disabilities, placed with a county board 80271
of developmental disabilities in the current fiscal year to 80272

receive special education services for category six disabilities 80273
described in division (F) of section 3317.013 of the Revised Code. 80274

(21) The enrollment of students who are economically 80275
disadvantaged, as defined by the department, excluding any student 80276
reported under division (B)(3)(e) of this section as enrolled in 80277
an internet- or computer-based community school. A student shall 80278
not be categorically excluded from the number reported under 80279
division (B)(21) of this section based on anything other than 80280
family income. 80281

(C)(1) The state board of education shall adopt rules 80282
necessary for implementing divisions (A), (B), and (D) of this 80283
section. 80284

(2) A student enrolled in a community school established 80285
under Chapter 3314., a science, technology, engineering, and 80286
mathematics school established under Chapter 3326., or a 80287
college-preparatory boarding school established under Chapter 80288
3328. of the Revised Code shall be counted in the formula ADM and, 80289
if applicable, the category one, two, three, four, five, or six 80290
special education ADM of the school district in which the student 80291
is entitled to attend school under section 3313.64 or 3313.65 of 80292
the Revised Code for the same proportion of the school year that 80293
the student is counted in the enrollment of the community school, 80294
the science, technology, engineering, and mathematics school, or 80295
the college-preparatory boarding school for purposes of section 80296
3314.08, 3326.33, or 3328.24 of the Revised Code. Notwithstanding 80297
the enrollment of students certified pursuant to division 80298
(B)(3)(d), (e), (j), or (k) of this section, the department may 80299
adjust the formula ADM of a school district to account for 80300
students entitled to attend school in the district under section 80301
3313.64 or 3313.65 of the Revised Code who are enrolled in a 80302
community school, a science, technology, engineering, and 80303
mathematics school, or a college-preparatory boarding school for 80304

only a portion of the school year. 80305

(3) No child shall be counted as more than a total of one 80306
child in the sum of the enrollment of students of a school 80307
district under division (A), divisions (B)(1) to (22), or division 80308
(D) of this section, except as follows: 80309

(a) A child with a disability described in section 3317.013 80310
of the Revised Code may be counted both in formula ADM and in 80311
category one, two, three, four, five, or six special education ADM 80312
and, if applicable, in category one, two, three, four, or five 80313
career-technical education ADM. As provided in division (G) of 80314
section 3317.02 of the Revised Code, such a child shall be counted 80315
in category one, two, three, four, five, or six special education 80316
ADM in the same proportion that the child is counted in formula 80317
ADM. 80318

(b) A child enrolled in career-technical education programs 80319
or classes described in section 3317.014 of the Revised Code may 80320
be counted both in formula ADM and category one, two, three, four, 80321
or five career-technical education ADM and, if applicable, in 80322
category one, two, three, four, five, or six special education 80323
ADM. Such a child shall be counted in category one, two, three, 80324
four, or five career-technical education ADM in the same 80325
proportion as the percentage of time that the child spends in the 80326
career-technical education programs or classes. 80327

(4) Based on the information reported under this section, the 80328
department of education shall determine the total student count, 80329
as defined in section 3301.011 of the Revised Code, for each 80330
school district. 80331

(D)(1) The superintendent of each joint vocational school 80332
district shall report and certify to the superintendent of public 80333
instruction as of the last day of October, March, and June of each 80334
year the enrollment of students receiving services from schools 80335

under the superintendent's supervision so that the department can 80336
calculate the district's formula ADM, total ADM, category one 80337
through five career-technical education ADM, category one through 80338
three limited English proficient ADM, category one through six 80339
special education ADM, and for purposes of provisions of law 80340
outside of Chapter 3317. of the Revised Code, average daily 80341
membership. 80342

The enrollment reported and certified by the superintendent, 80343
except as otherwise provided in this division, shall consist of 80344
the ~~the~~ number of students in grades six through twelve receiving 80345
any educational services from the district, except that the 80346
following categories of students shall not be included in the 80347
determination: 80348

(a) Students enrolled in adult education classes; 80349

(b) Adjacent or other district joint vocational students 80350
enrolled in the district under an open enrollment policy pursuant 80351
to section 3313.98 of the Revised Code; 80352

(c) Students receiving services in the district pursuant to a 80353
compact, cooperative education agreement, or a contract, but who 80354
are entitled to attend school in a city, local, or exempted 80355
village school district whose territory is not part of the 80356
territory of the joint vocational district; 80357

(d) Students for whom tuition is payable pursuant to sections 80358
3317.081 and 3323.141 of the Revised Code. 80359

(2) To enable the department of education to obtain the data 80360
needed to complete the calculation of payments pursuant to this 80361
chapter, each superintendent shall certify from the report 80362
provided under division (D)(1) of this section the enrollment for 80363
each of the following categories of students: 80364

(a) Students enrolled in each individual grade included in 80365
the joint vocational district schools; 80366

(b) Children with disabilities receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code;	80367 80368 80369
(c) Children with disabilities receiving special education services for the category two disabilities described in division (B) of section 3317.013 of the Revised Code;	80370 80371 80372
(d) Children with disabilities receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;	80373 80374 80375
(e) Children with disabilities receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;	80376 80377 80378
(f) Children with disabilities receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;	80379 80380 80381
(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code;	80382 80383 80384
(h) Students receiving category one career-technical education services, described in division (A) of section 3317.014 of the Revised Code;	80385 80386 80387
(i) Students receiving category two career-technical education services, described in division (B) of section 3317.014 of the Revised Code;	80388 80389 80390
(j) Students receiving category three career-technical education services, described in division (C) of section 3317.014 of the Revised Code;	80391 80392 80393
(k) Students receiving category four career-technical education services, described in division (D) of section 3317.014 of the Revised Code;	80394 80395 80396

(l) Students receiving category five career-technical education services, described in division (E) of section 3317.014 of the Revised Code; 80397
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(m) Limited English proficient students described in division (A) of section 3317.016 of the Revised Code; 80400
80401

(n) Limited English proficient students described in division (B) of section 3317.016 of the Revised Code; 80402
80403

(o) Limited English proficient students described in division (C) of section 3317.016 of the Revised Code; 80404
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(p) Students who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (D)(2)(p) of this section based on anything other than family income. 80406
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The superintendent of each joint vocational school district shall also indicate the city, local, or exempted village school district in which each joint vocational district pupil is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code. 80410
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(E) In each school of each city, local, exempted village, joint vocational, and cooperative education school district there shall be maintained a record of school enrollment, which record shall accurately show, for each day the school is in session, the actual enrollment in regular day classes. For the purpose of determining the enrollment of students, the enrollment figure of any school shall not include any pupils except those pupils described by division (A) of this section. The record of enrollment for each school shall be maintained in such manner that no pupil shall be counted as enrolled prior to the actual date of entry in the school and also in such manner that where for any cause a pupil permanently withdraws from the school that pupil shall not be counted as enrolled from and after the date of such 80415
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withdrawal. There shall not be included in the enrollment of any school any of the following:

(1) Any pupil who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any pupil who is not a resident of the state;

(3) Any pupil who was enrolled in the schools of the district during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C)(1) or (3) of that section;

(4) Any pupil who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for reenrollment in the public school system of their residence not later than four years after termination of war or their honorable discharge;

(5) Any pupil who has a certificate of high school equivalence as defined in section 5107.40 of the Revised Code.

If, however, any veteran described by division (E)(4) of this section elects to enroll in special courses organized for veterans for whom tuition is paid under the provisions of federal laws, or otherwise, that veteran shall not be included in the enrollment of students determined under this section.

Notwithstanding division (E)(3) of this section, the enrollment of any school may include a pupil who did not take an assessment required by section 3301.0711 of the Revised Code if the superintendent of public instruction grants a waiver from the requirement to take the assessment to the specific pupil and a parent is not paying tuition for the pupil pursuant to section 3313.6410 of the Revised Code. The superintendent may grant such a

waiver only for good cause in accordance with rules adopted by the 80459
state board of education. 80460

The formula ADM, total ADM, category one through five 80461
career-technical education ADM, category one through three limited 80462
English proficient ADM, category one through six special education 80463
ADM, preschool scholarship ADM, transportation ADM, and, for 80464
purposes of provisions of law outside of Chapter 3317. of the 80465
Revised Code, average daily membership of any school district 80466
shall be determined in accordance with rules adopted by the state 80467
board of education. 80468

(F)(1) If a student attending a community school under 80469
Chapter 3314., a science, technology, engineering, and mathematics 80470
school established under Chapter 3326., or a college-preparatory 80471
boarding school established under Chapter 3328. of the Revised 80472
Code is not included in the formula ADM calculated for the school 80473
district in which the student is entitled to attend school under 80474
section 3313.64 or 3313.65 of the Revised Code, the department of 80475
education shall adjust the formula ADM of that school district to 80476
include the student in accordance with division (C)(2) of this 80477
section, and shall recalculate the school district's payments 80478
under this chapter for the entire fiscal year on the basis of that 80479
adjusted formula ADM. 80480

(2) If a student awarded an educational choice scholarship is 80481
not included in the formula ADM of the school district from which 80482
the department deducts funds for the scholarship under section 80483
3310.08 of the Revised Code, the department shall adjust the 80484
formula ADM of that school district to include the student to the 80485
extent necessary to account for the deduction, and shall 80486
recalculate the school district's payments under this chapter for 80487
the entire fiscal year on the basis of that adjusted formula ADM. 80488

(3) If a student awarded a scholarship under the Jon Peterson 80489
special needs scholarship program is not included in the formula 80490

ADM of the school district from which the department deducts funds 80491
for the scholarship under section 3310.55 of the Revised Code, the 80492
department shall adjust the formula ADM of that school district to 80493
include the student to the extent necessary to account for the 80494
deduction, and shall recalculate the school district's payments 80495
under this chapter for the entire fiscal year on the basis of that 80496
adjusted formula ADM. 80497

(G)(1)(a) The superintendent of an institution operating a 80498
special education program pursuant to section 3323.091 of the 80499
Revised Code shall, for the programs under such superintendent's 80500
supervision, certify to the state board of education, in the 80501
manner prescribed by the superintendent of public instruction, 80502
both of the following: 80503

(i) The unduplicated count of the number of all children with 80504
disabilities other than preschool children with disabilities 80505
receiving services at the institution for each category of 80506
disability described in divisions (A) to (F) of section 3317.013 80507
of the Revised Code adjusted for the portion of the year each 80508
child is so enrolled; 80509

(ii) The unduplicated count of the number of all preschool 80510
children with disabilities in classes or programs for whom the 80511
district is eligible to receive funding under section 3317.0213 of 80512
the Revised Code adjusted for the portion of the year each child 80513
is so enrolled, reported according to the categories prescribed in 80514
section 3317.013 of the Revised Code. 80515

(b) The superintendent of an institution with 80516
career-technical education units approved under section 3317.05 of 80517
the Revised Code shall, for the units under the superintendent's 80518
supervision, certify to the state board of education the 80519
enrollment in those units, in the manner prescribed by the 80520
superintendent of public instruction. 80521

(2) The superintendent of each county board of developmental disabilities that maintains special education classes under section 3317.20 of the Revised Code or provides services to preschool children with disabilities pursuant to an agreement between the county board and the appropriate school district shall do both of the following:

(a) Certify to the state board, in the manner prescribed by the board, the enrollment in classes under section 3317.20 of the Revised Code for each school district that has placed children in the classes;

(b) Certify to the state board, in the manner prescribed by the board, the unduplicated count of the number of all preschool children with disabilities enrolled in classes for which the ~~DD~~ board is eligible to receive funding under section 3317.0213 of the Revised Code adjusted for the portion of the year each child is so enrolled, reported according to the categories prescribed in section 3317.013 of the Revised Code, and the number of those classes.

(H) Except as provided in division (I) of this section, when any city, local, or exempted village school district provides instruction for a nonresident pupil whose attendance is unauthorized attendance as defined in section 3327.06 of the Revised Code, that pupil's enrollment shall not be included in that district's enrollment figure used in calculating the district's payments under this chapter. The reporting official shall report separately the enrollment of all pupils whose attendance in the district is unauthorized attendance, and the enrollment of each such pupil shall be credited to the school district in which the pupil is entitled to attend school under division (B) of section 3313.64 or section 3313.65 of the Revised Code as determined by the department of education.

(I)(1) A city, local, exempted village, or joint vocational

school district admitting a scholarship student of a pilot project 80554
district pursuant to division (C) of section 3313.976 of the 80555
Revised Code may count such student in its enrollment. 80556

(2) In any year for which funds are appropriated for pilot 80557
project scholarship programs, a school district implementing a 80558
state-sponsored pilot project scholarship program that year 80559
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 80560
count in its enrollment: 80561

(a) All children residing in the district and utilizing a 80562
scholarship to attend kindergarten in any alternative school, as 80563
defined in section 3313.974 of the Revised Code; 80564

(b) All children who were enrolled in the district in the 80565
preceding year who are utilizing a scholarship to attend an 80566
alternative school. 80567

(J) The superintendent of each cooperative education school 80568
district shall certify to the superintendent of public 80569
instruction, in a manner prescribed by the state board of 80570
education, the applicable enrollments for all students in the 80571
cooperative education district, also indicating the city, local, 80572
or exempted village district where each pupil is entitled to 80573
attend school under section 3313.64 or 3313.65 of the Revised 80574
Code. 80575

(K) If the superintendent of public instruction determines 80576
that a component of the enrollment certified or reported by a 80577
district superintendent, or other reporting entity, is not 80578
correct, the superintendent of public instruction may order that 80579
the formula ADM used for the purposes of payments under any 80580
section of Title XXXVIII of the Revised Code be adjusted in the 80581
amount of the error. 80582

Sec. 3317.06. Moneys paid to school districts under division 80583

(E)(1) of section 3317.024 of the Revised Code shall be used for 80584
the following independent and fully severable purposes on behalf 80585
of students enrolled in chartered and accredited nonpublic 80586
schools: 80587

(A) To purchase such secular textbooks or digital texts as 80588
have been approved by the superintendent of public instruction for 80589
use in public schools in the state and to loan such textbooks or 80590
digital texts to pupils attending nonpublic schools within the 80591
district described in division (E)(1) of section 3317.024 of the 80592
Revised Code or to their parents and to hire clerical personnel to 80593
administer such lending program. Such loans shall be based upon 80594
individual requests submitted by such nonpublic school pupils or 80595
parents. Such requests shall be submitted to the school district 80596
in which the nonpublic school is located. Such individual requests 80597
for the loan of textbooks or digital texts shall, for 80598
administrative convenience, be submitted by the nonpublic school 80599
pupil or the pupil's parent to the nonpublic school, which shall 80600
prepare and submit collective summaries of the individual requests 80601
to the school district. As used in this section: 80602

(1) "Textbook" means any book or book substitute that a pupil 80603
uses as a consumable or nonconsumable text, text substitute, or 80604
text supplement in a particular class or program in the school the 80605
pupil regularly attends. 80606

(2) "Digital text" means a consumable book or book substitute 80607
that a student accesses through the use of a computer or other 80608
electronic medium or that is available through an internet-based 80609
provider of course content, or any other material that contributes 80610
to the learning process through electronic means. 80611

(B) To provide speech and hearing diagnostic services to 80612
pupils attending nonpublic schools within the district described 80613
in division (E)(1) of section 3317.024 of the Revised Code. Such 80614
service shall be provided in the nonpublic school attended by the 80615

pupil receiving the service. 80616

(C) To provide physician, nursing, dental, and optometric 80617
services to pupils attending nonpublic schools within the district 80618
described in division (E)(1) of section 3317.024 of the Revised 80619
Code. Such services shall be provided in the school attended by 80620
the nonpublic school pupil receiving the service. 80621

(D) To provide diagnostic psychological services to pupils 80622
attending nonpublic schools within the district described in 80623
division (E)(1) of section 3317.024 of the Revised Code. Such 80624
services shall be provided in the school attended by the pupil 80625
receiving the service. 80626

(E) To provide therapeutic psychological and speech and 80627
hearing services to pupils attending nonpublic schools within the 80628
district described in division (E)(1) of section 3317.024 of the 80629
Revised Code. Such services shall be provided in the public 80630
school, in nonpublic schools, in public centers, or in mobile 80631
units located on or off of the nonpublic premises. If such 80632
services are provided in the public school or in public centers, 80633
transportation to and from such facilities shall be provided by 80634
the school district in which the nonpublic school is located. 80635

(F) To provide guidance, counseling, and social work services 80636
to pupils attending nonpublic schools within the district 80637
described in division (E)(1) of section 3317.024 of the Revised 80638
Code. Such services shall be provided in the public school, in 80639
nonpublic schools, in public centers, or in mobile units located 80640
on or off of the nonpublic premises. If such services are provided 80641
in the public school or in public centers, transportation to and 80642
from such facilities shall be provided by the school district in 80643
which the nonpublic school is located. 80644

(G) To provide remedial services to pupils attending 80645
nonpublic schools within the district described in division (E)(1) 80646

of section 3317.024 of the Revised Code. Such services shall be 80647
provided in the public school, in nonpublic schools, in public 80648
centers, or in mobile units located on or off of the nonpublic 80649
premises. If such services are provided in the public school or in 80650
public centers, transportation to and from such facilities shall 80651
be provided by the school district in which the nonpublic school 80652
is located. 80653

(H) To supply for use by pupils attending nonpublic schools 80654
within the district described in division (E)(1) of section 80655
3317.024 of the Revised Code such standardized tests and scoring 80656
services as are in use in the public schools of the state; 80657

(I) To provide programs for children who attend nonpublic 80658
schools within the district described in division (E)(1) of 80659
section 3317.024 of the Revised Code and are children with 80660
disabilities as defined in section 3323.01 of the Revised Code or 80661
gifted children. Such programs shall be provided in the public 80662
school, in nonpublic schools, in public centers, or in mobile 80663
units located on or off of the nonpublic premises. If such 80664
programs are provided in the public school or in public centers, 80665
transportation to and from such facilities shall be provided by 80666
the school district in which the nonpublic school is located. 80667

(J) To hire clerical personnel to assist in the 80668
administration of programs pursuant to divisions (B), (C), (D), 80669
(E), (F), (G), and (I) of this section and to hire supervisory 80670
personnel to supervise the providing of services and textbooks 80671
pursuant to this section. 80672

(K) To purchase or lease any secular, neutral, and 80673
nonideological computer application software designed to assist 80674
students in performing a single task or multiple related tasks, 80675
device management software, learning management software, 80676
site-licensing, digital video on demand (DVD), wide area 80677
connectivity and related technology as it relates to internet 80678

access, mathematics or science equipment and materials, 80679
instructional materials, and school library materials that are in 80680
general use in the public schools of the state and loan such items 80681
to pupils attending nonpublic schools within the district 80682
described in division (E)(1) of section 3317.024 of the Revised 80683
Code or to their parents, and to hire clerical personnel to 80684
administer the lending program. Only such items that are incapable 80685
of diversion to religious use and that are susceptible of loan to 80686
individual pupils and are furnished for the use of individual 80687
pupils shall be purchased and loaned under this division. As used 80688
in this section, "instructional materials" means prepared learning 80689
materials that are secular, neutral, and nonideological in 80690
character and are of benefit to the instruction of school 80691
children. "Instructional materials" includes media content that a 80692
student may access through the use of a computer or electronic 80693
device. 80694

Mobile applications that are secular, neutral, and 80695
nonideological in character and that are purchased for less than 80696
twenty dollars for instructional use shall be considered to be 80697
consumable and shall be distributed to students without the 80698
expectation that the applications must be returned. 80699

(L) To purchase or lease instructional equipment, including 80700
computer hardware and related equipment in general use in the 80701
public schools of the state, for use by pupils attending nonpublic 80702
schools within the district described in division (E)(1) of 80703
section 3317.024 of the Revised Code and to loan such items to 80704
pupils attending such nonpublic schools within the district or to 80705
their parents, and to hire clerical personnel to administer the 80706
lending program. "Computer hardware and related equipment" 80707
includes desktop computers and workstations; laptop computers, 80708
computer tablets, and other mobile handheld devices; their 80709
operating systems and accessories; and any equipment designed to 80710

make accessible the environment of a classroom to a student, who 80711
is physically unable to attend classroom activities due to 80712
hospitalization or other circumstances, by allowing real-time 80713
interaction with other students both one-on-one and in group 80714
discussion. 80715

(M) To purchase mobile units to be used for the provision of 80716
services pursuant to divisions (E), (F), (G), and (I) of this 80717
section and to pay for necessary repairs and operating costs 80718
associated with these units. 80719

(N) To reimburse costs the district incurred to store the 80720
records of a chartered or accredited nonpublic school that closes. 80721
Reimbursements under this division shall be made one time only for 80722
each chartered or accredited nonpublic school described in 80723
division (E)(1) of section 3317.024 of the Revised Code that 80724
closes. 80725

(O) To purchase life-saving medical or other emergency 80726
equipment for placement in nonpublic schools within the district 80727
described in division (E)(1) of section 3317.024 of the Revised 80728
Code or to maintain such equipment. 80729

(P) To procure and pay for security services from a county 80730
sheriff or a township or municipal police force or from a person 80731
certified through the Ohio peace officer training commission, in 80732
accordance with section 109.78 of the Revised Code, as a special 80733
police, security guard, or as a privately employed person serving 80734
in a police capacity for nonpublic schools in the district 80735
described in division (E)(1) of section 3317.024 of the Revised 80736
Code. 80737

(Q) To provide language and academic support services and 80738
other accommodations for English language learners attending 80739
nonpublic schools within the district described in division (E)(1) 80740
of section 3317.024 of the Revised Code. 80741

Clerical and supervisory personnel hired pursuant to division 80742
(J) of this section shall perform their services in the public 80743
schools, in nonpublic schools, public centers, or mobile units 80744
where the services are provided to the nonpublic school pupil, 80745
except that such personnel may accompany pupils to and from the 80746
service sites when necessary to ensure the safety of the children 80747
receiving the services. 80748

All services provided pursuant to this section may be 80749
provided under contract with educational service centers, the 80750
department of health, city or general health districts, or private 80751
agencies whose personnel are properly licensed by an appropriate 80752
state board or agency. 80753

Transportation of pupils provided pursuant to divisions (E), 80754
(F), (G), and (I) of this section shall be provided by the school 80755
district from its general funds and not from moneys paid to it 80756
under division (E)(1) of section 3317.024 of the Revised Code 80757
unless a special transportation request is submitted by the parent 80758
of the child receiving service pursuant to such divisions. If such 80759
an application is presented to the school district, it may pay for 80760
the transportation from moneys paid to it under division (E)(1) of 80761
section 3317.024 of the Revised Code. 80762

No school district shall provide health or remedial services 80763
to nonpublic school pupils as authorized by this section unless 80764
such services are available to pupils attending the public schools 80765
within the district. 80766

Materials, equipment, computer hardware or software, 80767
textbooks, digital texts, and health and remedial services 80768
provided for the benefit of nonpublic school pupils pursuant to 80769
this section and the admission of pupils to such nonpublic schools 80770
shall be provided without distinction as to race, creed, color, or 80771
national origin of such pupils or of their teachers. 80772

No school district shall provide services, materials, or equipment that contain religious content for use in religious courses, devotional exercises, religious training, or any other religious activity.

As used in this section, "parent" includes a person standing in loco parentis to a child.

As used in this section, "accredited nonpublic school" means an accredited nonpublic school as described in section 3301.165 of the Revised Code.

Notwithstanding section 3317.01 of the Revised Code, payments shall be made under this section to any city, local, or exempted village school district within which is located one or more nonpublic elementary or high schools described in division (E)(1) of section 3317.024 of the Revised Code and any payments made to school districts under division (E)(1) of section 3317.024 of the Revised Code for purposes of this section may be disbursed without submission to and approval of the controlling board.

The allocation of payments for materials, equipment, textbooks, digital texts, health services, and remedial services to city, local, and exempted village school districts shall be on the basis of the state board of education's estimated annual average daily membership in nonpublic elementary and high schools located in the district described in division (E)(1) of section 3317.024 of the Revised Code.

Payments made to city, local, and exempted village school districts under this section shall be equal to specific appropriations made for the purpose. All interest earned by a school district on such payments shall be used by the district for the same purposes and in the same manner as the payments may be used.

The department of education shall adopt guidelines and

procedures under which such programs and services shall be 80804
provided, under which districts shall be reimbursed for 80805
administrative costs incurred in providing such programs and 80806
services, and under which any unexpended balance of the amounts 80807
appropriated by the general assembly to implement this section may 80808
be transferred to the auxiliary services personnel unemployment 80809
compensation fund established pursuant to section 4141.47 of the 80810
Revised Code. The department shall also adopt guidelines and 80811
procedures limiting the purchase and loan of the items described 80812
in division (K) of this section to items that are in general use 80813
in the public schools of the state, that are incapable of 80814
diversion to religious use, and that are susceptible to individual 80815
use rather than classroom use. Within thirty days after the end of 80816
each biennium, each board of education shall remit to the 80817
department all moneys paid to it under division (E)(1) of section 80818
3317.024 of the Revised Code and any interest earned on those 80819
moneys that are not required to pay expenses incurred under this 80820
section during the biennium for which the money was appropriated 80821
and during which the interest was earned. If a board of education 80822
subsequently determines that the remittal of moneys leaves the 80823
board with insufficient money to pay all valid expenses incurred 80824
under this section during the biennium for which the remitted 80825
money was appropriated, the board may apply to the department of 80826
education for a refund of money, not to exceed the amount of the 80827
insufficiency. If the department determines the expenses were 80828
lawfully incurred and would have been lawful expenditures of the 80829
refunded money, it shall certify its determination and the amount 80830
of the refund to be made to the director of job and family 80831
services who shall make a refund as provided in section 4141.47 of 80832
the Revised Code. 80833

Each school district shall label materials, equipment, 80834
computer hardware or software, textbooks, and digital texts 80835
purchased or leased for loan to a nonpublic school under this 80836

section, acknowledging that they were purchased or leased with 80837
state funds under this section. However, a district need not label 80838
materials, equipment, computer hardware or software, textbooks, or 80839
digital texts that the district determines are consumable in 80840
nature or have a value of less than two hundred dollars. 80841

Sec. 3317.062. (A) Moneys paid to chartered and accredited 80842
nonpublic schools under division (E)(2) of section 3317.024 of the 80843
Revised Code shall be used for one or more of the following 80844
purposes: 80845

(1) To purchase secular textbooks or digital texts, as 80846
defined in divisions (A)(1) and (2) of section 3317.06 of the 80847
Revised Code, as have been approved by the superintendent of 80848
public instruction for use in public schools in the state; 80849

(2) To provide the services described in divisions (B), (C), 80850
(D), and (Q) of section 3317.06 of the Revised Code; 80851

(3) To provide the services described in divisions (E), (F), 80852
(G), and (I) of section 3317.06 of the Revised Code. If such 80853
services are provided in public schools or in public centers, 80854
transportation to and from such facilities shall be provided by 80855
the nonpublic school. 80856

(4) To supply for use by pupils attending the school such 80857
standardized tests and scoring services as are in use in the 80858
public schools of the state; 80859

(5) To hire clerical personnel to assist in the 80860
administration of divisions (A)(2), (3), and (4) of this section 80861
and to hire supervisory personnel to supervise the providing of 80862
services and textbooks pursuant to this section. These personnel 80863
shall perform their services in the public schools, in nonpublic 80864
schools, public centers, or mobile units where the services are 80865
provided to the nonpublic school pupil, except that such personnel 80866

may accompany pupils to and from the service sites when necessary 80867
to ensure the safety of the children receiving the services. All 80868
services provided pursuant to this section may be provided under 80869
contract with school districts, educational service centers, the 80870
department of health, city or general health districts, or private 80871
agencies whose personnel are properly licensed by an appropriate 80872
state board or agency. 80873

(6) To purchase any of the materials described in division 80874
(K) of section 3317.06 of the Revised Code; 80875

(7) To purchase any of the equipment described in division 80876
(L) of section 3317.06 of the Revised Code; 80877

(8) To purchase mobile units to be used for the provision of 80878
services pursuant to division (A)(3) of this section and to pay 80879
for necessary repairs and operating costs associated with these 80880
units; 80881

(9) To purchase the equipment described in division (O) of 80882
section 3317.06 of the Revised Code; 80883

(10) To procure and pay for security services described in 80884
division (P) of section 3317.06 of the Revised Code. 80885

(B) Materials, equipment, computer hardware and software, 80886
textbooks, digital texts, and health and remedial services 80887
provided pursuant to this section and the admission of pupils to 80888
nonpublic schools shall be provided without distinction as to 80889
race, creed, color, or national origin of such pupils or of their 80890
teachers. 80891

(C) Any interest earned by a chartered nonpublic school on 80892
moneys paid to it under division (E)(2) of section 3317.024 of the 80893
Revised Code shall be used by the school for the same purposes and 80894
in the same manner as the payments may be used under this section. 80895

(D) The department of education shall adopt guidelines and 80896

procedures regarding both of the following: 80897

(1) The expenditure of moneys under this section; 80898

(2) The audit of nonpublic schools receiving funds under this 80899
section to ensure the appropriate use of funds. 80900

(E) The department shall adopt a rule specifying the party 80901
that owns any property purchased by a chartered nonpublic school 80902
with moneys paid under division (E)(2) of section 3317.024 of the 80903
Revised Code. The rule shall include procedures for disposal of 80904
the property by the designated owner when appropriate. 80905

(F) Within thirty days after the end of each biennium, each 80906
chartered nonpublic school shall remit to the department all 80907
moneys paid to it under division (E)(2) of section 3317.024 of the 80908
Revised Code and any interest earned on those moneys that are not 80909
required to pay expenses incurred under this section during the 80910
biennium for which the moneys were appropriated and during which 80911
the interest was earned. If a school subsequently determines that 80912
the remittal of moneys leaves the school with insufficient money 80913
to pay all valid expenses incurred under this section during the 80914
biennium for which the remitted moneys were appropriated, the 80915
school may apply to the department for a refund of money, not to 80916
exceed the amount of the insufficiency. If the department 80917
determines the expenses were lawfully incurred and would have been 80918
lawful expenditures of the refunded money, the department shall 80919
make a refund in the necessary amount. 80920

(G) As used in this section, "accredited nonpublic school" 80921
means an accredited nonpublic school as described in section 80922
3301.165 of the Revised Code. 80923

Sec. 3317.063. The superintendent of public instruction, in 80924
accordance with rules adopted by the department of education, 80925
shall annually reimburse each chartered nonpublic school and each 80926

accredited nonpublic school as described in section 3301.165 of 80927
the Revised Code for the actual mandated service administrative 80928
and clerical costs incurred by such school during the preceding 80929
school year in preparing, maintaining, and filing reports, forms, 80930
and records, and in providing such other administrative and 80931
clerical services that are not an integral part of the teaching 80932
process as may be required by state law or rule or by requirements 80933
duly promulgated by city, exempted village, or local school 80934
districts. The mandated service costs reimbursed pursuant to this 80935
section shall include, but are not limited to, the preparation, 80936
filing and maintenance of forms, reports, or records and other 80937
clerical and administrative services relating to state chartering 80938
or approval of the nonpublic school, pupil attendance, pupil 80939
health and health testing, transportation of pupils, federally 80940
funded education programs, pupil appraisal, pupil progress, 80941
educator licensure, unemployment and workers' compensation, 80942
transfer of pupils, and such other education related data which 80943
are now or hereafter shall be required of such nonpublic school by 80944
state law or rule, or by requirements of the state department of 80945
education, other state agencies, or city, exempted village, or 80946
local school districts. 80947

The reimbursement required by this section shall be for 80948
school years beginning on or after July 1, 1981. 80949

Each nonpublic school which seeks reimbursement pursuant to 80950
this section shall submit to the superintendent of public 80951
instruction an application together with such additional reports 80952
and documents as the department of education may require. Such 80953
application, reports, and documents shall contain such information 80954
as the department of education may prescribe in order to carry out 80955
the purposes of this section. No payment shall be made until the 80956
superintendent of public instruction has approved such 80957
application. 80958

Each nonpublic school which applies for reimbursement 80959
pursuant to this section shall maintain a separate account or 80960
system of accounts for the expenses incurred in rendering the 80961
required services for which reimbursement is sought. Such accounts 80962
shall contain such information as is required by the department of 80963
education and shall be maintained in accordance with rules adopted 80964
by the department of education. 80965

Reimbursement payments to a nonpublic school pursuant to this 80966
section shall not exceed an amount for each school year equal to 80967
three hundred sixty dollars per pupil enrolled in that nonpublic 80968
school. 80969

The superintendent of public instruction may, from time to 80970
time, examine any and all accounts and records of a nonpublic 80971
school which have been maintained pursuant to this section in 80972
support of an application for reimbursement, for the purpose of 80973
determining the costs to such school of rendering the services for 80974
which reimbursement is sought. If after such audit it is 80975
determined that any school has received funds in excess of the 80976
actual cost of providing such services, said school shall 80977
immediately reimburse the state in such excess amount. 80978

Any payments made to chartered or accredited nonpublic 80979
schools under this section may be disbursed without submission to 80980
and approval of the controlling board. 80981

Sec. 3317.13. (A) As used in this section and section 3317.14 80982
of the Revised Code: 80983

(1) "Years of service" includes the following: 80984

(a) All years of teaching service in the same school district 80985
or educational service center, regardless of training level, with 80986
each year consisting of at least one hundred twenty days under a 80987
teacher's contract; 80988

(b) All years of teaching service in a chartered, or an accredited nonpublic school located in Ohio as a teacher licensed pursuant to section 3319.22 of the Revised Code or in another public school, regardless of training level, with each year consisting of at least one hundred twenty days under a teacher's contract. For purposes of this division, "accredited nonpublic school" means an accredited nonpublic school as described in section 3301.165 of the Revised Code.

(c) All years of teaching service in a chartered school or institution or a school or institution that subsequently became chartered or a chartered special education program or a special education program that subsequently became chartered operated by the state or by a subdivision or other local governmental unit of this state as a teacher licensed pursuant to section 3319.22 of the Revised Code, regardless of training level, with each year consisting of at least one hundred twenty days; and

(d) All years of active military service in the armed forces of the United States, as defined in section 3307.75 of the Revised Code, to a maximum of five years. For purposes of this calculation, a partial year of active military service of eight continuous months or more in the armed forces shall be counted as a full year.

(2) "Teacher" means all teachers employed by the board of education of any school district, including any cooperative education or joint vocational school district and all teachers employed by any educational service center governing board.

(B) No teacher shall be paid a salary less than that provided in the schedule set forth in division (C) of this section. In calculating the minimum salary any teacher shall be paid pursuant to this section, years of service shall include the sum of all years of the teacher's teaching service included in divisions (A)(1)(a), (b), (c), and (d) of this section; except that any

school district or educational service center employing a teacher 81021
new to the district or educational service center shall grant such 81022
teacher a total of not more than ten years of service pursuant to 81023
divisions (A)(1)(b), (c), and (d) of this section. 81024

Upon written complaint to the superintendent of public 81025
instruction that the board of education of a district or the 81026
governing board of an educational service center governing board 81027
has failed or refused to annually adopt a salary schedule or to 81028
pay salaries in accordance with the salary schedule set forth in 81029
division (C) of this section, the superintendent of public 81030
instruction shall cause to be made an immediate investigation of 81031
such complaint. If the superintendent finds that the conditions 81032
complained of exist, the superintendent shall order the board to 81033
correct such conditions within ten days from the date of the 81034
finding. No moneys shall be distributed to the district or 81035
educational service center under this chapter until the 81036
superintendent has satisfactory evidence of the board of 81037
education's full compliance with such order. 81038

Each teacher shall be fully credited with placement in the 81039
appropriate academic training level column in the district's or 81040
educational service center's salary schedule with years of service 81041
properly credited pursuant to this section or section 3317.14 of 81042
the Revised Code. No rule shall be adopted or exercised by any 81043
board of education or educational service center governing board 81044
which restricts the placement or the crediting of annual salary 81045
increments for any teacher according to the appropriate academic 81046
training level column. 81047

(C) Minimum salaries exclusive of retirement and sick leave 81048
for teachers shall be as follows: 81049

	Teachers		Teachers with	Teachers	81050
Years	with Less	Teachers with	Five Years of	with	81051
of	than	a Bachelor's	Training, but	a Master's	81052

Service	Bachelor's Degree		no Master's Degree		Degree or Higher				
	Per Dollar Cent*	Per Dollar Cent*	Per Dollar Cent*	Per Dollar Cent*	Per Dollar Cent*	Per Dollar Cent*			
0	86.5	\$17,300	100.0	\$20,000	103.8	\$20,760	109.5	\$21,900	81053
1	90.0	18,000	103.8	20,760	108.1	21,620	114.3	22,860	81054
2	93.5	18,700	107.6	21,520	112.4	22,480	119.1	23,820	81055
3	97.0	19,400	111.4	22,280	116.7	23,340	123.9	24,780	81056
4	100.5	20,100	115.2	23,040	121.0	24,200	128.7	25,740	81057
5	104.0	20,800	119.0	23,800	125.3	25,060	133.5	26,700	81058
6	104.0	20,800	122.8	24,560	129.6	25,920	138.3	27,660	81059
7	104.0	20,800	126.6	25,320	133.9	26,780	143.1	28,620	81060
8	104.0	20,800	130.4	26,080	138.2	27,640	147.9	29,580	81061
9	104.0	20,800	134.2	26,840	142.5	28,500	152.7	30,540	81062
10	104.0	20,800	138.0	27,600	146.8	29,360	157.5	31,500	81063
11	104.0	20,800	141.8	28,360	151.1	30,220	162.3	32,460	81064

* Percentages represent the percentage which each salary is of the base amount. 81069
81070

For purposes of determining the minimum salary at any level of training and service, the base of one hundred per cent shall be the base amount. The percentages used in this section show the relationships between the minimum salaries required by this section and the base amount and shall not be construed as requiring any school district or educational service center to adopt a schedule containing salaries in excess of the amounts set forth in this section for corresponding levels of training and experience. 81071
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As used in this division: 81080

(1) "Base amount" means twenty thousand dollars. 81081

(2) "Five years of training" means at least one hundred fifty semester hours, or the equivalent, and a bachelor's degree from a recognized college or university. 81082
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(D) For purposes of this section, all credited training shall 81085
be from a recognized college or university. 81086

Sec. 3319.311. (A)(1) The state board of education, or the 81087
superintendent of public instruction on behalf of the board, may 81088
investigate any information received about a person that 81089
reasonably appears to be a basis for action under section 3319.31 81090
of the Revised Code, including information received pursuant to 81091
section 3314.40, 3319.291, 3319.313, 3326.24, 3328.19, 5126.253, 81092
or 5153.176 of the Revised Code. Except as provided in division 81093
(A)(2) of this section, the board shall contract with the office 81094
of the Ohio attorney general to conduct any investigation of that 81095
nature. The board shall pay for the costs of the contract only 81096
from moneys in the state board of education licensure fund 81097
established under section 3319.51 of the Revised Code. Except as 81098
provided in division (A)(2) of this section, all information 81099
received pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 81100
3328.19, 5126.253, or 5153.176 of the Revised Code, and all 81101
information obtained during an investigation is confidential and 81102
is not a public record under section 149.43 of the Revised Code. 81103
If an investigation is conducted under this division regarding 81104
information received about a person and no action is taken against 81105
the person under this section or section 3319.31 of the Revised 81106
Code within two years of the completion of the investigation, all 81107
records of the investigation shall be expunged. 81108

(2) In the case of a person about whom the board has learned 81109
of a plea of guilty to, finding of guilt by a jury or court of, or 81110
a conviction of an offense listed in division (C) of section 81111
3319.31 of the Revised Code, or substantially comparable conduct 81112
occurring in a jurisdiction outside this state, the board or the 81113
superintendent of public instruction need not conduct any further 81114
investigation and shall take the action required by division (C) 81115
or (F) of that section. Except as provided in division (G) of this 81116

section, all information obtained by the board or the 81117
superintendent of public instruction pertaining to the action is a 81118
public record under section 149.43 of the Revised Code. 81119

(B) The superintendent of public instruction shall review the 81120
results of each investigation of a person conducted under division 81121
(A)(1) of this section and shall determine, on behalf of the state 81122
board, whether the results warrant initiating action under 81123
division (B) of section 3319.31 of the Revised Code. The 81124
superintendent shall advise the board of such determination at a 81125
meeting of the board. Within fourteen days of the next meeting of 81126
the board, any member of the board may ask that the question of 81127
initiating action under section 3319.31 of the Revised Code be 81128
placed on the board's agenda for that next meeting. Prior to 81129
initiating that action against any person, the person's name and 81130
any other personally identifiable information shall remain 81131
confidential. 81132

(C) The board shall take no action against a person under 81133
division (B) of section 3319.31 of the Revised Code without 81134
providing the person with written notice of the charges and with 81135
an opportunity for a hearing in accordance with Chapter 119. of 81136
the Revised Code. 81137

(D) For purposes of an investigation under division (A)(1) of 81138
this section or a hearing under division (C) of this section or 81139
under division (E)(2) of section 3319.31 of the Revised Code, the 81140
board, or the superintendent on behalf of the board, may 81141
administer oaths, order the taking of depositions, issue 81142
subpoenas, and compel the attendance of witnesses and the 81143
production of books, accounts, papers, records, documents, and 81144
testimony. The issuance of subpoenas under this division may be by 81145
certified mail or personal delivery to the person. 81146

(E) The superintendent, on behalf of the board, may enter 81147
into a consent agreement with a person against whom action is 81148

being taken under division (B) of section 3319.31 of the Revised Code. The board may adopt rules governing the superintendent's action under this division.

(F) No surrender of a license shall be effective until the board takes action to accept the surrender unless the surrender is pursuant to a consent agreement entered into under division (E) of this section.

(G) The name of any person who is not required to report information under section 3314.40, 3319.313, 3326.24, 3328.19, 5126.253, or 5153.176 of the Revised Code, but who in good faith provides information to the state board or superintendent of public instruction about alleged misconduct committed by a person who holds a license or has applied for issuance or renewal of a license, shall be confidential and shall not be released. Any such person shall be immune from any civil liability that otherwise might be incurred or imposed for injury, death, or loss to person or property as a result of the provision of that information.

(H)(1) No person shall knowingly make a false report to the superintendent of public instruction or the state board of education alleging misconduct by an employee of a public ~~or school~~, chartered nonpublic school, or accredited nonpublic school described in section 3301.165 of the Revised Code or an employee of the operator of a community school established under Chapter 3314. or a college-preparatory boarding school established under Chapter 3328. of the Revised Code.

(2)(a) In any civil action brought against a person in which it is alleged and proved that the person violated division (H)(1) of this section, the court shall award the prevailing party reasonable attorney's fees and costs that the prevailing party incurred in the civil action or as a result of the false report that was the basis of the violation.

(b) If a person is convicted of or pleads guilty to a violation of division (H)(1) of this section, if the subject of the false report that was the basis of the violation was charged with any violation of a law or ordinance as a result of the false report, and if the subject of the false report is found not to be guilty of the charges brought against the subject as a result of the false report or those charges are dismissed, the court that sentences the person for the violation of division (H)(1) of this section, as part of the sentence, shall order the person to pay restitution to the subject of the false report, in an amount equal to reasonable attorney's fees and costs that the subject of the false report incurred as a result of or in relation to the charges.

Sec. 3319.313. (A) As used in this section: 81193

(1) "Conduct unbecoming to the teaching profession" shall be as described in rules adopted by the state board of education. 81194
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(2) "Intervention in lieu of conviction" means intervention in lieu of conviction under section 2951.041 of the Revised Code. 81196
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(3) "License" has the same meaning as in section 3319.31 of the Revised Code. 81198
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(4) "Pre-trial diversion program" means a pre-trial diversion program under section 2935.36 of the Revised Code or a similar diversion program under rules of a court. 81200
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(5) "Accredited nonpublic school" means an accredited nonpublic school as described in section 3301.165 of the Revised Code. 81203
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(B) The superintendent of each school district and each educational service center or the president of the district or service center board, if division (C)(1) of this section applies, and the chief administrator of each chartered or accredited 81206
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nonpublic school or the president or chairperson of the governing 81210
authority of the nonpublic school, if division (C)(2) of this 81211
section applies, shall promptly submit to the superintendent of 81212
public instruction the information prescribed in division (D) of 81213
this section when any of the following conditions applies to an 81214
employee of the district, service center, or nonpublic school who 81215
holds a license issued by the state board of education: 81216

(1) The superintendent, chief administrator, president, or 81217
chairperson knows that the employee has pleaded guilty to, has 81218
been found guilty by a jury or court of, has been convicted of, 81219
has been found to be eligible for intervention in lieu of 81220
conviction for, or has agreed to participate in a pre-trial 81221
diversion program for an offense described in division (B)(2) or 81222
(C) of section 3319.31 or division (B)(1) of section 3319.39 of 81223
the Revised Code; 81224

(2) The district board of education, service center governing 81225
board, or nonpublic school chief administrator or governing 81226
authority has initiated termination or nonrenewal proceedings 81227
against, has terminated, or has not renewed the contract of the 81228
employee because the board of education, governing board, or chief 81229
administrator has reasonably determined that the employee has 81230
committed an act that is unbecoming to the teaching profession or 81231
an offense described in division (B)(2) or (C) of section 3319.31 81232
or division (B)(1) of section 3319.39 of the Revised Code; 81233

(3) The employee has resigned under threat of termination or 81234
nonrenewal as described in division (B)(2) of this section; 81235

(4) The employee has resigned because of or in the course of 81236
an investigation by the board of education, governing board, or 81237
chief administrator regarding whether the employee has committed 81238
an act that is unbecoming to the teaching profession or an offense 81239
described in division (B)(2) or (C) of section 3319.31 or division 81240
(B)(1) of section 3319.39 of the Revised Code. 81241

(C)(1) If the employee to whom any of the conditions 81242
prescribed in divisions (B)(1) to (4) of this section applies is 81243
the superintendent or treasurer of a school district or 81244
educational service center, the president of the board of 81245
education of the school district or of the governing board of the 81246
educational service center shall make the report required under 81247
this section. 81248

(2) If the employee to whom any of the conditions prescribed 81249
in divisions (B)(1) to (4) of this section applies is the chief 81250
administrator of a chartered or an accredited nonpublic school, 81251
the president or chairperson of the governing authority of the 81252
chartered or accredited nonpublic school shall make the report 81253
required under this section. 81254

(D) If a report is required under this section, the 81255
superintendent, chief administrator, president, or chairperson 81256
shall submit to the superintendent of public instruction the name 81257
and social security number of the employee about whom the 81258
information is required and a factual statement regarding any of 81259
the conditions prescribed in divisions (B)(1) to (4) of this 81260
section that applies to the employee. 81261

(E) A determination made by the board of education, governing 81262
board, chief administrator, or governing authority as described in 81263
division (B)(2) of this section or a termination, nonrenewal, 81264
resignation, or other separation described in divisions (B)(2) to 81265
(4) of this section does not create a presumption of the 81266
commission or lack of the commission by the employee of an act 81267
unbecoming to the teaching profession or an offense described in 81268
division (B)(2) or (C) of section 3319.31 or division (B)(1) of 81269
section 3319.39 of the Revised Code. 81270

(F) No individual required to submit a report under division 81271
(B) of this section shall knowingly fail to comply with that 81272
division. 81273

(G) An individual who provides information to the superintendent of public instruction in accordance with this section in good faith shall be immune from any civil liability that otherwise might be incurred or imposed for injury, death, or loss to person or property as a result of the provision of that information.

Sec. 3319.314. The board of education of each school district, the governing board of each educational service center, ~~and~~ the chief administrator of each chartered nonpublic school, and the chief administrator of each accredited nonpublic school operating under section 3301.165 of the Revised Code shall require that the reports of any investigation by the district board of education, service center governing board, or nonpublic school chief administrator of an employee regarding whether the employee has committed an act or offense for which the district or service center superintendent or board president or nonpublic school chief administrator or governing authority president or chairperson is required to make a report to the superintendent of public instruction under section 3319.313 of the Revised Code be kept in the employee's personnel file. If, after an investigation under division (A) of section 3319.311 of the Revised Code, the superintendent of public instruction determines that the results of that investigation do not warrant initiating action under section 3319.31 of the Revised Code, the board of education, governing board, or chief administrator shall require the reports of the board's or chief administrator's investigation to be moved from the employee's personnel file to a separate public file.

Sec. 3319.317. (A) As used in this section, "license" has the same meaning as in section 3319.31 of the Revised Code.

(B) No employee of a school district or educational service center shall do either of the following:

(1) Knowingly make a false report to the district or service center superintendent, or the superintendent's designee, alleging misconduct by another employee of the district or service center;

(2) Knowingly cause the district or service center superintendent, or the superintendent's designee, to make a false report of the alleged misconduct to the superintendent of public instruction or the state board of education.

(C) Any employee of a school district or educational service center who in good faith reports to the district or service center superintendent, or the superintendent's designee, information about alleged misconduct committed by another employee of the district or service center shall be immune from any civil liability that otherwise might be incurred or imposed for injury, death, or loss to person or property as a result of the reporting of that information.

If the alleged misconduct involves a person who holds a license but the district or service center superintendent is not required to submit a report to the superintendent of public instruction under section 3319.313 of the Revised Code and the district or service center superintendent, or the superintendent's designee, in good faith reports the alleged misconduct to the superintendent of public instruction or the state board, the district or service center superintendent, or the superintendent's designee, shall be immune from any civil liability that otherwise might be incurred or imposed for injury, death, or loss to person or property as a result of the reporting of that information.

(D) No employee of a chartered nonpublic school or accredited nonpublic school described in section 3301.165 of the Revised Code shall do either of the following:

(1) Knowingly make a false report to the chief administrator of the school, or the chief administrator's designee, alleging

misconduct by another employee of the school; 81336

(2) Knowingly cause the chief administrator, or the chief 81337
administrator's designee, to make a false report of the alleged 81338
misconduct to the superintendent of public instruction or the 81339
state board. 81340

(E) Any employee of a chartered nonpublic school or 81341
accredited nonpublic school who in good faith reports to the chief 81342
administrator of the school, or the chief administrator's 81343
designee, information about alleged misconduct committed by 81344
another employee of the school shall be immune from any civil 81345
liability that otherwise might be incurred or imposed for injury, 81346
death, or loss to person or property as a result of the reporting 81347
of that information. 81348

If the alleged misconduct involves a person who holds a 81349
license but the chief administrator is not required to submit a 81350
report to the superintendent of public instruction under section 81351
3319.313 of the Revised Code and the chief administrator, or the 81352
chief administrator's designee, in good faith reports the alleged 81353
misconduct to the superintendent of public instruction or the 81354
state board, the chief administrator, or the chief administrator's 81355
designee, shall be immune from any civil liability that otherwise 81356
might be incurred or imposed for injury, death, or loss to person 81357
or property as a result of the reporting of that information. 81358

(F)(1) In any civil action brought against a person in which 81359
it is alleged and proved that the person violated division (B) or 81360
(D) of this section, the court shall award the prevailing party 81361
reasonable attorney's fees and costs that the prevailing party 81362
incurred in the civil action or as a result of the false report 81363
that was the basis of the violation. 81364

(2) If a person is convicted of or pleads guilty to a 81365
violation of division (B) or (D) of this section, if the subject 81366

of the false report that was the basis of the violation was 81367
charged with any violation of a law or ordinance as a result of 81368
the false report, and if the subject of the false report is found 81369
not to be guilty of the charges brought against the subject as a 81370
result of the false report or those charges are dismissed, the 81371
court that sentences the person for the violation of division (B) 81372
or (D) of this section, as part of the sentence, shall order the 81373
person to pay restitution to the subject of the false report, in 81374
an amount equal to reasonable attorney's fees and costs that the 81375
subject of the false report incurred as a result of or in relation 81376
to the charges. 81377

Sec. 3319.39. (A)(1) Except as provided in division (F)(2)(b) 81378
of section 109.57 of the Revised Code, the appointing or hiring 81379
officer of the board of education of a school district, the 81380
governing board of an educational service center, or of a 81381
chartered or accredited nonpublic school shall request the 81382
superintendent of the bureau of criminal identification and 81383
investigation to conduct a criminal records check with respect to 81384
any applicant who has applied to the school district, educational 81385
service center, or school for employment in any position. The 81386
appointing or hiring officer shall request that the superintendent 81387
include information from the federal bureau of investigation in 81388
the criminal records check, unless all of the following apply to 81389
the applicant: 81390

(a) The applicant is applying to be an instructor of adult 81391
education. 81392

(b) The duties of the position for which the applicant is 81393
applying do not involve routine interaction with a child or 81394
regular responsibility for the care, custody, or control of a 81395
child or, if the duties do involve such interaction or 81396
responsibility, during any period of time in which the applicant, 81397

if hired, has such interaction or responsibility, another employee 81398
of the school district, educational service center, or chartered 81399
or accredited nonpublic school will be present in the same room 81400
with the child or, if outdoors, will be within a thirty-yard 81401
radius of the child or have visual contact with the child. 81402

(c) The applicant presents proof that the applicant has been 81403
a resident of this state for the five-year period immediately 81404
prior to the date upon which the criminal records check is 81405
requested or provides evidence that within that five-year period 81406
the superintendent has requested information about the applicant 81407
from the federal bureau of investigation in a criminal records 81408
check. 81409

(2) A person required by division (A)(1) of this section to 81410
request a criminal records check shall provide to each applicant a 81411
copy of the form prescribed pursuant to division (C)(1) of section 81412
109.572 of the Revised Code, provide to each applicant a standard 81413
impression sheet to obtain fingerprint impressions prescribed 81414
pursuant to division (C)(2) of section 109.572 of the Revised 81415
Code, obtain the completed form and impression sheet from each 81416
applicant, and forward the completed form and impression sheet to 81417
the superintendent of the bureau of criminal identification and 81418
investigation at the time the person requests a criminal records 81419
check pursuant to division (A)(1) of this section. 81420

(3) An applicant who receives pursuant to division (A)(2) of 81421
this section a copy of the form prescribed pursuant to division 81422
(C)(1) of section 109.572 of the Revised Code and a copy of an 81423
impression sheet prescribed pursuant to division (C)(2) of that 81424
section and who is requested to complete the form and provide a 81425
set of fingerprint impressions shall complete the form or provide 81426
all the information necessary to complete the form and shall 81427
provide the impression sheet with the impressions of the 81428
applicant's fingerprints. If an applicant, upon request, fails to 81429

provide the information necessary to complete the form or fails to 81430
provide impressions of the applicant's fingerprints, the board of 81431
education of a school district, governing board of an educational 81432
service center, or governing authority of a chartered nonpublic 81433
school shall not employ that applicant for any position. 81434

(4) Notwithstanding any provision of this section to the 81435
contrary, an applicant who meets the conditions prescribed in 81436
divisions (A)(1)(a) and (b) of this section and who, within the 81437
two-year period prior to the date of application, was the subject 81438
of a criminal records check under this section prior to being 81439
hired for short-term employment with the school district, 81440
educational service center, or chartered or accredited nonpublic 81441
school to which application is being made shall not be required to 81442
undergo a criminal records check prior to the applicant's rehiring 81443
by that district, service center, or school. 81444

(B)(1) Except as provided in rules adopted by the department 81445
of education in accordance with division (E) of this section and 81446
as provided in division (B)(3) of this section, no board of 81447
education of a school district, no governing board of an 81448
educational service center, and no governing authority of a 81449
chartered or accredited nonpublic school shall employ a person if 81450
the person previously has been convicted of or pleaded guilty to 81451
any of the following: 81452

(a) A violation of section 2903.01, 2903.02, 2903.03, 81453
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 81454
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 81455
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 81456
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 81457
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 81458
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 81459
2925.06, or 3716.11 of the Revised Code, a violation of section 81460
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 81461

violation of section 2919.23 of the Revised Code that would have 81462
been a violation of section 2905.04 of the Revised Code as it 81463
existed prior to July 1, 1996, had the violation been committed 81464
prior to that date, a violation of section 2925.11 of the Revised 81465
Code that is not a minor drug possession offense, or felonious 81466
sexual penetration in violation of former section 2907.12 of the 81467
Revised Code; 81468

(b) A violation of an existing or former law of this state, 81469
another state, or the United States that is substantially 81470
equivalent to any of the offenses or violations described in 81471
division (B)(1)(a) of this section. 81472

(2) A board, governing board of an educational service 81473
center, or a governing authority of a chartered or accredited 81474
nonpublic school may employ an applicant conditionally until the 81475
criminal records check required by this section is completed and 81476
the board or governing authority receives the results of the 81477
criminal records check. If the results of the criminal records 81478
check indicate that, pursuant to division (B)(1) of this section, 81479
the applicant does not qualify for employment, the board or 81480
governing authority shall release the applicant from employment. 81481

(3) No board and no governing authority of a chartered or 81482
accredited nonpublic school shall employ a teacher who previously 81483
has been convicted of or pleaded guilty to any of the offenses 81484
listed in section 3319.31 of the Revised Code. 81485

(C)(1) Each board and each governing authority of a chartered 81486
or accredited nonpublic school shall pay to the bureau of criminal 81487
identification and investigation the fee prescribed pursuant to 81488
division (C)(3) of section 109.572 of the Revised Code for each 81489
criminal records check conducted in accordance with that section 81490
upon the request pursuant to division (A)(1) of this section of 81491
the appointing or hiring officer of the board or governing 81492
authority. 81493

(2) A board and the governing authority of a chartered or 81494
accredited nonpublic school may charge an applicant a fee for the 81495
costs it incurs in obtaining a criminal records check under this 81496
section. A fee charged under this division shall not exceed the 81497
amount of fees the board or governing authority pays under 81498
division (C)(1) of this section. If a fee is charged under this 81499
division, the board or governing authority shall notify the 81500
applicant at the time of the applicant's initial application for 81501
employment of the amount of the fee and that, unless the fee is 81502
paid, the board or governing authority will not consider the 81503
applicant for employment. 81504

(D) The report of any criminal records check conducted by the 81505
bureau of criminal identification and investigation in accordance 81506
with section 109.572 of the Revised Code and pursuant to a request 81507
under division (A)(1) of this section is not a public record for 81508
the purposes of section 149.43 of the Revised Code and shall not 81509
be made available to any person other than the applicant who is 81510
the subject of the criminal records check or the applicant's 81511
representative, the board or governing authority requesting the 81512
criminal records check or its representative, and any court, 81513
hearing officer, or other necessary individual involved in a case 81514
dealing with the denial of employment to the applicant. 81515

(E) The department of education shall adopt rules pursuant to 81516
Chapter 119. of the Revised Code to implement this section, 81517
including rules specifying circumstances under which the board or 81518
governing authority may hire a person who has been convicted of an 81519
offense listed in division (B)(1) or (3) of this section but who 81520
meets standards in regard to rehabilitation set by the department. 81521

The department shall amend rule 3301-83-23 of the Ohio 81522
Administrative Code that took effect August 27, 2009, and that 81523
specifies the offenses that disqualify a person for employment as 81524
a school bus or school van driver and establishes rehabilitation 81525

standards for school bus and school van drivers. 81526

(F) Any person required by division (A)(1) of this section to 81527
request a criminal records check shall inform each person, at the 81528
time of the person's initial application for employment, of the 81529
requirement to provide a set of fingerprint impressions and that a 81530
criminal records check is required to be conducted and 81531
satisfactorily completed in accordance with section 109.572 of the 81532
Revised Code if the person comes under final consideration for 81533
appointment or employment as a precondition to employment for the 81534
school district, educational service center, or school for that 81535
position. 81536

(G) As used in this section: 81537

(1) "Accredited nonpublic school" means an accredited 81538
nonpublic school as described in section 3301.165 of the Revised 81539
Code. 81540

(2) "Applicant" means a person who is under final 81541
consideration for appointment or employment in a position with a 81542
board of education, governing board of an educational service 81543
center, or a chartered nonpublic school, except that "applicant" 81544
does not include a person already employed by a board or chartered 81545
nonpublic school who is under consideration for a different 81546
position with such board or school. 81547

~~(2)~~(3) "Teacher" means a person holding an educator license 81548
or permit issued under section 3319.22 or 3319.301 of the Revised 81549
Code and teachers in a chartered nonpublic school. 81550

~~(3)~~(4) "Criminal records check" has the same meaning as in 81551
section 109.572 of the Revised Code. 81552

~~(4)~~(5) "Minor drug possession offense" has the same meaning 81553
as in section 2925.01 of the Revised Code. 81554

(H) If the board of education of a local school district 81555

adopts a resolution requesting the assistance of the educational 81556
service center in which the local district has territory in 81557
conducting criminal records checks of substitute teachers and 81558
substitutes for other district employees under this section, the 81559
appointing or hiring officer of such educational service center 81560
shall serve for purposes of this section as the appointing or 81561
hiring officer of the local board in the case of hiring substitute 81562
teachers and other substitute employees for the local district. 81563

Sec. 3319.391. This section applies to any person hired by a 81564
school district, educational service center, or chartered 81565
nonpublic school, or accredited nonpublic school as described in 81566
section 3301.165 of the Revised Code in any position that does not 81567
require a "license" issued by the state board of education, as 81568
defined in section 3319.31 of the Revised Code, and is not for the 81569
operation of a vehicle for pupil transportation. 81570

(A) For each person to whom this section applies who is hired 81571
on or after November 14, 2007, the employer shall request a 81572
criminal records check in accordance with section 3319.39 of the 81573
Revised Code and shall request a subsequent criminal records check 81574
by the fifth day of September every fifth year thereafter. For 81575
each person to whom this division applies who is hired prior to 81576
November 14, 2007, the employer shall request a criminal records 81577
check by a date prescribed by the department of education and 81578
shall request a subsequent criminal records check by the fifth day 81579
of September every fifth year thereafter. 81580

(B)(1) Each request for a criminal records check under this 81581
section shall be made to the superintendent of the bureau of 81582
criminal identification and investigation in the manner prescribed 81583
in section 3319.39 of the Revised Code, except that if both of the 81584
following conditions apply to the person subject to the records 81585
check, the employer shall request the superintendent only to 81586

obtain any criminal records that the federal bureau of 81587
investigation has on the person: 81588

(a) The employer previously requested the superintendent to 81589
determine whether the bureau of criminal identification and 81590
investigation has any information, gathered pursuant to division 81591
(A) of section 109.57 of the Revised Code, on the person in 81592
conjunction with a criminal records check requested under section 81593
3319.39 of the Revised Code or under this section. 81594

(b) The person presents proof that the person has been a 81595
resident of this state for the five-year period immediately prior 81596
to the date upon which the person becomes subject to a criminal 81597
records check under this section. 81598

(2) Upon receipt of a request under division (B)(1) of this 81599
section, the superintendent shall conduct the criminal records 81600
check in accordance with section 109.572 of the Revised Code as if 81601
the request had been made under section 3319.39 of the Revised 81602
Code. However, as specified in division (B)(2) of section 109.572 81603
of the Revised Code, if the employer requests the superintendent 81604
only to obtain any criminal records that the federal bureau of 81605
investigation has on the person for whom the request is made, the 81606
superintendent shall not conduct the review prescribed by division 81607
(B)(1) of that section. 81608

(C) Any person who is the subject of a criminal records check 81609
under this section and has been convicted of or pleaded guilty to 81610
any offense described in division (B)(1) of section 3319.39 of the 81611
Revised Code shall not be hired or shall be released from 81612
employment, as applicable, unless the person meets the 81613
rehabilitation standards adopted by the department under division 81614
(E) of that section. 81615

Sec. 3319.392. (A) As used in this section: 81616

(1) "Accredited nonpublic school" means an accredited nonpublic school as described in section 3301.165 of the Revised Code. 81617
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(2) "Designated official" means the superintendent, or the superintendent's designee, in the case of a school district or educational service center and the chief administrator, or the chief administrator's designee, in the case of a chartered nonpublic school. 81620
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~~(2)~~(3) "Essential school services" means services provided by a private company under contract with a school district, educational service center, or chartered nonpublic school that the district or service center superintendent or the chief administrator of the chartered nonpublic school has determined are necessary for the operation of the district, service center, or chartered nonpublic school and that would need to be provided by employees of the district, service center, or chartered nonpublic school if the services were not provided by the private company. 81625
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~~(3)~~(4) "License" has the same meaning as in section 3319.31 of the Revised Code. 81634
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(B) This section applies to any person who is an employee of a private company under contract with a school district, educational service center, or chartered or accredited nonpublic school to provide essential school services and who will work in the district, service center, or chartered or accredited nonpublic school in a position that does not require a license issued by the state board of education, is not for the operation of a vehicle for pupil transportation, and that involves routine interaction with a child or regular responsibility for the care, custody, or control of a child. 81636
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(C) No school district, educational service center, or chartered or accredited nonpublic school shall permit a person to 81646
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whom this section applies to work in the district, service center, 81648
or chartered or accredited nonpublic school, unless one of the 81649
following applies to the person: 81650

(1) The person's employer presents proof of both of the 81651
following to the designated official: 81652

(a) That the person has been the subject of a criminal 81653
records check conducted in accordance with division (D) of this 81654
section within the five-year period immediately prior to the date 81655
on which the person will begin working in the district, service 81656
center, or chartered or accredited nonpublic school; 81657

(b) That the criminal records check indicates that the person 81658
has not been convicted of or pleaded guilty to any offense 81659
described in division (B)(1) of section 3319.39 of the Revised 81660
Code. 81661

(2) During any period of time in which the person will have 81662
routine interaction with a child or regular responsibility for the 81663
care, custody, or control of a child, the designated official has 81664
arranged for an employee of the district, service center, or 81665
chartered or accredited nonpublic school to be present in the same 81666
room with the child or, if outdoors, to be within a thirty-yard 81667
radius of the child or to have visual contact with the child. 81668

(D) Any private company that has been hired or seeks to be 81669
hired by a school district, educational service center, or 81670
chartered or accredited nonpublic school to provide essential 81671
school services may request the bureau of criminal identification 81672
and investigation to conduct a criminal records check of any of 81673
its employees for the purpose of complying with division (C)(1) of 81674
this section. Each request for a criminal records check under this 81675
division shall be made to the superintendent of the bureau in the 81676
manner prescribed in section 3319.39 of the Revised Code. Upon 81677
receipt of a request, the bureau shall conduct the criminal 81678

records check in accordance with section 109.572 of the Revised 81679
Code as if the request had been made under section 3319.39 of the 81680
Revised Code. 81681

Notwithstanding division (H) of section 109.57 of the Revised 81682
Code, the private company may share the results of any criminal 81683
records check conducted under this division with the designated 81684
official for the purpose of complying with division (C)(1) of this 81685
section, but in no case shall the designated official release that 81686
information to any other person. 81687

Sec. 3319.40. (A) As used in this section, ~~"license"~~: 81688

(1) "Accredited nonpublic school" means an accredited 81689
nonpublic school as described in section 3301.165 of the Revised 81690
Code. 81691

(2) "License" has the same meaning as in section 3319.31 of 81692
the Revised Code. 81693

(B) If a person who is employed by a school district or 81694
chartered or accredited nonpublic school is arrested, summoned, or 81695
indicted for an alleged violation of an offense listed in division 81696
(C) of section 3319.31 of the Revised Code, if the person holds a 81697
license, or an offense listed in division (B)(1) of section 81698
3319.39 of the Revised Code, if the person does not hold a 81699
license, the superintendent of the district or the chief 81700
administrative officer of the chartered or accredited nonpublic 81701
school shall suspend that person from all duties that require the 81702
care, custody, or control of a child during the pendency of the 81703
criminal action against the person. If the person who is arrested, 81704
summoned, or indicted for an alleged violation of an offense 81705
listed in division (C) of section 3319.31 or division (B)(1) of 81706
section 3319.39 of the Revised Code is a person whose duties are 81707
assigned by the district treasurer under division (B) of section 81708
3313.31 of the Revised Code, the treasurer shall suspend the 81709

person from all duties that require the care, custody, or control 81710
of a child. If the person who is arrested, summoned, or indicted 81711
for an alleged violation of an offense listed in division (C) of 81712
section 3319.31 or division (B)(1) of section 3319.39 of the 81713
Revised Code is the superintendent or treasurer of the district, 81714
the district board shall suspend the superintendent or treasurer 81715
from all duties that require the care, custody, or control of a 81716
child. If the person who is arrested, summoned, or indicted for an 81717
alleged violation of an offense listed in division (C) of section 81718
3319.31 or division (B)(1) of section 3319.39 of the Revised Code 81719
is the chief administrative officer of the chartered or accredited 81720
nonpublic school, the governing authority of the chartered or 81721
accredited nonpublic school shall suspend the chief administrative 81722
officer from all duties that require the care, custody, or control 81723
of a child. 81724

(C) When a person who holds a license is suspended in 81725
accordance with this section, the superintendent, treasurer, board 81726
of education, chief administrative officer, or governing authority 81727
that imposed the suspension promptly shall report the person's 81728
suspension to the department of education. The report shall 81729
include the offense for which the person was arrested, summoned, 81730
or indicted. 81731

Sec. 3319.52. (A) As used in this section: 81732

(1) "Accredited nonpublic school" means an accredited 81733
nonpublic school as described in section 3301.165 of the Revised 81734
Code. 81735

(2) "Intervention in lieu of conviction" means intervention 81736
in lieu of conviction under section 2951.041 of the Revised Code. 81737

~~(2)~~(3) "License" has the same meaning as in section 3319.31 81738
of the Revised Code. 81739

~~(3)~~(4) "Pre-trial diversion program" means a pre-trial 81740
diversion program under section 2935.36 of the Revised Code or a 81741
similar diversion program under rules of a court. 81742

~~(4)~~(5) "Prosecutor" has the same meaning as in section 81743
2935.01 of the Revised Code. 81744

(B) If there is any judicial finding of guilt or any 81745
conviction or a judicial finding of eligibility for intervention 81746
in lieu of conviction against a license holder, or if a license 81747
holder agrees to participate in a pre-trial diversion program, for 81748
any of the offenses listed in division (B)(2) or (C) of section 81749
3319.31 of the Revised Code, the prosecutor in the case, on forms 81750
that the state board of education shall prescribe and furnish, 81751
promptly shall notify the board and, if known, any school district 81752
or chartered or accredited nonpublic school employing the license 81753
holder of the license holder's name and residence address, and the 81754
fact that the license holder pleaded guilty to, was convicted of, 81755
has been found eligible for intervention in lieu of conviction 81756
for, or has agreed to a diversion program for the offense. 81757

Sec. 3321.01. (A)(1) As used in this chapter, "parent," 81758
"guardian," or "other person having charge or care of a child" 81759
means either parent unless the parents are separated or divorced 81760
or their marriage has been dissolved or annulled, in which case 81761
"parent" means the parent who is the residential parent and legal 81762
custodian of the child. If the child is in the legal or permanent 81763
custody of a person or government agency, "parent" means that 81764
person or government agency. When a child is a resident of a home, 81765
as defined in section 3313.64 of the Revised Code, and the child's 81766
parent is not a resident of this state, "parent," "guardian," or 81767
"other person having charge or care of a child" means the head of 81768
the home. 81769

A child between six and eighteen years of age is "of 81770

compulsory school age" for the purpose of sections 3321.01 to 81771
3321.13 of the Revised Code. A child under six years of age who 81772
has been enrolled in kindergarten also shall be considered "of 81773
compulsory school age" for the purpose of sections 3321.01 to 81774
3321.13 of the Revised Code unless at any time the child's parent 81775
or guardian, at the parent's or guardian's discretion and in 81776
consultation with the child's teacher and principal, formally 81777
withdraws the child from kindergarten. The compulsory school age 81778
of a child shall not commence until the beginning of the term of 81779
such schools, or other time in the school year fixed by the rules 81780
of the board of the district in which the child resides. 81781

(2) In a district in which all children are admitted to 81782
kindergarten and the first grade in August or September, a child 81783
shall be admitted if the child is five or six years of age, 81784
respectively, by the thirtieth day of September of the year of 81785
admittance, or by the first day of a term or semester other than 81786
one beginning in August or September in school districts granting 81787
admittance at the beginning of such term or semester. A child who 81788
does not meet the age requirements of this section for admittance 81789
to kindergarten or first grade, but who will be five or six years 81790
old, respective, prior to the first day of January of the school 81791
year in which admission is requested, shall be evaluated for early 81792
admittance in accordance with district policy upon referral by the 81793
child's parent or guardian, an educator employed by the district, 81794
a preschool educator who knows the child, or a pediatrician or 81795
psychologist who knows the child. Following an evaluation in 81796
accordance with a referral under this section, the district board 81797
shall decide whether to admit the child. If a child for whom 81798
admission to kindergarten or first grade is requested will not be 81799
five or six years of age, respectively, prior to the first day of 81800
January of the school year in which admission is requested, the 81801
child shall be admitted only in accordance with the district's 81802
acceleration policy adopted under section 3324.10 of the Revised 81803

Code. 81804

(3) Notwithstanding division (A)(2) of this section, 81805
beginning with the school year that starts in 2001 and continuing 81806
thereafter the board of education of any district may adopt a 81807
resolution establishing the first day of August in lieu of the 81808
thirtieth day of September as the required date by which students 81809
must have attained the age specified in that division. 81810

(4) After a student has been admitted to kindergarten in a 81811
school district or chartered or accredited nonpublic school, no 81812
board of education of a school district to which the student 81813
transfers shall deny that student admission based on the student's 81814
age. As used in this section, "accredited nonpublic school" means 81815
an accredited nonpublic school as described in section 3301.165 of 81816
the Revised Code. 81817

(B) As used in division (C) of this section, "successfully 81818
completed kindergarten" means that the child has completed the 81819
kindergarten requirements at one of the following: 81820

(1) A public or chartered or accredited nonpublic school; 81821

(2) A kindergarten class that is both of the following: 81822

(a) Offered by a day-care provider licensed under Chapter 81823
5104. of the Revised Code; 81824

(b) If offered after July 1, 1991, is directly taught by a 81825
teacher who holds one of the following: 81826

(i) A valid educator license issued under section 3319.22 of 81827
the Revised Code; 81828

(ii) A Montessori preprimary credential or age-appropriate 81829
diploma granted by the American Montessori society or the 81830
association Montessori internationale; 81831

(iii) Certification determined under division (F) of this 81832
section to be equivalent to that described in division 81833

(B)(2)(b)(ii) of this section; 81834

(iv) Certification for teachers in nontax-supported schools 81835
pursuant to section 3301.071 of the Revised Code. 81836

(C)(1) Except as provided in division (A)(2) of this section, 81837
no school district shall admit to the first grade any child who 81838
has not successfully completed kindergarten. 81839

(2) Notwithstanding division (A)(2) of this section, any 81840
student who has successfully completed kindergarten in accordance 81841
with section (B) of this section shall be admitted to first grade. 81842

(D) The scheduling of times for kindergarten classes and 81843
length of the school day for kindergarten shall be determined by 81844
the board of education of a city, exempted village, or local 81845
school district. 81846

(E) Any kindergarten class offered by a day-care provider or 81847
school described by division (B)(1) or (B)(2)(a) of this section 81848
shall be developmentally appropriate. 81849

(F) Upon written request of a day-care provider described by 81850
division (B)(2)(a) of this section, the department of education 81851
shall determine whether certification held by a teacher employed 81852
by the provider meets the requirement of division (B)(2)(b)(iii) 81853
of this section and, if so, shall furnish the provider a statement 81854
to that effect. 81855

(G) As used in this division, "all-day kindergarten" has the 81856
same meaning as in section 3321.05 of the Revised Code. 81857

(1) A school district that is offering all-day kindergarten 81858
for the first time or that charged fees or tuition for all-day 81859
kindergarten in the 2012-2013 school year may charge fees or 81860
tuition for a student enrolled in all-day kindergarten in any 81861
school year following the 2012-2013 school year. The department 81862
shall adjust the district's average daily membership certification 81863

under section 3317.03 of the Revised Code by one-half of the 81864
full-time equivalency for each student charged fees or tuition for 81865
all-day kindergarten under this division. If a district charges 81866
fees or tuition for all-day kindergarten under this division, the 81867
district shall develop a sliding fee scale based on family 81868
incomes. 81869

(2) The department of education shall conduct an annual 81870
survey of each school district described in division (G)(1) of 81871
this section to determine the following: 81872

(a) Whether the district charges fees or tuition for students 81873
enrolled in all-day kindergarten; 81874

(b) The amount of the fees or tuition charged; 81875

(c) How many of the students for whom tuition is charged are 81876
eligible for free lunches under the "National School Lunch Act," 81877
60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child 81878
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, 81879
and how many of the students for whom tuition is charged are 81880
eligible for reduced price lunches under those acts; 81881

(d) How many students are enrolled in traditional half-day 81882
kindergarten rather than all-day kindergarten. 81883

Each district shall report to the department, in the manner 81884
prescribed by the department, the information described in 81885
divisions (G)(2)(a) to (d) of this section. 81886

The department shall issue an annual report on the results of 81887
the survey and shall post the report on its web site. The 81888
department shall issue the first report not later than April 30, 81889
2008, and shall issue a report not later than the thirtieth day of 81890
April each year thereafter. 81891

Sec. 3326.01. (A) As used in this chapter: 81892

(1) "Accredited nonpublic school" means an accredited 81893

<u>nonpublic school as described in section 3301.165 of the Revised</u>	81894
<u>Code.</u>	81895
<u>(2) "Community school" means a community school established</u>	81896
<u>under Chapter 3314. of the Revised Code.</u>	81897
<u>(3) "STEM" is an abbreviation of "science, technology,</u>	81898
<u>engineering, and mathematics."</u>	81899
(2) <u>(4) "STEAM" is an abbreviation of "science, technology,</u>	81900
<u>engineering, arts, and mathematics."</u>	81901
(B)(1) A science, technology, engineering, arts, and	81902
mathematics school shall be considered a type of science,	81903
technology, engineering, and mathematics school.	81904
(2) A STEAM school equivalent shall be considered to be a	81905
type of STEM school equivalent.	81906
(3) A STEAM program of excellence shall be considered to be a	81907
type of STEM program of excellence.	81908
(C)(1) Any reference to a STEM school or science, technology,	81909
engineering, and mathematics school in the Revised Code shall be	81910
considered to include a STEAM school, unless the context	81911
specifically indicates a different meaning or intent. All	81912
provisions of the Revised Code applicable to a STEM school shall	81913
apply to a STEAM school in the same manner, except as otherwise	81914
provided in this chapter.	81915
(2) Any reference to a STEM school equivalent in the Revised	81916
Code shall be considered to include a STEAM school equivalent,	81917
unless the context specifically indicates a different meaning or	81918
intent. All provisions of the Revised Code applicable to a STEM	81919
school equivalent shall apply to a STEAM school equivalent in the	81920
same manner, except as otherwise provided in this chapter.	81921
(3) Any reference to a STEM program of excellence in the	81922
Revised Code shall be considered to include a STEAM program of	81923

excellence, unless the context specifically indicates a different 81924
meaning or intent. All provisions of the Revised Code applicable 81925
to a STEM program of excellence shall apply to a STEAM program of 81926
excellence in the same manner, except as otherwise provided in 81927
this chapter. 81928

Sec. 3326.03. (A) The STEM committee shall authorize the 81929
establishment of and award grants to science, technology, 81930
engineering, and mathematics schools based on proposals submitted 81931
to the committee. 81932

The committee shall determine the criteria for proposals, 81933
establish procedures for the submission of proposals, accept and 81934
evaluate proposals, and choose which proposals to approve to 81935
become a STEM school. In approving proposals for STEM schools, the 81936
committee shall consider locating the schools in diverse 81937
geographic regions of the state so that all students have access 81938
to a STEM school. 81939

The committee shall seek technical assistance from the Ohio 81940
STEM learning network, or its successor, throughout the process of 81941
accepting and evaluating proposals and choosing which proposals to 81942
approve. In approving proposals for STEM schools, the committee 81943
shall consider the recommendations of the Ohio STEM learning 81944
network, or its successor. 81945

The committee may authorize the establishment of a group of 81946
multiple STEM schools to operate from multiple facilities located 81947
in one or more school districts under the direction of a single 81948
governing body in the manner prescribed by section 3326.031 of the 81949
Revised Code. The committee shall consider the merits of each of 81950
the proposed STEM schools within a group and shall authorize each 81951
school separately. Anytime after authorizing a group of STEM 81952
schools to be under the direction of a single governing body, upon 81953
a proposal from the governing body, the committee may authorize 81954

one or more additional schools to operate as part of that group. 81955

The STEM committee may approve one or more STEM schools to 81956
serve only students identified as gifted under Chapter 3324. of 81957
the Revised Code. 81958

(B) Proposals may be submitted only by a partnership of 81959
public and private entities consisting of at least all of the 81960
following: 81961

(1) A city, exempted village, local, or joint vocational 81962
school district or an educational service center; 81963

(2) Higher education entities; 81964

(3) Business organizations. 81965

A community school ~~established under Chapter 3314. of the~~ 81966
~~Revised Code~~, a chartered nonpublic school, an accredited 81967
nonpublic school, or ~~both~~ any combination of such schools may be 81968
part of the partnership. 81969

(C) Each proposal shall include at least the following: 81970

(1) Assurances that the STEM school or group of STEM schools 81971
will be under the oversight of a governing body and a description 81972
of the members of that governing body and how they will be 81973
selected; 81974

(2) Assurances that each STEM school will operate in 81975
compliance with this chapter and the provisions of the proposal as 81976
accepted by the committee; 81977

(3) Evidence that each school will offer a rigorous, diverse, 81978
integrated, and project-based curriculum to students in any of 81979
grades kindergarten through twelve, with the goal to prepare those 81980
students for college, the workforce, and citizenship, and that 81981
does all of the following: 81982

(a) Emphasizes the role of science, technology, engineering, 81983
and mathematics in promoting innovation and economic progress; 81984

(b) Incorporates scientific inquiry and technological design;	81985
(c) Includes the arts and humanities. If the proposal is for a STEAM school, it also shall include evidence that the curriculum will integrate arts and design into the study of science, technology, engineering, and mathematics to foster creative thinking, problem-solving, and new approaches to scientific invention.	81986 81987 81988 81989 81990 81991
(d) Emphasizes personalized learning and teamwork skills.	81992
(4) Evidence that each school will attract school leaders who support the curriculum principles of division (C)(3) of this section;	81993 81994 81995
(5) A description of how each school's curriculum will be developed and approved in accordance with section 3326.09 of the Revised Code;	81996 81997 81998
(6) Evidence that each school will utilize an established capacity to capture and share knowledge for best practices and innovative professional development with the Ohio STEM learning network, or its successor;	81999 82000 82001 82002
(7) Evidence that each school will operate in collaboration with a partnership that includes institutions of higher education and businesses. If the proposal is for a STEAM school, it also shall include evidence that this partnership will include arts organizations.	82003 82004 82005 82006 82007
(8) Assurances that each school has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities. If the proposal is for a STEAM school, it also shall include assurances that the school has received commitments of sustained and verifiable fiscal and in-kind support from arts organizations.	82008 82009 82010 82011 82012 82013
(9) A description of how each school's assets will be	82014

distributed if the school closes for any reason. 82015

(D) If a STEM school wishes to become a STEAM school, it may 82016
change its existing proposal to include the items required under 82017
divisions (C)(3)(c), (C)(7), and (C)(8) of this section and submit 82018
the revised proposal to the STEM committee for approval. 82019

Sec. 3326.032. (A) The STEM committee may grant a designation 82020
of STEM school equivalent to a community school ~~established under~~ 82021
~~Chapter 3314. of the Revised Code,~~ or to a chartered or accredited 82022
nonpublic school. In order to be eligible for this designation, a 82023
community school or chartered or accredited nonpublic school shall 82024
submit a proposal that satisfies the requirements of this section. 82025
82026

The committee shall determine the criteria for proposals, 82027
establish procedures for the submission of proposals, accept and 82028
evaluate proposals, and choose which proposals warrant a community 82029
school or chartered or accredited nonpublic school to be 82030
designated as a STEM school equivalent. 82031

(B) A proposal for designation as a STEM school equivalent 82032
shall include at least the following: 82033

(1) Assurances that the community school or chartered or 82034
accredited nonpublic school submitting the proposal has a working 82035
partnership with both public and private entities, including 82036
higher education entities and business organizations. If the 82037
proposal is for a STEAM school equivalent, it also shall include 82038
evidence that this partnership includes arts organizations. 82039

(2) Assurances that the school submitting the proposal will 82040
operate in compliance with this section and the provisions of the 82041
proposal as accepted by the committee; 82042

(3) Evidence that the school submitting the proposal will 82043
offer a rigorous, diverse, integrated, and project-based 82044

curriculum to students in any of grades kindergarten through 82045
twelve, with the goal to prepare those students for college, the 82046
workforce, and citizenship, and that does all of the following: 82047

(a) Emphasizes the role of science, technology, engineering, 82048
and mathematics in promoting innovation and economic progress; 82049

(b) Incorporates scientific inquiry and technological design; 82050

(c) Includes the arts and humanities. If the proposal is for 82051
a STEAM school equivalent, it also shall include evidence that the 82052
curriculum will integrate arts and design into the study of 82053
science, technology, engineering, and mathematics to foster 82054
creative thinking, problem-solving, and new approaches to 82055
scientific invention. 82056

(d) Emphasizes personalized learning and teamwork skills. 82057

(4) Evidence that the school submitting the proposal will 82058
attract school leaders who support the curriculum principles of 82059
division (B)(3) of this section; 82060

(5) A description of how each school's curriculum will be 82061
developed and approved in accordance with section 3326.09 of the 82062
Revised Code; 82063

(6) Evidence that the school submitting the proposal will 82064
utilize an established capacity to capture and share knowledge for 82065
best practices and innovative professional development; 82066

(7) Assurances that the school submitting the proposal has 82067
received commitments of sustained and verifiable fiscal and 82068
in-kind support from regional education and business entities. If 82069
the proposal is for a STEAM school equivalent, it also shall 82070
include assurances that the school has received commitments of 82071
sustained and verifiable fiscal and in-kind support from arts 82072
organizations. 82073

(C)(1) A community school or chartered or accredited 82074

nonpublic school that is designated as a STEM school equivalent 82075
under this section shall not be subject to the requirements of 82076
Chapter 3326. of the Revised Code, except that the school shall be 82077
subject to the requirements of this section and to the curriculum 82078
requirements of section 3326.09 of the Revised Code. 82079

Nothing in this section, however, shall relieve a community 82080
school of the applicable requirements of Chapter 3314. of the 82081
Revised Code. Nor shall anything in this section relieve a 82082
chartered or accredited nonpublic school of any provisions of law 82083
outside of this chapter that are applicable to chartered or 82084
accredited nonpublic schools. 82085

(2) A community school or chartered or accredited nonpublic 82086
school that is designated as a STEM school equivalent under this 82087
section shall not be eligible for operating funding under sections 82088
3326.31 to 3326.37, 3326.39 to 3326.40, and 3326.51 of the Revised 82089
Code. 82090

(3) A community school or chartered or accredited nonpublic 82091
school that is designated as a STEM school equivalent under this 82092
section may apply for any of the grants and additional funds 82093
described in section 3326.38 of the Revised Code for which the 82094
school is eligible. 82095

(D) If a community school or chartered or accredited 82096
nonpublic school that is designated as a STEM school equivalent 82097
under this section intends to close or intends to no longer be 82098
designated as a STEM school equivalent, it shall notify the STEM 82099
committee of that fact. 82100

(E) If a community school or chartered or accredited 82101
nonpublic school that is designated as a STEM school equivalent 82102
wishes to be designated as a STEAM school equivalent, it may 82103
change its existing proposal to include the items required under 82104
divisions (B)(1), (B)(3)(c), and (B)(7) of this section and submit 82105

the revised proposal to the STEM committee for approval. 82106

Sec. 3326.04. (A) The STEM committee shall award grants to 82107
support the operation of STEM programs of excellence to serve 82108
students in any of grades kindergarten through twelve through a 82109
request for proposals. 82110

(B) Proposals may be submitted by any of the following: 82111

(1) The board of education of a city, exempted village, or 82112
local school district; 82113

(2) The governing authority of a community school established 82114
under Chapter 3314. of the Revised Code; 82115

(3) The governing authority of a chartered or accredited 82116
nonpublic school. 82117

(C) Each proposal shall demonstrate to the satisfaction of 82118
the STEM committee that the program meets at least the following 82119
standards: 82120

(1) Unless the program is designed to serve only students 82121
identified as gifted under Chapter 3324. of the Revised Code, the 82122
program will serve all students enrolled in the district or school 82123
in the grades for which the program is designed. 82124

(2) The program will offer a rigorous and diverse curriculum 82125
that is based on scientific inquiry and technological design, that 82126
emphasizes personalized learning and teamwork skills, and that 82127
will expose students to advanced scientific concepts within and 82128
outside the classroom. If the proposal is for a STEAM program of 82129
excellence, it also shall include evidence that the curriculum 82130
will integrate arts and design into the curriculum to foster 82131
creative thinking, problem-solving, and new approaches to 82132
scientific invention. 82133

(3) Unless the program is designed to serve only students 82134
identified as gifted under Chapter 3324. of the Revised Code, the 82135

program will not limit participation of students on the basis of intellectual ability, measures of achievement, or aptitude.

(4) The program will utilize an established capacity to capture and share knowledge for best practices and innovative professional development.

(5) The program will operate in collaboration with a partnership that includes institutions of higher education and businesses. If the proposal is for a STEAM program of excellence, it also shall include evidence that this partnership includes arts organizations.

(6) The program will include teacher professional development strategies that are augmented by community and business partners.

(D) The STEM committee shall give priority to proposals for new or expanding innovative programs.

(E) If a STEM program of excellence wishes to become a STEAM program of excellence, it may change its existing proposal to include the items required under divisions (C)(2) and (C)(5) of this section and submit the revised proposal to the STEM committee for approval.

Sec. 3326.09. Subject to approval by its governing body or governing authority, the curriculum of each science, technology, engineering, and mathematics school and of each community school or chartered or accredited nonpublic school that is designated as a STEM school equivalent under section 3326.032 of the Revised Code shall be developed by a team that consists of at least the school's chief administrative officer, a teacher, a representative of the higher education institution that is a collaborating partner in the STEM school or school designated as a STEM school equivalent, and a member of the public with expertise in the application of science, technology, engineering, or mathematics.

In the case of a STEAM school or a STEAM school equivalent, the team also shall include an expert in the integration of arts and design into the STEM fields.

Sec. 3327.07. (A) The governing authority of a chartered or an accredited nonpublic school, as described in section 3301.165 of the Revised Code, that transports a student enrolled in the school to and from school and to and from school-sponsored activities, including extracurricular activities, may charge the parent or guardian of the student a fee for the transportation, if the governing authority purchased the vehicle that transports the student using no state or federal funds. The fee shall not exceed the per student cost of the transportation, as determined by the governing authority.

(B) The parent or guardian of a student who is enrolled in a chartered or accredited nonpublic school and is eligible for transportation by a school district under section 3327.01 of the Revised Code may decline that transportation and accept transportation from the chartered or accredited nonpublic school. The governing authority of a chartered or accredited nonpublic school may charge a fee under division (A) of this section regardless of whether a student is eligible for transportation under section 3327.01 of the Revised Code.

(C) The offering by the governing authority of a chartered or accredited nonpublic school of transportation to and from the school does not relieve any school district board of education from any duty imposed by sections 3327.01 and 3327.02 of the Revised Code with respect to the chartered or accredited nonpublic school's students.

Sec. 3327.10. (A) No person shall be employed as driver of a school bus or motor van, owned and operated by any school district

or educational service center or privately owned and operated 82196
under contract with any school district or service center in this 82197
state, who has not received a certificate from either the 82198
educational service center governing board that has entered into 82199
an agreement with the school district under section 3313.843 or 82200
3313.845 of the Revised Code or the superintendent of the school 82201
district, certifying that such person is at least eighteen years 82202
of age and is of good moral character and is qualified physically 82203
and otherwise for such position. The service center governing 82204
board or the superintendent, as the case may be, shall provide for 82205
an annual physical examination that conforms with rules adopted by 82206
the state board of education of each driver to ascertain the 82207
driver's physical fitness for such employment. Any certificate may 82208
be revoked by the authority granting the same on proof that the 82209
holder has been guilty of failing to comply with division (D)(1) 82210
of this section, or upon a conviction or a guilty plea for a 82211
violation, or any other action, that results in a loss or 82212
suspension of driving rights. Failure to comply with such division 82213
may be cause for disciplinary action or termination of employment 82214
under division (C) of section 3319.081, or section 124.34 of the 82215
Revised Code. 82216

(B) No person shall be employed as driver of a school bus or 82217
motor van not subject to the rules of the department of education 82218
pursuant to division (A) of this section who has not received a 82219
certificate from the school administrator or contractor certifying 82220
that such person is at least eighteen years of age, is of good 82221
moral character, and is qualified physically and otherwise for 82222
such position. Each driver shall have an annual physical 82223
examination which conforms to the state highway patrol rules, 82224
ascertaining the driver's physical fitness for such employment. 82225
The examination shall be performed by one of the following: 82226

(1) A person licensed under Chapter 4731. or 4734. of the 82227

Revised Code or by another state to practice medicine and surgery,	82228
osteopathic medicine and surgery, or chiropractic;	82229
(2) A physician assistant;	82230
(3) A certified nurse practitioner;	82231
(4) A clinical nurse specialist;	82232
(5) A certified nurse-midwife;	82233
(6) A medical examiner who is listed on the national registry	82234
of certified medical examiners established by the federal motor	82235
carrier safety administration in accordance with 49 C.F.R. part	82236
390.	82237
Any written documentation of the physical examination shall	82238
be completed by the individual who performed the examination.	82239
Any certificate may be revoked by the authority granting the	82240
same on proof that the holder has been guilty of failing to comply	82241
with division (D)(2) of this section.	82242
(C) Any person who drives a school bus or motor van must give	82243
satisfactory and sufficient bond except a driver who is an	82244
employee of a school district and who drives a bus or motor van	82245
owned by the school district.	82246
(D) No person employed as driver of a school bus or motor van	82247
under this section who is convicted of a traffic violation or who	82248
has had the person's commercial driver's license suspended shall	82249
drive a school bus or motor van until the person has filed a	82250
written notice of the conviction or suspension, as follows:	82251
(1) If the person is employed under division (A) of this	82252
section, the person shall file the notice with the superintendent,	82253
or a person designated by the superintendent, of the school	82254
district for which the person drives a school bus or motor van as	82255
an employee or drives a privately owned and operated school bus or	82256
motor van under contract.	82257

(2) If employed under division (B) of this section, the 82258
person shall file the notice with the employing school 82259
administrator or contractor, or a person designated by the 82260
administrator or contractor. 82261

(E) In addition to resulting in possible revocation of a 82262
certificate as authorized by divisions (A) and (B) of this 82263
section, violation of division (D) of this section is a minor 82264
misdemeanor. 82265

(F)(1) Not later than thirty days after June 30, 2007, each 82266
owner of a school bus or motor van shall obtain the complete 82267
driving record for each person who is currently employed or 82268
otherwise authorized to drive the school bus or motor van. An 82269
owner of a school bus or motor van shall not permit a person to 82270
operate the school bus or motor van for the first time before the 82271
owner has obtained the person's complete driving record. 82272
Thereafter, the owner of a school bus or motor van shall obtain 82273
the person's driving record not less frequently than semiannually 82274
if the person remains employed or otherwise authorized to drive 82275
the school bus or motor van. An owner of a school bus or motor van 82276
shall not permit a person to resume operating a school bus or 82277
motor van, after an interruption of one year or longer, before the 82278
owner has obtained the person's complete driving record. 82279

(2) The owner of a school bus or motor van shall not permit a 82280
person to operate the school bus or motor van for ten years after 82281
the date on which the person pleads guilty to or is convicted of a 82282
violation of section 4511.19 of the Revised Code or a 82283
substantially equivalent municipal ordinance. 82284

(3) An owner of a school bus or motor van shall not permit 82285
any person to operate such a vehicle unless the person meets all 82286
other requirements contained in rules adopted by the state board 82287
of education prescribing qualifications of drivers of school buses 82288
and other student transportation. 82289

(G) No superintendent of a school district, educational service center, community school, or public or private employer shall permit the operation of a vehicle used for pupil transportation within this state by an individual unless both of the following apply:

(1) Information pertaining to that driver has been submitted to the department of education, pursuant to procedures adopted by that department. Information to be reported shall include the name of the employer or school district, name of the driver, driver license number, date of birth, date of hire, status of physical evaluation, and status of training.

(2) The most recent criminal records check required by division (J) of this section has been completed and received by the superintendent or public or private employer.

(H) A person, school district, educational service center, community school, nonpublic school, or other public or nonpublic entity that owns a school bus or motor van, or that contracts with another entity to operate a school bus or motor van, may impose more stringent restrictions on drivers than those prescribed in this section, in any other section of the Revised Code, and in rules adopted by the state board.

(I) For qualified drivers who, on July 1, 2007, are employed by the owner of a school bus or motor van to drive the school bus or motor van, any instance in which the driver was convicted of or pleaded guilty to a violation of section 4511.19 of the Revised Code or a substantially equivalent municipal ordinance prior to two years prior to July 1, 2007, shall not be considered a disqualifying event with respect to division (F) of this section.

(J)(1) This division applies to persons hired by a school district, educational service center, community school, chartered nonpublic school, accredited nonpublic school as described in

section 3301.165 of the Revised Code, or science, technology, 82321
engineering, and mathematics school established under Chapter 82322
3326. of the Revised Code to operate a vehicle used for pupil 82323
transportation. 82324

For each person to whom this division applies who is hired on 82325
or after November 14, 2007, the employer shall request a criminal 82326
records check in accordance with section 3319.39 of the Revised 82327
Code and every six years thereafter. For each person to whom this 82328
division applies who is hired prior to that date, the employer 82329
shall request a criminal records check by a date prescribed by the 82330
department of education and every six years thereafter. 82331

(2) This division applies to persons hired by a public or 82332
private employer not described in division (J)(1) of this section 82333
to operate a vehicle used for pupil transportation. 82334

For each person to whom this division applies who is hired on 82335
or after November 14, 2007, the employer shall request a criminal 82336
records check prior to the person's hiring and every six years 82337
thereafter. For each person to whom this division applies who is 82338
hired prior to that date, the employer shall request a criminal 82339
records check by a date prescribed by the department and every six 82340
years thereafter. 82341

(3) Each request for a criminal records check under division 82342
(J) of this section shall be made to the superintendent of the 82343
bureau of criminal identification and investigation in the manner 82344
prescribed in section 3319.39 of the Revised Code, except that if 82345
both of the following conditions apply to the person subject to 82346
the records check, the employer shall request the superintendent 82347
only to obtain any criminal records that the federal bureau of 82348
investigation has on the person: 82349

(a) The employer previously requested the superintendent to 82350
determine whether the bureau of criminal identification and 82351

investigation has any information, gathered pursuant to division 82352
(A) of section 109.57 of the Revised Code, on the person in 82353
conjunction with a criminal records check requested under section 82354
3319.39 of the Revised Code or under division (J) of this section. 82355

(b) The person presents proof that the person has been a 82356
resident of this state for the five-year period immediately prior 82357
to the date upon which the person becomes subject to a criminal 82358
records check under this section. 82359

Upon receipt of a request, the superintendent shall conduct 82360
the criminal records check in accordance with section 109.572 of 82361
the Revised Code as if the request had been made under section 82362
3319.39 of the Revised Code. However, as specified in division 82363
(B)(2) of section 109.572 of the Revised Code, if the employer 82364
requests the superintendent only to obtain any criminal records 82365
that the federal bureau of investigation has on the person for 82366
whom the request is made, the superintendent shall not conduct the 82367
review prescribed by division (B)(1) of that section. 82368

(K)(1) Until the effective date of the amendments to rule 82369
3301-83-23 of the Ohio Administrative Code required by the second 82370
paragraph of division (E) of section 3319.39 of the Revised Code, 82371
any person who is the subject of a criminal records check under 82372
division (J) of this section and has been convicted of or pleaded 82373
guilty to any offense described in division (B)(1) of section 82374
3319.39 of the Revised Code shall not be hired or shall be 82375
released from employment, as applicable, unless the person meets 82376
the rehabilitation standards prescribed for nonlicensed school 82377
personnel by rule 3301-20-03 of the Ohio Administrative Code. 82378

(2) Beginning on the effective date of the amendments to rule 82379
3301-83-23 of the Ohio Administrative Code required by the second 82380
paragraph of division (E) of section 3319.39 of the Revised Code, 82381
any person who is the subject of a criminal records check under 82382
division (J) of this section and has been convicted of or pleaded 82383

guilty to any offense that, under the rule, disqualifies a person 82384
for employment to operate a vehicle used for pupil transportation 82385
shall not be hired or shall be released from employment, as 82386
applicable, unless the person meets the rehabilitation standards 82387
prescribed by the rule. 82388

Sec. 3365.01. As used in this chapter: 82389

(A) "Articulated credit" means post-secondary credit that is 82390
reflected on the official record of a student at an institution of 82391
higher education only upon enrollment at that institution after 82392
graduation from a secondary school. 82393

(B) "Default ceiling amount" means one of the following 82394
amounts, whichever is applicable: 82395

(1) For a participant enrolled in a college operating on a 82396
semester schedule, the amount calculated according to the 82397
following formula: 82398

$((0.83 \times \text{formula amount}) / 30)$ 82399

X number of enrolled credit hours 82400

(2) For a participant enrolled in a college operating on a 82401
quarter schedule, the amount calculated according to the following 82402
formula: 82403

$((0.83 \times \text{formula amount}) / 45)$ 82404

X number of enrolled credit hours 82405

(C) "Default floor amount" means twenty-five per cent of the 82406
default ceiling amount. 82407

(D) "Eligible out-of-state college" means any institution of 82408
higher education that is located outside of Ohio and is approved 82409
by the chancellor of higher education to participate in the 82410
college credit plus program. 82411

(E) "Fee" means any course-related fee and any other fee 82412
imposed by the college, but not included in tuition, for 82413

participation in the program established by this chapter. 82414

(F) "Formula amount" has the same meaning as in section 82415
3317.02 of the Revised Code. 82416

(G) "Governing entity" means a board of education of a school 82417
district, a governing authority of a community school established 82418
under Chapter 3314., a governing body of a STEM school established 82419
under Chapter 3326., or a board of trustees of a 82420
college-preparatory boarding school established under Chapter 82421
3328. of the Revised Code. 82422

(H) "Home-instructed participant" means a student who has 82423
been excused from the compulsory attendance law for the purpose of 82424
home instruction under section 3321.04 of the Revised Code, and is 82425
participating in the program established by this chapter. 82426

(I) "Maximum per participant charge amount" means one of the 82427
following amounts, whichever is applicable: 82428

(1) For a participant enrolled in a college operating on a 82429
semester schedule, the amount calculated according to the 82430
following formula: 82431

((formula amount / 30) 82432
X number of enrolled credit hours) 82433

(2) For a participant enrolled in a college operating on a 82434
quarter schedule, the amount calculated according to the following 82435
formula: 82436

((formula amount / 45) 82437
X number of enrolled credit hours) 82438

(J) "Nonpublic secondary school" means a chartered school for 82439
which minimum standards are prescribed by the state board of 82440
education pursuant to division (D) of section 3301.07 of the 82441
Revised Code or an accredited nonpublic school as described in 82442
section 3301.165 of the Revised Code. 82443

(K) "Number of enrolled credit hours" means the number of 82444
credit hours for a course in which a participant is enrolled 82445
during the previous term after the date on which a withdrawal from 82446
a course would have negatively affected the participant's 82447
transcripted grade, as prescribed by the college's established 82448
withdrawal policy. 82449

(L) "Parent" has the same meaning as in section 3313.64 of 82450
the Revised Code. 82451

(M) "Participant" means any student enrolled in a college 82452
under the program established by this chapter. 82453

(N) "Partnering college" means a college with which a public 82454
or nonpublic secondary school has entered into an agreement in 82455
order to offer the program established by this chapter. 82456

(O) "Partnering secondary school" means a public or nonpublic 82457
secondary school with which a college has entered into an 82458
agreement in order to offer the program established by this 82459
chapter. 82460

(P) "Private college" means any of the following: 82461

(1) A nonprofit institution holding a certificate of 82462
authorization pursuant to Chapter 1713. of the Revised Code; 82463

(2) An institution holding a certificate of registration from 82464
the state board of career colleges and schools and program 82465
authorization for an associate or bachelor's degree program issued 82466
under section 3332.05 of the Revised Code; 82467

(3) A private institution exempt from regulation under 82468
Chapter 3332. of the Revised Code as prescribed in section 82469
3333.046 of the Revised Code. 82470

(Q) "Public college" means a "state institution of higher 82471
education" in section 3345.011 of the Revised Code, excluding the 82472
northeast Ohio medical university. 82473

(R) "Public secondary school" means a school serving grades 82474
nine through twelve in a city, local, or exempted village school 82475
district, a joint vocational school district, a community school 82476
established under Chapter 3314., a STEM school established under 82477
Chapter 3326., or a college-preparatory boarding school 82478
established under Chapter 3328. of the Revised Code. 82479

(S) "School year" has the same meaning as in section 3313.62 82480
of the Revised Code. 82481

(T) "Secondary grade" means any of grades nine through 82482
twelve. 82483

(U) "Standard rate" means the amount per credit hour assessed 82484
by the college for an in-state student who is enrolled in an 82485
undergraduate course at that college, but who is not participating 82486
in the college credit plus program, as prescribed by the college's 82487
established tuition policy. 82488

(V) "Transcripted credit" means post-secondary credit that is 82489
conferred by an institution of higher education and is reflected 82490
on a student's official record at that institution upon completion 82491
of a course. 82492

Sec. 3365.02. (A) There is hereby established the college 82493
credit plus program under which, beginning with the 2015-2016 82494
school year, a secondary grade student who is a resident of this 82495
state may enroll at a college, on a full- or part-time basis, and 82496
complete nonsectarian, nonremedial courses for high school and 82497
college credit. The program shall govern arrangements in which a 82498
secondary grade student enrolls in a college and, upon successful 82499
completion of coursework taken under the program, receives 82500
transcripted credit from the college. The following are not 82501
governed by the college credit plus program: 82502

(1) An agreement governing an early college high school 82503

program, provided the program meets the definition set forth in 82504
division (F)(2) of section 3313.6013 of the Revised Code and is 82505
approved by the superintendent of public instruction and the 82506
chancellor of higher education; 82507

(2) An advanced placement course or international 82508
baccalaureate diploma course, as described in divisions (A)(2) and 82509
(3) of section 3313.6013 of the Revised Code; 82510

(3) A career-technical education program that is approved by 82511
the department of education under section 3317.161 of the Revised 82512
Code and grants articulated credit to students participating in 82513
that program. However, any portion of an approved program that 82514
results in the conferral of transcribed credit upon the 82515
completion of the course shall be governed by the college credit 82516
plus program. 82517

(B) Any student enrolled in a public or nonpublic secondary 82518
school in the student's ninth, tenth, eleventh, or twelfth grade; 82519
any student enrolled in a nonchartered nonpublic secondary school 82520
in the student's ninth, tenth, eleventh, or twelfth grade; and any 82521
student who has been excused from the compulsory attendance law 82522
for the purpose of home instruction under section 3321.04 of the 82523
Revised Code and is the equivalent of a ninth, tenth, eleventh, or 82524
twelfth grade student, may participate in the program, if the 82525
student meets the applicable eligibility criteria in section 82526
3365.03 of the Revised Code. If a nonchartered nonpublic secondary 82527
school student chooses to participate in the program, that student 82528
shall be subject to the same requirements as a home-instructed 82529
student who chooses to participate in the program under this 82530
chapter. 82531

(C) All public secondary schools and all public colleges 82532
shall participate in the program and are subject to the 82533
requirements of this chapter. Any nonpublic secondary school or 82534
private college that chooses to participate in the program shall 82535

also be subject to the requirements of this chapter. 82536

If an accredited nonpublic school, as described in section 3301.165 of the Revised Code, chooses not to participate in the program and notifies the parents of each student at the time of the student's enrollment or re-enrollment of that choice, the school shall not be subject to the requirements of this chapter or to any rule adopted by the chancellor of higher education or the state board of education for purposes of the college credit plus program. 82537
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(D) The chancellor, in accordance with Chapter 119. of the Revised Code and in consultation with the state superintendent, shall adopt rules governing the program. 82545
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Sec. 3701.133. (A) The department of health shall make available on its web site information about the risks associated with meningococcal meningitis and hepatitis B, the availability of vaccines, and the effectiveness of the vaccines. The department shall provide written notice of the availability of meningococcal meningitis and hepatitis B information on the web site to all of the following: 82548
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(1) Each city, local, exempted village, or joint vocational school district, as defined in Chapter 3311. of the Revised Code; 82555
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(2) Each nonpublic school, whether chartered, accredited as described in section 3301.165 of the Revised Code, nonchartered, or nontax supported, that enrolls students in ninth grade or the equivalent educational level; 82557
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(3) Each community school created under section 3314.01 of the Revised Code, that enrolls students in ninth grade or the equivalent educational level; 82561
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(4) Each state institution of higher education, as defined in section 3345.011 of the Revised Code; 82564
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(5) Each nonprofit institution of higher education, as defined in section 1713.55 of the Revised Code;	82566 82567
(6) Each private career school, as defined in section 3332.01 of the Revised Code.	82568 82569
(B) In addition to the information provided for in division (A) of this section, the department of health shall make available on its web site, in a format suitable for downloading, a meningitis and hepatitis B vaccination status statement form for a student or, if the student is younger than eighteen years of age, the student's parent, to complete to disclose whether the student has been vaccinated against meningococcal meningitis and hepatitis B. The form shall include all of the following:	82570 82571 82572 82573 82574 82575 82576 82577
(1) The information described in division (A) of this section and a means for the student or the student's parent to acknowledge having received and read the information;	82578 82579 82580
(2) A space for the student or the student's parent to indicate one of the following:	82581 82582
(a) The student has been vaccinated against meningococcal meningitis, and the year the vaccination was given.	82583 82584
(b) The student has not been vaccinated against meningococcal meningitis.	82585 82586
(3) A space for the student or the student's parent to indicate one of the following:	82587 82588
(a) The student has been vaccinated against hepatitis B, and the year the vaccination was given.	82589 82590
(b) The student has not been vaccinated against hepatitis B.	82591
Sec. 3781.106. (A) The board of building standards shall adopt rules, in accordance with Chapter 119. of the Revised Code, for the use of a device by a staff member of a public or private	82592 82593 82594

school or institution of higher education that prevents both 82595
ingress and egress through a door in a school building, for a 82596
finite period of time, in an emergency situation, and during 82597
active shooter drills. The rules shall provide that the use of a 82598
device is permissible only if the device requires minimal steps to 82599
remove it after it is engaged. 82600

The rules shall provide that the administrative authority of 82601
a building notify the police chief, or equivalent, of the law 82602
enforcement agency that has jurisdiction over the building, and 82603
the fire chief, or equivalent, of the fire department that serves 82604
the political subdivision in which the building is located, prior 82605
to the use of such devices in a building. 82606

The rules may require that the device be visible from the 82607
exterior of the door. 82608

(B) The device described in division (A) of this section 82609
shall not be permanently mounted to the door. 82610

(C) Each public and private school and institution of higher 82611
education shall provide its staff members in-service training on 82612
the use of the device described in division (A) of this section. 82613
The school shall maintain a record verifying this training on 82614
file. 82615

(D) In consultation with the state board of education and the 82616
chancellor of higher education, the board shall determine and 82617
include in the rules a definition of "emergency situation." These 82618
rules shall apply to both existing and new school buildings. 82619

(E) As used in this section: 82620

(1) "Institution of higher education" means a state 82621
institution of higher education as defined in section 3345.011 of 82622
the Revised Code, a private nonprofit college or university 82623
located in this state that possesses a certificate of 82624
authorization issued pursuant to Chapter 1713. of the Revised 82625

Code, or a school located in this state that possesses a 82626
certificate of registration and one or more program authorizations 82627
issued by the state board of career colleges and schools under 82628
Chapter 3332. of the Revised Code. 82629

(2) "Private school" means a chartered nonpublic school, an 82630
accredited nonpublic school as described in section 3301.165 of 82631
the Revised Code, or a nonchartered nonpublic school. 82632

(3) "Public school" means any school operated by a school 82633
district board of education, any community school established 82634
under Chapter 3314. of the Revised Code, any STEM school 82635
established under Chapter 3326. of the Revised Code, and any 82636
college-preparatory boarding school established under Chapter 82637
3328. of the Revised Code. 82638

(4) "School building" means a structure used for the 82639
instruction of students by a public or private school or 82640
institution of higher education. 82641

Sec. 3781.11. (A) The rules of the board of building 82642
standards shall: 82643

(1) For nonresidential buildings, provide uniform minimum 82644
standards and requirements, and for residential buildings, provide 82645
standards and requirements that are uniform throughout the state, 82646
for construction and construction materials, including 82647
construction of industrialized units, to make residential and 82648
nonresidential buildings safe and sanitary as defined in section 82649
3781.06 of the Revised Code; 82650

(2) Formulate such standards and requirements, so far as may 82651
be practicable, in terms of performance objectives, so as to make 82652
adequate performance for the use intended the test of 82653
acceptability; 82654

(3) Permit, to the fullest extent feasible, the use of 82655

materials and technical methods, devices, and improvements, 82656
including the use of industrialized units which tend to reduce the 82657
cost of construction and erection without affecting minimum 82658
requirements for the health, safety, and security of the occupants 82659
or users of buildings or industrialized units and without 82660
preferential treatment of types or classes of materials or 82661
products or methods of construction; 82662

(4) Encourage, so far as may be practicable, the 82663
standardization of construction practices, methods, equipment, 82664
material, and techniques, including methods employed to produce 82665
industrialized units; 82666

(5) Not require any alteration or repair of any part of a 82667
school building owned by a chartered nonpublic school or a city, 82668
local, exempted village, or joint vocational school district and 82669
operated in conjunction with any primary or secondary school 82670
program that is not being altered or repaired if all of the 82671
following apply: 82672

(a) The school building meets all of the applicable building 82673
code requirements in existence at the time of the construction of 82674
the building. 82675

(b) The school building otherwise satisfies the requirements 82676
of section 3781.06 of the Revised Code. 82677

(c) The part of the school building altered or repaired 82678
conforms to all rules of the board existing on the date of the 82679
repair or alteration. 82680

(6) Not require any alteration or repair to any part of a 82681
workshop or factory that is not otherwise being altered, repaired, 82682
or added to if all of the following apply: 82683

(a) The workshop or factory otherwise satisfies the 82684
requirements of section 3781.06 of the Revised Code. 82685

(b) The part of the workshop or factory altered, repaired, or added conforms to all rules of the board existing on the date of plan approval of the repair, alteration, or addition.

(B) The rules of the board shall supersede and govern any order, standard, or rule of the division of industrial compliance in the department of commerce, division of the state fire marshal, the department of health, and of counties and townships, in all cases where such orders, standards, or rules are in conflict with the rules of the board, except that rules adopted and orders issued by the state fire marshal pursuant to Chapter 3743. of the Revised Code prevail in the event of a conflict.

(C) The construction, alteration, erection, and repair of buildings including industrialized units, and the materials and devices of any kind used in connection with them and the heating and ventilating of them and the plumbing and electric wiring in them shall conform to the statutes of this state or the rules adopted and promulgated by the board, and to provisions of local ordinances not inconsistent therewith. Any building, structure, or part thereof, constructed, erected, altered, manufactured, or repaired not in accordance with the statutes of this state or with the rules of the board, and any building, structure, or part thereof in which there is installed, altered, or repaired any fixture, device, and material, or plumbing, heating, or ventilating system, or electric wiring not in accordance with such statutes or rules is a public nuisance.

(D) As used in this section:

(1) "Nonpublic school" means a chartered school for which minimum standards are prescribed by the state board of education pursuant to division (D) of section 3301.07 of the Revised Code or an accredited nonpublic school described in section 3301.165 of the Revised Code.

(2) "Workshop or factory" includes manufacturing, mechanical, 82717
electrical, mercantile, art, and laundering establishments, 82718
printing, telegraph, and telephone offices, railroad depots, and 82719
memorial buildings, but does not include hotels and tenement and 82720
apartment houses. 82721

Sec. 4729.513. A manufacturer of dangerous drugs may donate 82722
inhalers, as defined in section 3313.7113 of the Revised Code, and 82723
epinephrine autoinjectors to any of the following: 82724

(A) The board of education of a city, local, exempted 82725
village, or joint vocational school district; 82726

(B) A community school established under Chapter 3314. of the 82727
Revised Code; 82728

(C) A STEM school established under Chapter 3326. of the 82729
Revised Code; 82730

(D) A college-preparatory boarding school established under 82731
Chapter 3328. of the Revised Code; 82732

(E) A chartered, accredited, or nonchartered nonpublic 82733
school. As used in this section, "accredited nonpublic school" 82734
means an accredited nonpublic school as described in section 82735
3301.165 of the Revised Code. 82736

Sec. 4729.541. (A) Except as provided in divisions (B) to (D) 82737
of this section, all of the following are exempt from licensure as 82738
a terminal distributor of dangerous drugs: 82739

(1) A licensed health professional authorized to prescribe 82740
drugs; 82741

(2) A business entity that is a corporation formed under 82742
division (B) of section 1701.03 of the Revised Code, a limited 82743
liability company formed under Chapter 1705. of the Revised Code, 82744
or a professional association formed under Chapter 1785. of the 82745

Revised Code if the entity has a sole shareholder who is a 82746
prescriber and is authorized to provide the professional services 82747
being offered by the entity; 82748

(3) A business entity that is a corporation formed under 82749
division (B) of section 1701.03 of the Revised Code, a limited 82750
liability company formed under Chapter 1705. of the Revised Code, 82751
a partnership or a limited liability partnership formed under 82752
Chapter 1775. of the Revised Code, or a professional association 82753
formed under Chapter 1785. of the Revised Code, if, to be a 82754
shareholder, member, or partner, an individual is required to be 82755
licensed, certified, or otherwise legally authorized under Title 82756
XLVII of the Revised Code to perform the professional service 82757
provided by the entity and each such individual is a prescriber; 82758

(4) An individual who holds a current license, certificate, 82759
or registration issued under Title XLVII of the Revised Code and 82760
has been certified to conduct diabetes education by a national 82761
certifying body specified in rules adopted by the state board of 82762
pharmacy under section 4729.68 of the Revised Code, but only with 82763
respect to insulin that will be used for the purpose of diabetes 82764
education and only if diabetes education is within the 82765
individual's scope of practice under statutes and rules regulating 82766
the individual's profession; 82767

(5) An individual who holds a valid certificate issued by a 82768
nationally recognized S.C.U.B.A. diving certifying organization 82769
approved by the state board of pharmacy under rules adopted by the 82770
board, but only with respect to medical oxygen that will be used 82771
for the purpose of emergency care or treatment at the scene of a 82772
diving emergency; 82773

(6) With respect to epinephrine autoinjectors that may be 82774
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 82775
or 3328.29 of the Revised Code, any of the following: the board of 82776
education of a city, local, exempted village, or joint vocational 82777

school district; a chartered, accredited, or nonchartered 82778
nonpublic school; a community school established under Chapter 82779
3314. of the Revised Code; a STEM school established under Chapter 82780
3326. of the Revised Code; or a college-preparatory boarding 82781
school established under Chapter 3328. of the Revised Code~~+~~. As 82782
used in this section, "accredited nonpublic school" means an 82783
accredited nonpublic school as described in section 3301.165 of 82784
the Revised Code. 82785

(7) With respect to epinephrine autoinjectors that may be 82786
possessed under section 5101.76 of the Revised Code, any of the 82787
following: a residential camp, as defined in section 2151.011 of 82788
the Revised Code; a child day camp, as defined in section 5104.01 82789
of the Revised Code; or a child day camp operated by any county, 82790
township, municipal corporation, township park district created 82791
under section 511.18 of the Revised Code, park district created 82792
under section 1545.04 of the Revised Code, or joint recreation 82793
district established under section 755.14 of the Revised Code; 82794

(8) With respect to epinephrine autoinjectors that may be 82795
possessed under Chapter 3728. of the Revised Code, a qualified 82796
entity, as defined in section 3728.01 of the Revised Code; 82797

(9) With respect to inhalers that may be possessed under 82798
section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of the 82799
Revised Code, any of the following: the board of education of a 82800
city, local, exempted village, or joint vocational school 82801
district; a chartered, accredited, or nonchartered nonpublic 82802
school; a community school established under Chapter 3314. of the 82803
Revised Code; a STEM school established under Chapter 3326. of the 82804
Revised Code; or a college-preparatory boarding school established 82805
under Chapter 3328. of the Revised Code; 82806

(10) With respect to inhalers that may be possessed under 82807
section 5101.77 of the Revised Code, any of the following: a 82808
residential camp, as defined in section 2151.011 of the Revised 82809

Code; a child day camp, as defined in section 5104.01 of the Revised Code; or a child day camp operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code;

(11) With respect to naloxone that may be possessed under section 2925.61 of the Revised Code, a law enforcement agency and its peace officers;

(12) With respect to naloxone that may be possessed under section 4729.514 of the Revised Code, a service entity, as defined in that section;

(13) A facility that is owned and operated by the United States department of defense, the United States department of veterans affairs, or any other federal agency.

(B) If a person described in division (A) of this section is a pain management clinic or is operating a pain management clinic, the person shall hold a license as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code.

(C) If a person described in division (A) of this section is operating a facility, clinic, or other location described in division (B) of section 4729.553 of the Revised Code that must hold a category III terminal distributor of dangerous drugs license with an office-based opioid treatment classification, the person shall hold a license with that classification.

(D) Any of the persons described in divisions (A)(1) to (12) of this section shall hold a license as a terminal distributor of dangerous drugs in order to possess, have custody or control of, and distribute any of the following:

(1) Dangerous drugs that are compounded or used for the

purpose of compounding;	82841
(2) A schedule I, II, III, IV, or V controlled substance, as defined in section 3719.01 of the Revised Code.	82842 82843
Sec. 5104.01. As used in this chapter:	82844
(A) "Administrator" means the person responsible for the daily operation of a center, type A home, or type B home. The administrator and the owner may be the same person.	82845 82846 82847
(B) "Approved child day camp" means a child day camp approved pursuant to section 5104.22 of the Revised Code.	82848 82849
(C) "Border state child care provider" means a child care provider that is located in a state bordering Ohio and that is licensed, certified, or otherwise approved by that state to provide child care.	82850 82851 82852 82853
(D) "Career pathways model" means an alternative pathway to meeting the requirements to be a child-care staff member or administrator that does both of the following:	82854 82855 82856
(1) Uses a framework approved by the director of job and family services to document formal education, training, experience, and specialized credentials and certifications;	82857 82858 82859
(2) Allows the child-care staff member or administrator to achieve a designation as an early childhood professional level one, two, three, four, five, or six.	82860 82861 82862
(E) "Caretaker parent" means the father or mother of a child whose presence in the home is needed as the caretaker of the child, a person who has legal custody of a child and whose presence in the home is needed as the caretaker of the child, a guardian of a child whose presence in the home is needed as the caretaker of the child, and any other person who stands in loco parentis with respect to the child and whose presence in the home is needed as the caretaker of the child.	82863 82864 82865 82866 82867 82868 82869 82870

(F)(1) "Chartered nonpublic school" means a school that meets standards for nonpublic schools prescribed by the state board of education for nonpublic schools pursuant to section 3301.07 of the Revised Code.

(2) "Accredited nonpublic school" means an accredited nonpublic school as described in section 3301.165 of the Revised Code.

(G) "Child" includes an infant, toddler, preschool-age child, or school-age child.

(H) "Child care block grant act" means the "Child Care and Development Block Grant Act of 1990," established in section 5082 of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 1388-236 (1990), 42 U.S.C. 9858, as amended.

(I) "Child day camp" means a program in which only school-age children attend or participate, that operates for no more than seven hours per day, that operates only during one or more public school district's regular vacation periods or for no more than fifteen weeks during the summer, and that operates outdoor activities for each child who attends or participates in the program for a minimum of fifty per cent of each day that children attend or participate in the program, except for any day when hazardous weather conditions prevent the program from operating outdoor activities for a minimum of fifty per cent of that day. For purposes of this division, the maximum seven hours of operation time does not include transportation time from a child's home to a child day camp and from a child day camp to a child's home.

(J) "Child care" means all of the following:

(1) Administering to the needs of infants, toddlers, preschool-age children, and school-age children outside of school hours;

(2) By persons other than their parents, guardians, or
custodians; 82902
82903

(3) For any part of the twenty-four-hour day; 82904

(4) In a place other than a child's own home, except that an
in-home aide provides child care in the child's own home. 82905
82906

(K) "Child day-care center" and "center" mean any place in 82907
which child care or publicly funded child care is provided for 82908
thirteen or more children at one time or any place that is not the 82909
permanent residence of the licensee or administrator in which 82910
child care or publicly funded child care is provided for seven to 82911
twelve children at one time. In counting children for the purposes 82912
of this division, any children under six years of age who are 82913
related to a licensee, administrator, or employee and who are on 82914
the premises of the center shall be counted. "Child day-care 82915
center" and "center" do not include any of the following: 82916

(1) A place located in and operated by a hospital, as defined 82917
in section 3727.01 of the Revised Code, in which the needs of 82918
children are administered to, if all the children whose needs are 82919
being administered to are monitored under the on-site supervision 82920
of a physician licensed under Chapter 4731. of the Revised Code or 82921
a registered nurse licensed under Chapter 4723. of the Revised 82922
Code, and the services are provided only for children who, in the 82923
opinion of the child's parent, guardian, or custodian, are 82924
exhibiting symptoms of a communicable disease or other illness or 82925
are injured; 82926

(2) A child day camp; 82927

(3) A place that provides child care, but not publicly funded 82928
child care, if all of the following apply: 82929

(a) An organized religious body provides the child care; 82930

(b) A parent, custodian, or guardian of at least one child 82931

receiving child care is on the premises and readily accessible at all times;	82932 82933
(c) The child care is not provided for more than thirty days a year;	82934 82935
(d) The child care is provided only for preschool-age and school-age children.	82936 82937
(L) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care.	82938 82939 82940
(M) "Child care resource and referral services" means all of the following services:	82941 82942
(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;	82943 82944 82945
(2) Provision of individualized consumer education to families seeking child care;	82946 82947
(3) Provision of timely referrals of available child care providers to families seeking child care;	82948 82949
(4) Recruitment of child care providers;	82950
(5) Assistance in the development, conduct, and dissemination of training for child care providers and provision of technical assistance to current and potential child care providers, employers, and the community;	82951 82952 82953 82954
(6) Collection and analysis of data on the supply of and demand for child care in the community;	82955 82956
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	82957 82958 82959
(8) Stimulation of employer involvement in making child care	82960

more affordable, more available, safer, and of higher quality for 82961
their employees and for the community; 82962

(9) Provision of written educational materials to caretaker 82963
parents and informational resources to child care providers; 82964

(10) Coordination of services among child care resource and 82965
referral service organizations to assist in developing and 82966
maintaining a statewide system of child care resource and referral 82967
services if required by the department of job and family services; 82968

(11) Cooperation with the county department of job and family 82969
services in encouraging the establishment of parent cooperative 82970
child care centers and parent cooperative type A family day-care 82971
homes. 82972

(N) "Child-care staff member" means an employee of a child 82973
day-care center or type A family day-care home who is primarily 82974
responsible for the care and supervision of children. The 82975
administrator may be a part-time child-care staff member when not 82976
involved in other duties. 82977

(O) "Drop-in child day-care center," "drop-in center," 82978
"drop-in type A family day-care home," and "drop-in type A home" 82979
mean a center or type A home that provides child care or publicly 82980
funded child care for children on a temporary, irregular basis. 82981

(P) "Employee" means a person who either: 82982

(1) Receives compensation for duties performed in a child 82983
day-care center or type A family day-care home; 82984

(2) Is assigned specific working hours or duties in a child 82985
day-care center or type A family day-care home. 82986

(Q) "Employer" means a person, firm, institution, 82987
organization, or agency that operates a child day-care center or 82988
type A family day-care home subject to licensure under this 82989
chapter. 82990

(R) "Federal poverty line" means the official poverty guideline as revised annually in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

(S) "Head start program" means a comprehensive child development program serving birth to three years old and preschool-age children that receives funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as amended, and is licensed as a child day-care center.

(T) "Income" means gross income, as defined in section 5107.10 of the Revised Code, less any amounts required by federal statutes or regulations to be disregarded.

(U) "Indicator checklist" means an inspection tool, used in conjunction with an instrument-based program monitoring information system, that contains selected licensing requirements that are statistically reliable indicators or predictors of a child day-care center's type A family day-care home's, or licensed type B family day-care home's compliance with licensing requirements.

(V) "Infant" means a child who is less than eighteen months of age.

(W) "In-home aide" means a person who does not reside with the child but provides care in the child's home and is certified by a county director of job and family services pursuant to section 5104.12 of the Revised Code to provide publicly funded child care to a child in a child's own home pursuant to this chapter and any rules adopted under it.

(X) "Instrument-based program monitoring information system" means a method to assess compliance with licensing requirements for child day-care centers, type A family day-care homes, and

licensed type B family day-care homes in which each licensing 83022
requirement is assigned a weight indicative of the relative 83023
importance of the requirement to the health, growth, and safety of 83024
the children that is used to develop an indicator checklist. 83025

(Y) "License capacity" means the maximum number in each age 83026
category of children who may be cared for in a child day-care 83027
center or type A family day-care home at one time as determined by 83028
the director of job and family services considering building 83029
occupancy limits established by the department of commerce, amount 83030
of available indoor floor space and outdoor play space, and amount 83031
of available play equipment, materials, and supplies. For the 83032
purposes of a provisional license issued under this chapter, the 83033
director shall also consider the number of available child-care 83034
staff members when determining "license capacity" for the 83035
provisional license. 83036

(Z) "Licensed child care program" means any of the following: 83037

(1) A child day-care center licensed by the department of job 83038
and family services pursuant to this chapter; 83039

(2) A type A family day-care home or type B family day-care 83040
home licensed by the department of job and family services 83041
pursuant to this chapter; 83042

(3) A licensed preschool program or licensed school child 83043
program. 83044

(AA) "Licensed preschool program" or "licensed school child 83045
program" means a preschool program or school child program, as 83046
defined in section 3301.52 of the Revised Code, that is licensed 83047
by the department of education pursuant to sections 3301.52 to 83048
3301.59 of the Revised Code. 83049

(BB) "Licensed type B family day-care home" and "licensed 83050
type B home" mean a type B family day-care home for which there is 83051
a valid license issued by the director of job and family services 83052

pursuant to section 5104.03 of the Revised Code. 83053

(CC) "Licensee" means the owner of a child day-care center, 83054
type A family day-care home, or type B family day-care home that 83055
is licensed pursuant to this chapter and who is responsible for 83056
ensuring its compliance with this chapter and rules adopted 83057
pursuant to this chapter. 83058

(DD) "Operate a child day camp" means to operate, establish, 83059
manage, conduct, or maintain a child day camp. 83060

(EE) "Owner" includes a person, as defined in section 1.59 of 83061
the Revised Code, or government entity. 83062

(FF) "Parent cooperative child day-care center," "parent 83063
cooperative center," "parent cooperative type A family day-care 83064
home," and "parent cooperative type A home" mean a corporation or 83065
association organized for providing educational services to the 83066
children of members of the corporation or association, without 83067
gain to the corporation or association as an entity, in which the 83068
services of the corporation or association are provided only to 83069
children of the members of the corporation or association, 83070
ownership and control of the corporation or association rests 83071
solely with the members of the corporation or association, and at 83072
least one parent-member of the corporation or association is on 83073
the premises of the center or type A home during its hours of 83074
operation. 83075

(GG) "Part-time child day-care center," "part-time center," 83076
"part-time type A family day-care home," and "part-time type A 83077
home" mean a center or type A home that provides child care or 83078
publicly funded child care for not more than four hours a day for 83079
any child or not more than fifteen consecutive weeks per year, 83080
regardless of the number of hours per day. 83081

(HH) "Place of worship" means a building where activities of 83082
an organized religious group are conducted and includes the 83083

grounds and any other buildings on the grounds used for such 83084
activities. 83085

(II) "Preschool-age child" means a child who is three years 83086
old or older but is not a school-age child. 83087

(JJ) "Protective child care" means publicly funded child care 83088
for the direct care and protection of a child to whom either of 83089
the following applies: 83090

(1) A case plan prepared and maintained for the child 83091
pursuant to section 2151.412 of the Revised Code indicates a need 83092
for protective care and the child resides with a parent, 83093
stepparent, guardian, or another person who stands in loco 83094
parentis as defined in rules adopted under section 5104.38 of the 83095
Revised Code; 83096

(2) The child and the child's caretaker either temporarily 83097
reside in a facility providing emergency shelter for homeless 83098
families or are determined by the county department of job and 83099
family services to be homeless, and are otherwise ineligible for 83100
publicly funded child care. 83101

(KK) "Publicly funded child care" means administering to the 83102
needs of infants, toddlers, preschool-age children, and school-age 83103
children under age thirteen during any part of the 83104
twenty-four-hour day by persons other than their caretaker parents 83105
for remuneration wholly or in part with federal or state funds, 83106
including funds available under the child care block grant act, 83107
Title IV-A, and Title XX, distributed by the department of job and 83108
family services. 83109

(LL) "Religious activities" means any of the following: 83110
worship or other religious services; religious instruction; Sunday 83111
school classes or other religious classes conducted during or 83112
prior to worship or other religious services; youth or adult 83113
fellowship activities; choir or other musical group practices or 83114

programs; meals; festivals; or meetings conducted by an organized 83115
religious group. 83116

(MM) "School-age child" means a child who is enrolled in or 83117
is eligible to be enrolled in a grade of kindergarten or above but 83118
is less than fifteen years old. 83119

(NN) "School-age child care center" and "school-age child 83120
type A home" mean a center or type A home that provides child care 83121
for school-age children only and that does either or both of the 83122
following: 83123

(1) Operates only during that part of the day that 83124
immediately precedes or follows the public school day of the 83125
school district in which the center or type A home is located; 83126

(2) Operates only when the public schools in the school 83127
district in which the center or type A home is located are not 83128
open for instruction with pupils in attendance. 83129

(OO) "Serious risk noncompliance" means a licensure or 83130
certification rule violation that leads to a great risk of harm 83131
to, or death of, a child, and is observable, not inferable. 83132

(PP) "State median income" means the state median income 83133
calculated by the department of development pursuant to division 83134
(A)(1)(g) of section 5709.61 of the Revised Code. 83135

(QQ) "Title IV-A" means Title IV-A of the "Social Security 83136
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 83137

(RR) "Title XX" means Title XX of the "Social Security Act," 83138
88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 83139

(SS) "Toddler" means a child who is at least eighteen months 83140
of age but less than three years of age. 83141

(TT) "Type A family day-care home" and "type A home" mean a 83142
permanent residence of the administrator in which child care or 83143
publicly funded child care is provided for seven to twelve 83144

children at one time or a permanent residence of the administrator 83145
in which child care is provided for four to twelve children at one 83146
time if four or more children at one time are under two years of 83147
age. In counting children for the purposes of this division, any 83148
children under six years of age who are related to a licensee, 83149
administrator, or employee and who are on the premises of the type 83150
A home shall be counted. "Type A family day-care home" and "type A 83151
home" do not include any child day camp. 83152

(UU) "Type B family day-care home" and "type B home" mean a 83153
permanent residence of the provider in which child care is 83154
provided for one to six children at one time and in which no more 83155
than three children are under two years of age at one time. In 83156
counting children for the purposes of this division, any children 83157
under six years of age who are related to the provider and who are 83158
on the premises of the type B home shall be counted. "Type B 83159
family day-care home" and "type B home" do not include any child 83160
day camp. 83161

Sec. 5104.02. (A) The director of job and family services is 83162
responsible for the licensing of child day-care centers and type A 83163
family day-care homes. Each entity operating a head start program 83164
shall meet the criteria for, and be licensed as, a child day-care 83165
center. The director is responsible for the enforcement of this 83166
chapter and of rules promulgated pursuant to this chapter. 83167

No person, firm, organization, institution, or agency shall 83168
operate, establish, manage, conduct, or maintain a child day-care 83169
center or type A family day-care home without a license issued 83170
under section 5104.03 of the Revised Code. The current license 83171
shall be posted in a conspicuous place in the center or type A 83172
home that is accessible to parents, custodians, or guardians and 83173
employees of the center or type A home at all times when the 83174
center or type A home is in operation. 83175

(B) A person, firm, institution, organization, or agency 83176
operating any of the following programs is exempt from the 83177
requirements of this chapter: 83178

(1) A program of child care that operates for two or less 83179
consecutive weeks; 83180

(2) Child care in places of worship during religious 83181
activities during which children are cared for while at least one 83182
parent, guardian, or custodian of each child is participating in 83183
such activities and is readily available; 83184

(3) Religious activities which do not provide child care; 83185

(4) Supervised training, instruction, or activities of 83186
children in specific areas, including, but not limited to: art; 83187
drama; dance; music; gymnastics, swimming, or another athletic 83188
skill or sport; computers; or an educational subject conducted on 83189
an organized or periodic basis no more than one day a week and for 83190
no more than six hours duration; 83191

(5) Programs in which the director determines that at least 83192
one parent, custodian, or guardian of each child is on the 83193
premises of the facility offering child care and is readily 83194
accessible at all times, except that child care provided on the 83195
premises at which a parent, custodian, or guardian is employed 83196
more than two and one-half hours a day shall be licensed in 83197
accordance with division (A) of this section; 83198

(6)(a) Programs that provide child care funded and regulated 83199
or operated and regulated by state departments other than the 83200
department of job and family services or the state board of 83201
education when the director of job and family services has 83202
determined that the rules governing the program are equivalent to 83203
or exceed the rules promulgated pursuant to this chapter. 83204

Notwithstanding any exemption from regulation under this 83205
chapter, each state department shall submit to the director of job 83206

and family services a copy of the rules that govern programs that 83207
provide child care and are regulated or operated and regulated by 83208
the department. Annually, each state department shall submit to 83209
the director a report for each such program it regulates or 83210
operates and regulates that includes the following information: 83211

(i) The site location of the program; 83212

(ii) The maximum number of infants, toddlers, preschool-age 83213
children, or school-age children served by the program at one 83214
time; 83215

(iii) The number of adults providing child care for the 83216
number of infants, toddlers, preschool-age children, or school-age 83217
children; 83218

(iv) Any changes in the rules made subsequent to the time 83219
when the rules were initially submitted to the director. 83220

The director shall maintain a record of the child care 83221
information submitted by other state departments and shall provide 83222
this information upon request to the general assembly or the 83223
public. 83224

(b) Child care programs conducted by boards of education or 83225
by chartered or accredited nonpublic schools that are conducted in 83226
school buildings and that provide child care to school-age 83227
children only shall be exempt from meeting or exceeding rules 83228
promulgated pursuant to this chapter. 83229

(7) Any preschool program or school child program, except a 83230
head start program, that is subject to licensure by the department 83231
of education under sections 3301.52 to 3301.59 of the Revised 83232
Code. 83233

(8) Any program providing child care that meets all of the 83234
following requirements and, on October 20, 1987, was being 83235
operated by a nonpublic school that holds a charter issued by the 83236

state board of education for kindergarten only or an accredited nonpublic school: 83237
83238

(a) The nonpublic school has given the notice to the state board and the director of job and family services required by Section 4 of Substitute House Bill No. 253 of the 117th general assembly; 83239
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83241
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(b) The nonpublic school continues to be chartered by the state board for kindergarten, or receives and continues to hold a charter from the state board for kindergarten through grade five or is an accredited nonpublic school; 83243
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83245
83246

(c) The program is conducted in a school building; 83247

(d) The program is operated in accordance with rules promulgated by the state board under sections 3301.52 to 3301.57 of the Revised Code. 83248
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(9) A youth development program operated outside of school hours by a community-based center to which all of the following apply: 83251
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(a) The children enrolled in the program are under nineteen years of age and enrolled in or eligible to be enrolled in a grade of kindergarten or above. 83254
83255
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(b) The program provides informal child care, which is child care that does not require parental signature, permission, or notice for the child receiving the care to enter or leave the program. 83257
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(c) The program provides any of the following supervised activities: educational, recreational, culturally enriching, social, and personal development activities. 83261
83262
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(d) The program is eligible for participation in the child and adult care food program as an outside-school-hours care center pursuant to standards established under section 3313.813 of the 83264
83265
83266

Revised Code.	83267
(e) The community-based center operating the program is	83268
exempt from federal income taxation pursuant to 26 U.S.C. 501(a)	83269
and (c)(3).	83270
(10) A preschool program operated by a nonchartered,	83271
nontax-supported school if the preschool program meets all of the	83272
following conditions:	83273
(a) The program complies with state and local health, fire,	83274
and safety laws.	83275
(b) The program annually certifies in a report to the parents	83276
of its pupils that the school is in compliance with division	83277
(B)(10)(a) of this section and files a copy of the report with the	83278
department of job and family services on or before the thirtieth	83279
day of September of each year.	83280
(c) The program complies with all applicable reporting	83281
requirements in the same manner as required by the state board of	83282
education for nonchartered, nonpublic primary and secondary	83283
schools.	83284
(d) The program is associated with a nonchartered,	83285
nontax-supported primary or secondary school.	83286
Sec. 5139.18. (A) Except with respect to children who are	83287
granted a judicial release to court supervision pursuant to	83288
division (B) or (D) of section 2152.22 of the Revised Code, the	83289
department of youth services is responsible for locating homes or	83290
jobs for children released from its institutions, for supervision	83291
of children released from its institutions, and for providing or	83292
arranging for the provision to those children of appropriate	83293
services that are required to facilitate their satisfactory	83294
community adjustment. Regional administrators through their staff	83295
of parole officers shall supervise children paroled or released to	83296

community supervision in a manner that insures as nearly as 83297
possible the children's rehabilitation and that provides maximum 83298
protection to the general public. 83299

(B) The department of youth services shall exercise general 83300
supervision over all children who have been released on placement 83301
from any of its institutions other than children who are granted a 83302
judicial release to court supervision pursuant to division (B) or 83303
(D) of section 2152.22 of the Revised Code. The director of youth 83304
services, with the consent and approval of the board of county 83305
commissioners of any county, may contract with the public children 83306
services agency of that county, the department of probation of 83307
that county established pursuant to section 2301.27 of the Revised 83308
Code, or the probation department or service established pursuant 83309
to sections 2151.01 to 2151.54 of the Revised Code for the 83310
provision of direct supervision and control over and the provision 83311
of supportive assistance to all children who have been released on 83312
placement into that county from any of its institutions, or, with 83313
the consent of the juvenile judge or the administrative judge of 83314
the juvenile court of any county, contract with any other public 83315
agency, institution, or organization that is qualified to provide 83316
the care and supervision that is required under the terms and 83317
conditions of the child's treatment plan for the provision of 83318
direct supervision and control over and the provision of 83319
supportive assistance to all children who have been released on 83320
placement into that county from any of its institutions. 83321

(C) A juvenile parole officer shall furnish to a child placed 83322
on community control under the parole officer's supervision a 83323
statement of the conditions of parole and shall instruct the child 83324
regarding them. The parole officer shall keep informed concerning 83325
the conduct and condition of a child under the parole officer's 83326
supervision and shall report on the child's conduct to the judge 83327
as the judge directs. A parole officer shall use all suitable 83328

methods to aid a child on community control and to improve the 83329
child's conduct and condition. A parole officer shall keep full 83330
and accurate records of work done for children under the parole 83331
officer's supervision. 83332

(D) In accordance with division (D) of section 2151.14 of the 83333
Revised Code, a court may issue an order requiring boards of 83334
education, governing bodies of chartered and accredited nonpublic 83335
schools, public children services agencies, private child placing 83336
agencies, probation departments, law enforcement agencies, and 83337
prosecuting attorneys that have records related to the child in 83338
question to provide copies of one or more specified records, or 83339
specified information in one or more specified records, that the 83340
individual or entity has with respect to the child to the 83341
department of youth services when the department has custody of 83342
the child or is performing any services for the child that are 83343
required by the juvenile court or by statute, and the department 83344
requests the records in accordance with division (D)(3)(a) of 83345
section 2151.14 of the Revised Code. 83346

As used in this division, "accredited nonpublic school" means 83347
an accredited nonpublic school as described in section 3301.165 of 83348
the Revised Code. 83349

(E) Whenever any placement official has reasonable cause to 83350
believe that any child released by a court pursuant to section 83351
2152.22 of the Revised Code has violated the conditions of the 83352
child's placement, the official may request, in writing, from the 83353
committing court or transferee court a custodial order, and, upon 83354
reasonable and probable cause, the court may order any sheriff, 83355
deputy sheriff, constable, or police officer to apprehend the 83356
child. A child so apprehended may be confined in the detention 83357
facility of the county in which the child is apprehended until 83358
further order of the court. If a child who was released on 83359
supervised release by the release authority of the department of 83360

youth services or a child who was granted a judicial release to 83361
department of youth services supervision violates the conditions 83362
of the supervised release or judicial release, section 5139.52 of 83363
the Revised Code applies with respect to that child. 83364

Section 130.11. That existing sections 921.06, 955.43, 83365
3301.07, 3301.071, 3301.0711, 3301.16, 3301.162, 3301.164, 83366
3301.52, 3301.541, 3302.07, 3302.41, 3310.01, 3312.01, 3312.04, 83367
3312.05, 3312.09, 3313.41, 3313.48, 3313.481, 3313.482, 3313.536, 83368
3313.539, 3313.5311, 3313.603, 3313.62, 3313.716, 3313.717, 83369
3313.718, 3313.719, 3313.7111, 3313.7112, 3313.7114, 3313.813, 83370
3313.86, 3313.976, 3317.024, 3317.03, 3317.06, 3317.062, 3317.063, 83371
3317.13, 3319.311, 3319.313, 3319.314, 3319.317, 3319.39, 83372
3319.391, 3319.392, 3319.40, 3319.52, 3321.01, 3326.01, 3326.03, 83373
3326.032, 3326.04, 3326.09, 3327.07, 3327.10, 3365.01, 3365.02, 83374
3701.133, 3781.106, 3781.11, 4729.513, 4729.541, 5104.01, 5104.02, 83375
and 5139.18 of the Revised Code are hereby repealed. 83376

Section 130.12. (A) The Speaker of the House of 83377
Representatives and the President of the Senate shall appoint a 83378
joint committee of the General Assembly to study the effects of 83379
the creation of accredited nonpublic schools by this act. The 83380
committee shall consist of the following six members: 83381

(1) The chairperson of the standing committee of the House of 83382
Representatives principally responsible for primary and secondary 83383
education policy; 83384

(2) The chairperson of the standing committee of the Senate 83385
principally responsible for primary and secondary education 83386
policy; 83387

(3) Two other members of the House of Representatives 83388
appointed by the Speaker, one of whom is from the majority party 83389
and one of whom is from the minority party; 83390

(4) Two other members of the Senate appointed by the President, one of whom is from the majority party and one of whom is from the minority party.

(B) In completing the study required under this section, the committee shall compare data from accredited nonpublic schools before and after the effective date of this act. The committee also shall compare data of accredited schools to other public schools and private school associations, as available. The committee shall compare aggregate data on all of the following:

(1) Remediation rates;

(2) SAT and ACT test scores;

(3) College acceptance and attendance rates;

(4) Results of other standardized tests for lower grade levels.

(C) Not later than two years after the effective date of this section, the committee shall submit a report to the General Assembly in accordance with section 101.68 of the Revised Code that includes recommendations on expanding the designation to chartered nonpublic schools not accredited by the Independent Schools Association of the Central States. The report also shall include criteria that should be used to qualify chartered nonpublic schools for such an expansion.

Section 130.13. Nothing in this act shall be construed to give preference or heightened approval of a chartered nonpublic school accredited by the Independent Schools Association of the Central States over a chartered nonpublic school accredited by any other association or organization.

Section 130.20. That sections 133.06, 133.18, 306.32, 306.321, 306.322, 306.70, 307.695, 307.697, 323.17, 349.14,

505.14, 505.20, 505.47, 511.27, 511.28, 511.34, 703.20, 707.30, 83420
715.38, 715.691, 715.70, 715.71, 715.72, 718.04, 718.09, 718.10, 83421
1545.041, 1545.21, 3311.21, 3311.213, 3311.22, 3311.231, 3311.26, 83422
3311.50, 3313.38, 3313.911, 3318.06, 3318.061, 3318.063, 3318.361, 83423
3354.02, 3354.12, 3357.02, 3357.11, 3381.03, 4301.421, 4301.424, 83424
5705.191, 5705.192, 5705.194, 5705.199, 5705.21, 5705.211, 83425
5705.212, 5705.213, 5705.217, 5705.218, 5705.219, 5705.2111, 83426
5705.2112, 5705.221, 5705.222, 5705.23, 5705.233, 5705.24, 83427
5705.25, 5705.251, 5705.261, 5705.55, 5705.72, 5739.021, 5739.026, 83428
5739.028, 5739.09, 5743.021, 5743.024, 5743.026, 5748.02, 83429
5748.021, 5748.08, and 5748.09 be amended and new section 5705.214 83430
and sections 3501.022 and 5748.07 of the Revised Code be enacted 83431
to read as follows: 83432

Sec. 133.06. (A) A school district shall not incur, without a 83433
vote of the electors at a general election or a special election 83434
held on a day on which a primary election may be held, net 83435
indebtedness that exceeds an amount equal to one-tenth of one per 83436
cent of its tax valuation, except as provided in divisions (G) and 83437
(H) of this section and in division (D) of section 3313.372 of the 83438
Revised Code, or as prescribed in section 3318.052 or 3318.44 of 83439
the Revised Code, or as provided in division (J) of this section. 83440

(B) Except as provided in divisions (E), (F), and (I) of this 83441
section, a school district shall not incur net indebtedness that 83442
exceeds an amount equal to nine per cent of its tax valuation. 83443

(C) A school district shall not submit to a vote of the 83444
electors the question of the issuance of securities in an amount 83445
that will make the district's net indebtedness after the issuance 83446
of the securities exceed an amount equal to four per cent of its 83447
tax valuation, unless the superintendent of public instruction, 83448
acting under policies adopted by the state board of education, and 83449
the tax commissioner, acting under written policies of the 83450

commissioner, consent to the submission. A request for the 83451
consents shall be made at least one hundred twenty days prior to 83452
the election at which the question is to be submitted. 83453

The superintendent of public instruction shall certify to the 83454
district the superintendent's and the tax commissioner's decisions 83455
within thirty days after receipt of the request for consents. 83456

If the electors do not approve the issuance of securities at 83457
the election for which the superintendent of public instruction 83458
and tax commissioner consented to the submission of the question, 83459
the school district may submit the same question to the electors 83460
on the date that the next election that is either a general 83461
election or a special election held on a day on which a primary 83462
election may be held under section 3501.01 of the Revised Code 83463
without submitting a new request for consent. If the school 83464
district seeks to submit the same question at any other subsequent 83465
election, the district shall first submit a new request for 83466
consent in accordance with this division. 83467

(D) In calculating the net indebtedness of a school district, 83468
none of the following shall be considered: 83469

(1) Securities issued to acquire school buses and other 83470
equipment used in transporting pupils or issued pursuant to 83471
division (D) of section 133.10 of the Revised Code; 83472

(2) Securities issued under division (F) of this section, 83473
under section 133.301 of the Revised Code, and, to the extent in 83474
excess of the limitation stated in division (B) of this section, 83475
under division (E) of this section; 83476

(3) Indebtedness resulting from the dissolution of a joint 83477
vocational school district under section 3311.217 of the Revised 83478
Code, evidenced by outstanding securities of that joint vocational 83479
school district; 83480

(4) Loans, evidenced by any securities, received under 83481

sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code;	83482
(5) Debt incurred under section 3313.374 of the Revised Code;	83483
(6) Debt incurred pursuant to division (B)(5) of section 3313.37 of the Revised Code to acquire computers and related hardware;	83484 83485 83486
(7) Debt incurred under section 3318.042 of the Revised Code;	83487
(8) Debt incurred under section 5705.2112 or 5705.2113 of the Revised Code by the fiscal board of a qualifying partnership of which the school district is a participating school district.	83488 83489 83490
(E) A school district may become a special needs district as to certain securities as provided in division (E) of this section.	83491 83492
(1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following:	83493 83494 83495
(a) The student population is not being adequately serviced by the existing permanent improvements of the district.	83496 83497
(b) The district cannot obtain sufficient funds by the issuance of securities within the limitation of division (B) of this section to provide additional or improved needed permanent improvements in time to meet the needs.	83498 83499 83500 83501
(2) The board of education shall certify a copy of that resolution to the superintendent of public instruction with a statistical report showing all of the following:	83502 83503 83504
(a) The history of and a projection of the growth of the tax valuation;	83505 83506
(b) The projected needs;	83507
(c) The estimated cost of permanent improvements proposed to meet such projected needs.	83508 83509
(3) The superintendent of public instruction shall certify	83510

the district as an approved special needs district if the 83511
superintendent finds both of the following: 83512

(a) The district does not have available sufficient 83513
additional funds from state or federal sources to meet the 83514
projected needs. 83515

(b) The projection of the potential average growth of tax 83516
valuation during the next five years, according to the information 83517
certified to the superintendent and any other information the 83518
superintendent obtains, indicates a likelihood of potential 83519
average growth of tax valuation of the district during the next 83520
five years of an average of not less than one and one-half per 83521
cent per year. The findings and certification of the 83522
superintendent shall be conclusive. 83523

(4) An approved special needs district may incur net 83524
indebtedness by the issuance of securities in accordance with the 83525
provisions of this chapter in an amount that does not exceed an 83526
amount equal to the greater of the following: 83527

(a) Twelve per cent of the sum of its tax valuation plus an 83528
amount that is the product of multiplying that tax valuation by 83529
the percentage by which the tax valuation has increased over the 83530
tax valuation on the first day of the sixtieth month preceding the 83531
month in which its board determines to submit to the electors the 83532
question of issuing the proposed securities; 83533

(b) Twelve per cent of the sum of its tax valuation plus an 83534
amount that is the product of multiplying that tax valuation by 83535
the percentage, determined by the superintendent of public 83536
instruction, by which that tax valuation is projected to increase 83537
during the next ten years. 83538

(F) A school district may issue securities for emergency 83539
purposes, in a principal amount that does not exceed an amount 83540
equal to three per cent of its tax valuation, as provided in this 83541

division. 83542

(1) A board of education, by resolution, may declare an 83543
emergency if it determines both of the following: 83544

(a) School buildings or other necessary school facilities in 83545
the district have been wholly or partially destroyed, or condemned 83546
by a constituted public authority, or that such buildings or 83547
facilities are partially constructed, or so constructed or planned 83548
as to require additions and improvements to them before the 83549
buildings or facilities are usable for their intended purpose, or 83550
that corrections to permanent improvements are necessary to remove 83551
or prevent health or safety hazards. 83552

(b) Existing fiscal and net indebtedness limitations make 83553
adequate replacement, additions, or improvements impossible. 83554

(2) Upon the declaration of an emergency, the board of 83555
education may, by resolution, submit to the electors of the 83556
district pursuant to section 133.18 of the Revised Code the 83557
question of issuing securities for the purpose of paying the cost, 83558
in excess of any insurance or condemnation proceeds received by 83559
the district, of permanent improvements to respond to the 83560
emergency need. 83561

(3) The procedures for the election shall be as provided in 83562
section 133.18 of the Revised Code, except that: 83563

(a) The form of the ballot shall describe the emergency 83564
existing, refer to this division as the authority under which the 83565
emergency is declared, and state that the amount of the proposed 83566
securities exceeds the limitations prescribed by division (B) of 83567
this section; 83568

(b) The resolution required by division (B) of section 133.18 83569
of the Revised Code shall be certified to the county auditor and 83570
the board of elections at least one hundred days prior to the 83571
election; 83572

(c) The county auditor shall advise and, not later than 83573
ninety-five days before the election, confirm that advice by 83574
certification to, the board of education of the information 83575
required by division (C) of section 133.18 of the Revised Code; 83576

(d) The board of education shall then certify its resolution 83577
and the information required by division (D) of section 133.18 of 83578
the Revised Code to the board of elections not less than ninety 83579
days prior to the election. 83580

(4) Notwithstanding division (B) of section 133.21 of the 83581
Revised Code, the first principal payment of securities issued 83582
under this division may be set at any date not later than sixty 83583
months after the earliest possible principal payment otherwise 83584
provided for in that division. 83585

(G)(1) The board of education may contract with an architect, 83586
professional engineer, or other person experienced in the design 83587
and implementation of energy conservation measures for an analysis 83588
and recommendations pertaining to installations, modifications of 83589
installations, or remodeling that would significantly reduce 83590
energy consumption in buildings owned by the district. The report 83591
shall include estimates of all costs of such installations, 83592
modifications, or remodeling, including costs of design, 83593
engineering, installation, maintenance, repairs, measurement and 83594
verification of energy savings, and debt service, forgone residual 83595
value of materials or equipment replaced by the energy 83596
conservation measure, as defined by the Ohio facilities 83597
construction commission, a baseline analysis of actual energy 83598
consumption data for the preceding three years with the utility 83599
baseline based on only the actual energy consumption data for the 83600
preceding twelve months, and estimates of the amounts by which 83601
energy consumption and resultant operational and maintenance 83602
costs, as defined by the commission, would be reduced. 83603

If the board finds after receiving the report that the amount 83604

of money the district would spend on such installations, 83605
modifications, or remodeling is not likely to exceed the amount of 83606
money it would save in energy and resultant operational and 83607
maintenance costs over the ensuing fifteen years, the board may 83608
submit to the commission a copy of its findings and a request for 83609
approval to incur indebtedness to finance the making or 83610
modification of installations or the remodeling of buildings for 83611
the purpose of significantly reducing energy consumption. 83612

The facilities construction commission, in consultation with 83613
the auditor of state, may deny a request under division (G)(1) of 83614
this section by the board of education of any school district that 83615
is in a state of fiscal watch pursuant to division (A) of section 83616
3316.03 of the Revised Code, if it determines that the expenditure 83617
of funds is not in the best interest of the school district. 83618

No district board of education of a school district that is 83619
in a state of fiscal emergency pursuant to division (B) of section 83620
3316.03 of the Revised Code shall submit a request without 83621
submitting evidence that the installations, modifications, or 83622
remodeling have been approved by the district's financial planning 83623
and supervision commission established under section 3316.05 of 83624
the Revised Code. 83625

No board of education of a school district for which an 83626
academic distress commission has been established under section 83627
3302.10 of the Revised Code shall submit a request without first 83628
receiving approval to incur indebtedness from the district's 83629
academic distress commission established under that section, for 83630
so long as such commission continues to be required for the 83631
district. 83632

(2) The board of education may contract with a person 83633
experienced in the implementation of student transportation to 83634
produce a report that includes an analysis of and recommendations 83635
for the use of alternative fuel vehicles by school districts. The 83636

report shall include cost estimates detailing the return on 83637
investment over the life of the alternative fuel vehicles and 83638
environmental impact of alternative fuel vehicles. The report also 83639
shall include estimates of all costs associated with alternative 83640
fuel transportation, including facility modifications and vehicle 83641
purchase costs or conversion costs. 83642

If the board finds after receiving the report that the amount 83643
of money the district would spend on purchasing alternative fuel 83644
vehicles or vehicle conversion is not likely to exceed the amount 83645
of money it would save in fuel and resultant operational and 83646
maintenance costs over the ensuing five years, the board may 83647
submit to the commission a copy of its findings and a request for 83648
approval to incur indebtedness to finance the purchase of new 83649
alternative fuel vehicles or vehicle conversions for the purpose 83650
of reducing fuel costs. 83651

The facilities construction commission, in consultation with 83652
the auditor of state, may deny a request under division (G)(2) of 83653
this section by the board of education of any school district that 83654
is in a state of fiscal watch pursuant to division (A) of section 83655
3316.03 of the Revised Code, if it determines that the expenditure 83656
of funds is not in the best interest of the school district. 83657

No district board of education of a school district that is 83658
in a state of fiscal emergency pursuant to division (B) of section 83659
3316.03 of the Revised Code shall submit a request without 83660
submitting evidence that the purchase or conversion of alternative 83661
fuel vehicles has been approved by the district's financial 83662
planning and supervision commission established under section 83663
3316.05 of the Revised Code. 83664

No board of education of a school district for which an 83665
academic distress commission has been established under section 83666
3302.10 of the Revised Code shall submit a request without first 83667
receiving approval to incur indebtedness from the district's 83668

academic distress commission established under that section, for 83669
so long as such commission continues to be required for the 83670
district. 83671

(3) The facilities construction commission shall approve the 83672
board's request provided that the following conditions are 83673
satisfied: 83674

(a) The commission determines that the board's findings are 83675
reasonable. 83676

(b) The request for approval is complete. 83677

(c) If the request was submitted under division (G)(1) of 83678
this section, the installations, modifications, or remodeling are 83679
consistent with any project to construct or acquire classroom 83680
facilities, or to reconstruct or make additions to existing 83681
classroom facilities under sections 3318.01 to 3318.20 or sections 83682
3318.40 to 3318.45 of the Revised Code. 83683

Upon receipt of the commission's approval, the district may 83684
issue securities without a vote of the electors in a principal 83685
amount not to exceed nine-tenths of one per cent of its tax 83686
valuation for the purpose specified in division (G)(1) or (2) of 83687
this section, but the total net indebtedness of the district 83688
without a vote of the electors incurred under this and all other 83689
sections of the Revised Code, except section 3318.052 of the 83690
Revised Code, shall not exceed one per cent of the district's tax 83691
valuation. 83692

(4)(a) So long as any securities issued under division (G)(1) 83693
of this section remain outstanding, the board of education shall 83694
monitor the energy consumption and resultant operational and 83695
maintenance costs of buildings in which installations or 83696
modifications have been made or remodeling has been done pursuant 83697
to that division. Except as provided in division (G)(4)(b) of this 83698
section, the board shall maintain and annually update a report in 83699

a form and manner prescribed by the facilities construction 83700
commission documenting the reductions in energy consumption and 83701
resultant operational and maintenance cost savings attributable to 83702
such installations, modifications, or remodeling. The resultant 83703
operational and maintenance cost savings shall be certified by the 83704
school district treasurer. The report shall be submitted annually 83705
to the commission. 83706

(b) If the facilities construction commission verifies that 83707
the certified annual reports submitted to the commission by a 83708
board of education under division (G)(4)(a) of this section 83709
fulfill the guarantee required under division (B) of section 83710
3313.372 of the Revised Code for three consecutive years, the 83711
board of education shall no longer be subject to the annual 83712
reporting requirements of division (G)(4)(a) of this section. 83713

(5) So long as any securities issued under division (G)(2) of 83714
this section remain outstanding, the board of education shall 83715
monitor the purchase of new alternative fuel vehicles or vehicle 83716
conversions pursuant to that division. The board shall maintain 83717
and annually update a report in a form and manner prescribed by 83718
the facilities construction commission documenting the purchase of 83719
new alternative fuel vehicles or vehicle conversions, the 83720
associated environmental impact, and return on investment. The 83721
resultant fuel and operational and maintenance cost savings shall 83722
be certified by the school district treasurer. The report shall be 83723
submitted annually to the commission. 83724

(H) With the consent of the superintendent of public 83725
instruction, a school district may incur without a vote of the 83726
electors net indebtedness that exceeds the amounts stated in 83727
divisions (A) and (G) of this section for the purpose of paying 83728
costs of permanent improvements, if and to the extent that both of 83729
the following conditions are satisfied: 83730

(1) The fiscal officer of the school district estimates that 83731

receipts of the school district from payments made under or 83732
pursuant to agreements entered into pursuant to section 725.02, 83733
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.45, 83734
5709.57, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 83735
of the Revised Code, or distributions under division (C) of 83736
section 5709.43 or division (B) of section 5709.47 of the Revised 83737
Code, or any combination thereof, are, after accounting for any 83738
appropriate coverage requirements, sufficient in time and amount, 83739
and are committed by the proceedings, to pay the debt charges on 83740
the securities issued to evidence that indebtedness and payable 83741
from those receipts, and the taxing authority of the district 83742
confirms the fiscal officer's estimate, which confirmation is 83743
approved by the superintendent of public instruction; 83744

(2) The fiscal officer of the school district certifies, and 83745
the taxing authority of the district confirms, that the district, 83746
at the time of the certification and confirmation, reasonably 83747
expects to have sufficient revenue available for the purpose of 83748
operating such permanent improvements for their intended purpose 83749
upon acquisition or completion thereof, and the superintendent of 83750
public instruction approves the taxing authority's confirmation. 83751

The maximum maturity of securities issued under division (H) 83752
of this section shall be the lesser of twenty years or the maximum 83753
maturity calculated under section 133.20 of the Revised Code. 83754

(I) A school district may incur net indebtedness by the 83755
issuance of securities in accordance with the provisions of this 83756
chapter in excess of the limit specified in division (B) or (C) of 83757
this section when necessary to raise the school district portion 83758
of the basic project cost and any additional funds necessary to 83759
participate in a project under Chapter 3318. of the Revised Code, 83760
including the cost of items designated by the facilities 83761
construction commission as required locally funded initiatives, 83762
the cost of other locally funded initiatives in an amount that 83763

does not exceed fifty per cent of the district's portion of the 83764
basic project cost, and the cost for site acquisition. The 83765
commission shall notify the superintendent of public instruction 83766
whenever a school district will exceed either limit pursuant to 83767
this division. 83768

(J) A school district whose portion of the basic project cost 83769
of its classroom facilities project under sections 3318.01 to 83770
3318.20 of the Revised Code is greater than or equal to one 83771
hundred million dollars may incur without a vote of the electors 83772
net indebtedness in an amount up to two per cent of its tax 83773
valuation through the issuance of general obligation securities in 83774
order to generate all or part of the amount of its portion of the 83775
basic project cost if the controlling board has approved the 83776
facilities construction commission's conditional approval of the 83777
project under section 3318.04 of the Revised Code. The school 83778
district board and the Ohio facilities construction commission 83779
shall include the dedication of the proceeds of such securities in 83780
the agreement entered into under section 3318.08 of the Revised 83781
Code. No state moneys shall be released for a project to which 83782
this section applies until the proceeds of any bonds issued under 83783
this section that are dedicated for the payment of the school 83784
district portion of the project are first deposited into the 83785
school district's project construction fund. 83786

Sec. 133.18. (A) The taxing authority of a subdivision may by 83787
legislation submit to the electors of the subdivision the question 83788
of issuing any general obligation bonds, for one purpose, that the 83789
subdivision has power or authority to issue. 83790

(B) When the taxing authority of a subdivision desires or is 83791
required by law to submit the question of a bond issue to the 83792
electors, it shall pass legislation that does all of the 83793
following: 83794

(1) Declares the necessity and purpose of the bond issue; 83795

(2) States the date of the ~~authorized~~ election at which the 83796
question shall be submitted to the electors, which shall be a 83797
general election or a special election held on a day on which a 83798
primary election may be held; 83799

(3) States the amount, approximate date, estimated net 83800
average rate of interest, and maximum number of years over which 83801
the principal of the bonds may be paid; 83802

(4) Declares the necessity of levying a tax outside the tax 83803
limitation to pay the debt charges on the bonds and any 83804
anticipatory securities. 83805

The estimated net average interest rate shall be determined 83806
by the taxing authority based on, among other factors, then 83807
existing market conditions, and may reflect adjustments for any 83808
anticipated direct payments expected to be received by the taxing 83809
authority from the government of the United States relating to the 83810
bonds and the effect of any federal tax credits anticipated to be 83811
available to owners of all or a portion of the bonds. The 83812
estimated net average rate of interest, and any statutory or 83813
charter limit on interest rates that may then be in effect and 83814
that is subsequently amended, shall not be a limitation on the 83815
actual interest rate or rates on the securities when issued. 83816

(C)(1) The taxing authority shall certify a copy of the 83817
legislation passed under division (B) of this section to the 83818
county auditor. The county auditor shall promptly calculate and 83819
advise and, not later than ninety days before the election, 83820
confirm that advice by certification to, the taxing authority the 83821
estimated average annual property tax levy, expressed in cents or 83822
dollars and cents for each one hundred dollars of tax valuation 83823
and in mills for each one dollar of tax valuation, that the county 83824
auditor estimates to be required throughout the stated maturity of 83825

the bonds to pay the debt charges on the bonds. In calculating the 83826
estimated average annual property tax levy for this purpose, the 83827
county auditor shall assume that the bonds are issued in one 83828
series bearing interest and maturing in substantially equal 83829
principal amounts in each year over the maximum number of years 83830
over which the principal of the bonds may be paid as stated in 83831
that legislation, and that the amount of the tax valuation of the 83832
subdivision for the current year remains the same throughout the 83833
maturity of the bonds, except as otherwise provided in division 83834
(C)(2) of this section. If the tax valuation for the current year 83835
is not determined, the county auditor shall base the calculation 83836
on the estimated amount of the tax valuation submitted by the 83837
county auditor to the county budget commission. If the subdivision 83838
is located in more than one county, the county auditor shall 83839
obtain the assistance of the county auditors of the other 83840
counties, and those county auditors shall provide assistance, in 83841
establishing the tax valuation of the subdivision for purposes of 83842
certifying the estimated average annual property tax levy. 83843

(2) When considering the tangible personal property component 83844
of the tax valuation of the subdivision, the county auditor shall 83845
take into account the assessment percentages prescribed in section 83846
5711.22 of the Revised Code. The tax commissioner may issue rules, 83847
orders, or instructions directing how the assessment percentages 83848
must be utilized. 83849

(D) After receiving the county auditor's advice under 83850
division (C) of this section, the taxing authority by legislation 83851
may determine to proceed with submitting the question of the issue 83852
of securities, and shall, not later than the ninetieth day before 83853
the day of the election, file the following with the board of 83854
elections: 83855

(1) Copies of the legislation provided for in divisions (B) 83856
and (D) of this section; 83857

(2) The amount of the estimated average annual property tax 83858
levy, expressed in cents or dollars and cents for each one hundred 83859
dollars of tax valuation and in mills for each one dollar of tax 83860
valuation, as estimated and certified to the taxing authority by 83861
the county auditor. 83862

(E)(1) The board of elections shall prepare the ballots and 83863
make other necessary arrangements for the submission of the 83864
question to the electors of the subdivision. If the subdivision is 83865
located in more than one county, the board shall inform the boards 83866
of elections of the other counties of the filings with it, and 83867
those other boards shall if appropriate make the other necessary 83868
arrangements for the election in their counties. The election 83869
shall be conducted, canvassed, and certified in the manner 83870
provided in Title XXXV of the Revised Code. 83871

(2) The election shall be held at the regular places for 83872
voting in the subdivision. If the electors of only a part of a 83873
precinct are qualified to vote at the election the board of 83874
elections may assign the electors in that part to an adjoining 83875
precinct, including an adjoining precinct in another county if the 83876
board of elections of the other county consents to and approves 83877
the assignment. Each elector so assigned shall be notified of that 83878
fact prior to the election by notice mailed by the board of 83879
elections, in such manner as it determines, prior to the election. 83880

(3) The board of elections shall publish a notice of the 83881
election once in a newspaper of general circulation in the 83882
subdivision, no later than ten days prior to the election. The 83883
notice shall state all of the following: 83884

(a) The principal amount of the proposed bond issue; 83885

(b) The stated purpose for which the bonds are to be issued; 83886

(c) The maximum number of years over which the principal of 83887
the bonds may be paid; 83888

(d) The estimated additional average annual property tax 83889
levy, expressed in cents or dollars and cents for each one hundred 83890
dollars of tax valuation and in mills for each one dollar of tax 83891
valuation, to be levied outside the tax limitation, as estimated 83892
and certified to the taxing authority by the county auditor; 83893

(e) The first calendar year in which the tax is expected to 83894
be due. 83895

(F)(1) The form of the ballot to be used at the election 83896
shall be substantially either of the following, as applicable: 83897

(a) "Shall bonds be issued by the (name of 83898
subdivision) for the purpose of (purpose of the bond 83899
issue) in the principal amount of (principal amount of 83900
the bond issue), to be repaid annually over a maximum period of 83901
..... (the maximum number of years over which the principal 83902
of the bonds may be paid) years, and an annual levy of property 83903
taxes be made outside the (as applicable, "ten-mill" or 83904
"...charter tax") limitation, estimated by the county auditor to 83905
average over the repayment period of the bond issue 83906
(number of mills) mills for each one dollar of tax valuation, 83907
which amounts to (rate expressed in cents or dollars 83908
and cents, such as "36 cents" or "\$1.41") for each one hundred 83909
dollars of tax valuation, commencing in (first year the 83910
tax will be levied), first due in calendar year (first 83911
calendar year in which the tax shall be due), to pay the annual 83912
debt charges on the bonds, and to pay debt charges on any notes 83913
issued in anticipation of those bonds? 83914

	For the bond issue
	Against the bond issue

"

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(b) In the case of an election held pursuant to legislation 83919

adopted under section 3375.43 or 3375.431 of the Revised Code: 83920

"Shall bonds be issued for (name of library) for 83921
the purpose of (purpose of the bond issue), in the 83922
principal amount of (amount of the bond issue) by 83923
..... (the name of the subdivision that is to issue the bonds 83924
and levy the tax) as the issuer of the bonds, to be repaid 83925
annually over a maximum period of (the maximum number 83926
of years over which the principal of the bonds may be paid) years, 83927
and an annual levy of property taxes be made outside the ten-mill 83928
limitation, estimated by the county auditor to average over the 83929
repayment period of the bond issue (number of mills) 83930
mills for each one dollar of tax valuation, which amounts to 83931
..... (rate expressed in cents or dollars and cents, such as 83932
"36 cents" or "\$1.41") for each one hundred dollars of tax 83933
valuation, commencing in (first year the tax will be 83934
levied), first due in calendar year (first calendar 83935
year in which the tax shall be due), to pay the annual debt 83936
charges on the bonds, and to pay debt charges on any notes issued 83937
in anticipation of those bonds? 83938

	For the bond issue
	Against the bond issue

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(2) The purpose for which the bonds are to be issued shall be 83943
printed in the space indicated, in boldface type. 83944

(G) The board of elections shall promptly certify the results 83945
of the election to the tax commissioner, the county auditor of 83946
each county in which any part of the subdivision is located, and 83947
the fiscal officer of the subdivision. The election, including the 83948
proceedings for and result of the election, is incontestable other 83949
than in a contest filed under section 3515.09 of the Revised Code 83950

in which the plaintiff prevails. 83951

(H) If a majority of the electors voting upon the question 83952
vote for it, the taxing authority of the subdivision may proceed 83953
under sections 133.21 to 133.33 of the Revised Code with the 83954
issuance of the securities and with the levy and collection of a 83955
property tax outside the tax limitation during the period the 83956
securities are outstanding sufficient in amount to pay the debt 83957
charges on the securities, including debt charges on any 83958
anticipatory securities required to be paid from that tax. If 83959
legislation passed under section 133.22 or 133.23 of the Revised 83960
Code authorizing those securities is filed with the county auditor 83961
on or before the last day of November, the amount of the voted 83962
property tax levy required to pay debt charges or estimated debt 83963
charges on the securities payable in the following year shall if 83964
requested by the taxing authority be included in the taxes levied 83965
for collection in the following year under section 319.30 of the 83966
Revised Code. 83967

(I)(1) If, before any securities authorized at an election 83968
under this section are issued, the net indebtedness of the 83969
subdivision exceeds that applicable to that subdivision or those 83970
securities, then and so long as that is the case none of the 83971
securities may be issued. 83972

(2) No securities authorized at an election under this 83973
section may be initially issued after the first day of the sixth 83974
January following the election, but this period of limitation 83975
shall not run for any time during which any part of the permanent 83976
improvement for which the securities have been authorized, or the 83977
issuing or validity of any part of the securities issued or to be 83978
issued, or the related proceedings, is involved or questioned 83979
before a court or a commission or other tribunal, administrative 83980
agency, or board. 83981

(3) Securities representing a portion of the amount 83982

authorized at an election that are issued within the applicable 83983
limitation on net indebtedness are valid and in no manner affected 83984
by the fact that the balance of the securities authorized cannot 83985
be issued by reason of the net indebtedness limitation or lapse of 83986
time. 83987

(4) Nothing in this division (I) shall be interpreted or 83988
applied to prevent the issuance of securities in an amount to fund 83989
or refund anticipatory securities lawfully issued. 83990

(5) The limitations of divisions (I)(1) and (2) of this 83991
section do not apply to any securities authorized at an election 83992
under this section if at least ten per cent of the principal 83993
amount of the securities, including anticipatory securities, 83994
authorized has theretofore been issued, or if the securities are 83995
to be issued for the purpose of participating in any federally or 83996
state-assisted program. 83997

(6) The certificate of the fiscal officer of the subdivision 83998
is conclusive proof of the facts referred to in this division. 83999

Sec. 306.32. Any county, or any two or more counties, 84000
municipal corporations, or townships, or any combination of these, 84001
may create a regional transit authority by the adoption of a 84002
resolution or ordinance by the board of county commissioners of 84003
each county, the legislative authority of each municipal 84004
corporation, and the board of township trustees of each township 84005
which is to create or to join in the creation of the regional 84006
transit authority. The resolution or ordinance shall state: 84007

(A) The necessity for the creation of a regional transit 84008
authority; 84009

(B) The counties, municipal corporations, or townships which 84010
are to create or to join in the creation of the regional transit 84011
authority; 84012

(C) The official name by which the regional transit authority shall be known; 84013
84014

(D) The place in which the principal office of the regional transit authority will be located or the manner in which it may be selected; 84015
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(E) The number, term, and compensation, or method for establishing compensation, of the members of the board of trustees of the regional transit authority. Compensation shall not exceed fifty dollars for each board and committee meeting attended by a member, except that if compensation is provided annually it shall not exceed six thousand dollars for the president of the board or four thousand eight hundred dollars for each other board member. 84018
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(F) The manner in which vacancies on the board of trustees of the regional transit authority shall be filled; 84025
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(G) The manner and to what extent the expenses of the regional transit authority shall be apportioned among the counties, municipal corporations, and townships creating it; 84027
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(H) The purposes, including the kinds of transit facilities, for which the regional transit authority is organized. 84030
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The regional transit authority provided for in the resolution or ordinance shall be deemed to be created upon the adoption of the resolution or ordinance by the board of county commissioners of each county, the legislative authority of each municipal corporation, and the board of township trustees of each township enumerated in the resolution or ordinance. 84032
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The resolution or ordinance creating a regional transit authority may be amended to include additional counties, municipal corporations, or townships or for any other purpose, by the adoption of the amendment by the board of county commissioners of each county, the legislative authority of each municipal corporation, and the board of township trustees of each township 84038
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which has created or joined or proposes to join the regional 84044
transit authority. 84045

After each county, municipal corporation, and township which 84046
has created or joined or proposes to join the regional transit 84047
authority has adopted its resolution or ordinance approving 84048
inclusion of additional counties, municipal corporations, or 84049
townships in the regional transit authority, a copy of each 84050
resolution or ordinance shall be filed with the clerk of the board 84051
of the county commissioners of each county, the clerk of the 84052
legislative authority of each municipal corporation, and the 84053
fiscal officer of the board of trustees of each township proposed 84054
to be included in the regional transit authority. The inclusion is 84055
effective when all such filing has been completed, unless the 84056
regional transit authority to which territory is to be added has 84057
authority to levy an ad valorem tax on property, or a sales tax, 84058
within its territorial boundaries, in which event the inclusion 84059
shall become effective on the sixtieth day after the last such 84060
filing is accomplished, unless, prior to the expiration of the 84061
sixty-day period, qualified electors residing in the area proposed 84062
to be added to the regional transit authority, equal in number to 84063
at least ten per cent of the qualified electors from the area who 84064
voted for governor at the last gubernatorial election, file a 84065
petition of referendum against the inclusion. Any petition of 84066
referendum filed under this section shall be filed at the office 84067
of the secretary of the board of trustees of the regional transit 84068
authority. The person presenting the petition shall be given a 84069
receipt containing on it the time of the day, the date, and the 84070
purpose of the petition. The secretary of the board of trustees of 84071
the regional transit authority shall cause the appropriate board 84072
or boards of elections to check the sufficiency of signatures on 84073
any petition of referendum filed under this section and, if found 84074
to be sufficient, shall present the petition to the board of 84075
trustees at a meeting of said board which occurs not later than 84076

thirty days following the filing of said petition. Upon 84077
presentation to the board of trustees of a petition of referendum 84078
against the proposed inclusion, the board of trustees shall 84079
promptly certify the proposal to the board or boards of elections 84080
for the purpose of having the proposal placed on the ballot at the 84081
next general election or the next special election held on a day 84082
on which a primary election which occurs may be held, occurring 84083
not less than ninety days after the date of the meeting of said 84084
board, ~~or at a special election, the date of which shall be~~ 84085
~~specified in the certification, which date shall be not less than~~ 84086
~~ninety days after the date of such meeting of the board.~~ 84087
Signatures on a petition of referendum may be withdrawn up to and 84088
including the meeting of the board of trustees certifying the 84089
proposal to the appropriate board or boards of elections. If 84090
territory of more than one county, municipal corporation, or 84091
township is to be added to the regional transit authority, the 84092
electors of the territories of the counties, municipal 84093
corporations, or townships which are to be added shall vote as a 84094
district, and the majority affirmative vote shall be determined by 84095
the vote cast in the district as a whole. Upon certification of a 84096
proposal to the appropriate board or boards of elections pursuant 84097
to this section, the board or boards of election shall make the 84098
necessary arrangements for the submission of the question to the 84099
electors of the territory to be added to the regional transit 84100
authority qualified to vote on the question, and the election 84101
shall be held, canvassed, and certified in the manner provided for 84102
the submission of tax levies under section 5705.191 of the Revised 84103
Code, except that the question appearing on the ballot shall read: 84104

"Shall the territory within the 84105
(Name or names of political subdivisions to be joined) be added to 84106
..... (Name) regional transit 84107
authority?" and shall a(n) (here insert type of tax or 84108
taxes) at a rate of taxation not to exceed (here insert 84109

maximum tax rate or rates) be levied for all transit purposes?" 84110

If the question is approved by at least a majority of the 84111
electors voting on the question, the joinder is immediately 84112
effective, and the regional transit authority may extend the levy 84113
of the tax against all the taxable property within the territory 84114
which has been added. If the question is approved at a general 84115
election ~~or at a special election occurring prior to the general~~ 84116
~~election but after the fifteenth day of July,~~ the regional transit 84117
authority may amend its budget and resolution adopted pursuant to 84118
section 5705.34 of the Revised Code, and the levy shall be placed 84119
on the current tax list and duplicate and collected as other taxes 84120
are collected from all taxable property within the territorial 84121
boundaries of the regional transit authority, including the 84122
territory within each political subdivision added as a result of 84123
the election. 84124

The territorial boundaries of a regional transit authority 84125
shall be coextensive with the territorial boundaries of the 84126
counties, municipal corporations, and townships included within 84127
the regional transit authority, provided that the same area may be 84128
included in more than one regional transit authority so long as 84129
the regional transit authorities are not organized for purposes as 84130
provided for in the resolutions or ordinances creating the same, 84131
and any amendments to them, relating to the same kinds of transit 84132
facilities; and provided further, that if a regional transit 84133
authority includes only a portion of an entire county, a regional 84134
transit authority for the same purposes may be created in the 84135
remaining portion of the same county by resolution of the board of 84136
county commissioners acting alone or in conjunction with municipal 84137
corporations and townships as provided in this section. 84138

No regional transit authority shall be organized after 84139
January 1, 1975, to include any area already included in a 84140
regional transit authority, except that any regional transit 84141

authority organized after June 29, 1974, and having territorial 84142
boundaries entirely within a single county shall, upon adoption by 84143
the board of county commissioners of the county of a resolution 84144
creating a regional transit authority including within its 84145
territorial jurisdiction the existing regional transit authority 84146
and for purposes including the purposes for which the existing 84147
regional transit authority was created, be dissolved and its 84148
territory included in such new regional transit authority. Any 84149
resolution creating such a new regional transit authority shall 84150
make adequate provision for satisfaction of the obligations of the 84151
dissolved regional transit authority. 84152

Sec. 306.321. The resolution or ordinance creating a regional 84153
transit authority may be amended to include additional counties, 84154
municipal corporations, or townships by the adoption of an 84155
amendment by the board of county commissioners of each county, the 84156
legislative authority of each municipal corporation, and the board 84157
of township trustees of each township which has created or, prior 84158
to the adoption of the amendment, joined or proposes to join the 84159
regional transit authority. 84160

After each county, municipal corporation, and township which 84161
has created or, prior to the adoption of the amendment, joined or 84162
proposes to join the regional transit authority has adopted its 84163
resolution or ordinance approving inclusion of additional 84164
counties, municipal corporations, or townships in the regional 84165
transit authority, a copy of each resolution or ordinance shall be 84166
filed with the clerk of the board of the county commissioners of 84167
each county, the clerk of the legislative authority of each 84168
municipal corporation, and the fiscal officer of the board of 84169
trustees of each township proposed to be included in the regional 84170
transit authority. 84171

Any ordinances or resolutions adopted pursuant to this 84172

section approving inclusion of additional counties, municipal 84173
corporations, or townships in the regional transit authority shall 84174
provide that the board of trustees of the regional transit 84175
authority must, not later than the tenth day following the day on 84176
which the filing of the ordinances or resolutions, as required by 84177
the immediately preceding paragraph, is completed, adopt its 84178
resolution providing for submission to the electors of the 84179
regional transit authority as enlarged, of the question pursuant 84180
to section 306.49 of the Revised Code, of the renewal, the renewal 84181
and increase, or the increase of, or the imposition of an 84182
additional, ad valorem tax, or of the question pursuant to section 84183
306.70 of the Revised Code, of the renewal, the renewal and 84184
increase, or the increase of, or the imposition of an additional, 84185
sales and use tax. The resolution submitting the question of the 84186
tax shall specify the date of the election, which shall be a 84187
general election or a special election held on a day on which a 84188
primary election may be held, occurring not less than ninety days 84189
after certification of the resolution to the board of elections 84190
~~and which shall be consistent with the requirements of section~~ 84191
~~3501.01 of the Revised Code.~~ The inclusion of the territory of the 84192
additional counties, municipal corporations, or townships in the 84193
regional transit authority shall be effective as of the date on 84194
which the resolution of the board of trustees of the regional 84195
transit authority is adopted submitting the question to the 84196
electors, provided that until the question is approved, existing 84197
contracts providing payment for transit services within the added 84198
territory shall remain in effect and transit services shall not be 84199
affected by the inclusion of the additional territory. The 84200
resolution shall be certified to the board of elections and the 84201
election shall be held, canvassed, and certified as provided in 84202
section 306.49 of the Revised Code in the case of an ad valorem 84203
tax or in section 306.70 of the Revised Code in the case of a 84204
sales and use tax. 84205

If the question of the tax which is submitted is not approved 84206
by a majority of the electors of the enlarged regional transit 84207
authority voting on the question, as of the day following the day 84208
on which the results of the election become conclusive, the 84209
additional counties, municipal corporations, or townships, which 84210
had been included in the regional transit authority as of the date 84211
of the adoption of the resolution submitting to the electors the 84212
question, shall be removed from the territory of the regional 84213
transit authority and shall no longer be a part of that authority 84214
without any further action by either the political subdivisions 84215
which were included in the authority prior to the adoption of the 84216
resolution submitting the question to the electors or of the 84217
political subdivisions added to the authority as a result of the 84218
adoption of the resolution. The regional transit authority reduced 84219
to its territory as it existed prior to the inclusion of the 84220
additional counties, municipal corporations, or townships, shall 84221
be entitled to levy and collect any ad valorem or sales and use 84222
taxes which it was authorized to levy and collect prior to the 84223
enlargement of its territory and for which authorization has not 84224
expired, as if the enlargement had not occurred. 84225

If the question of the tax which is submitted provides for a 84226
sales and use tax to be imposed and the question is approved, and 84227
the regional transit authority had previously been authorized 84228
pursuant to section 306.49 of the Revised Code to levy an ad 84229
valorem tax, the regional transit authority shall appropriate from 84230
the first moneys received from the sales and use tax in each year, 84231
the full amount required in order to pay the principal of and 84232
interest on any notes of the regional transit authority issued 84233
pursuant to section 306.49 of the Revised Code, in anticipation of 84234
the collection of the ad valorem tax; and shall not thereafter 84235
levy and collect the ad valorem tax previously approved unless the 84236
levy and collection is necessary to pay the principal of and 84237
interest on notes issued in anticipation of the tax in order to 84238

avoid impairing the obligation of the contract between the 84239
regional transit authority and the note holders. 84240

If the question of the additional or renewal tax levy is 84241
approved, the tax may be levied and collected as is otherwise 84242
provided for an ad valorem tax or a sales and use tax imposed by a 84243
regional transit authority, provided that if a question relating 84244
to an ad valorem tax is approved at the general election ~~or at a~~ 84245
~~special election occurring prior to a general election, but after~~ 84246
~~the fifteenth day of July,~~ the regional transit authority may 84247
amend its budget for its next fiscal year and its resolution 84248
adopted pursuant to section 5705.34 of the Revised Code or adopt 84249
such resolution, and the levy shall be placed on the current tax 84250
list and duplicate and collected as all other taxes are collected 84251
from all taxable property within the enlarged territory of the 84252
regional transit authority including the territory within each 84253
political subdivision which has been added to the regional transit 84254
authority pursuant to this section, provided further that if a 84255
question relating to sales and use tax is approved after the 84256
fifteenth day of July in any calendar year, the regional transit 84257
authority may amend its budget for the current and next fiscal 84258
year and any resolution adopted pursuant to section 5705.34 of the 84259
Revised Code, to reflect the imposition of the sales and use tax 84260
and shall amend its budget for the next fiscal year and any 84261
resolution adopted pursuant to section 5705.34 of the Revised Code 84262
to comply with the immediately preceding paragraph. If the budget 84263
of the regional transit authority is amended pursuant to this 84264
paragraph, the county auditor shall prepare and deliver an amended 84265
certificate of estimated resources to reflect the change in 84266
anticipated revenues of the regional transit authority. 84267

The procedures of this section are in addition to and an 84268
alternative to those established in section 306.32 of the Revised 84269
Code for joining to a regional transit authority additional 84270

counties, municipal corporations, or townships. 84271

Sec. 306.322. (A) For any regional transit authority that 84272
levies a property tax and that includes in its membership 84273
political subdivisions that are located in a county having a 84274
population of at least four hundred thousand according to the most 84275
recent federal census, the procedures of this section apply until 84276
November 5, 2013, and are in addition to and an alternative to 84277
those established in sections 306.32 and 306.321 of the Revised 84278
Code for joining to the regional transit authority additional 84279
counties, municipal corporations, or townships. 84280

(B) Any municipal corporation or township may adopt a 84281
resolution or ordinance proposing to join a regional transit 84282
authority described in division (A) of this section. In its 84283
resolution or ordinance, the political subdivision may propose 84284
joining the regional transit authority for a limited period of 84285
three years or without a time limit. 84286

(C) The political subdivision proposing to join the regional 84287
transit authority shall submit a copy of its resolution or 84288
ordinance to the legislative authority of each municipal 84289
corporation and the board of trustees of each township comprising 84290
the regional transit authority. Within thirty days of receiving 84291
the resolution or ordinance for inclusion in the regional transit 84292
authority, the legislative authority of each municipal corporation 84293
and the board of trustees of each township shall consider the 84294
question of whether to include the additional subdivision in the 84295
regional transit authority, shall adopt a resolution or ordinance 84296
approving or rejecting the inclusion of the additional 84297
subdivision, and shall present its resolution or ordinance to the 84298
board of trustees of the regional transit authority. 84299

(D) If a majority of the political subdivisions comprising 84300
the regional transit authority approve the inclusion of the 84301

additional political subdivision, the board of trustees of the 84302
regional transit authority, not later than the tenth day following 84303
the day on which the last ordinance or resolution is presented, 84304
shall notify the subdivision proposing to join the regional 84305
transit authority that it may certify the proposal to the board of 84306
elections for the purpose of having the proposal placed on the 84307
ballot at the next general election or ~~at a~~ the next special 84308
election ~~conducted~~ held on the a day of the next on which a 84309
primary election ~~that occurs~~ may be held, occurring not less than 84310
ninety days after the resolution or ordinance is certified to the 84311
board of elections. 84312

(E) Upon certification of a proposal to the board of 84313
elections pursuant to this section, the board of elections shall 84314
make the necessary arrangements for the submission of the question 84315
to the electors of the territory to be included in the regional 84316
transit authority qualified to vote on the question, and the 84317
election shall be held, canvassed, and certified in the same 84318
manner as regular elections for the election of officers of the 84319
subdivision proposing to join the regional transit authority, 84320
except that, if the resolution proposed the inclusion without a 84321
time limitation the question appearing on the ballot shall read: 84322

"Shall the territory within the 84323
(Name or names of political subdivisions to be joined) be added to 84324
..... (Name) regional transit 84325
authority?" and shall a(n) (here insert type of tax or 84326
taxes) at a rate of taxation not to exceed (here insert 84327
maximum tax rate or rates) be levied for all transit purposes?" 84328

If the resolution proposed the inclusion with a three-year 84329
time limitation, the question appearing on the ballot shall read: 84330

"Shall the territory within the 84331
(Name or names of political subdivisions to be joined) be added to 84332
..... (Name) regional transit 84333

authority?" for three years and shall a(n) (here insert 84334
type of tax or taxes) at a rate of taxation not to exceed 84335
(here insert maximum tax rate or rates) be levied for all transit 84336
purposes for three years?" 84337

(F) If the question is approved by at least a majority of the 84338
electors voting on the question, the addition of the new territory 84339
is effective six months from the date of the certification of its 84340
passage, and the regional transit authority may extend the levy of 84341
the tax against all the taxable property within the territory that 84342
was added. If the question is approved at a general election ~~or at~~ 84343
~~a special election occurring prior to the general election but~~ 84344
~~after the fifteenth day of July,~~ the regional transit authority 84345
may amend its budget and resolution adopted pursuant to section 84346
5705.34 of the Revised Code, and the levy shall be placed on the 84347
current tax list and duplicate and collected as other taxes are 84348
collected from all taxable property within the territorial 84349
boundaries of the regional transit authority, including the 84350
territory within the political subdivision added as a result of 84351
the election. If the budget of the regional transit authority is 84352
amended pursuant to this paragraph, the county auditor shall 84353
prepare and deliver an amended certificate of estimated resources 84354
to reflect the change in anticipated revenues of the regional 84355
transit authority. 84356

(G) If the question is approved by at least a majority of the 84357
electors voting on the question, the board of trustees of the 84358
regional transit authority immediately shall amend the resolution 84359
or ordinance creating the regional transit authority to include 84360
the additional political subdivision. 84361

(H) If the question approved by a majority of the electors 84362
voting on the question added the subdivision for three years, the 84363
territory of the additional municipal corporation or township in 84364
the regional transit authority shall be removed from the territory 84365

of the regional transit authority three years after the date the 84366
territory was added, as determined in the effective date of the 84367
election, and shall no longer be a part of that authority without 84368
any further action by either the political subdivisions that were 84369
included in the authority prior to submitting the question to the 84370
electors or of the political subdivision added to the authority as 84371
a result of the election. The regional transit authority reduced 84372
to its territory as it existed prior to the inclusion of the 84373
additional municipal corporation or township shall be entitled to 84374
levy and collect any property taxes that it was authorized to levy 84375
and collect prior to the enlargement of its territory and for 84376
which authorization has not expired, as if the enlargement had not 84377
occurred. 84378

Sec. 306.70. A tax proposed to be levied by a board of county 84379
commissioners or by the board of trustees of a regional transit 84380
authority pursuant to sections 5739.023 and 5741.022 of the 84381
Revised Code shall not become effective until it is submitted to 84382
the electors residing within the county or within the territorial 84383
boundaries of the regional transit authority and approved by a 84384
majority of the electors voting on it. Such question shall be 84385
submitted at a general election or ~~at~~ a special election held on a 84386
day on which a primary election may be held, as specified in the 84387
resolution levying the tax and occurring not less than ninety days 84388
after such resolution is certified to the board of elections, in 84389
accordance with section 3505.071 of the Revised Code. 84390

The board of elections of the county or of each county in 84391
which any territory of the regional transit authority is located 84392
shall make the necessary arrangements for the submission of such 84393
question to the electors of the county or regional transit 84394
authority, and the election shall be held, canvassed, and 84395
certified in the same manner as regular elections for the election 84396
84397

of county officers. Notice of the election shall be published in a newspaper of general circulation in the territory of the county or of the regional transit authority once a week for two consecutive weeks prior to the election or as provided in section 7.16 of the Revised Code. If the board of elections operates and maintains a web site, notice of the election also shall be posted on that web site for thirty days prior to the election. The notice shall state the type, rate, and purpose of the tax to be levied, the length of time during which the tax will be in effect, and the time and place of the election.

More than one such question may be submitted at the same election. The form of the ballots cast at such election shall be:

"Shall a(n) (sales and use) tax be levied for all transit purposes of the (here insert name of the county or regional transit authority) at a rate not exceeding (here insert percentage) per cent for (here insert number of years the tax is to be in effect, or that it is to be in effect for a continuing period of time)?"

If the tax proposed to be levied is a continuation of an existing tax, whether at the same rate or at an increased or reduced rate, or an increase in the rate of an existing tax, the notice and ballot form shall so state.

The board of elections to which the resolution was certified shall certify the results of the election to the county auditor of the county or secretary-treasurer of the regional transit authority levying the tax and to the tax commissioner of the state.

Sec. 307.695. (A) As used in this section:

(1) "Arena" means any structure designed and constructed for

the purpose of providing a venue for public entertainment and 84428
recreation by the presentation of concerts, sporting and athletic 84429
events, and other events and exhibitions, including facilities 84430
intended to house or provide a site for one or more athletic or 84431
sports teams or activities, spectator facilities, parking 84432
facilities, walkways, and auxiliary facilities, real and personal 84433
property, property rights, easements, leasehold estates, and 84434
interests that may be appropriate for, or used in connection with, 84435
the operation of the arena. 84436

(2) "Convention center" means any structure expressly 84437
designed and constructed for the purposes of presenting 84438
conventions, public meetings, and exhibitions and includes parking 84439
facilities that serve the center and any personal property used in 84440
connection with any such structure or facilities. 84441

(3) "Eligible county" means a county having a population of 84442
at least four hundred thousand but not more than eight hundred 84443
thousand according to the 2000 federal decennial census and that 84444
directly borders the geographic boundaries of another state. 84445

(4) "Entity" means a nonprofit corporation, a municipal 84446
corporation, a port authority created under Chapter 4582. of the 84447
Revised Code, or a convention facilities authority created under 84448
Chapter 351. of the Revised Code. 84449

(5) "Lodging taxes" means excise taxes levied under division 84450
(A)(1), (A)(2), or (C) of section 5739.09 of the Revised Code and 84451
the revenues arising therefrom. 84452

(6) "Nonprofit corporation" means a nonprofit corporation 84453
that is organized under the laws of this state and that includes 84454
within the purposes for which it is incorporated the authorization 84455
to lease and operate facilities such as a convention center or an 84456
arena or a combination of an arena and convention center. 84457

(7) "Project" means acquiring, constructing, reconstructing, 84458

renovating, rehabilitating, expanding, adding to, equipping, 84459
furnishing or otherwise improving an arena, a convention center, 84460
or a combination of an arena and convention center. For purposes 84461
of this section, a project is a permanent improvement for one 84462
purpose under Chapter 133. of the Revised Code. 84463

(8) "Project revenues" means money received by a county with 84464
a population greater than four hundred thousand wherein the 84465
population of the largest city comprises more than one-third of 84466
that county's population, other than money from taxes or from the 84467
proceeds of securities secured by taxes, in connection with, 84468
derived from, related to, or resulting from a project, including, 84469
but not limited to, rentals and other payments received under a 84470
lease or agreement with respect to the project, ticket charges or 84471
surcharges for admission to events at a project, charges or 84472
surcharges for parking for events at a project, charges for the 84473
use of a project or any portion of a project, including suites and 84474
seating rights, the sale of naming rights for the project or a 84475
portion of the project, unexpended proceeds of any county revenue 84476
bonds issued for the project, and any income and profit from the 84477
investment of the proceeds of any such revenue bonds or any 84478
project revenues. 84479

(9) "Chapter 133. securities," "debt charges," "general 84480
obligation," "legislation," "one purpose," "outstanding," 84481
"permanent improvement," "person," and "securities" have the 84482
meanings given to those terms in section 133.01 of the Revised 84483
Code. 84484

(B) A board of county commissioners may enter into an 84485
agreement with a convention and visitors' bureau operating in the 84486
county under which: 84487

(1) The bureau agrees to construct and equip a convention 84488
center in the county and to pledge and contribute from the tax 84489
revenues received by it under division (A) of section 5739.09 of 84490

the Revised Code, not more than such portion thereof that it is 84491
authorized to pledge and contribute for the purpose described in 84492
division (C) of this section; and 84493

(2) The board agrees to levy a tax under division (C) of 84494
section 5739.09 of the Revised Code and pledge and contribute the 84495
revenues therefrom for the purpose described in division (C) of 84496
this section. 84497

(C) The purpose of the pledges and contributions described in 84498
divisions (B)(1) and (2) of this section is payment of principal, 84499
interest, and premium, if any, on bonds and notes issued by or for 84500
the benefit of the bureau to finance the construction and 84501
equipping of a convention center. The pledges and contributions 84502
provided for in the agreement shall be for the period stated in 84503
the agreement. Revenues determined from time to time by the board 84504
to be needed to cover the real and actual costs of administering 84505
the tax imposed by division (C) of section 5739.09 of the Revised 84506
Code may not be pledged or contributed. The agreement shall 84507
provide that any such bonds and notes shall be secured by a trust 84508
agreement between the bureau or other issuer acting for the 84509
benefit of the bureau and a corporate trustee that is a trust 84510
company or bank having the powers of a trust company within or 84511
without the state, and the trust agreement shall pledge or assign 84512
to the retirement of the bonds or notes, all moneys paid by the 84513
county under this section. A tax the revenues from which are 84514
pledged under an agreement entered into by a board of county 84515
commissioners under this section shall not be subject to 84516
diminution by initiative or referendum, or diminution by statute, 84517
unless provision is made therein for an adequate substitute 84518
therefor reasonably satisfactory to the trustee under the trust 84519
agreement that secures the bonds and notes. 84520

(D) A pledge of money by a county under division (B) of this 84521
section shall not be indebtedness of the county for purposes of 84522

Chapter 133. of the Revised Code. 84523

(E) If the terms of the agreement so provide, the board of 84524
county commissioners may acquire and lease real property to the 84525
convention bureau as the site of the convention center. The lease 84526
shall be on such terms as are set forth in the agreement. The 84527
purchase and lease are not subject to the limitations of sections 84528
307.02 and 307.09 of the Revised Code. 84529

(F) In addition to the authority granted to a board of county 84530
commissioners under divisions (B) to (E) of this section, a board 84531
of county commissioners in a county with a population of one 84532
million two hundred thousand or more, or a county with a 84533
population greater than four hundred thousand wherein the 84534
population of the largest city comprises more than one-third of 84535
that county's population, may purchase, for cash or by installment 84536
payments, enter into lease-purchase agreements for, lease with an 84537
option to purchase, lease, construct, enlarge, improve, rebuild, 84538
equip, or furnish a convention center. 84539

(G) The board of county commissioners of a county with a 84540
population greater than four hundred thousand wherein the 84541
population of the largest city comprises more than one-third of 84542
that county's population may undertake, finance, operate, and 84543
maintain a project. The board may lease a project to an entity on 84544
terms that the board determines to be in the best interest of the 84545
county and in furtherance of the public purpose of the project; 84546
the lease may be for a term of thirty-five years or less and may 84547
provide for an option of the entity to renew the lease for a term 84548
of thirty-five years or less. The board may enter into an 84549
agreement with an entity with respect to a project on terms that 84550
the board determines to be in the best interest of the county and 84551
in furtherance of the public purpose of the project. To the extent 84552
provided for in an agreement or a lease with an entity, the board 84553
may authorize the entity to administer on behalf of the board any 84554

contracts for the project. The board may enter into an agreement 84555
providing for the sale to a person of naming rights to a project 84556
or portion of a project, for a period, for consideration, and on 84557
other terms and conditions that the board determines to be in the 84558
best interest of the county and in furtherance of the public 84559
purpose of the project. The board may enter into an agreement with 84560
a person owning or operating a professional athletic or sports 84561
team providing for the use by that person of a project or portion 84562
of a project for that team's offices, training, practices, and 84563
home games for a period, for consideration, and on other terms and 84564
conditions that the board determines to be in the best interest of 84565
the county and in furtherance of the public purpose of the 84566
project. The board may establish ticket charges or surcharges for 84567
admission to events at a project, charges or surcharges for 84568
parking for events at a project, and charges for the use of a 84569
project or any portion of a project, including suites and seating 84570
rights, and may, as necessary, enter into agreements related 84571
thereto with persons for a period, for consideration, and on other 84572
terms and conditions that the board determines to be in the best 84573
interest of the county and in furtherance of the public purpose of 84574
the project. A lease or agreement authorized by this division is 84575
not subject to sections 307.02, 307.09, and 307.12 of the Revised 84576
Code. 84577

(H) Notwithstanding any contrary provision in Chapter 5739. 84578
of the Revised Code, after adopting a resolution declaring it to 84579
be in the best interest of the county to undertake a project as 84580
described in division (G) of this section, the board of county 84581
commissioners of an eligible county may adopt a resolution 84582
enacting or increasing any lodging taxes within the limits 84583
specified in Chapter 5739. of the Revised Code with respect to 84584
those lodging taxes and amending any prior resolution under which 84585
any of its lodging taxes have been imposed in order to provide 84586
that those taxes, after deducting the real and actual costs of 84587

administering the taxes and any portion of the taxes returned to 84588
any municipal corporation or township as provided in division 84589
(A)(1) of section 5739.09 of the Revised Code, shall be used by 84590
the board for the purposes of undertaking, financing, operating, 84591
and maintaining the project, including paying debt charges on any 84592
securities issued by the board under division (I) of this section, 84593
or to make contributions to the convention and visitors' bureau 84594
operating within the county, or to promote, advertise, and market 84595
the region in which the county is located, all as the board may 84596
determine and make appropriations for from time to time, subject 84597
to the terms of any pledge to the payment of debt charges on 84598
outstanding general obligation securities or special obligation 84599
securities authorized under division (I) of this section. A 84600
resolution adopted under division (H) of this section shall be 84601
adopted not earlier than January 15, 2007, and not later than 84602
January 15, 2008. 84603

A resolution adopted under division (H) of this section may 84604
direct the board of elections to submit the question of enacting 84605
or increasing lodging taxes, as the case may be, to the electors 84606
of the county at a general election or a special election held on 84607
the date a day on which a primary election may be held, as 84608
specified by the board in the resolution, provided that the 84609
election occurs not less than ninety days after a certified copy 84610
of the resolution is transmitted to the board of elections and no 84611
later than January 15, 2008. A resolution submitted to the 84612
electors under this division shall not go into effect unless it is 84613
approved by a majority of those voting upon it. A resolution 84614
adopted under division (H) of this section that is not submitted 84615
to the electors of the county for their approval or disapproval is 84616
subject to a referendum as provided in sections 305.31 to 305.41 84617
of the Revised Code. 84618

A resolution adopted under division (H) of this section takes 84619

effect upon its adoption, unless the resolution is submitted to 84620
the electors of the county for their approval or disapproval, in 84621
which case the resolution takes effect on the date the board of 84622
county commissioners receives notification from the board of 84623
elections of the affirmative vote. Lodging taxes received after 84624
the effective date of the resolution may be used for the purposes 84625
described in division (H) of this section, except that lodging 84626
taxes that have been pledged to the payment of debt charges on any 84627
bonds or notes issued by or for the benefit of a convention and 84628
visitors' bureau under division (C) of this section shall be used 84629
exclusively for that purpose until such time as the bonds or notes 84630
are no longer outstanding under the trust agreement securing those 84631
bonds or notes. 84632

(I)(1) The board of county commissioners of a county with a 84633
population greater than four hundred thousand wherein the 84634
population of the largest city comprises more than one-third of 84635
that county's population may issue the following securities of the 84636
county for the purpose of paying costs of the project, refunding 84637
any outstanding county securities issued for that purpose, 84638
refunding any outstanding bonds or notes issued by or for the 84639
benefit of the bureau under division (C) of this section, or for 84640
any combination of those purposes: 84641

(a) General obligation securities issued under Chapter 133. 84642
of the Revised Code. The resolution authorizing these securities 84643
may include covenants to appropriate annually from lawfully 84644
available lodging taxes, and to continue to levy and collect those 84645
lodging taxes in, amounts necessary to meet the debt charges on 84646
those securities. 84647

(b) Special obligation securities issued under Chapter 133. 84648
of the Revised Code that are secured only by lawfully available 84649
lodging taxes and any other taxes and revenues pledged to pay the 84650
debt charges on those securities, except ad valorem property 84651

taxes. The resolution authorizing those securities shall include a 84652
pledge of and covenants to appropriate annually from lawfully 84653
available lodging taxes and any other taxes and revenues pledged 84654
for such purpose, and to continue to collect any of those revenues 84655
pledged for such purpose and to levy and collect those lodging 84656
taxes and any other taxes pledged for such purpose, in amounts 84657
necessary to meet the debt charges on those securities. The pledge 84658
is valid and binding from the time the pledge is made, and the 84659
lodging taxes so pledged and thereafter received by the county are 84660
immediately subject to the lien of the pledge without any physical 84661
delivery of the lodging taxes or further act. The lien of any 84662
pledge is valid and binding as against all parties having claims 84663
of any kind in tort, contract, or otherwise against the county, 84664
regardless of whether such parties have notice of the lien. 84665
Neither the resolution nor any trust agreement by which a pledge 84666
is created or further evidenced is required to be filed or 84667
recorded except in the records of the board. The special 84668
obligation securities shall contain a statement on their face to 84669
the effect that they are not general obligation securities, and, 84670
unless paid from other sources, are payable from the pledged 84671
lodging taxes. 84672

(c) Revenue securities authorized under section 133.08 of the 84673
Revised Code and issued under Chapter 133. of the Revised Code 84674
that are secured only by lawfully available project revenues 84675
pledged to pay the debt charges on those securities. 84676

(2) The securities described in division (I)(1) of this 84677
section are subject to Chapter 133. of the Revised Code. 84678

(3) Section 133.34 of the Revised Code, except for division 84679
(A) of that section, applies to the issuance of any refunding 84680
securities authorized under this division. In lieu of division (A) 84681
of section 133.34 of the Revised Code, the board of county 84682
commissioners shall establish the maturity date or dates, the 84683

interest payable on, and other terms of refunding securities as it 84684
considers necessary or appropriate for their issuance, provided 84685
that the final maturity of refunding securities shall not exceed 84686
by more than ten years the final maturity of any bonds refunded by 84687
refunding securities. 84688

(4) The board may not repeal, rescind, or reduce all or any 84689
portion of any lodging taxes pledged to the payment of debt 84690
charges on any outstanding special obligation securities 84691
authorized under this division, and no portion of any lodging 84692
taxes that is pledged, or that the board has covenanted to levy, 84693
collect, and appropriate annually to pay debt charges on any 84694
outstanding securities authorized under this division is subject 84695
to repeal, rescission, or reduction by the electorate of the 84696
county. 84697

Sec. 307.697. (A) For the purpose of section 307.696 of the 84698
Revised Code and to pay any or all of the charge the board of 84699
elections makes against the county to hold the election on the 84700
question of levying the tax, or for those purposes and to provide 84701
revenues to the county for permanent improvements, the board of 84702
county commissioners of a county may levy a tax not to exceed 84703
three dollars on each gallon of spirituous liquor sold to or 84704
purchased by liquor permit holders for resale, and sold at retail 84705
by the state or pursuant to a transfer agreement entered into 84706
under Chapter 4313. of the Revised Code, in the county. The tax 84707
shall be levied on the number of gallons so sold. The tax may be 84708
levied for any number of years not exceeding twenty. 84709

The tax shall be levied pursuant to a resolution of the board 84710
of county commissioners approved by a majority of the electors in 84711
the county voting on the question of levying the tax, which 84712
resolution shall specify the rate of the tax, the number of years 84713
the tax will be levied, and the purposes for which the tax is 84714

levied. The election may be held on the date of a general election 84715
or a special election held on a day on which a primary election 84716
may be held, occurring not sooner than ninety days after the date 84717
the board certifies its resolution to the board of elections. If 84718
approved by the electors, the tax takes effect on the first day of 84719
the month specified in the resolution but not sooner than the 84720
first day of the month that is at least sixty days after the 84721
certification of the election results by the board of elections. A 84722
copy of the resolution levying the tax shall be certified to the 84723
division of liquor control at least sixty days prior to the date 84724
on which the tax is to become effective. 84725

(B) A resolution under this section may be joined on the 84726
ballot as a single question with a resolution adopted under 84727
section 4301.421 or 5743.024 of the Revised Code to levy a tax for 84728
the same purposes, and for the purpose of paying the expenses of 84729
administering that tax. 84730

(C) The form of the ballot in an election held pursuant to 84731
this section or section 4301.421 or 5743.024 of the Revised Code 84732
shall be as follows or in any other form acceptable to the 84733
secretary of state: 84734

"For the purpose of paying not more than one-half of the 84735
costs of providing a public sports facility together with related 84736
redevelopment and economic development projects, shall (an) excise 84737
tax(es) be levied by county at the rate of 84738
(dollars on each gallon of spirituous liquor sold in the county, 84739
cents per gallon on the sale of beer at wholesale in the county, 84740
cents per gallon on the sale of wine and mixed beverages at 84741
wholesale in the county, cents per gallon on the sale of cider at 84742
wholesale in the county, or mills per cigarette on the sale of 84743
cigarettes at wholesale in the county), for years? 84744

84745

	Yes
	No

84746

"

84747

84748

For an election in which questions under this section or 84749
 section 4301.421 or 5743.024 of the Revised Code are joined as a 84750
 single question, the form of the ballot shall be as above, except 84751
 each of the proposed taxes shall be listed. 84752

(D) The board of county commissioners of a county in which a 84753
 tax is imposed under this section on September 29, 2013, the 84754
 effective date of the amendment of this section by H.B. 59 of the 84755
 130th general assembly, may levy a tax for the purpose of section 84756
 307.673 of the Revised Code regardless of whether or not the 84757
 cooperative agreement authorized under that section has been 84758
 entered into prior to the day the resolution adopted under 84759
 division (D)(1) or (2) of this section is adopted, for the purpose 84760
 of reimbursing a county for costs incurred in the construction of 84761
 a sports facility pursuant to an agreement entered into by the 84762
 county under section 307.696 of the Revised Code, or for the 84763
 purpose of paying the costs of capital repairs of and improvements 84764
 to a sports facility, or both. The tax shall be levied and 84765
 approved in one of the manners prescribed by division (D)(1) or 84766
 (2) of this section. 84767

(1) The tax may be levied pursuant to a resolution adopted by 84768
 a majority of the members of the board of county commissioners not 84769
 later than forty-five days after July 19, 1995. A board of county 84770
 commissioners approving a tax under division (D)(1) of this 84771
 section may approve a tax under division (B)(1) of section 84772
 4301.421 or division (C)(1) of section 5743.024 of the Revised 84773
 Code at the same time. Subject to the resolution being submitted 84774
 to a referendum under sections 305.31 to 305.41 of the Revised 84775
 Code, the resolution shall take effect immediately, but the tax 84776
 levied pursuant to the resolution shall not be levied prior to the 84777

day following the last day that any tax previously levied pursuant 84778
to this division may be levied. 84779

(2) The tax may be levied pursuant to a resolution adopted by 84780
a majority of the members of the board of county commissioners not 84781
later than September 1, 2015, and approved by a majority of the 84782
electors of the county voting on the question of levying the tax. 84783
The board of county commissioners shall certify a copy of the 84784
resolution to the board of elections immediately upon adopting a 84785
resolution under division (D)(2) of this section. The election may 84786
be held on the date of a general election or a special election 84787
held on a day on which a primary election may be held, occurring 84788
not sooner than ninety days after the date the board certifies its 84789
resolution to the board of elections. The form of the ballot shall 84790
be as prescribed by division (C) of this section, except that the 84791
phrase "paying not more than one-half of the costs of providing a 84792
sports facility together with related redevelopment and economic 84793
development projects" shall be replaced by the phrase "paying the 84794
costs of constructing, renovating, improving, or repairing a 84795
sports facility and reimbursing a county for costs incurred by the 84796
county in the construction of a sports facility," and the phrase 84797
", beginning (here insert the earliest date the tax 84798
would take effect)" shall be appended after "years." A board of 84799
county commissioners submitting the question of a tax under 84800
division (D)(2) of this section may submit the question of a tax 84801
under division (B)(2) of section 4301.421 or division (C)(2) of 84802
section 5743.024 of the Revised Code as a single question, and the 84803
form of the ballot shall include each of the proposed taxes. 84804

If approved by a majority of electors voting on the question, 84805
the tax shall take effect on the day specified on the ballot, 84806
which shall not be earlier than the day following the last day 84807
that any tax previously levied pursuant to this division may be 84808
levied. 84809

The rate of a tax levied pursuant to division (D)(1) or (2) 84810
of this section shall not exceed the rate specified in division 84811
(A) of this section. A tax levied pursuant to division (D)(1) or 84812
(2) of this section may be levied for any number of years not 84813
exceeding twenty. 84814

A board of county commissioners adopting a resolution under 84815
division (D)(1) or (2) of this section shall certify a copy of the 84816
resolution to the division of liquor control immediately upon 84817
adoption of the resolution. 84818

(E) No tax shall be levied under division (A) of this section 84819
on or after September 23, 2008. This division does not apply to a 84820
tax levied under division (D) of this section, and does not 84821
prevent the collection of any tax levied under this section before 84822
September 23, 2008, so long as that tax remains effective. 84823

Sec. 323.17. When any taxing authority in the county has 84824
certified to the board of elections a resolution that would serve 84825
to place upon the ballot at a general election ~~or at any special~~ 84826
~~election held prior to the general election but subsequent to the~~ 84827
~~first Tuesday after the first Monday in August~~ the question of a 84828
tax to be levied on the current tax list and duplicate for any 84829
purpose, or if the auditor has not received the certified 84830
reduction factors as required by division (D)(2) of section 84831
319.301 of the Revised Code, the time for delivery of the tax 84832
duplicate of the county treasurer by the county auditor as 84833
provided in section 319.28 of the Revised Code shall be extended 84834
to the first Monday in December. When delivery of the tax 84835
duplicate has been so delayed, the times for payment of taxes as 84836
fixed by section 323.12 of the Revised Code may be extended to the 84837
thirty-first day of January and the twentieth day of July. In case 84838
of emergency the tax commissioner may, by journal entry, extend 84839
the times for delivery of the duplicate in any county for an 84840

additional fifteen days upon receipt of a written application from 84841
the county auditor, in the case of a delay in the delivery of the 84842
tax duplicate, or from the treasurer regarding an extension of the 84843
time for the billing and collection of taxes. 84844

When a delay in the closing of a tax collection period 84845
becomes unavoidable, the tax commissioner, upon application of the 84846
county auditor and county treasurer, may extend the time for 84847
payment of taxes if ~~he~~ the commissioner determines that penalties 84848
have accrued or would otherwise accrue for reasons beyond the 84849
control of the taxpayers of the county. The order so issued by the 84850
commissioner shall prescribe the final extended date for the 84851
payment of taxes for that collection period. 84852

"Emergency," as used in this section, includes death or 84853
serious illness, any organized work stoppage, mechanical failure 84854
of office equipment or machinery, or a delay in complying with 84855
section 5715.24 or 5715.26 of the Revised Code which will cause an 84856
unavoidable delay in the delivery of duplicates or in the billing 84857
or collection of taxes. Such application shall contain a statement 84858
describing the emergency that will cause the unavoidable delay. 84859
Any application from the county auditor for an extension of time 84860
for delivery of the duplicate due to an emergency must be received 84861
by the tax commissioner on or before the last day of the month 84862
preceding the date required for such delivery. When an extension 84863
of time for delivery of the duplicate is so granted, the time for 84864
payment of taxes shall be extended for a like period of time. 84865

Whenever taxable real property has been destroyed or damaged 84866
by fire, flood, tornado, or otherwise, in an amount not less than 84867
twenty-five per cent of the value as listed and assessed for 84868
taxation but in no event less than two thousand dollars of taxable 84869
value, the county board of revision, by resolution, may extend the 84870
time for payment of taxes on such property not more than one year 84871
after the time fixed by section 323.12 of the Revised Code. The 84872

board shall file a copy of such resolution with the county auditor 84873
and county treasurer, stating the name of the owner and 84874
description as it appears on the tax list, the taxing district, 84875
the type and kind of property destroyed or damaged, and the 84876
board's estimate of the amount of such destruction or damage. 84877

Sec. 349.14. Except as provided in section 349.03 of the 84878
Revised Code, or as otherwise provided in a resolution adopted by 84879
the organizational board of commissioners of a new community 84880
authority, a new community authority organized under this chapter 84881
may be dissolved only on the vote of a majority of the voters of 84882
the new community district voting on the question of dissolution 84883
at a general election or a special election held on a day on which 84884
a primary election called may be held, as designated by the board 84885
of trustees ~~on the question of dissolution~~. Such an election may 84886
be called only after the board has determined that the new 84887
community development program has been completed, when no 84888
community authority bonds or notes are outstanding, and other 84889
legal indebtedness of the authority has been discharged or 84890
provided for, and only after there has been filed with the board 84891
of trustees a petition requesting such election, signed by a 84892
number of qualified electors residing in the new community 84893
district equal to not less than eight per cent of the total vote 84894
cast for all candidates for governor in the new community district 84895
at the most recent general election at which a governor was 84896
elected. If a majority of the votes cast favor dissolution, the 84897
board of trustees shall, by resolution, declare the authority 84898
dissolved and thereupon the community authority shall be 84899
dissolved. A certified copy of the resolution shall, within 84900
fifteen days after its adoption, be filed with the clerk of the 84901
organizational board of commissioners of the county with which the 84902
petition for the organization of the new community authority was 84903
filed. 84904

Upon dissolution of a new community authority, the powers 84905
thereof shall cease to exist. Any property of the new community 84906
authority shall vest with a municipal corporation, county, or 84907
township in which that property is located or with the developer 84908
of the new community authority or the developer's designee, all as 84909
provided in a resolution adopted by the organizational board of 84910
commissioners. Any vesting of property in a municipal corporation, 84911
township, or county shall be subject to acceptance of the property 84912
by resolution of the legislative authority of the municipal 84913
corporation, board of township trustees, or board of county 84914
commissioners, as applicable. If the legislative authority of a 84915
municipal corporation, board of township trustees, or board of 84916
county commissioners declines to accept the property, the property 84917
vests with the developer or the developer's designee. Any funds of 84918
the community authority at the time of dissolution shall be 84919
transferred to the municipal corporation and county or township, 84920
as provided in a resolution, in which the new community district 84921
is located in the proportion to the assessed valuation of taxable 84922
real property of the new community authority within such municipal 84923
corporation and township or county as said valuation appears on 84924
the current assessment rolls. 84925

Sec. 505.14. The board of township trustees of a township 84926
described in section 505.13 of the Revised Code, which, for any 84927
reason, is inaccessible from the mainland at some time of the 84928
year, may construct, acquire, purchase, lease, and maintain a 84929
house as the residence of a resident physician, when, in the 84930
opinion of a majority of the members of such board, it is 84931
necessary for the maintenance of the public health and welfare. 84932

For the maintenance, construction, acquisition, purchase, or 84933
lease of such a house the board may levy a tax upon all the 84934
taxable property in the township, in such amount as it determines. 84935

The question of levying such a tax shall be submitted to the qualified electors of the township at a general election or a special election held on a day on which a primary election may be held. The trustees shall certify such resolution to the board of elections not later than four p.m. of the ninetieth day before the day of the election. Twenty days' notice thereof shall be previously given by posting in at least three public places in the township. Such notice shall state specifically the amount to be raised and the purpose thereof. If a majority of all votes cast at such election upon the proposition is in favor thereof, the tax provided for is authorized.

Upon the authorization of such tax levy the board may issue notes in anticipation of such revenues, to mature in not more than two years from the date of issue, and to bear interest at not more than four per cent per annum.

Sec. 505.20. In addition to the tax already authorized by law, the board of township trustees may levy a tax, not to exceed five mills on the dollar for the purpose of drilling an oil or gas well in the township, when so authorized by a majority vote of the electors of such township at a ~~regular~~ general election or a special election held on a day on which a primary election may be held. Such election shall be conducted the same as elections for township officers, and the tax shall be collected as other taxes.

Sec. 505.47. The board of township trustees may pay the cost of the construction, rebuilding, or repair of footbridges authorized by section 505.46 of the Revised Code out of any funds, unappropriated for any other purpose, in the township treasury. If there be no funds in the township treasury available for these purposes, the board may levy a tax for the purpose of procuring the necessary funds for the construction, rebuilding, or repair of the footbridges. The tax shall be levied upon all of the taxable

property in the township and shall be certified, levied, and 84967
collected in the manner prescribed for other township taxes. The 84968
money so raised shall be paid over to the township fiscal officer, 84969
and the fiscal officer shall pay it out on the order of the board, 84970
certified by the fiscal officer. 84971

The tax shall not be levied until it has been approved by a 84972
majority of the qualified voters of the township, voting at ~~any a~~ 84973
general election or a special election held on a day on which a 84974
primary election at which the question shall be submitted may be 84975
held. ~~The election shall be called at a regular meeting of the~~ 84976
~~board and shall be held within thirty days from the date of the~~ 84977
~~resolution of the board calling for it.~~ Twenty days' notice of the 84978
election shall be given by the posting of notices by the fiscal 84979
officer in ten public places of the township. Provisions for 84980
holding the election shall be made by the board of elections, upon 84981
receiving notice from the fiscal officer of the date and purpose 84982
of the election. 84983

Sec. 511.27. (A) To defray the expenses of the township park 84984
district and for purchasing, appropriating, operating, 84985
maintaining, and improving lands for parks or recreational 84986
purposes, the board of park commissioners may levy a sufficient 84987
tax within the ten-mill limitation, not to exceed one mill on each 84988
dollar of valuation on all real and personal property within the 84989
township, and on all real and personal property within any 84990
municipal corporation that is within the township, that was within 84991
the township at the time that the park district was established, 84992
or the boundaries of which are coterminous with or include the 84993
township. The levy shall be over and above all other taxes and 84994
limitations on such property authorized by law. 84995

(B) Except as otherwise provided in division (C) of this 84996
section, the board of park commissioners, not less than ninety 84997

days before the day of the election, may declare by resolution 84998
that the amount of taxes that may be raised within the ten-mill 84999
limitation will be insufficient to provide an adequate amount for 85000
the necessary requirements of the district and that it is 85001
necessary to levy a tax in excess of that limitation for the use 85002
of the district. The resolution shall specify the purpose for 85003
which the taxes shall be used, the annual rate proposed, and the 85004
number of consecutive years the levy will be in effect. Upon the 85005
adoption of the resolution, the question of levying the taxes 85006
shall be submitted to the electors of the township and the 85007
electors of any municipal corporation that is within the township, 85008
that was within the township at the time that the park district 85009
was established, or the boundaries of which are coterminous with 85010
or include the township, at a general election or a special 85011
election to be held on a day on which a primary election may be held 85012
on whichever of the following occurs first: 85013

~~(1) The day of the next ensuing general election;~~ 85014

~~(2) The first Tuesday after the first Monday in May of any 85015
calendar year, except that, if a presidential primary election is 85016
held in that calendar year, then the day of that election. 85017~~

The rate submitted to the electors at any one election shall 85018
not exceed two mills annually upon each dollar of valuation. If a 85019
majority of the electors voting upon the question of the levy vote 85020
in favor of the levy, the tax shall be levied on all real and 85021
personal property within the township and on all real and personal 85022
property within any municipal corporation that is within the 85023
township, that was within the township at the time that the park 85024
district was established, or the boundaries of which are 85025
coterminous with or include the township, and the levy shall be 85026
over and above all other taxes and limitations on such property 85027
authorized by law. 85028

(C) In any township park district that contains only 85029

unincorporated territory, if the township board of park 85030
commissioners is appointed by the board of township trustees, 85031
before a tax can be levied and certified to the county auditor 85032
pursuant to section 5705.34 of the Revised Code or before a 85033
resolution for a tax levy can be certified to the board of 85034
elections pursuant to section 511.28 of the Revised Code, the 85035
board of park commissioners shall receive approval for its levy 85036
request from the board of township trustees. The board of park 85037
commissioners shall adopt a resolution requesting the board of 85038
township trustees to approve the levy request, stating the annual 85039
rate of the proposed levy and the reason for the levy request. On 85040
receiving this request, the board of township trustees shall vote 85041
on whether to approve the request and, if a majority votes to 85042
approve it, shall issue a resolution approving the levy at the 85043
requested rate. 85044

Sec. 511.28. A copy of any resolution for a tax levy adopted 85045
by the township board of park commissioners as provided in section 85046
511.27 of the Revised Code shall be certified by the clerk of the 85047
board of park commissioners to the board of elections of the 85048
proper county, together with a certified copy of the resolution 85049
approving the levy, passed by the board of township trustees if 85050
such a resolution is required by division (C) of section 511.27 of 85051
the Revised Code, not less than ninety days before a general 85052
election or a special election held on a day on which a primary 85053
election in any year may be held. The board of elections shall 85054
submit the proposal to the electors as provided in section 511.27 85055
of the Revised Code at ~~the succeeding general or primary~~ that 85056
election. A resolution to renew an existing levy may not be placed 85057
on the ballot unless the question is submitted at the general 85058
election held during the last year the tax to be renewed may be 85059
extended on the real and public utility property tax list and 85060
duplicate, or at ~~any~~ the general election or a special election 85061

held on a day on which a primary election may be held occurring in 85062
the ensuing year. The board of park commissioners shall cause 85063
notice that the vote will be taken to be published once a week for 85064
two consecutive weeks prior to the election in a newspaper of 85065
general circulation, or as provided in section 7.16 of the Revised 85066
Code, in the county within which the park district is located. 85067
Additionally, if the board of elections operates and maintains a 85068
web site, the board of elections shall post that notice on its web 85069
site for thirty days prior to the election. The notice shall state 85070
the purpose of the proposed levy, the annual rate proposed 85071
expressed in dollars and cents for each one hundred dollars of 85072
valuation as well as in mills for each one dollar of valuation, 85073
the number of consecutive years during which the levy shall be in 85074
effect, and the time and place of the election. 85075

The form of the ballots cast at the election shall be: "An 85076
additional tax for the benefit of (name of township park district) 85077
..... for the purpose of (purpose stated in the order of the 85078
board) at a rate not exceeding mills for 85079
each one dollar of valuation, which amounts to (rate expressed in 85080
dollars and cents) for each one hundred dollars of 85081
valuation, for (number of years the levy is to run)

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

If the levy submitted is a proposal to renew, increase, or 85087
decrease an existing levy, the form of the ballot specified in 85088
this section may be changed by substituting for the words "An 85089
additional" at the beginning of the form, the words "A renewal of 85090
a" in the case of a proposal to renew an existing levy in the same 85091
amount; the words "A renewal of mills and an increase 85092
of mills to constitute a" in the case of an increase; 85093

or the words "A renewal of part of an existing levy, being a 85094
reduction of mills, to constitute a" in the case of a 85095
decrease in the rate of the existing levy. 85096

If the tax is to be placed on the current tax list, the form 85097
of the ballot shall be modified by adding, after the statement of 85098
the number of years the levy is to run, the phrase ", commencing 85099
in (first year the tax is to be levied), first due in 85100
calendar year (first calendar year in which the tax 85101
shall be due)." 85102

The question covered by the order shall be submitted as a 85103
separate proposition, but may be printed on the same ballot with 85104
any other proposition submitted at the same election, other than 85105
the election of officers. More than one such question may be 85106
submitted at the same election. 85107

Sec. 511.34. In townships composed of islands, and on one of 85108
which islands lands have been conveyed in trust for the benefit of 85109
the inhabitants of the island for use as a park, and a board of 85110
park trustees has been provided for the control of the park, the 85111
board of township trustees may create a tax district of the island 85112
to raise funds by taxation as provided under divisions (A) and (B) 85113
of this section. 85114

(A) For the care and maintenance of parks on the island, the 85115
board of township trustees annually may levy a tax, not to exceed 85116
one mill, upon all the taxable property in the district. The tax 85117
shall be in addition to all other levies authorized by law, and 85118
subject to no limitation on tax rates except as provided in this 85119
division. 85120

The proceeds of the tax levy shall be expended by the board 85121
of township trustees for the purpose of the care and maintenance 85122
of the parks, and shall be paid out of the township treasury upon 85123
the orders of the board of park trustees. 85124

(B) For the purpose of acquiring additional land for use as a park, the board of township trustees may levy a tax in excess of the ten-mill limitation on all taxable property in the district.
The

The tax shall be proposed by resolution adopted by two-thirds of the members of the board of township trustees. The resolution shall specify the purpose and rate of the tax and the number of years the tax will be levied, which shall not exceed five years, and which may include a levy on the current tax list and duplicate. The resolution shall go into immediate effect upon its passage, and no publication of the resolution is necessary other than that provided for in the notice of election. The board of township trustees shall certify a copy of the resolution to the proper board of elections not later than ninety days before ~~the primary or a~~ a general election in the township or a special election held on a day on which a primary election may be held, and the board of elections shall submit the question of the tax to the voters of the district at ~~the succeeding primary or general~~ that election. The board of elections shall make the necessary arrangements for the submission of the question to the electors of the district, and the election shall be conducted, canvassed, and certified in the same manner as regular elections in the township for the election of officers. Notice of the election shall be published in a newspaper of general circulation in the township once a week for two consecutive weeks, or as provided in section 7.16 of the Revised Code prior to the election. If the board of elections operates and maintains a web site, notice of the election also shall be posted on that web site for thirty days prior to the election. The notice shall state the purpose of the tax, the proposed rate of the tax expressed in dollars and cents for each one hundred dollars of valuation and mills for each one dollar of valuation, the number of years the tax will be in effect, the first year the tax will be levied, and the time and

place of the election. 85158

The form of the ballots cast at an election held under this 85159
 division shall be as follows: 85160

"An additional tax for the benefit of (name of the 85161
 township) for the purpose of acquiring additional park land at a 85162
 rate of mills for each one dollar of valuation, which 85163
 amounts to (rate expressed in dollars and cents) for each 85164
 one hundred dollars of valuation, for (number of years 85165
 the levy is to run) beginning in (first year the tax 85166
 will be levied). 85167

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

85168
 85169
 85170

"

85171

The question shall be submitted as a separate proposition but 85172
 may be printed on the same ballot with any other proposition 85173
 submitted at the same election other than the election of 85174
 officers. More than one such question may be submitted at the same 85175
 election. 85176

If the levy is approved by a majority of electors voting on 85177
 the question, the board of elections shall certify the result of 85178
 the election to the tax commissioner. In the first year of the 85179
 levy, the tax shall be extended on the tax lists after the 85180
 February settlement following the election. If the tax is to be 85181
 placed on the tax lists of the current year as specified in the 85182
 resolution, the board of elections shall certify the result of the 85183
 election immediately after the canvass to the board of township 85184
 trustees, which shall forthwith make the necessary levy and 85185
 certify the levy to the county auditor, who shall extend the levy 85186
 on the tax lists for collection. After the first year of the levy, 85187
 the levy shall be included in the annual tax budget that is 85188

certified to the county budget commission. 85189

Sec. 703.20. (A) Villages may surrender their corporate 85190
powers upon the petition to the legislative authority of the 85191
village, or, in the alternative, to the board of elections of the 85192
county in which the largest portion of the population of the 85193
village resides as provided in division (B)(1) of this section, of 85194
at least thirty per cent of the electors thereof, to be determined 85195
by the number voting at the last regular municipal election and by 85196
an affirmative vote of a majority of the electors at a general 85197
election or a special election held on a day on which a primary 85198
election may be held, which shall be provided for by the 85199
legislative authority or, in the alternative, at a general or such 85200
a special election as provided for by the board of elections under 85201
division (B)(1) of this section. The election shall be conducted, 85202
canvassed, and the result certified and made known as at regular 85203
municipal elections. If the result of the election is in favor of 85204
the surrender, the village clerk or, in the alternative, the board 85205
of elections shall certify the result to the secretary of state, 85206
the auditor of state, and the county recorder, who shall record it 85207
in their respective offices. The corporate powers of the village 85208
shall cease upon the recording of the certified election results 85209
in the county recorder's office. 85210

(B)(1) If the legislative authority of a village fails to act 85211
upon the petition within thirty days after receipt of the 85212
petition, the electors may present the petition to the board of 85213
elections to determine the validity and sufficiency of the 85214
signatures. The petition shall be governed by the rules of section 85215
3501.38 of the Revised Code. The petition shall be filed with the 85216
board of elections of the county in which the largest portion of 85217
the population of the village resides. If the petition is 85218
sufficient, the board of elections shall submit the question 85219
"Shall the village of surrender its corporate powers?" 85220

for the approval or rejection of the electors of the village at 85221
the next general election, or the next special election held on a 85222
day on which a primary election, ~~in any year~~ may be held, 85223
occurring after the period ending ninety days after the filing of 85224
the petition with the board. If the result of the election is in 85225
favor of the surrender, the board of elections shall certify the 85226
results to the secretary of state, the auditor of state, and the 85227
county recorder, who shall record it in their respective offices. 85228
The corporate powers of the village shall cease upon the recording 85229
of the certified election results in the county recorder's office. 85230

(2) In addition to filing the petition with the board of 85231
elections as provided in division (B)(1) of this section, a copy 85232
of the petition shall be filed with the board of township trustees 85233
of each township affected by the surrender. 85234

(C) The auditor of state shall assist in facilitating a 85235
timely and systematic manner for complying with the requirements 85236
of section 703.21 of the Revised Code. 85237

Sec. 707.30. (A) The petition required by section 707.29 of 85238
the Revised Code shall be signed by twenty per cent of the 85239
electors in the territory, as determined by the total number of 85240
votes cast within that territory for the office of governor at the 85241
preceding general election for that office, and filed with the 85242
board of county commissioners requesting that the question of 85243
incorporating territory as a city be placed on the ballot at a 85244
general election or a special election held on a day on which a 85245
primary election may be held. The petition shall contain or have 85246
attached to it all of the following: 85247

(1) A full description and an accurate map of the territory 85248
within the proposed municipal corporation; 85249

(2) A statement signed by the county auditor as to the total 85250
assessed valuation of the area proposed for incorporation; 85251

(3) A statement showing that the territory meets all the 85252
criteria for incorporation of a city listed in division (A) of 85253
section 707.29 of the Revised Code; 85254

(4) A statement by the secretary of state that the name 85255
proposed in the petition is not being used by any other municipal 85256
corporation in the state; 85257

(5) The name of a person to act as agent for the petitioners. 85258

(B) Upon filing the petition, the agent for the petitioners 85259
shall cause notice of the filing for incorporation, containing the 85260
substance of the petition and the date of filing, to be published 85261
in a newspaper of general circulation in the county, for a period 85262
of three consecutive weeks. Any interested person or any municipal 85263
corporation through a representative may appear in support of or 85264
against the information contained in the incorporation petition at 85265
any session of the board before the board makes its determination 85266
and informs the board of elections of its determination under 85267
division (D) of this section. 85268

(C) The petition required by section 707.29 of the Revised 85269
Code may be presented to the board of county commissioners at any 85270
session of the board, after which the board shall make it 85271
available for inspection by any interested person. 85272

Upon the filing of the petition with the board of county 85273
commissioners, the board shall inform the board of elections and 85274
transfer to it a copy of the petition and any other relevant 85275
information available so that the board of elections may determine 85276
the sufficiency of the signatures on the petition. The petition 85277
shall be in conformity with the requirements of section 3501.38 of 85278
the Revised Code. The board of elections shall make its 85279
determination and report its conclusions regarding the sufficiency 85280
of the signatures to the board of county commissioners within 85281
sixty days after the date the petition was filed with the board of 85282

county commissioners. 85283

The board of county commissioners may refer the description 85284
and the map or plat of the territory sought to be incorporated to 85285
the county engineer for a report upon their accuracy. When these 85286
items are so referred to ~~him~~ the engineer, the engineer shall, 85287
during the ninety-day period following the filing of the petition, 85288
report in writing to the board upon ~~his~~ the engineer's findings. 85289
~~His~~ The engineer's report is not conclusive upon the board. 85290
Failure of the engineer to make a report does not affect the 85291
jurisdiction or duty of the board to proceed. 85292

(D) The board of county commissioners shall, within ninety 85293
days after the petition is filed, determine whether the territory 85294
named in the petition fulfills all of the requirements listed in 85295
divisions (A)(1) to (5) of this section and whether notice has 85296
been published as required by division (B) of this section, and 85297
shall so inform the board of elections. If the board of county 85298
commissioners determines that the territory meets all of these 85299
requirements, and if the board of elections determines that the 85300
signatures on the petitions are sufficient, the board of elections 85301
shall ~~schedule a special election. Every~~ make the necessary 85302
arrangements for the submission of such question to every elector 85303
residing in the territory sought to be incorporated under the 85304
petition. The form of the ballots cast at such an election shall 85305
~~be permitted to vote on the following question, which shall be~~ 85306
~~placed on the ballot~~ as follows: 85307

"Shall the area known as (insert a brief 85308
description of the area sought to be incorporated) be incorporated 85309
into a new city to be known as (insert the name of the 85310
proposed new city)? 85311

85312

	For incorporation
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	Against incorporation	"
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If a majority of the voters voting in the ~~special~~ election votes in favor of incorporation, the board of elections shall certify this result to the board of county commissioners. The incorporation of the territory as a city shall proceed as provided for municipal corporations in sections 707.08, 707.09, 707.21 to 707.24, 707.27, and 707.28 of the Revised Code.

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If a majority of the voters voting in the ~~special~~ election votes against incorporation, the board of elections shall certify this result to the board of county commissioners, incorporation proceedings shall cease, and no further petitions shall be filed proposing the same incorporation for at least three years after the date of that election.

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(E) The ~~entire cost~~ costs of a ~~special an~~ election held pursuant to this section that are payable by a subdivision under division (D) of section 3501.17 of the Revised Code shall be charged, if the results of the election are in favor of incorporation, to the newly formed municipal corporation, and if the results of the election are against incorporation, to the township or townships from which territory was proposed for incorporation in the same proportion as the amount of territory in each township was to the total area proposed for incorporation.

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(F) If the territory sought to be incorporated does incorporate and if the territory includes any real property owned by an existing municipal corporation, such real property shall be exempt from zoning regulations of the new municipal corporation so long as it is used for public purposes by the municipal corporation that owns it.

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Public service contracts entered into by the township prior to the incorporation shall be renegotiated within six months after

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the effective date of incorporation. 85345

Sec. 715.38. The legislative authority of a municipal 85346
corporation which, for any reason, is inaccessible from the 85347
mainland at some time of the year, may provide for the maintenance 85348
of a physician when, in the opinion of a majority of the members 85349
of the legislative authority, it is necessary for the preservation 85350
of the public health and welfare. 85351

An additional tax may be levied upon all the taxable property 85352
in the municipal corporation, in such amount as the legislative 85353
authority determines, to provide for such maintenance. The 85354
question of levying such tax, and the amount thereof, shall be 85355
separately submitted to the qualified electors of the municipal 85356
corporation at a general election or a special election held on a 85357
day on which a primary election may be held. Twenty days' notice 85358
thereof shall be previously given by posting in at least three 85359
public places in the municipal corporation. Such notice shall 85360
state specifically the amount to be raised and the purpose 85361
thereof. If a majority of all votes cast at such election upon the 85362
proposition are in favor thereof, the tax provided for shall be 85363
authorized. 85364

Upon authorization of the tax levy as provided by this 85365
section, the legislative authority may issue notes in anticipation 85366
of such revenues, to mature in not more than two years from the 85367
date of issue, and to bear interest at not more than four per cent 85368
per annum. 85369

Sec. 715.691. (A) As used in this section: 85370

(1) "Contracting party" means a municipal corporation that 85371
has entered into a joint economic development zone contract or any 85372
party succeeding to the municipal corporation, or a township that 85373
entered into a joint economic development zone contract with a 85374

municipal corporation. 85375

(2) "Zone" means a joint economic development zone designated 85376
under this section. 85377

(3) "Substantial amendment" means an amendment to a joint 85378
economic development zone contract that increases the rate of 85379
municipal income tax that may be imposed within the zone, changes 85380
the purposes for which municipal income tax revenue derived from 85381
the zone may be used, or adds new territory to the zone. 85382

(B) This section provides procedures and requirements for 85383
creating and operating a joint economic development zone. This 85384
section applies only if one of the contracting parties to the zone 85385
does not levy a municipal income tax under Chapter 718. of the 85386
Revised Code. 85387

At any time before January 1, 2015, two or more municipal 85388
corporations or one or more townships and one or more municipal 85389
corporations may enter into a contract whereby they agree to share 85390
in the costs of improvements for an area or areas located in one 85391
or more of the contracting parties that they designate as a joint 85392
economic development zone for the purpose of facilitating new or 85393
expanded growth for commercial or economic development in the 85394
state. The contract and zone shall meet the requirements of 85395
divisions (B) to (J) of this section. 85396

(C) The contract shall set forth each contracting party's 85397
contribution to the joint economic development zone. The 85398
contributions may be in any form that the contracting parties 85399
agree to, and may include, but are not limited to, the provision 85400
of services, money, or equipment. The contract may be amended, 85401
renewed, or terminated with the consent of the contracting 85402
parties, subject to division (K) of this section. The contract 85403
shall continue in existence throughout the term it specifies and 85404
shall be binding on the contracting parties and on any entities 85405

succeeding to the contracting parties. If the contract is approved 85406
by the electors of any contracting party under division (F) of 85407
this section or substantially amended after the effective date of 85408
H.B. 289 of the 130th general assembly, June 5, 2014, the 85409
contracting parties shall include within the contract or the 85410
amendment to the contract an economic development plan for the 85411
zone, a schedule for the implementation or provision of any new, 85412
expanded, or additional services, facilities, or improvements 85413
within the zone or in the area surrounding the zone, and any 85414
provisions necessary for the contracting parties to create a joint 85415
economic development review council in compliance with section 85416
715.692 of the Revised Code. 85417

(D) Before the legislative authority of any of the 85418
contracting parties enacts an ordinance or resolution approving a 85419
contract to designate a joint economic development zone, the 85420
legislative authority of each of the contracting parties shall 85421
hold a public hearing concerning the contract and zone. Each 85422
legislative authority shall provide at least thirty days' public 85423
notice of the time and place of the public hearing in a newspaper 85424
of general circulation in the municipal corporation or township. 85425
During the thirty-day period prior to the public hearing, all of 85426
the following documents shall be available for public inspection 85427
in the office of the clerk of the legislative authority of a 85428
municipal corporation that is a contracting party and in the 85429
office of the fiscal officer of a township that is a contracting 85430
party: 85431

(1) A copy of the contract designating the zone; 85432

(2) A description of the area or areas to be included in the 85433
zone, including a map in sufficient detail to denote the specific 85434
boundaries of the area or areas; 85435

(3) An economic development plan for the zone that includes a 85436
schedule for the provision of any new, expanded, or additional 85437

services, facilities, or improvements. 85438

A public hearing held under division (D) of this section 85439
shall allow for public comment and recommendations on the contract 85440
and zone. The contracting parties may include in the contract any 85441
of those recommendations prior to approval of the contract. 85442

(E) After the public hearings required under division (D) of 85443
this section have been held and the economic development plan has 85444
been approved under division (D) of section 715.692 of the Revised 85445
Code, and before January 1, 2015, each contracting party may enact 85446
an ordinance or resolution approving the contract to designate a 85447
joint economic development zone. After each contracting party has 85448
enacted an ordinance or resolution, the clerk of the legislative 85449
authority of a municipal corporation that is a contracting party 85450
and the fiscal officer of a township that is a contracting party 85451
shall file with the board of elections of each county within which 85452
a contracting party is located a copy of the ordinance or 85453
resolution approving the contract and shall direct the board of 85454
elections to submit the ordinance or resolution to the electors of 85455
the contracting party on the day of the next general, primary, or 85456
special election occurring at least ninety days after the 85457
ordinance or resolution is filed with the board of elections. If 85458
any of the contracting parties is a township, however, then only 85459
the township or townships shall submit the resolution to the 85460
electors. The board of elections shall not submit an ordinance or 85461
resolution filed under this division to the electors at any 85462
election occurring on or after January 1, 2015. 85463

(F)(1) If a vote is required to approve a municipal 85464
corporation as a contracting party to a joint economic development 85465
zone under this section, the ballot shall be in the following 85466
form: 85467

"Shall the ordinance of the legislative authority of the 85468
(city or village) of (name of contracting party) approving the 85469

contract with (name of each other contracting party) for the 85470
designation of a joint economic development zone be approved? 85471

	FOR THE ORDINANCE AND CONTRACT
	AGAINST THE ORDINANCE AND CONTRACT

85472
85473

"

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(2) If a vote is required to approve a township as a 85476
contracting party to a joint economic development zone under this 85477
section, the ballot shall be in the following form: 85478

"Shall the resolution of the board of township trustees of 85479
the township of (name of contracting party) approving the contract 85480
with (name of each other contracting party) for the designation of 85481
a joint economic development zone be approved? 85482

	FOR THE ORDINANCE AND CONTRACT
	AGAINST THE ORDINANCE AND CONTRACT

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"

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If a majority of the electors of each contracting party 85487
voting on the issue vote for the ordinance or resolution and 85488
contract, the ordinance or resolution shall become effective 85489
immediately and the contract shall go into effect immediately or 85490
in accordance with its terms. 85491

(G)(1) A board of directors shall govern each joint economic 85492
development zone created under this section. The members of the 85493
board shall be appointed as provided in the contract. Each of the 85494
contracting parties shall appoint three members to the board. 85495

Terms for each member shall be for two years, each term ending on 85496
the same day of the month of the year as did the term that it 85497
succeeds. A member may be reappointed to the board. 85498

(2) Membership on the board is not the holding of a public 85499
office or employment within the meaning of any section of the 85500
Revised Code or any charter provision prohibiting the holding of 85501
other public office or employment. Membership on the board is not 85502
a direct or indirect interest in a contract or expenditure of 85503
money by a municipal corporation, township, county, or other 85504
political subdivision with which a member may be affiliated. 85505
Notwithstanding any provision of law or a charter to the contrary, 85506
no member of the board shall forfeit or be disqualified from 85507
holding any public office or employment by reason of membership on 85508
the board. 85509

(3) The board is a public body for the purposes of section 85510
121.22 of the Revised Code. Chapter 2744. of the Revised Code 85511
applies to the board and the zone. 85512

(H) The contract may grant to the board of directors 85513
appointed under division (G) of this section the power to adopt a 85514
resolution to levy an income tax within the zone. The income tax 85515
shall be used for the purposes of the zone and for the purposes of 85516
the contracting parties pursuant to the contract. Not less than 85517
fifty per cent of the revenue from the tax shall be used solely to 85518
provide the new, expanded, or additional services, facilities, or 85519
improvements specified in the economic development plan until all 85520
such services, facilities, or improvements have been completed as 85521
specified in that plan. The income tax may be levied in the zone 85522
based on income earned by persons working within the zone and on 85523
the net profits of businesses located in the zone. The income tax 85524
is subject to Chapter 718. of the Revised Code, except that a vote 85525
shall be required by the electors residing in the zone to approve 85526
the rate of income tax unless a majority of the electors residing 85527

within the zone, as determined by the total number of votes cast 85528
in the zone for the office of governor at the most recent general 85529
election for that office, submit a petition to the board 85530
requesting that the election provided for in division (H)(1) of 85531
this section not be held. If no electors reside within the zone, 85532
then division (H)(3) of this section applies. The rate of the 85533
income tax shall be no higher than the highest rate being levied 85534
by a municipal corporation that is a party to the contract. 85535

(1) The board of directors may levy an income tax at a rate 85536
that is not higher than the highest rate being levied by a 85537
municipal corporation that is a party to the contract, provided 85538
that the rate of the income tax is first submitted to and approved 85539
by the electors of the zone at the ~~succeeding regular~~ next general 85540
election or special election held on a day on which a primary 85541
~~election, or a special election called by the board may be held,~~ 85542
occurring subsequent to ninety days after a certified copy of the 85543
resolution levying the income tax and calling for the election is 85544
filed with the board of elections. If the voters approve the levy 85545
of the income tax, the income tax shall be in force for the full 85546
period of the contract establishing the zone. No election shall be 85547
held under this section if a majority of the electors residing 85548
within the zone, determined as specified in division (H) of this 85549
section, submit a petition to that effect to the board of 85550
directors. Any increase in the rate of an income tax by the board 85551
of directors shall be approved by a vote of the electors of the 85552
zone and shall be in force for the remaining period of the 85553
contract establishing the zone. 85554

(2) Whenever a zone is located in the territory of more than 85555
one contracting party, a majority vote of the electors in each of 85556
the several portions of the territory of the contracting parties 85557
constituting the zone approving the levy of the tax is required 85558
before it may be imposed under division (H) of this section. 85559

(3) If no electors reside in the zone, no election for the approval or rejection of an income tax shall be held under this section, provided that where no electors reside in the zone, the rate of the income tax shall be no higher than the highest rate being levied by a municipal corporation that is a party to the contract.

(4) The board of directors of a zone levying an income tax shall enter into an agreement with one of the municipal corporations that is a party to the contract to administer, collect, and enforce the income tax on behalf of the zone.

(5) The board of directors of a zone shall publish or post public notice within the zone of any resolution adopted levying an income tax in the same manner required of municipal corporations under sections 731.21 and 731.25 of the Revised Code.

(I)(1) If for any reason a contracting party reverts to or has its boundaries changed so that it is classified as a township that is the entity succeeding to that contracting party, the township is considered to be a municipal corporation for the purposes of the contract for the full period of the contract establishing the joint economic development zone, except that if that contracting party is administering, collecting, and enforcing the income tax on behalf of the district as provided in division (H)(4) of this section, the contract shall be amended to allow one of the other contracting parties to administer, collect, and enforce that tax.

(2) Notwithstanding any other section of the Revised Code, if there is any change in the boundaries of a township so that a municipal corporation once located within the township is no longer so located, the township shall remain in existence even though its remaining unincorporated area contains less than twenty-two square miles, if the township has been or becomes a party to a contract creating a joint economic development zone

under this section or the contract creating that joint economic 85592
development zone under this section is terminated or repudiated 85593
for any reason by any party or person. The township shall continue 85594
its existing status in all respects, including having the same 85595
form of government and the same elected board of trustees as its 85596
governing body. The township shall continue to receive all of its 85597
tax levies and sources of income as a township in accordance with 85598
any section of the Revised Code, whether the levies and sources of 85599
income generate millage within the ten-mill limitation or in 85600
excess of the ten-mill limitation. The name of the township may be 85601
changed to the name of the contracting party appearing in the 85602
contract creating a joint economic development zone under this 85603
section, so long as the name does not conflict with any other name 85604
in the state that has been certified by the secretary of state. 85605
The township shall have all of the powers set out in sections 85606
715.79, 715.80, and 715.81 of the Revised Code. 85607

(J) If, after creating and operating a joint economic 85608
development zone under this section, a contracting party that did 85609
not levy a municipal income tax under Chapter 718. of the Revised 85610
Code levies such a tax, the tax shall not apply to the zone for 85611
the full period of the contract establishing the zone if the board 85612
of directors of the zone has levied an income tax as provided in 85613
division (H) of this section. 85614

(K) No substantial amendment may be made to any joint 85615
economic development zone contract after December 31, 2014. 85616

Sec. 715.70. (A) This section and section 715.71 of the 85617
Revised Code apply only to: 85618

(1) Municipal corporations and townships within a county that 85619
has adopted a charter under Sections 3 and 4 of Article X, Ohio 85620
Constitution; 85621

(2) Municipal corporations and townships that have created a 85622

joint economic development district comprised entirely of real 85623
property owned by a municipal corporation at the time the district 85624
was created under this section. The real property owned by the 85625
municipal corporation shall include an airport owned by the 85626
municipal corporation and located entirely beyond the municipal 85627
corporation's corporate boundary. 85628

(3) Municipal corporations or townships that are part of or 85629
contiguous to a transportation improvement district created under 85630
Chapter 5540. of the Revised Code and that have created a joint 85631
economic development district under this section or section 715.71 85632
of the Revised Code prior to November 15, 1995; 85633

(4) Municipal corporations that have previously entered into 85634
a contract creating a joint economic development district pursuant 85635
to division (A)(2) of this section, even if the territory to be 85636
included in the district does not meet the requirements of that 85637
division. 85638

(B)(1) One or more municipal corporations and one or more 85639
townships may enter into a contract approved by the legislative 85640
authority of each contracting party pursuant to which they create 85641
as a joint economic development district an area or areas for the 85642
purpose of facilitating economic development to create or preserve 85643
jobs and employment opportunities and to improve the economic 85644
welfare of the people in the state and in the area of the 85645
contracting parties. A municipal corporation described in division 85646
(A)(4) of this section may enter into a contract with other 85647
municipal corporations and townships to create a new joint 85648
economic development district. In a district that includes a 85649
municipal corporation described in division (A)(4) of this 85650
section, the territory of each of the contracting parties shall be 85651
contiguous to the territory of at least one other contracting 85652
party, or contiguous to the territory of a township or municipal 85653
corporation that is contiguous to another contracting party, even 85654

if the intervening township or municipal corporation is not a 85655
contracting party. The area or areas of land to be included in the 85656
district shall not include any parcel of land owned in fee by a 85657
municipal corporation or a township or parcel of land that is 85658
leased to a municipal corporation or a township, unless the 85659
municipal corporation or township is a party to the contract or 85660
unless the municipal corporation or township has given its consent 85661
to have its parcel of land included in the district by the 85662
adoption of a resolution. As used in this division, "parcel of 85663
land" means any parcel of land owned by a municipal corporation or 85664
a township for at least a six-month period within a five-year 85665
period prior to the creation of a district, but "parcel of land" 85666
does not include streets or public ways and sewer, water, and 85667
other utility lines whether owned in fee or otherwise. 85668

The district created shall be located within the territory of 85669
one or more of the participating parties and may consist of all or 85670
a portion of such territory. The boundaries of the district shall 85671
be described in the contract or in an addendum to the contract. 85672

(2) Prior to the public hearing to be held pursuant to 85673
division (D)(2) of this section, the participating parties shall 85674
give a copy of the proposed contract to each municipal corporation 85675
located within one-quarter mile of the proposed joint economic 85676
development district and not otherwise a party to the contract, 85677
and afford the municipal corporation the reasonable opportunity, 85678
for a period of thirty days following receipt of the proposed 85679
contract, to make comments and suggestions to the participating 85680
parties regarding elements contained in the proposed contract. 85681

(3) The district shall not exceed two thousand acres in area. 85682
The territory of the district shall not completely surround 85683
territory that is not included within the boundaries of the 85684
district. 85685

(4) Sections 503.07 to 503.12 of the Revised Code do not 85686

apply to territory included within a district created pursuant to 85687
this section as long as the contract creating the district is in 85688
effect, unless the legislative authority of each municipal 85689
corporation and the board of township trustees of each township 85690
included in the district consent, by ordinance or resolution, to 85691
the application of those sections of the Revised Code. 85692

(5) Upon the execution of the contract creating the district 85693
by the parties to the contract, a participating municipal 85694
corporation or township included within the district shall file a 85695
copy of the fully executed contract with the county recorder of 85696
each county within which a party to the contract is located, in 85697
the miscellaneous records of the county. No annexation proceeding 85698
pursuant to Chapter 709. of the Revised Code that proposes the 85699
annexation to, merger, or consolidation with a municipal 85700
corporation of any unincorporated territory within the district 85701
shall be commenced for a period of three years after the contract 85702
is filed with the county recorder of each county within which a 85703
party to the contract is located unless each board of township 85704
trustees whose territory is included, in whole or part, within the 85705
district and the territory proposed to be annexed, merged, or 85706
consolidated adopts a resolution consenting to the commencement of 85707
the proceeding and a copy of the resolution is filed with the 85708
legislative authority of each county within which a party to the 85709
contract is located or unless the contract is terminated during 85710
this period. 85711

The contract entered into between the municipal corporations 85712
and townships pursuant to this section may provide for the 85713
prohibition of any annexation by the participating municipal 85714
corporations of any unincorporated territory within the district 85715
beyond the three-year mandatory prohibition of any annexation 85716
provided for in division (B)(5) of this section. 85717

(C)(1) After the legislative authority of a municipal 85718

corporation and the board of township trustees have adopted an 85719
ordinance and resolution approving a contract to create a joint 85720
economic development district pursuant to this section, and after 85721
a contract has been signed, the municipal corporations and 85722
townships shall jointly file a petition with the legislative 85723
authority of each county within which a party to the contract is 85724
located. 85725

(a) The petition shall contain all of the following: 85726

(i) A statement that the area or areas of the district ~~is~~ are 85727
not greater than two thousand acres and is located within the 85728
territory of one or more of the contracting parties; 85729

(ii) A brief summary of the services to be provided by each 85730
party to the contract or a reference to the portion of the 85731
contract describing those services; 85732

(iii) A description of the area or areas to be designated as 85733
the district; 85734

(iv) The signature of a representative of each of the 85735
contracting parties. 85736

(b) The following documents shall be filed with the petition: 85737

(i) A signed copy of the contract, together with copies of 85738
district maps and plans related to or part of the contract; 85739

(ii) A certified copy of the ordinances and resolutions of 85740
the contracting parties approving the contract; 85741

(iii) A certificate from each of the contracting parties 85742
indicating that the public hearings required by division (D)(2) of 85743
this section have been held, the date of the hearings, and 85744
evidence of publication of the notice of the hearings; 85745

(iv) One or more signed statements of persons who are owners 85746
of property located in whole or in part within the area to be 85747
designated as the district, requesting that the property be 85748

included within the district, provided that those statements shall 85749
represent a majority of the persons owning property located in 85750
whole or in part within the district and persons owning a majority 85751
of the acreage located within the district. A signature may be 85752
withdrawn by the signer up to but not after the time of the public 85753
hearing required by division (D)(2) of this section. 85754

(2) The legislative authority of each county within which a 85755
party to the contract is located shall adopt a resolution 85756
approving the petition for the creation of the district if the 85757
petition and other documents have been filed in accordance with 85758
the requirements of division (C)(1) of this section. If the 85759
petition and other documents do not substantially meet the 85760
requirements of that division, the legislative authority of any 85761
county within which a party to the contract is located may adopt a 85762
resolution disapproving the petition for the creation of the 85763
district. The legislative authority of each county within which a 85764
party to the contract is located shall adopt a resolution 85765
approving or disapproving the petition within thirty days after 85766
the petition was filed. If the legislative authority of each such 85767
county does not adopt the resolution within the thirty-day period, 85768
the petition shall be deemed approved and the contract shall go 85769
into effect immediately after that approval or at such other time 85770
as the contract specifies. 85771

(D)(1) The contract creating the district shall set forth or 85772
provide for the amount or nature of the contribution of each 85773
municipal corporation and township to the development and 85774
operation of the district and may provide for the sharing of the 85775
costs of the operation of and improvements for the district. The 85776
contributions may be in any form to which the contracting 85777
municipal corporations and townships agree and may include but are 85778
not limited to the provision of services, money, real or personal 85779
property, facilities, or equipment. The contract may provide for 85780

the contracting parties to share revenue from taxes levied on 85781
property by one or more of the contracting parties if those 85782
revenues may lawfully be applied to that purpose under the 85783
legislation by which those taxes are levied. The contract shall 85784
provide for new, expanded, or additional services, facilities, or 85785
improvements, including expanded or additional capacity for or 85786
other enhancement of existing services, facilities, or 85787
improvements, provided that those services, facilities, or 85788
improvements, or expanded or additional capacity for or 85789
enhancement of existing services, facilities, or improvements, 85790
required herein have been provided within the two-year period 85791
prior to the execution of the contract. 85792

(2) Before the legislative authority of a municipal 85793
corporation or a board of township trustees passes any ordinance 85794
or resolution approving a contract to create a joint economic 85795
development district pursuant to this section, the legislative 85796
authority of the municipal corporation and the board of township 85797
trustees shall each hold a public hearing concerning the joint 85798
economic development district contract and shall provide thirty 85799
days' public notice of the time and place of the public hearing in 85800
a newspaper of general circulation in the municipal corporation 85801
and the township. The board of township trustees may provide 85802
additional notice to township residents in accordance with section 85803
9.03 of the Revised Code, and any additional notice shall include 85804
the public hearing announcement; a summary of the terms of the 85805
contract; a statement that the entire text of the contract and 85806
district maps and plans are on file for public examination in the 85807
office of the township fiscal officer; and information pertaining 85808
to any tax changes that will or may occur as a result of the 85809
contract. 85810

During the thirty-day period prior to the public hearing, a 85811
copy of the text of the contract together with copies of district 85812

maps and plans related to or part of the contract shall be on 85813
file, for public examination, in the offices of the clerk of the 85814
legislative authority of the municipal corporation and of the 85815
township fiscal officer. The public hearing provided for in 85816
division (D)(2) of this section shall allow for public comment and 85817
recommendations from the public on the proposed contract. The 85818
contracting parties may include in the contract any of those 85819
recommendations prior to the approval of the contract. 85820

(3) Any resolution of the board of township trustees that 85821
approves a contract that creates a joint economic development 85822
district pursuant to this section shall be subject to a referendum 85823
of the electors of the township. When a referendum petition, 85824
signed by ten per cent of the number of electors in the township 85825
who voted for the office of governor at the most recent general 85826
election for the office of governor, is presented to the board of 85827
township trustees within thirty days after the board of township 85828
trustees adopted the resolution, ordering that the resolution be 85829
submitted to the electors of the township for their approval or 85830
rejection, the board of township trustees shall, after ten days 85831
and not later than four p.m. of the ninetieth day before the 85832
election, certify the text of the resolution to the board of 85833
elections. The board of elections shall submit the resolution to 85834
the electors of the township for their approval or rejection at 85835
the next general, election or special election held on a day on 85836
which a primary, or special election may be held, occurring 85837
subsequent to ninety days after the certifying of the petition to 85838
the board of elections. 85839

(4) Upon the creation of a district under this section or 85840
section 715.71 of the Revised Code, one of the contracting parties 85841
shall file a copy of the following with the director of 85842
development: 85843

(a) The petition and other documents described in division 85844

(C)(1) of this section, if the district is created under this 85845
section; 85846

(b) The documents described in division (D) of section 715.71 85847
of the Revised Code, if the district is created under this 85848
section. 85849

(E) The district created by the contract shall be governed by 85850
a board of directors that shall be established by or pursuant to 85851
the contract. The board is a public body for the purposes of 85852
section 121.22 of the Revised Code. The provisions of Chapter 85853
2744. of the Revised Code apply to the board and the district. The 85854
members of the board shall be appointed as provided in the 85855
contract from among the elected members of the legislative 85856
authorities and the elected chief executive officers of the 85857
contracting parties, provided that there shall be at least two 85858
members appointed from each of the contracting parties. 85859

(F) The contract shall enumerate the specific powers, duties, 85860
and functions of the board of directors of a district, and the 85861
contract shall provide for the determination of procedures that 85862
are to govern the board of directors. The contract may grant to 85863
the board the power to adopt a resolution to levy an income tax 85864
within the district. The income tax shall be used for the purposes 85865
of the district and for the purposes of the contracting municipal 85866
corporations and townships pursuant to the contract. The income 85867
tax may be levied in the district based on income earned by 85868
persons working or residing within the district and based on the 85869
net profits of businesses located in the district. The income tax 85870
shall follow the provisions of Chapter 718. of the Revised Code, 85871
except that a vote shall be required by the electors residing in 85872
the district to approve the rate of income tax. If no electors 85873
reside within the district, then division (F)(4) of this section 85874
applies. The rate of the income tax shall be no higher than the 85875
highest rate being levied by a municipal corporation that is a 85876

party to the contract. 85877

(1) Within one hundred eighty days after the first meeting of 85878
the board of directors, the board may levy an income tax, provided 85879
that the rate of the income tax is first submitted to and approved 85880
by the electors of the district at the ~~succeeding regular~~ next 85881
general election or special election held on a day on which a 85882
primary election, or a special election called by the board may be 85883
held, occurring subsequent to ninety days after a certified copy 85884
of the resolution levying the income tax and calling for the 85885
election is filed with the board of elections. If the voters 85886
approve the levy of the income tax, the income tax shall be in 85887
force for the full period of the contract establishing the 85888
district. Any increase in the rate of an income tax that was first 85889
levied within one hundred eighty days after the first meeting of 85890
the board of directors shall be approved by a vote of the electors 85891
of the district, shall be in force for the remaining period of the 85892
contract establishing the district, and shall not be subject to 85893
division (F)(2) of this section. 85894

(2) Any resolution of the board of directors levying an 85895
income tax that is adopted subsequent to one hundred eighty days 85896
after the first meeting of the board of directors shall be subject 85897
to a referendum as provided in division (F)(2) of this section. 85898
Any resolution of the board of directors levying an income tax 85899
that is adopted subsequent to one hundred eighty days after the 85900
first meeting of the board of directors shall be subject to an 85901
initiative proceeding to amend or repeal the resolution levying 85902
the income tax as provided in division (F)(2) of this section. 85903
When a referendum petition, signed by ten per cent of the number 85904
of electors in the district who voted for the office of governor 85905
at the most recent general election for the office of governor, is 85906
filed with the county auditor of each county within which a party 85907
to the contract is located within thirty days after the resolution 85908

is adopted by the board or when an initiative petition, signed by 85909
ten per cent of the number of electors in the district who voted 85910
for the office of governor at the most recent general election for 85911
the office of governor, is filed with the county auditor of each 85912
such county ordering that a resolution to amend or repeal a prior 85913
resolution levying an income tax be submitted to the electors 85914
within the district for their approval or rejection, the county 85915
auditor of each such county, after ten days and not later than 85916
four p.m. of the ninetieth day before the election, shall certify 85917
the text of the resolution to the board of elections of that 85918
county. The county auditor of each such county shall retain the 85919
petition. The board of elections shall submit the resolution to 85920
such electors, for their approval or rejection, at the next 85921
general, election or special election held on a day on which a 85922
primary, or special election may be held, occurring subsequent to 85923
ninety days after the certifying of such petition to the board of 85924
elections. 85925

(3) Whenever a district is located in the territory of more 85926
than one contracting party, a majority vote of the electors, if 85927
any, in each of the several portions of the territory of the 85928
contracting parties constituting the district approving the levy 85929
of the tax is required before it may be imposed pursuant to this 85930
division. 85931

(4) If there are no electors residing in the district, no 85932
election for the approval or rejection of an income tax shall be 85933
held pursuant to this section, provided that where no electors 85934
reside in the district, the maximum rate of the income tax that 85935
may be levied shall not exceed one per cent. 85936

(5) The board of directors of a district levying an income 85937
tax shall enter into an agreement with one of the municipal 85938
corporations that is a party to the contract to administer, 85939
collect, and enforce the income tax on behalf of the district. The 85940

resolution levying the income tax shall provide the same credits, 85941
if any, to residents of the district for income taxes paid to 85942
other such districts or municipal corporations where the residents 85943
work, as credits provided to residents of the municipal 85944
corporation administering the income tax. 85945

(6)(a) The board shall publish or post public notice within 85946
the district of any resolution adopted levying an income tax in 85947
the same manner required of municipal corporations under sections 85948
731.21 and 731.25 of the Revised Code. 85949

(b) Except as otherwise specified by this division, any 85950
referendum or initiative proceeding within a district shall be 85951
conducted in the same manner as is required for such proceedings 85952
within a municipal corporation pursuant to sections 731.28 to 85953
731.40 of the Revised Code. 85954

(G) Membership on the board of directors does not constitute 85955
the holding of a public office or employment within the meaning of 85956
any section of the Revised Code or any charter provision 85957
prohibiting the holding of other public office or employment, and 85958
shall not constitute an interest, either direct or indirect, in a 85959
contract or expenditure of money by any municipal corporation, 85960
township, county, or other political subdivision with which the 85961
member may be connected. No member of a board of directors shall 85962
be disqualified from holding any public office or employment, nor 85963
shall such member forfeit or be disqualified from holding any such 85964
office or employment, by reason of the member's membership on the 85965
board of directors, notwithstanding any law or charter provision 85966
to the contrary. 85967

(H) The powers and authorizations granted pursuant to this 85968
section or section 715.71 of the Revised Code are in addition to 85969
and not in derogation of all other powers granted to municipal 85970
corporations and townships pursuant to law. When exercising a 85971
power or performing a function or duty under a contract authorized 85972

pursuant to this section or section 715.71 of the Revised Code, a 85973
municipal corporation may exercise all of the powers of a 85974
municipal corporation, and may perform all the functions and 85975
duties of a municipal corporation, within the district, pursuant 85976
to and to the extent consistent with the contract. When exercising 85977
a power or performing a function or duty under a contract 85978
authorized pursuant to this section or section 715.71 of the 85979
Revised Code, a township may exercise all of the powers of a 85980
township, and may perform all the functions and duties of a 85981
township, within the district, pursuant to and to the extent 85982
consistent with the contract. The district board of directors has 85983
no powers except those specifically set forth in the contract as 85984
agreed to by the participating parties. No political subdivision 85985
shall authorize or grant any tax exemption pursuant to Chapter 85986
1728. or section 3735.67, 5709.62, 5709.63, or 5709.632 of the 85987
Revised Code on any property located within the district without 85988
the consent of the contracting parties. The prohibition for any 85989
tax exemption pursuant to this division shall not apply to any 85990
exemption filed, pending, or approved, or for which an agreement 85991
has been entered into, before the effective date of the contract 85992
entered into by the parties. 85993

(I) Municipal corporations and townships may enter into 85994
binding agreements pursuant to a contract authorized under this 85995
section or section 715.71 of the Revised Code with respect to the 85996
substance and administration of zoning and other land use 85997
regulations, building codes, public permanent improvements, and 85998
other regulatory and proprietary matters that are determined, 85999
pursuant to the contract, to be for a public purpose and to be 86000
desirable with respect to the operation of the district or to 86001
facilitate new or expanded economic development in the state or 86002
the district, provided that no contract shall exempt the territory 86003
within the district from the procedures and processes of land use 86004
regulation applicable pursuant to municipal corporation, township, 86005

and county regulations, including but not limited to procedures 86006
and processes concerning zoning. 86007

(J) A contract creating a joint economic development district 86008
under this section or section 715.71 of the Revised Code may 86009
designate property as a community entertainment district or may be 86010
amended to designate property as a community entertainment 86011
district as prescribed in division (D) of section 4301.80 of the 86012
Revised Code. A joint economic development district contract or 86013
amendment designating a community entertainment district shall 86014
include all information and documentation described in divisions 86015
(B)(1) through (6) of section 4301.80 of the Revised Code. The 86016
public notice required under division (D)(2) of this section and 86017
division (C) of section 715.71 of the Revised Code shall specify 86018
that the contract designates a community entertainment district 86019
and describe the location of that district. Except as provided in 86020
division (F) of section 4301.80 of the Revised Code, an area 86021
designated as a community entertainment district under a joint 86022
economic development district contract shall not lose its 86023
designation even if the contract is canceled or terminated. 86024

(K) A contract entered into pursuant to this section or 86025
section 715.71 of the Revised Code may be amended and it may be 86026
renewed, canceled, or terminated as provided in or pursuant to the 86027
contract. The contract may be amended to add property owned by one 86028
of the contracting parties to the district, or may be amended to 86029
delete property from the district whether or not one of the 86030
contracting parties owns the deleted property. The contract shall 86031
continue in existence throughout its term and shall be binding on 86032
the contracting parties and on any entities succeeding to such 86033
parties, whether by annexation, merger, or otherwise. The income 86034
tax levied by the board pursuant to this section or section 715.71 86035
of the Revised Code shall apply in the entire district throughout 86036
the term of the contract, notwithstanding that all or a portion of 86037

the district becomes subject to annexation, merger, or 86038
incorporation. No township or municipal corporation is divested of 86039
its rights or obligations under the contract because of 86040
annexation, merger, or succession of interests. 86041

(L) After the creation of a joint economic development 86042
district described in division (A)(2) of this section, a municipal 86043
corporation that is a contracting party may cease to own property 86044
included in the district, but such property shall continue to be 86045
included in the district and subject to the terms of the contract. 86046

Sec. 715.71. (A) This section provides alternative procedures 86047
and requirements to those set forth in section 715.70 of the 86048
Revised Code for creating and operating a joint economic 86049
development district. Divisions (B), (C), (D)(1) to (3), and (F) 86050
of section 715.70 of the Revised Code do not apply to a joint 86051
economic development district established under this section. 86052
However, divisions (A), (D)(4), (E), (G), (H), (I), (J), (K), and 86053
(L) of section 715.70 of the Revised Code do apply to a district 86054
established under this section. 86055

(B) One or more municipal corporations and one or more 86056
townships may enter into a contract approved by the legislative 86057
authority of each contracting party pursuant to which they create 86058
as a joint economic development district one or more areas for the 86059
purpose of facilitating economic development to create or preserve 86060
jobs and employment opportunities and to improve the economic 86061
welfare of the people in this state and in the area of the 86062
contracting parties. The district created shall be located within 86063
the territory of one or more of the contracting parties and may 86064
consist of all or a portion of that territory. The boundaries of 86065
the district shall be described in the contract or in an addendum 86066
to the contract. The area or areas of land to be included in the 86067
district shall not include any parcel of land owned in fee by or 86068

leased to a municipal corporation or township, unless the 86069
municipal corporation or township is a party to the contract or 86070
has given its consent to have its parcel of land included in the 86071
district by the adoption of a resolution. As used in this 86072
division, "parcel of land" has the same meaning as in division (B) 86073
of section 715.70 of the Revised Code. 86074

(C) Before the legislative authority of a municipal 86075
corporation or a board of township trustees adopts an ordinance or 86076
resolution approving a contract to create a joint economic 86077
development district under this section, it shall hold a public 86078
hearing concerning the joint economic development district 86079
contract and shall provide thirty days' public notice of the time 86080
and place of the public hearing in a newspaper of general 86081
circulation in the municipal corporation and the township. Each 86082
municipal corporation and township that is a party to the contract 86083
shall hold a public hearing. During the thirty-day period prior to 86084
a public hearing, a copy of the text of the contract together with 86085
copies of district maps and plans related to or part of the 86086
contract shall be on file, for public examination, in the offices 86087
of the clerk of the legislative authority of the municipal 86088
corporation and of the township fiscal officer. The public 86089
hearings provided for in this division shall allow for public 86090
comment and recommendations on the proposed contract. The 86091
participating parties may include in the contract any of those 86092
recommendations prior to approval of the contract. 86093

(D) After the legislative authority of a municipal 86094
corporation and the board of township trustees have adopted an 86095
ordinance and resolution approving a contract to create a joint 86096
economic development district, the municipal corporation and the 86097
township jointly shall file with the legislative authority of each 86098
county within which a party to the contract is located all of the 86099
following: 86100

(1) A signed copy of the contract, together with copies of district maps and plans related to or part of the contract; (1) A signed copy of the contract, together with copies of district maps and plans related to or part of the contract;

(2) Certified copies of the ordinances and resolutions of the contracting parties relating to the district and the contract;

(3) A certificate of each of the contracting parties that the public hearings provided for in division (C) of this section have been held, the date of the hearings, and evidence of publication of the notice of the hearings.

(E) Within thirty days after the filing under division (D) of this section, the legislative authority of each county within which a party to the contract is located shall adopt a resolution acknowledging the receipt of the required documents, approving the creation of the joint economic development district, and directing that the resolution of the board of township trustees approving the contract be submitted to the electors of the township for approval at the next succeeding general, election or special election held on a day on which a primary, or special election may be held. The legislative authority of the county shall file with the board of elections at least ninety days before the day of the election a copy of the resolution of the board of township trustees approving the contract. The resolution of the legislative authority of the county also shall specify the date the election is to be held and shall direct the board of elections to conduct the election in the township. If the resolution of the legislative authority of the county is not adopted within the thirty-day period after the filing under division (D) of this section, the joint economic development district shall be deemed approved by the county legislative authority, and the board of township trustees shall file its resolution with the board of elections for submission to the electors of the township for approval at the next succeeding general, primary, election or special election held on the day on which a primary election may be held. The

filing shall occur at least ninety days before the specified date 86133
the election is to be held and shall direct the board of elections 86134
to conduct the election in the township. 86135

The ballot shall be in the following form: 86136

"Shall the resolution of the board of township trustees 86137
approving the contract with (here insert name of 86138
each municipal corporation and other township that is a party to 86139
the contract) for the creation of a joint economic development 86140
district be approved? 86141

	FOR THE RESOLUTION AND CONTRACT
	AGAINST THE RESOLUTION AND CONTRACT

"

If a majority of the electors of the township voting on the issue 86146
vote for the resolution and contract, the resolution shall become 86147
effective immediately and the contract shall go into effect 86148
immediately or in accordance with its terms. 86149

(F) The contract creating the district shall set forth or 86150
provide for the amount or nature of the contribution of each 86151
municipal corporation and township to the development and 86152
operation of the district and may provide for the sharing of the 86153
costs of the operation of and improvements for the district. The 86154
contributions may be in any form to which the contracting 86155
municipal corporations and townships agree and may include but are 86156
not limited to the provision of services, money, real or personal 86157
property, facilities, or equipment. The contract may provide for 86158
the contracting parties to share revenue from taxes levied on 86159
property by one or more of the contracting parties if those 86160
revenues may lawfully be applied to that purpose under the 86161
legislation by which those taxes are levied. The contract shall 86162
provide for new, expanded, or additional services, facilities, or 86163

improvements, including expanded or additional capacity for or 86164
other enhancement of existing services, facilities, or 86165
improvements, provided that the existing services, facilities, or 86166
improvements, or the expanded or additional capacity for or 86167
enhancement of the existing services, facilities, or improvements, 86168
have been provided within the two-year period prior to the 86169
execution of the contract. 86170

(G) The contract shall enumerate the specific powers, duties, 86171
and functions of the board of directors of the district and shall 86172
provide for the determination of procedures that are to govern the 86173
board of directors. The contract may grant to the board the power 86174
to adopt a resolution to levy an income tax within the district. 86175
The income tax shall be used for the purposes of the district and 86176
for the purposes of the contracting municipal corporations and 86177
townships pursuant to the contract. The income tax may be levied 86178
in the district based on income earned by persons working or 86179
residing within the district and based on the net profits of 86180
businesses located in the district. The income tax of the district 86181
shall follow the provisions of Chapter 718. of the Revised Code, 86182
except that no vote shall be required by the electors residing in 86183
the district. The rate of the income tax shall be no higher than 86184
the highest rate being levied by a municipal corporation that is a 86185
party to the contract. 86186

The board of directors of a district levying an income tax 86187
shall enter into an agreement with one of the municipal 86188
corporations that is a party to the contract to administer, 86189
collect, and enforce the income tax on behalf of the district. The 86190
resolution levying the income tax shall provide the same credits, 86191
if any, to residents of the district for income taxes paid to 86192
other districts or municipal corporations where the residents 86193
work, as credits provided to residents of the municipal 86194
corporation administering the income tax. 86195

(H) No annexation proceeding pursuant to Chapter 709. of the Revised Code that proposes the annexation to or merger or consolidation with a municipal corporation, except a municipal corporation that is a party to the contract, of any unincorporated territory within the district shall be commenced for a period of three years after the contract is filed with the legislative authority of each county within which a party to the contract is located in accordance with division (D) of this section unless each board of township trustees whose territory is included, in whole or part, within the district and the territory proposed to be annexed, merged, or consolidated adopts a resolution consenting to the commencement of the proceeding and a copy of the resolution is filed with the legislative authority of each such county or unless the contract is terminated during this three-year period. The contract entered into between the municipal corporations and townships pursuant to this section may provide for the prohibition of any annexation by the participating municipal corporations of any unincorporated territory within the district.

Sec. 715.72. (A) As used in this section: 86214

(1) "Contracting parties" means one or more municipal corporations, one or more townships, and, under division (D) of this section, one or more counties that have entered into a contract under this section to create a joint economic development district. 86215
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(2) "District" means a joint economic development district created under this section. 86220
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(3) "Contract for utility services" means a contract under which a municipal corporation agrees to provide to a township or another municipal corporation water, sewer, electric, or other utility services necessary to the public health, safety, and welfare. 86222
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(4) "Business" means a sole proprietorship, a corporation for profit, a pass-through entity as defined in section 5733.04 of the Revised Code, the federal government, the state, the state's political subdivisions, a nonprofit organization, or a school district.

(5) "Owner" means a partner of a partnership, a member of a limited liability company, a majority shareholder of an S corporation, a person with a majority ownership interest in a pass-through entity, or any officer, employee, or agent with authority to make decisions legally binding upon a business.

(6) "Record owner" means the person or persons in whose name a parcel is listed on the tax list or exempt list compiled by the county auditor under section 319.28 or 5713.08 of the Revised Code.

(7) A business "operates within" a district if the net profits of the business or the income of employees of the business would be subject to an income tax levied within the district.

(8) An employee is "employed within" a district if any portion of the employee's income would be subject to an income tax levied within the district.

(9) "Mixed-use development" means a real estate project that tends to mitigate traffic and sprawl by integrating some combination of retail, office, residential, hotel, recreation, and other functions in a pedestrian-oriented environment that maximizes the use of available space by allowing members of the community to live, work, and play in one architecturally expressive area with multiple amenities.

(B) This section provides alternative procedures and requirements to those set forth in sections 715.70 and 715.71 of the Revised Code for creating and operating a joint economic development district. This section applies to municipal

corporations and townships that are located in the same county or 86258
in adjacent counties. 86259

(C) One or more municipal corporations, one or more 86260
townships, and, under division (D) of this section, one or more 86261
counties may enter into a contract pursuant to which they 86262
designate one or more areas as a joint economic development 86263
district for the purpose of facilitating economic development and 86264
redevelopment, to create or preserve jobs and employment 86265
opportunities, and to improve the economic welfare of the people 86266
in this state and in the area of the contracting parties. 86267

(1) Except as otherwise provided in division (C)(2) of this 86268
section, the territory of each of the contracting parties shall be 86269
contiguous to the territory of at least one other contracting 86270
party, or contiguous to the territory of a township, municipal 86271
corporation, or county that is contiguous to another contracting 86272
party, even if the intervening township or municipal corporation 86273
is not a contracting party. 86274

(2) Contracting parties that have entered into a contract 86275
under section 715.70 or 715.71 of the Revised Code creating a 86276
joint economic development district prior to November 15, 1995, 86277
may enter into a contract under this section even if the territory 86278
of each of the contracting parties is not contiguous to the 86279
territory of at least one other contracting party, or contiguous 86280
to the territory of a township or municipal corporation that is 86281
contiguous to another contracting party as otherwise required 86282
under division (C)(1) of this section. The contract and district 86283
shall meet the requirements of this section. 86284

(D) If, on or after December 30, 2008, but on or before June 86285
30, 2009, one or more municipal corporations and one or more 86286
townships enter into a contract or amend an existing contract 86287
under this section, one or more counties in which all of those 86288
municipal corporations or townships are located also may enter 86289

into the contract as a contracting party or parties. 86290

(E)(1) The area or areas to be included in a joint economic 86291
development district shall meet all of the following criteria: 86292

(a) The area or areas shall be located within the territory 86293
of one or more of the contracting parties and may consist of all 86294
of the territory of any or all of the contracting parties. 86295

(b) No electors, except those residing in a mixed-use 86296
development, shall reside within the area or areas on the 86297
effective date of the contract creating the district. 86298

(c) The area or areas shall not include any parcel of land 86299
owned in fee by or leased to a municipal corporation or township, 86300
unless the municipal corporation or township is a contracting 86301
party or has given its consent to have the parcel of land included 86302
in the district by the adoption of an ordinance or resolution. 86303

(2) The contracting parties may designate excluded parcels 86304
within the boundaries of the joint economic development district. 86305
Excluded parcels are not part of the district and persons employed 86306
or residing on such parcels shall not be subject to any income tax 86307
imposed within the district under division (F)(5) of this section. 86308

(F)(1) The contract creating a joint economic development 86309
district shall provide for the amount or nature of the 86310
contribution of each contracting party to the development and 86311
operation of the district and may provide for the sharing of the 86312
costs of the operation of and improvements for the district. The 86313
contributions may be in any form to which the contracting parties 86314
agree and may include, but are not limited to, the provision of 86315
services, money, real or personal property, facilities, or 86316
equipment. 86317

(2) The contract may provide for the contracting parties to 86318
share revenue from taxes levied by one or more of the contracting 86319
parties if those revenues may lawfully be applied to that purpose 86320

under the legislation by which those taxes are levied. 86321

(3) The contract shall include an economic development plan 86322
for the district that consists of a schedule for the provision of 86323
new, expanded, or additional services, facilities, or 86324
improvements. The contract may provide for expanded or additional 86325
capacity for or other enhancement of existing services, 86326
facilities, or improvements. 86327

(4) The contract shall enumerate the specific powers, duties, 86328
and functions of the board of directors of the district described 86329
under division (P) of this section and shall designate procedures 86330
consistent with that division for appointing members to the board. 86331
The contract shall enumerate rules to govern the board in carrying 86332
out its business under this section. 86333

(5)(a) The contract may grant to the board the power to adopt 86334
a resolution to levy an income tax within the entire district or 86335
within portions of the district designated by the contract. The 86336
income tax shall be used to carry out the economic development 86337
plan for the district or the portion of the district in which the 86338
tax is levied and for any other lawful purpose of the contracting 86339
parties pursuant to the contract, including the provision of 86340
utility services by one or more of the contracting parties. 86341

(b) An income tax levied under this section shall be based on 86342
both the income earned by persons employed or residing within the 86343
district and the net profit of businesses operating within the 86344
district. 86345

Except as provided in this section, the income tax levied 86346
within the district is subject to Chapter 718. of the Revised 86347
Code, except that no vote shall be required. The rate of the 86348
income tax shall be no higher than the highest rate being levied 86349
by a municipal corporation that is a contracting party. 86350

(c) If the board adopts a resolution to levy an income tax, 86351

it shall enter into an agreement with a municipal corporation that 86352
is a contracting party to administer, collect, and enforce the 86353
income tax on behalf of the district. 86354

(d) A resolution levying an income tax under this section 86355
shall require the contracting parties to annually set aside a 86356
percentage, to be stated in the resolution, of the amount of the 86357
income tax collected for the long-term maintenance of the 86358
district. 86359

(e) An income tax levied under this section shall apply in 86360
the district or the portion of the district in which the contract 86361
authorizes an income tax throughout the term of the contract 86362
creating the district. The tax shall not apply to any persons 86363
employed or residing on a parcel excluded from the district under 86364
division (E)(2) of this section. 86365

(6) If there is unincorporated territory in the district, the 86366
contract shall specify that restrictions on annexation proceedings 86367
under division (R) of this section apply to such unincorporated 86368
territory. The contract may prohibit proceedings under Chapter 86369
709. of the Revised Code proposing the annexation to, merger of, 86370
or consolidation with a municipal corporation that is a 86371
contracting party of any unincorporated territory within a 86372
township that is a contracting party during the term of the 86373
contract regardless of whether that territory is located within 86374
the district. 86375

(7) The contract may designate property as a community 86376
entertainment district, or may be amended to designate property as 86377
a community entertainment district, as prescribed in division (D) 86378
of section 4301.80 of the Revised Code. A contract or amendment 86379
designating a community entertainment district shall include all 86380
information and documentation described in divisions (B)(1) to (6) 86381
of section 4301.80 of the Revised Code. The public notice required 86382
under division (I) of this section shall specify that the contract 86383

designates a community entertainment district and describe the 86384
location of that district. Except as provided in division (F) of 86385
section 4301.80 of the Revised Code, an area designated as a 86386
community entertainment district under a joint economic 86387
development district contract shall not lose its designation even 86388
if the contract is canceled or terminated. 86389

(G) The contract creating a joint economic development 86390
district shall continue in existence throughout its term and shall 86391
be binding on the contracting parties and on any parties 86392
succeeding to the contracting parties, whether by annexation, 86393
merger, or consolidation. Except as provided in division (H) of 86394
this section, the contract may be amended, renewed, or terminated 86395
with the approval of the contracting parties or any parties 86396
succeeding to the contracting parties. If the contract is amended 86397
to add or remove an area to or from an existing district, the 86398
amendment shall be adopted in the manner prescribed under division 86399
(L) of this section. 86400

(H) If two or more contracting parties previously have 86401
entered into a separate contract for utility services, then 86402
amendment, renewal, or termination of the separate contract for 86403
utility services shall not constitute any part of the 86404
consideration for the contract creating a joint economic 86405
development district. A contract creating a joint economic 86406
development district shall be rebuttably presumed to violate this 86407
division if it is entered into within two years prior or five 86408
years subsequent to the amendment, renewal, or termination of a 86409
separate contract for utility services that two or more 86410
contracting parties previously have entered into. The presumption 86411
stated in this division may be rebutted by clear and convincing 86412
evidence of both of the following: 86413

(1) That other substantial consideration existed to support 86414
the contract creating a joint economic development district; 86415

(2) That the contracting parties entered into the contract 86416
creating a joint economic development district freely and without 86417
duress or coercion related to the amendment, renewal, or 86418
termination of the separate contract for utility services. 86419

A contract creating a joint economic development district 86420
that violates this division is void and unenforceable. 86421

(I)(1) Before the legislative authority of any of the 86422
contracting parties adopts an ordinance or resolution approving a 86423
contract to create a district, the legislative authority of each 86424
of the contracting parties shall hold a public hearing concerning 86425
the contract and district. Each legislative authority shall 86426
provide at least thirty days' public notice of the time and place 86427
of the public hearing in a newspaper of general circulation in the 86428
municipal corporation, township, or county, as applicable. During 86429
the thirty-day period prior to the public hearing and until the 86430
date that an ordinance or resolution is adopted under division (K) 86431
of this section to approve the joint economic development district 86432
contract, all of the following documents shall be available for 86433
public inspection in the office of the clerk of the legislative 86434
authority of a municipal corporation and county that is a 86435
contracting party and in the office of the fiscal officer of a 86436
township that is a contracting party: 86437

(a) A copy of the contract creating the district, including 86438
the economic development plan for the district and the schedule 86439
for the provision of new, expanded, or additional services, 86440
facilities, or improvements described in division (F)(3) of this 86441
section; 86442

(b) A description of the area or areas to be included in the 86443
district, including a map in sufficient detail to denote the 86444
specific boundaries of the area or areas and to indicate any 86445
zoning restrictions applicable to the area or areas, and the 86446
parcel number, provided for under section 319.28 of the Revised 86447

Code, of any parcel located within the boundaries of the joint 86448
economic development district and excluded from the district under 86449
division (E)(2) of this section; 86450

(c) If the contract authorizes the board of directors of the 86451
district to adopt a resolution to levy an income tax within the 86452
district or within portions of the district, a schedule for the 86453
collection of the tax. 86454

(2) A public hearing held under this division shall allow for 86455
public comment and recommendations on the contract and district. 86456
The contracting parties may include in the contract any of those 86457
recommendations prior to approval of the contract. 86458

(J) Before any of the contracting parties approves a contract 86459
under division (K) of this section, the contracting parties shall 86460
circulate one or more petitions to record owners of real property 86461
located within the proposed joint economic development district 86462
and owners of businesses operating within the proposed district. 86463
The petitions shall state that all of the documents described in 86464
divisions (I)(1)(a) to (c) of this section are available for 86465
public inspection in the office of the clerk of the legislative 86466
authority of each municipal corporation and county that is a 86467
contracting party or the office of the fiscal officer of each 86468
township that is a contracting party. The petitions shall clearly 86469
indicate that, by signing the petition, the record owner or owner 86470
consents to the proposed joint economic development district. 86471

A contracting party may send written notice of the petitions 86472
by certified mail with return receipt requested to the last known 86473
mailing addresses of any or all of the record owners of real 86474
property located within the proposed district or the owners of 86475
businesses operating within the proposed district. The contracting 86476
parties shall equally share the costs of complying with this 86477
division. 86478

(K)(1) After the public hearings required under division (I) 86479
of this section have been held and the petitions described in 86480
division (J) of this section have been signed by the majority of 86481
the record owners of real property located within the proposed 86482
joint economic development district and by a majority of the 86483
owners of businesses, if any, operating within the proposed 86484
district, each contracting party may adopt an ordinance or 86485
resolution approving the contract to create a joint economic 86486
development district. Not later than ten days after all of the 86487
contracting parties have adopted ordinances or resolutions 86488
approving the district contract, each contracting party shall give 86489
notice of the proposed district to all of the following: 86490

(a) Each record owner of real property to be included in the 86491
district and in the territory of that contracting party who did 86492
not sign the petitions described in division (J) of this section; 86493

(b) An owner of each business operating within the district 86494
and in the territory of that contracting party no owner of which 86495
signed the petitions described in division (J) of this section. 86496

(2) Such notices shall be given by certified mail and shall 86497
specify that the property or business is located within an area to 86498
be included in the district and that all of the documents 86499
described in divisions (I)(1)(a) to (c) of this section are 86500
available for public inspection in the office of the clerk of the 86501
legislative authority of each municipal corporation and county 86502
that is a contracting party or the office of the fiscal officer of 86503
each township that is a contracting party. The contracting parties 86504
shall equally share the costs of complying with division (K) of 86505
this section. 86506

(L)(1) The contracting parties may amend the joint economic 86507
development district contract to add any area that was not 86508
originally included in the district if the area satisfies the 86509
criteria prescribed under division (E) of this section. The 86510

contracting parties may also amend the district contract to remove 86511
any area originally included in the district or exclude one or 86512
more parcels located within the district pursuant to division 86513
(E)(2) of this section. 86514

(2) An amendment adding an area to a district, removing an 86515
area from the district, or excluding one or more parcels from the 86516
district may be approved only by a resolution or ordinance adopted 86517
by each of the contracting parties. The contracting parties shall 86518
conduct public hearings on the amendment and provide notice in the 86519
manner required under division (I) of this section for original 86520
contracts. The contracting parties shall make available for public 86521
inspection a copy of the amendment, a description of the area to 86522
be added, removed, or excluded to or from the district, and a map 86523
of that area in sufficient detail to denote the specific 86524
boundaries of the area and to indicate any zoning restrictions 86525
applicable to the area. 86526

(3) Before adopting a resolution or ordinance approving the 86527
addition of an area to the district, the contracting parties shall 86528
circulate petitions to the record owners of real property located 86529
within the proposed addition to the district and owners of 86530
businesses operating within the proposed addition to the district 86531
in the same manner required under division (J) of this section for 86532
original contracts. The contracting parties may notify such record 86533
owners of real property and owners of businesses that the 86534
petitions are available for signing in the same manner provided by 86535
that division. The contracting parties shall equally share the 86536
costs of complying with this division. 86537

(4) The contracting parties to a joint economic development 86538
district may vote to approve an amendment to the district contract 86539
under this division after the public hearings required under 86540
division (L)(2) of this section are completed and, if the 86541
amendment adds an area or areas to the district, the petitions 86542

required under division (L)(3) of this section have been signed by 86543
the majority of record owners of real property located within the 86544
area or areas added to the district and by a majority of the 86545
owners of businesses, if any, operating within the proposed 86546
addition to the district. 86547

(5) Not later than ten days after all of the contracting 86548
parties have adopted ordinances or resolutions approving an 86549
amendment adding one or more areas to the district, each 86550
contracting party shall give notice of the addition to all of the 86551
following: 86552

(a) Each record owner of real property to be included in the 86553
addition to the district and in the territory of that contracting 86554
party who did not sign the petitions described in division (L)(3) 86555
of this section; 86556

(b) An owner of each business operating within the addition 86557
to the district and in the territory of that contracting party no 86558
owner of which signed the petitions described in division (L)(3) 86559
of this section. 86560

The contracting parties shall equally share the costs of 86561
complying with division (L)(5) of this section. 86562

(M)(1) A board of township trustees that is a party to a 86563
contract creating a joint economic development district may choose 86564
not to submit its resolution approving the contract to the 86565
electors of the township if all of the following conditions are 86566
satisfied: 86567

(a) The resolution has been approved by a unanimous vote of 86568
the members of the board of township trustees or, if a county is 86569
one of the contracting parties under division (D) of this section, 86570
the resolution has been approved by a majority vote of the members 86571
of the board of township trustees; 86572

(b) The contracting parties have circulated petitions as 86573

required under division (J) of this section and obtained the 86574
signatures required under division (L) of this section; 86575

(c) The territory to be included in the proposed district is 86576
zoned in a manner appropriate to the function of the district. 86577

(2) If the board of township trustees has not invoked its 86578
authority under division (M)(1) of this section, the board, at 86579
least ninety days before the date of the election, shall file its 86580
resolution approving the district contract with the board of 86581
elections for submission to the electors of the township for 86582
approval at the next succeeding general, election or special 86583
election held on a day on which a primary, ~~or special~~ election may 86584
be held. 86585

(3) Any contract creating a district in which a board of 86586
township trustees is a party shall provide that the contract is 86587
not effective before the thirty-first day after its approval, 86588
including approval by the electors of the township if required by 86589
this section. 86590

(4) If the board of township trustees invokes its authority 86591
under division (M)(1) of this section and does not submit the 86592
district contract to the electors for approval, the resolution of 86593
the board of township trustees approving the contract is subject 86594
to a referendum of the electors of the township when requested 86595
through a petition. When signed by ten per cent of the number of 86596
electors in the township who voted for the office of governor at 86597
the most recent general election, a referendum petition asking 86598
that the resolution be submitted to the electors of the township 86599
may be presented to the board of township trustees. Such a 86600
petition shall be presented within thirty days after the board of 86601
township trustees adopts the resolution approving the district 86602
contract. The board of township trustees shall, not later than 86603
four p.m. of the tenth day after receipt of the petition, certify 86604
the text of the resolution to the board of elections. The board of 86605

elections shall submit the resolution to the electors of the township for their approval or rejection at the next general, election or special election held on a day on which a primary, or special election may be held, occurring at least ninety days after certification of the resolution.

(N) The ballot respecting a resolution to create a district or a referendum of such a resolution shall be in the following form:

"Shall the resolution of the board of township trustees approving the contract with (here insert name of every other contracting party) for the creation of a joint economic development district be approved?"

FOR THE RESOLUTION AND CONTRACT

AGAINST THE RESOLUTION AND CONTRACT"

If a majority of the electors of the township voting on the issue vote for the resolution and contract, the resolution shall become effective immediately and the contract shall go into effect on the thirty-first day after the election or thereafter in accordance with terms of the contract.

(O) Upon the creation of a district under this section, one of the contracting parties shall file a copy of each of the following documents with the director of development services:

(1) All of the documents described in divisions (I)(1)(a) to (c) of this section;

(2) Certified copies of the ordinances and resolutions of the contracting parties relating to the contract and district;

(3) Documentation from each contracting party that the public hearings required by division (I) of this section have been held, the date of the hearings, and evidence that notice of the hearings was published as required by that division;

(4) A copy of the signed petitions required under divisions 86636
(J) and (K) of this section. 86637

(P) A board of directors shall govern each district created 86638
under this section. 86639

(1) If there are businesses operating and persons employed 86640
within the district, the board shall be composed of the following 86641
members: 86642

(a) One member representing the municipal corporations that 86643
are contracting parties; 86644

(b) One member representing the townships that are 86645
contracting parties; 86646

(c) One member representing the owners of businesses 86647
operating within the district; 86648

(d) One member representing the persons employed within the 86649
district; 86650

(e) One member representing the counties that are contracting 86651
parties, or, if no contracting party is a county, one member 86652
selected by the members described in divisions (P)(1)(a) to (d) of 86653
this section. 86654

The members of the board shall be appointed as provided in 86655
the district contract. Of the members initially appointed to the 86656
board, the member described in division (P)(1)(a) of this section 86657
shall serve a term of one year; the member described in division 86658
(P)(1)(b) of this section shall serve a term of two years; the 86659
member described in division (P)(1)(c) of this section shall serve 86660
a term of three years; and the members described in divisions 86661
(P)(1)(d) and (e) of this section shall serve terms of four years. 86662
Thereafter, terms for each member shall be for four years, each 86663
term ending on the same day of the same month of the year as did 86664
the term that it succeeds. A member may be reappointed to the 86665

board, but no member shall serve more than two consecutive terms 86666
on the board. 86667

The member described in division (P)(1)(e) of this section 86668
shall serve as chairperson of the board described under division 86669
(P)(1) of this section. 86670

(2) If there are no businesses operating or persons employed 86671
within the district, the board shall be composed of the following 86672
members: 86673

(a) One member representing the municipal corporations that 86674
are contracting parties; 86675

(b) One member representing the townships that are 86676
contracting parties; 86677

(c) One member representing the counties that are contracting 86678
parties, or if no contracting party is a county, one member 86679
selected by the members described in divisions (P)(2)(a) and (b) 86680
of this section. 86681

The members of the board shall be appointed as provided in 86682
the district contract. Of the members initially appointed to the 86683
board, the member described in division (P)(2)(a) of this section 86684
shall serve a term of one year; the member described in division 86685
(P)(2)(b) of this section shall serve a term of two years; and the 86686
member described in division (P)(2)(c) of this section shall serve 86687
a term of three years. Thereafter, terms for each member shall be 86688
for four years, each term ending on the same day of the same month 86689
of the year as did the term that it succeeds. A member may be 86690
reappointed to the board, but no member shall serve more than two 86691
consecutive terms on the board. 86692

The member described in division (P)(2)(c) of this section 86693
shall serve as chairperson of a board described under division 86694
(P)(2) of this section. 86695

(3) A board described under division (P)(1) or (2) of this section has no powers except as described in this section and in the contract creating the district.

(4) Membership on the board of directors of a joint economic development district created under this section is not the holding of a public office or employment within the meaning of any section of the Revised Code prohibiting the holding of other public office or employment. Membership on such a board is not a direct or indirect interest in a contract or expenditure of money by a municipal corporation, township, county, or other political subdivision with which a member may be affiliated. Notwithstanding any provision of law to the contrary, no member of a board of directors of a joint economic development district shall forfeit or be disqualified from holding any public office or employment by reason of membership on the board.

(5) The board of directors of a joint economic development district is a public body for the purposes of section 121.22 of the Revised Code. Chapter 2744. of the Revised Code applies to such a board and the district.

(Q)(1) On or before the date occurring six months after the effective date of the district contract, an owner of a business operating within the district may, on behalf of the business and its employees, file a complaint with the court of common pleas of the county in which the majority of the territory of the district is located requesting exemption from any income tax imposed by the board of directors of the district under division (F)(5) of this section if all of the following apply:

(a) The business operated within an unincorporated area of the district before the effective date of the district contract;

(b) No owner of the business signed a petition described in division (J) of this section;

(c) Neither the business nor its employees has derived or 86727
will derive any material benefit from the new, expanded, or 86728
additional services, facilities, or improvements described in the 86729
economic development plan for the district, or the material 86730
benefit that has, or will be, derived is negligible in comparison 86731
to the income tax revenue generated from the net profits of the 86732
business and the income of employees of the business. 86733

The legislative authority of each contracting party shall be 86734
made a party to the proceedings and the business owner filing the 86735
complaint shall serve notice of the complaint by certified mail to 86736
each such contracting party. The court shall not accept any 86737
complaint filed more than six months after the effective date of 86738
the district contract. 86739

(2) Any or all of the contracting parties may submit a 86740
written answer to the complaint submitted under division (Q)(1) of 86741
this section to the court within thirty days after notice of the 86742
complaint was served upon them. Such a contracting party shall 86743
submit to the court, along with the answer, documentation 86744
sufficient to prove that the contracting party sent copies of the 86745
answer to the owner of the business who filed the complaint. 86746

(3) The court shall review each complaint submitted by a 86747
business owner under division (Q)(1) of this section and each 86748
answer submitted by a contracting party under division (Q)(2) of 86749
this section. The court may make a determination on the record and 86750
the evidence thus submitted, or it may conduct a hearing and 86751
request the presence of the business owner and the contracting 86752
parties to present evidence relevant to the complaint. The court 86753
shall make a determination on the complaint not sooner than thirty 86754
days but not later than sixty days after the complaint is filed by 86755
the business owner. The court may make a determination more than 86756
sixty days after the complaint is filed if the business owner and 86757
all contracting parties to the district consent. 86758

(4) The court shall grant the exemption requested in the 86759
complaint if all of the criteria described in divisions (Q)(1)(a) 86760
to (c) of this section are met. 86761

(5) If all the criteria described in divisions (Q)(1)(a) to 86762
(c) of this section are not met, the court shall deny the 86763
complaint and the exemption. 86764

(6) The court shall send notice of the determination with 86765
respect to the complaint to the owner of the business and each 86766
contracting party. If the court grants the exemption, the net 86767
profits of the business from operations within the district and 86768
the income of its employees from employment within the district 86769
are exempt from any income tax imposed by the board of directors 86770
of the district. If the court denies the exemption, the net 86771
profits of the business and the income of its employees shall be 86772
taxed according to the terms of the district contract and any 86773
taxes, penalties, and interest accrued before the date of the 86774
court's determination shall be paid in full. In addition, no owner 86775
of the business may submit another complaint under division (Q)(1) 86776
of this section for the same district contract. The court's 86777
determination on a complaint filed under division (Q) of this 86778
section is final. 86779

(7) Chapter 2506. of the Revised Code does not apply to the 86780
proceedings described in division (Q) of this section. 86781

(R)(1) No proceeding pursuant to Chapter 709. of the Revised 86782
Code that proposes the annexation to, merger of, or consolidation 86783
with a municipal corporation of any unincorporated territory 86784
within a joint economic development district may be commenced at 86785
any time between the effective date of the contract creating the 86786
district and the date the contract expires, terminates, or is 86787
otherwise rendered unenforceable. This division does not apply if 86788
each board of township trustees whose territory is included within 86789
the district and whose territory is proposed to be annexed, 86790

merged, or consolidated adopts a resolution consenting to the 86791
commencement of the proceeding. Each such board of township 86792
trustees shall file a copy of the resolution with the clerk of the 86793
legislative authority of each county within which a contracting 86794
party is located. 86795

(2) The contract creating a joint economic development 86796
district may prohibit any annexation proceeding by a contracting 86797
municipal corporation of any unincorporated territory within the 86798
district or zone beyond the period described in division (R)(1) of 86799
this section. 86800

(3) No contracting party is divested or relieved of its 86801
rights or obligations under the contract creating a joint economic 86802
development district because of annexation, merger, or 86803
consolidation. 86804

(S) Contracting parties may enter into agreements pursuant to 86805
the contract creating a joint economic development district with 86806
respect to the substance and administration of zoning and other 86807
land use regulations, building codes, permanent public 86808
improvements, and other regulatory and proprietary matters 86809
determined to be for a public purpose. No contract, however, shall 86810
exempt the territory within the district from the procedures of 86811
land use regulation applicable pursuant to municipal corporation, 86812
township, and county regulations, including, but not limited to, 86813
zoning procedures. 86814

(T) The powers granted under this section are in addition to 86815
and not in the derogation of all other powers possessed by or 86816
granted to municipal corporations, townships, and counties 86817
pursuant to law. 86818

(1) When exercising a power or performing a function or duty 86819
under a contract entered into under this section, a municipal 86820
corporation may exercise all the powers of a municipal 86821

corporation, and may perform all the functions and duties of a 86822
municipal corporation, within the district, pursuant to and to the 86823
extent consistent with the contract. 86824

(2) When exercising a power or performing a function or duty 86825
under a contract entered into under division (D) of this section, 86826
a county may exercise all of the powers of a county, and may 86827
perform all the functions and duties of a county, within the 86828
district pursuant to and to the extent consistent with the 86829
contract. 86830

(3) When exercising a power or performing a function or duty 86831
under a contract entered into under this section, a township may 86832
exercise all the powers of a township, and may perform all the 86833
functions and duties of a township, within the district, pursuant 86834
to and to the extent consistent with the contract. 86835

(U) No political subdivision shall grant any tax exemption 86836
under Chapter 1728. or section 3735.67, 5709.62, 5709.63, or 86837
5709.632 of the Revised Code on any property located within the 86838
district without the consent of all the contracting parties. The 86839
prohibition against granting a tax exemption under this section 86840
does not apply to any exemption filed, pending, or approved before 86841
the effective date of the contract entered into under this 86842
section. 86843

Sec. 718.04. (A) Notwithstanding division (A) of section 86844
715.013 of the Revised Code, a municipal corporation may levy a 86845
tax on income and a withholding tax if such taxes are levied in 86846
accordance with the provisions and limitations specified in this 86847
chapter. On or after January 1, 2016, the ordinance or resolution 86848
levying such taxes, as adopted or amended by the legislative 86849
authority of the municipal corporation, shall include all of the 86850
following: 86851

(1) A statement that the tax is an annual tax levied on the 86852

income of every person residing in or earning or receiving income 86853
in the municipal corporation and that the tax shall be measured by 86854
municipal taxable income; 86855

(2) A statement that the municipal corporation is levying the 86856
tax in accordance with the limitations specified in this chapter 86857
and that the resolution or ordinance thereby incorporates the 86858
provisions of this chapter; 86859

(3) The rate of the tax; 86860

(4) Whether, and the extent to which, a credit, as described 86861
in division (D) of this section, will be allowed against the tax; 86862

(5) The purpose or purposes of the tax; 86863

(6) Any other provision necessary for the administration of 86864
the tax, provided that the provision does not conflict with any 86865
provision of this chapter. 86866

(B) Any municipal corporation that, on or before March 23, 86867
2015, levies an income tax at a rate in excess of one per cent may 86868
continue to levy the tax at the rate specified in the original 86869
ordinance or resolution, provided that such rate continues in 86870
effect as specified in the original ordinance or resolution. 86871

(C)(1) No municipal corporation shall tax income at other 86872
than a uniform rate. 86873

(2) Except as provided in division (B) of this section, no 86874
municipal corporation shall levy a tax on income at a rate in 86875
excess of one per cent without having obtained the approval of the 86876
excess by a majority of the electors of the municipality voting on 86877
the question at a general, ~~primary,~~ election or a special election 86878
held on a day on which a primary election may be held. The 86879
legislative authority of the municipal corporation shall file with 86880
the board of elections at least ninety days before the day of the 86881
election a copy of the ordinance together with a resolution 86882

specifying the date the election is to be held and directing the board of elections to conduct the election. The ballot shall be in the following form: "Shall the Ordinance providing for a... per cent levy on income for (Brief description of the purpose of the proposed levy) be passed?"

	FOR THE INCOME TAX
	AGAINST THE INCOME TAX

"

In the event of an affirmative vote, the proceeds of the levy may be used only for the specified purpose.

(D) A municipal corporation may, by ordinance or resolution, grant a credit to residents of the municipal corporation for all or a portion of the taxes paid to any municipal corporation, in this state or elsewhere, by the resident or by a pass-through entity owned, directly or indirectly, by a resident, on the resident's distributive or proportionate share of the income of the pass-through entity. A municipal corporation is not required to refund taxes not paid to the municipal corporation.

(E) Except as otherwise provided in this chapter, a municipal corporation that levies an income tax in effect for taxable years beginning before January 1, 2016, may continue to administer and enforce the provisions of such tax for all taxable years beginning before January 1, 2016, provided that the provisions of such tax are consistent with this chapter as it existed prior to March 23, 2015.

(F) Nothing in this chapter authorizes a municipal corporation to levy a tax on income, or to administer or collect such a tax or penalties or interest related to such a tax, contrary to the provisions and limitations specified in this chapter. No municipal corporation shall enforce an ordinance or

resolution that conflicts with the provisions of this chapter. 86914

(G)(1) Division (G) of this section applies to a municipal 86915
corporation that, at the time of entering into a written agreement 86916
under division (G)(2) of this section, shares the same territory 86917
as a city, local, or exempted village school district, to the 86918
extent that not more than thirty per cent of the territory of the 86919
municipal corporation is located outside the school district and a 86920
portion of the territory of the school district that is not 86921
located within the municipal corporation is located within another 86922
municipal corporation having a population of four hundred thousand 86923
or more according to the federal decennial census most recently 86924
completed before the agreement is entered into under division 86925
(G)(2) of this section. 86926

(2) The legislative authority of a municipal corporation to 86927
which division (G) of this section applies may propose to the 86928
electors an income tax, one of the purposes of which shall be to 86929
provide financial assistance to the school district described in 86930
division (G)(1) of this section. Prior to proposing the tax, the 86931
legislative authority shall negotiate and enter into a written 86932
agreement with the board of education of that school district 86933
specifying the tax rate; the percentage or amount of tax revenue 86934
to be paid to the school district or the method of establishing or 86935
determining that percentage or amount, which may be subject to 86936
change periodically; the purpose for which the school district 86937
will use the money; the first year the tax will be levied; the 86938
date of the election on the question of the tax; and the method 86939
and schedule by which, and the conditions under which, the 86940
municipal corporation will make payments to the school district. 86941
The tax shall otherwise comply with the provisions and limitations 86942
specified in this chapter. 86943

Sec. 718.09. (A) This section applies to either of the 86944

following: 86945

(1) A municipal corporation that shares the same territory as 86946
a city, local, or exempted village school district, to the extent 86947
that not more than five per cent of the territory of the municipal 86948
corporation is located outside the school district and not more 86949
than five per cent of the territory of the school district is 86950
located outside the municipal corporation; 86951

(2) A municipal corporation that shares the same territory as 86952
a city, local, or exempted village school district, to the extent 86953
that not more than five per cent of the territory of the municipal 86954
corporation is located outside the school district, more than five 86955
per cent but not more than ten per cent of the territory of the 86956
school district is located outside the municipal corporation, and 86957
that portion of the territory of the school district that is 86958
located outside the municipal corporation is located entirely 86959
within another municipal corporation having a population of four 86960
hundred thousand or more according to the federal decennial census 86961
most recently completed before the agreement is entered into under 86962
division (B) of this section. 86963

(B) The legislative authority of a municipal corporation to 86964
which this section applies may propose to the electors an income 86965
tax, one of the purposes of which shall be to provide financial 86966
assistance to the school district through payment to the district 86967
of not less than twenty-five per cent of the revenue generated by 86968
the tax, except that the legislative authority may not propose to 86969
levy the income tax on the incomes of nonresident individuals. 86970
Prior to proposing the tax, the legislative authority shall 86971
negotiate and enter into a written agreement with the board of 86972
education of the school district specifying the tax rate, the 86973
percentage of tax revenue to be paid to the school district, the 86974
purpose for which the school district will use the money, the 86975

first year the tax will be levied, which shall be the first year 86976
after the year in which the levy is approved or any later year, 86977
the date of the ~~special~~ election ~~on~~ at which the question of the 86978
tax will appear on the ballot, which shall be a general election 86979
or a special election held on a day on which a primary election 86980
may be held, and the method and schedule by which the municipal 86981
corporation will make payments to the school district. ~~The special~~ 86982
~~election shall be held on a day specified in division (D) of~~ 86983
~~section 3501.01 of the Revised Code, except that the special~~ 86984
~~election may not be held on the day for holding a primary election~~ 86985
~~as authorized by the municipal corporation's charter unless the~~ 86986
~~municipal corporation is to have a primary election on that day.~~ 86987

After the legislative authority and board of education have 86988
entered into the agreement, the legislative authority shall 86989
provide for levying the tax by ordinance. The ordinance shall 86990
include the provisions described in division (A) of section 718.04 86991
of the Revised Code and shall state the tax rate, the percentage 86992
of tax revenue to be paid to the school district, the purpose for 86993
which the municipal corporation will use its share of the tax 86994
revenue, the first year the tax will be levied, and that the 86995
question of the income tax will be submitted to the electors of 86996
the municipal corporation. The legislative authority also shall 86997
adopt a resolution specifying the ~~regular or special election~~ date 86998
the election will be held, as provided in the written agreement, 86999
and directing the board of elections to conduct the election. At 87000
least ninety days before the date of the election, the legislative 87001
authority shall file certified copies of the ordinance and 87002
resolution with the board of elections. 87003

(C) The board of elections shall make the necessary 87004
arrangements for the submission of the question to the electors of 87005
the municipal corporation, and shall conduct the election in the 87006
same manner as any other municipal income tax election. Notice of 87007

the election shall be published in a newspaper of general 87008
circulation in the municipal corporation once a week for four 87009
consecutive weeks, or as provided in section 7.16 of the Revised 87010
Code, prior to the election, and shall include statements of the 87011
rate and municipal corporation and school district purposes of the 87012
income tax, the percentage of tax revenue that will be paid to the 87013
school district, and the first year the tax will be levied. The 87014
ballot shall be in the following form: 87015

"Shall the ordinance providing for a per cent levy on 87016
income for (brief description of the municipal corporation and 87017
school district purposes of the levy, including a statement of the 87018
percentage of tax revenue that will be paid to the school 87019
district) be passed? The income tax, if approved, will not be 87020
levied on the incomes of individuals who do not reside in (the 87021
name of the municipal corporation). 87022

	For the income tax	
	Against the income tax	"

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(D) If the question is approved by a majority of the 87027
electors, the municipal corporation shall impose the income tax 87028
beginning on the first day of January of the year specified in the 87029
ordinance. The proceeds of the levy may be used only for the 87030
specified purposes, including payment of the specified percentage 87031
to the school district. 87032

Sec. 718.10. (A) This section applies to a group of two or 87033
more municipal corporations that, taken together, share the same 87034
territory as a single city, local, or exempted village school 87035
district, to the extent that not more than five per cent of the 87036
territory of the municipal corporations as a group is located 87037
outside the school district and not more than five per cent of the 87038

territory of the school district is located outside the municipal 87039
corporations as a group. 87040

(B) The legislative authorities of the municipal corporations 87041
in a group of municipal corporations to which this section applies 87042
each may propose to the electors an income tax, to be levied in 87043
concert with income taxes in the other municipal corporations of 87044
the group, except that a legislative authority may not propose to 87045
levy the income tax on the incomes of individuals who do not 87046
reside in the municipal corporation. One of the purposes of such a 87047
tax shall be to provide financial assistance to the school 87048
district through payment to the district of not less than 87049
twenty-five per cent of the revenue generated by the tax. Prior to 87050
proposing the taxes, the legislative authorities shall negotiate 87051
and enter into a written agreement with each other and with the 87052
board of education of the school district specifying the tax rate, 87053
the percentage of the tax revenue to be paid to the school 87054
district, the first year the tax will be levied, which shall be 87055
the first year after the year in which the levy is approved or any 87056
later year, and the date of the election on the question of the 87057
tax, which shall be a general election or a special election held 87058
on a day on which a primary election may be held, and all of which 87059
shall be the same for each municipal corporation. The agreement 87060
also shall state the purpose for which the school district will 87061
use the money, and specify the method and schedule by which each 87062
municipal corporation will make payments to the school district. 87063
~~The special election shall be held on a day specified in division~~ 87064
~~(D) of section 3501.01 of the Revised Code, including a day on~~ 87065
~~which all of the municipal corporations are to have a primary~~ 87066
~~election.~~ 87067

After the legislative authorities and board of education have 87068
entered into the agreement, each legislative authority shall 87069
provide for levying its tax by ordinance. Each ordinance shall 87070

include the provisions described in division (A) of section 718.04 87071
of the Revised Code and shall state the rate of the tax, the 87072
percentage of tax revenue to be paid to the school district, the 87073
purpose for which the municipal corporation will use its share of 87074
the tax revenue, and the first year the tax will be levied. Each 87075
ordinance also shall state that the question of the income tax 87076
will be submitted to the electors of the municipal corporation on 87077
the same date as the submission of questions of an identical tax 87078
to the electors of each of the other municipal corporations in the 87079
group, and that unless the electors of all of the municipal 87080
corporations in the group approve the tax in their respective 87081
municipal corporations, none of the municipal corporations in the 87082
group shall levy the tax. Each legislative authority also shall 87083
adopt a resolution specifying the ~~regular or special election~~ date 87084
the election will be held, as provided in the written agreement, 87085
and directing the board of elections to conduct the election. At 87086
least ninety days before the date of the election, each 87087
legislative authority shall file certified copies of the ordinance 87088
and resolution with the board of elections. 87089

(C) For each of the municipal corporations, the board of 87090
elections shall make the necessary arrangements for the submission 87091
of the question to the electors, and shall conduct the election in 87092
the same manner as any other municipal income tax election. For 87093
each of the municipal corporations, notice of the election shall 87094
be published in a newspaper of general circulation in the 87095
municipal corporation once a week for four consecutive weeks, or 87096
as provided in section 7.16 of the Revised Code, prior to the 87097
election. The notice shall include a statement of the rate and 87098
municipal corporation and school district purposes of the income 87099
tax, the percentage of tax revenue that will be paid to the school 87100
district, and the first year the tax will be levied, and an 87101
explanation that the tax will not be levied unless an identical 87102
tax is approved by the electors of each of the other municipal 87103

corporations in the group. The ballot shall be in the following form: 87104
87105

"Shall the ordinance providing for a ... per cent levy on income for (brief description of the municipal corporation and school district purposes of the levy, including a statement of the percentage of income tax revenue that will be paid to the school district) be passed? The income tax, if approved, will not be levied on the incomes of individuals who do not reside in (the name of the municipal corporation). In order for the income tax to be levied, the voters of (the other municipal corporations in the group), which are also in the (name of the school district) school district, must approve an identical income tax and agree to pay the same percentage of the tax revenue to the school district. 87106
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	For the income tax	
	Against the income tax	"

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(D) If the question is approved by a majority of the electors and identical taxes are approved by a majority of the electors in each of the other municipal corporations in the group, the municipal corporation shall impose the tax beginning on the first day of January of the year specified in the ordinance. The proceeds of the levy may be used only for the specified purposes, including payment of the specified percentage to the school district. 87120
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Sec. 1545.041. (A) Any township park district created pursuant to section 511.18 of the Revised Code that includes park land located outside the township in which the park district was established may be converted under the procedures provided in this section into a park district to be operated and maintained as provided for in this chapter, provided that there is no existing 87129
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park district created under section 1545.04 of the Revised Code in 87135
the county in which the township park district is located. The 87136
proposed park district shall include within its boundary all 87137
townships and municipal corporations in which lands owned by the 87138
township park district seeking conversion are located, and may 87139
include any other townships and municipal corporations in the 87140
county in which the township park district is located. 87141

(B) Conversion of a township park district into a park 87142
district operated and maintained under this chapter shall be 87143
initiated by a resolution adopted by the board of park 87144
commissioners of the park district. Any resolution initiating a 87145
conversion shall include the following: 87146

(1) The name of the township park district seeking 87147
conversion; 87148

(2) The name of the proposed park district; 87149

(3) An accurate description of the territory to be included 87150
in the proposed district; 87151

(4) An accurate map or plat of the proposed park district. 87152
The resolution may also include a proposed tax levy for the 87153
operation and maintenance of the proposed park district. If such a 87154
tax levy is proposed, the resolution shall specify the annual rate 87155
of the tax, expressed in dollars and cents for each one hundred 87156
dollars of valuation and in mills for each dollar of valuation, 87157
and shall specify the number of consecutive years the levy will be 87158
in effect. The annual rate of such a tax may not be higher than 87159
the total combined millage of all levies then in effect for the 87160
benefit of the township park district named in the resolution. 87161

(C) Upon adoption of the resolution provided for in division 87162
(B) of this section, the board of park commissioners of the 87163
township park district seeking conversion under this section shall 87164
certify the resolution to the board of elections of the county in 87165

which the park district is located no later than four p.m. of the 87166
seventy-fifth day before the day of the election at which the 87167
question will be voted upon. Upon certification of the resolution 87168
to the board, the board of elections shall make the necessary 87169
arrangements to submit the question of conversion of the township 87170
park into a park district operated and maintained under Chapter 87171
1545. of the Revised Code, to the electors who reside in the 87172
territory of the proposed park district and are qualified to vote 87173
at the next ~~primary or~~ general election ~~who reside in the~~ 87174
~~territory of the proposed park district~~ or special election held 87175
on a day on which a primary election may be held. The question 87176
shall provide for a tax levy if such a levy is specified in the 87177
resolution. 87178

(D) The ballot submitted to the electors as provided in 87179
division (C) of this section shall contain the following language: 87180

"Shall the (name of the township park 87181
district seeking conversion) be converted into a park district to 87182
be operated and maintained under Chapter 1545. of the Revised Code 87183
under the name of (name of proposed park 87184
district), which park district shall include the following 87185
townships and municipal corporations: 87186

(Name townships and municipal corporations) 87187

Approval of the proposed conversion will result in the 87188
termination of all existing tax levies voted for the benefit of 87189
..... (name of the township park district sought to be 87190
converted) and in the levy of a new tax for the operation and 87191
maintenance of (name of proposed park district) at 87192
a rate not exceeding (number of mills) mills for each 87193
one dollar of valuation, which is (rate expressed in 87194
dollars and cents) for each one hundred dollars of valuation, for 87195
..... (number of years the millage is to be imposed) years, 87196
commencing on the (year) tax duplicate. 87197

	For the proposed conversion	87198
	Against the proposed conversion	87199
	"	87200

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(E) If the proposed conversion is approved by at least a majority of the electors voting on the proposal, the township park district that seeks conversion shall become a park district subject to Chapter 1545. of the Revised Code effective the first day of January following approval by the voters. The park district shall have the name specified in the resolution, and effective the first day of January following approval by the voters, the following shall occur:

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(1) The indebtedness of the former township park district shall be assumed by the new park district;

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(2) All rights, assets, properties, and other interests of the former township park district shall become vested in the new park district, including the rights to any tax revenues previously vested in the former township park district; provided, that all tax levies in excess of the ten mill limitation approved for the benefit of the former township park district shall be removed from the tax lists after the February settlement next succeeding the conversion. Any tax levy approved in connection with the conversion shall be certified as provided in section 5705.25 of the Revised Code.

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(3) The members of the board of park commissioners of the former township park district shall be the members ~~of the members~~ of the board of park commissioners of the new park district, with all the same powers and duties as if appointed under section 1545.05 of the Revised Code. The term of each such commissioner shall expire on the first day of January of the year following the year in which his term would have expired under section 511.19 of

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the Revised Code. Thereafter, commissioners shall be appointed 87229
pursuant to section 1545.05 of the Revised Code. 87230

Sec. 1545.21. The board of park commissioners, by resolution, 87231
may submit to the electors of the park district the question of 87232
levying taxes for the use of the district. The resolution shall 87233
declare the necessity of levying such taxes, shall specify the 87234
purpose for which such taxes shall be used, the annual rate 87235
proposed, and the number of consecutive years the rate shall be 87236
levied. Such resolution shall be forthwith certified to the board 87237
of elections in each county in which any part of such district is 87238
located, not later than the ninetieth day before the day of the 87239
election, and the question of the levy of taxes as provided in 87240
such resolution shall be submitted to the electors of the district 87241
at a general election or a special election held on a day on which 87242
a primary election to be held on whichever of the following occurs
first: 87243
87244

~~(A) The day of the next general election;~~ 87245

~~(B) The first Tuesday after the first Monday in May in any 87246
calendar year, except that if a presidential primary election is 87247
held in that calendar year, then the day of that election may be 87248
held. The 87249~~

The ballot shall set forth the purpose for which the taxes 87250
shall be levied, the annual rate of levy, and the number of years 87251
of such levy. If the tax is to be placed on the current tax list, 87252
the form of the ballot shall state that the tax will be levied in 87253
the current tax year and shall indicate the first calendar year 87254
the tax will be due. If the resolution of the board of park 87255
commissioners provides that an existing levy will be canceled upon 87256
the passage of the new levy, the ballot may include a statement 87257
that: "an existing levy of ... mills (stating the original levy 87258
millage), having ... years remaining, will be canceled and 87259

replaced upon the passage of this levy." In such case, the ballot 87260
may refer to the new levy as a "replacement levy" if the new 87261
millage does not exceed the original millage of the levy being 87262
canceled or as a "replacement and additional levy" if the new 87263
millage exceeds the original millage of the levy being canceled. 87264
If a majority of the electors voting upon the question of such 87265
levy vote in favor thereof, such taxes shall be levied and shall 87266
be in addition to the taxes authorized by section 1545.20 of the 87267
Revised Code, and all other taxes authorized by law. The rate 87268
submitted to the electors at any one time shall not exceed two 87269
mills annually upon each dollar of valuation unless the purpose of 87270
the levy includes providing operating revenues for one of Ohio's 87271
major metropolitan zoos, as defined in section 4503.74 of the 87272
Revised Code, in which case the rate shall not exceed three mills 87273
annually upon each dollar of valuation. When a tax levy has been 87274
authorized as provided in this section or in section 1545.041 of 87275
the Revised Code, the board of park commissioners may issue bonds 87276
pursuant to section 133.24 of the Revised Code in anticipation of 87277
the collection of such levy, provided that such bonds shall be 87278
issued only for the purpose of acquiring and improving lands. Such 87279
levy, when collected, shall be applied in payment of the bonds so 87280
issued and the interest thereon. The amount of bonds so issued and 87281
outstanding at any time shall not exceed one per cent of the total 87282
tax valuation in such district. Such bonds shall bear interest at 87283
a rate not to exceed the rate determined as provided in section 87284
9.95 of the Revised Code. 87285

Sec. 3311.21. (A) In addition to the resolutions authorized 87286
by sections 5705.194, 5705.199, 5705.21, 5705.212, and 5705.213 of 87287
the Revised Code, the board of education of a joint vocational or 87288
cooperative education school district by a vote of two-thirds of 87289
its full membership may at any time adopt a resolution declaring 87290
the necessity to levy a tax in excess of the ten-mill limitation 87291

for a period not to exceed ten years to provide funds for any one 87292
or more of the following purposes, which may be stated in the 87293
following manner in such resolution, the ballot, and the notice of 87294
election: purchasing a site or enlargement thereof and for the 87295
erection and equipment of buildings; for the purpose of enlarging, 87296
improving, or rebuilding thereof; for the purpose of providing for 87297
the current expenses of the joint vocational or cooperative school 87298
district; or for a continuing period for the purpose of providing 87299
for the current expenses of the joint vocational or cooperative 87300
education school district. The resolution shall specify the amount 87301
of the proposed rate and, if a renewal, whether the levy is to 87302
renew all, or a portion of, the existing levy, and shall specify 87303
the first year in which the levy will be imposed. If the levy 87304
provides for but is not limited to current expenses, the 87305
resolution shall apportion the annual rate of the levy between 87306
current expenses and the other purpose or purposes. Such 87307
apportionment may but need not be the same for each year of the 87308
levy, but the respective portions of the rate actually levied each 87309
year for current expenses and the other purpose or purposes shall 87310
be limited by such apportionment. The portion of any such rate 87311
actually levied for current expenses of a joint vocational or 87312
cooperative education school district shall be used in applying 87313
division (A) of section 3317.01 of the Revised Code. The portion 87314
of any such rate not apportioned to the current expenses of a 87315
joint vocational or cooperative education school district shall be 87316
used in applying division (B) of this section. On the adoption of 87317
such resolution, the joint vocational or cooperative education 87318
school district board of education shall certify the resolution to 87319
the board of elections of the county containing the most populous 87320
portion of the district, which board shall receive resolutions for 87321
filing and send them to the boards of elections of each county in 87322
which territory of the district is located, furnish all ballots 87323
for the election as provided in section 3505.071 of the Revised 87324

Code, and prepare the election notice; and the board of elections 87325
of each county in which the territory of such district is located 87326
shall make the other necessary arrangements for the submission of 87327
the question to the electors of the joint vocational or 87328
cooperative education school district at the next ~~primary or~~ 87329
general election or special election held on a day on which a 87330
primary election may be held, occurring not less than ninety days 87331
after the resolution was received from the joint vocational or 87332
cooperative education school district board of education, ~~or at a~~ 87333
~~special election to be held at a time designated by the district~~ 87334
~~board of education consistent with the requirements of section~~ 87335
~~3501.01 of the Revised Code, which date shall not be earlier than~~ 87336
~~ninety days after the adoption and certification of the~~ 87337
~~resolution.~~ 87338

The board of elections of the county or counties in which 87339
territory of the joint vocational or cooperative education school 87340
district is located shall cause to be published in a newspaper of 87341
general circulation in that district an advertisement of the 87342
proposed tax levy question, together with a statement of the 87343
amount of the proposed levy once a week for two consecutive weeks 87344
or as provided in section 7.16 of the Revised Code, prior to the 87345
election at which the question is to appear on the ballot. If the 87346
board of elections operates and maintains a web site, the board 87347
also shall post the advertisement on its web site for thirty days 87348
prior to that election. 87349

If a majority of the electors voting on the question of 87350
levying such tax vote in favor of the levy, the joint vocational 87351
or cooperative education school district board of education shall 87352
annually make the levy within the district at the rate specified 87353
in the resolution and ballot or at any lesser rate, and the county 87354
auditor of each affected county shall annually place the levy on 87355
the tax list and duplicate of each school district in the county 87356

having territory in the joint vocational or cooperative education 87357
school district. The taxes realized from the levy shall be 87358
collected at the same time and in the same manner as other taxes 87359
on the duplicate, and the taxes, when collected, shall be paid to 87360
the treasurer of the joint vocational or cooperative education 87361
school district and deposited to a special fund, which shall be 87362
established by the joint vocational or cooperative education 87363
school district board of education for all revenue derived from 87364
any tax levied pursuant to this section and for the proceeds of 87365
anticipation notes which shall be deposited in such fund. After 87366
the approval of the levy, the joint vocational or cooperative 87367
education school district board of education may anticipate a 87368
fraction of the proceeds of the levy and from time to time, during 87369
the life of the levy, but in any year prior to the time when the 87370
tax collection from the levy so anticipated can be made for that 87371
year, issue anticipation notes in an amount not exceeding fifty 87372
per cent of the estimated proceeds of the levy to be collected in 87373
each year up to a period of five years after the date of the 87374
issuance of the notes, less an amount equal to the proceeds of the 87375
levy obligated for each year by the issuance of anticipation 87376
notes, provided that the total amount maturing in any one year 87377
shall not exceed fifty per cent of the anticipated proceeds of the 87378
levy for that year. Each issue of notes shall be sold as provided 87379
in Chapter 133. of the Revised Code, and shall, except for such 87380
limitation that the total amount of such notes maturing in any one 87381
year shall not exceed fifty per cent of the anticipated proceeds 87382
of the levy for that year, mature serially in substantially equal 87383
installments, during each year over a period not to exceed five 87384
years after their issuance. 87385

(B) Prior to the application of section 319.301 of the 87386
Revised Code, the rate of a levy that is limited to, or to the 87387
extent that it is apportioned to, purposes other than current 87388
expenses shall be reduced in the same proportion in which the 87389

district's total valuation increases during the life of the levy 87390
because of additions to such valuation that have resulted from 87391
improvements added to the tax list and duplicate. 87392

(C) The form of ballot cast at an election under division (A) 87393
of this section shall be as prescribed by section 5705.25 of the 87394
Revised Code. 87395

Sec. 3311.213. (A) With the approval of the board of 87396
education of a joint vocational school district that is in 87397
existence, any school district in the county or counties 87398
comprising the joint vocational school district or any school 87399
district in a county adjacent to a county comprising part of a 87400
joint vocational school district may become a part of the joint 87401
vocational school district. On the adoption of a resolution of 87402
approval by the board of education of the joint vocational school 87403
district, it shall advertise a copy of such resolution in a 87404
newspaper of general circulation in the school district proposing 87405
to become a part of such joint vocational school district once 87406
each week for two weeks, or as provided in section 7.16 of the 87407
Revised Code, immediately following the date of the adoption of 87408
such resolution. Such resolution shall not become effective until 87409
the later of the sixty-first day after its adoption or until the 87410
board of elections certifies the results of an election in favor 87411
of joining of the school district to the joint vocational school 87412
district if such an election is held under division (B) of this 87413
section. 87414

(B) During the sixty-day period following the date of the 87415
adoption of a resolution to join a school district to a joint 87416
vocational school district under division (A) of this section, the 87417
electors of the school district that proposes joining the joint 87418
vocational school district may petition for a referendum vote on 87419
the resolution. The question whether to approve or disapprove the 87420

resolution shall be submitted to the electors of such school 87421
district if a number of qualified electors equal to twenty per 87422
cent of the number of electors in the school district who voted 87423
for the office of governor at the most recent general election for 87424
that office sign a petition asking that the question of whether 87425
the resolution shall be disapproved be submitted to the electors. 87426
The petition shall be filed with the board of elections of the 87427
county in which the school district is located. If the school 87428
district is located in more than one county, the petition shall be 87429
filed with the board of elections of the county in which the 87430
majority of the territory of the school district is located. The 87431
board shall certify the validity and sufficiency of the signatures 87432
on the petition. 87433

The board of elections shall immediately notify the board of 87434
education of the joint vocational school district and the board of 87435
education of the school district that proposes joining the joint 87436
vocational school district that the petition has been filed. 87437

The effect of the resolution shall be stayed until the board 87438
of elections certifies the validity and sufficiency of the 87439
signatures on the petition. If the board of elections determines 87440
that the petition does not contain a sufficient number of valid 87441
signatures and sixty days have passed since the adoption of the 87442
resolution, the resolution shall become effective. 87443

If the board of elections certifies that the petition 87444
contains a sufficient number of valid signatures, the board shall 87445
submit the question to the qualified electors of the school 87446
district ~~on the day of~~ at the next general or special election 87447
held on a day on which a primary election may be held, occurring 87448
at least ninety days after but no later than six months after the 87449
board of elections certifies the validity and sufficiency of 87450
signatures on the petition. ~~If there is no general or primary~~ 87451
~~election held at least ninety days after but no later than six~~ 87452

~~months after the board of elections certifies the validity and~~ 87453
~~sufficiency of signatures on the petition, the board shall submit~~ 87454
~~the question to the electors at a special election to be held on~~ 87455
~~the next day specified for special elections in division (D) of~~ 87456
~~section 3501.01 of the Revised Code that occurs at least ninety~~ 87457
~~days after the board certifies the validity and sufficiency of~~ 87458
~~signatures on the petition.~~ The election shall be conducted and 87459
canvassed and the results shall be certified in the same manner as 87460
in regular elections for the election of members of a board of 87461
education. 87462

If a majority of the electors voting on the question 87463
disapprove the resolution, the resolution shall not become 87464
effective. 87465

(C) If the resolution becomes effective, the board of 87466
education of the joint vocational school district shall notify the 87467
county auditor of the county in which the school district becoming 87468
a part of the joint vocational school district is located, who 87469
shall thereupon have any outstanding levy for building purposes, 87470
bond retirement, or current expenses in force in the joint 87471
vocational school district spread over the territory of the school 87472
district becoming a part of the joint vocational school district. 87473
On the addition of a city or exempted village school district or 87474
an educational service center to the joint vocational school 87475
district, pursuant to this section, the board of education of such 87476
joint vocational school district shall submit to the state board 87477
of education a proposal to enlarge the membership of such board by 87478
the addition of one or more persons at least one of whom shall be 87479
a member of the board of education or governing board of such 87480
additional school district or educational service center, and the 87481
term of each such additional member. On the addition of a local 87482
school district to the joint vocational school district, pursuant 87483
to this section, the board of education of such joint vocational 87484

school district may submit to the state board of education a 87485
proposal to enlarge the membership of such board by the addition 87486
of one or more persons who are members of the educational service 87487
center governing board of such additional local school district. 87488
On approval by the state board of education additional members 87489
shall be added to such joint vocational school district board of 87490
education. 87491

Sec. 3311.22. A governing board of an educational service 87492
center may propose, by resolution adopted by majority vote of its 87493
full membership, or qualified electors of the area affected equal 87494
in number to at least fifty-five per cent of the qualified 87495
electors voting at the last general election residing within that 87496
portion of a school district, or districts proposed to be 87497
transferred may propose, by petition, the transfer of a part or 87498
all of one or more local school districts to another local school 87499
district or districts within the territory of the educational 87500
service center. Such transfers may be made only to local school 87501
districts adjoining the school district that is proposed to be 87502
transferred, unless the board of education of the district 87503
proposed to be transferred has entered into an agreement pursuant 87504
to section 3313.42 of the Revised Code, in which case such 87505
transfers may be made to any local school district within the 87506
territory of the educational service center. 87507

When a governing board of an educational service center 87508
adopts a resolution proposing a transfer of school territory it 87509
shall forthwith file a copy of such resolution, together with an 87510
accurate map of the territory described in the resolution, with 87511
the board of education of each school district whose boundaries 87512
would be altered by such proposal. A governing board of an 87513
educational service center proposing a transfer of territory under 87514
the provisions of this section shall at its next regular meeting 87515
that occurs not earlier than thirty days after the adoption by the 87516

governing board of a resolution proposing such transfer, adopt a 87517
resolution making the transfer effective at any time prior to the 87518
next succeeding first day of July, unless, prior to the expiration 87519
of such thirty-day period, qualified electors residing in the area 87520
proposed to be transferred, equal in number to a majority of the 87521
qualified electors voting at the last general election, file a 87522
petition of referendum against such transfer. 87523

Any petition of transfer or petition of referendum filed 87524
under the provisions of this section shall be filed at the office 87525
of the educational service center superintendent. The person 87526
presenting the petition shall be given a receipt containing 87527
thereon the time of day, the date, and the purpose of the 87528
petition. 87529

The educational service center superintendent shall cause the 87530
board of elections to check the sufficiency of signatures on any 87531
petition of transfer or petition of referendum filed under this 87532
section and, if found to be sufficient, the superintendent shall 87533
present the petition to the educational service center governing 87534
board at a meeting of the board which shall occur not later than 87535
thirty days following the filing of the petition. 87536

Upon presentation to the educational service center governing 87537
board of a proposal to transfer territory as requested by petition 87538
of fifty-five per cent of the qualified electors voting at the 87539
last general election or a petition of referendum against a 87540
proposal of the county board to transfer territory, the governing 87541
board shall promptly certify the proposal to the board of 87542
elections for the purpose of having the proposal placed on the 87543
ballot at the next general election or special election held on a 87544
day on which a primary election ~~which occurs~~ may be held, 87545
occurring not less than ninety days after the date of such 87546
certification, ~~or at a special election, the date of which shall~~ 87547
~~be specified in the certification, which date shall not be less~~ 87548

~~than ninety days after the date of such certification.~~ Signatures 87549
on a petition of transfer or petition of referendum may be 87550
withdrawn up to and including the above mentioned meeting of the 87551
educational service center governing board only by order of the 87552
board upon testimony of the petitioner concerned under oath before 87553
the board that the petitioner's signature was obtained by fraud, 87554
duress, or misrepresentation. 87555

If a petition is filed with the educational service center 87556
governing board which proposes the transfer of a part or all of 87557
the territory included in a resolution of transfer previously 87558
adopted by the educational service center governing board, no 87559
action shall be taken on such petition if within the thirty-day 87560
period after the adoption of the resolution of transfer a 87561
referendum petition is filed. After the election, if the proposed 87562
transfer fails to receive a majority vote, action on such petition 87563
shall then be processed under this section as though originally 87564
filed under the provisions hereof. If no referendum petition is 87565
filed within the thirty-day period after the adoption of the 87566
resolution of transfer, no action shall be taken on such petition. 87567

If a petition is filed with the educational service center 87568
governing board which proposes the transfer of a part or all of 87569
the territory included in a petition previously filed by electors 87570
no action shall be taken on such new petition. 87571

Upon certification of a proposal to the board or boards of 87572
elections pursuant to this section, the board or boards of 87573
elections shall make the necessary arrangements for the submission 87574
of such question to the electors of the county or counties 87575
qualified to vote thereon, and the election shall be conducted and 87576
canvassed and the results shall be certified in the same manner as 87577
in regular elections for the election of members of a board of 87578
education. 87579

The persons qualified to vote upon a proposal are the 87580

electors residing in the district or districts containing 87581
territory that is proposed to be transferred. If the proposed 87582
transfer be approved by at least a majority of the electors voting 87583
on the proposal, the educational service center governing board 87584
shall make such transfer at any time prior to the next succeeding 87585
first day of July. If the proposed transfer is not approved by at 87586
least a majority of the electors voting on the proposal, the 87587
question of transferring any property included in the territory 87588
covered by the proposal shall not be submitted to electors at any 87589
election prior to the first general election the date of which is 87590
at least two years after the date of the original election, or the 87591
first special election held on a day on which a primary election 87592
may be held in an even-numbered year the date of which is at least 87593
two years after the date of the original election. A transfer 87594
shall be subject to the approval of the receiving board or boards 87595
of education, unless the proposal was initiated by the educational 87596
service center governing board, in which case, if the transfer is 87597
opposed by the board of education offered the territory, the local 87598
board may, within thirty days, following the receipt of the notice 87599
of transfer, appeal to the state board of education which shall 87600
then either approve or disapprove the transfer. 87601

Following an election upon a proposed transfer initiated by a 87602
petition the board of education that is offered territory shall, 87603
within thirty days following receipt of the proposal, either 87604
accept or reject the transfer. 87605

When an entire school district is proposed to be transferred 87606
to two or more school districts and the offer is rejected by any 87607
one of the receiving boards of education, none of the territory 87608
included in the proposal shall be transferred. 87609

Upon the acceptance of territory by the receiving board or 87610
boards of education the educational service center governing board 87611
offering the territory shall file with the county auditor and with 87612

the state board of education an accurate map showing the 87613
boundaries of the territory transferred. 87614

Upon the making of such transfer, the net indebtedness of the 87615
former district from which territory was transferred shall be 87616
apportioned between the acquiring school district and that portion 87617
of the former school district remaining after the transfer in the 87618
ratio which the assessed valuation of the territory transferred to 87619
the acquiring school district bears to the assessed valuation of 87620
the original school district as of the effective date of the 87621
transfer. As used in this section "net indebtedness" means the 87622
difference between the par value of the outstanding and unpaid 87623
bonds and notes of the school district and the amount held in the 87624
sinking fund and other indebtedness retirement funds for their 87625
redemption. 87626

Upon the making of any transfer under this section, the funds 87627
of the district from which territory was transferred shall be 87628
divided equitably by the educational service center governing 87629
board between the acquiring district and any part of the original 87630
district remaining after the transfer. 87631

If an entire district is transferred the board of education 87632
of such district is thereby abolished or if a member of the board 87633
of education lives in that part of a school district transferred 87634
the member becomes a nonresident of the school district from which 87635
the territory was transferred and such member ceases to be a 87636
member of the board of education of such district. 87637

The legal title of all property of the board of education in 87638
the territory transferred shall become vested in the board of 87639
education of the school district to which such territory is 87640
transferred. 87641

Subsequent to June 30, 1959, if an entire district is 87642
transferred, foundation program moneys accruing to a district 87643

accepting school territory under the provisions of this section or 87644
former section 3311.22 of the Revised Code, shall not be less, in 87645
any year during the next succeeding three years following the 87646
transfer, than the sum of the amounts received by the districts 87647
separately in the year in which the transfer was consummated. 87648

Sec. 3311.231. A governing board of an educational service 87649
center may propose, by resolution adopted by majority vote of its 87650
full membership, or qualified electors of the area affected equal 87651
in number to not less than fifty-five per cent of the qualified 87652
electors voting at the last general election residing within that 87653
portion of a school district proposed to be transferred may 87654
propose, by petition, the transfer of a part or all of one or more 87655
local school districts within the territory of the center to an 87656
adjoining educational service center or to an adjoining city or 87657
exempted village school district. 87658

A governing board of an educational service center adopting a 87659
resolution proposing a transfer of school territory under this 87660
section shall file a copy of such resolution together with an 87661
accurate map of the territory described in the resolution, with 87662
the board of education of each school district whose boundaries 87663
would be altered by such proposal. Where a transfer of territory 87664
is proposed by a governing board of an educational service center 87665
under this section, the governing board shall, at its next regular 87666
meeting that occurs not earlier than the thirtieth day after the 87667
adoption by the governing board of the resolution proposing such 87668
transfer, adopt a resolution making the transfer as originally 87669
proposed, effective at any time prior to the next succeeding first 87670
day of July, unless, prior to the expiration of such thirty-day 87671
period, qualified electors residing in the area proposed to be 87672
transferred, equal in number to a majority of the qualified 87673
electors voting at the last general election, file a petition of 87674
referendum against such transfer. 87675

Any petition of transfer or petition of referendum under the 87676
provisions of this section shall be filed at the office of the 87677
educational service center superintendent. The person presenting 87678
the petition shall be given a receipt containing thereon the time 87679
of day, the date, and the purpose of the petition. 87680

The educational service center superintendent shall cause the 87681
board of elections to check the sufficiency of signatures on any 87682
such petition, and, if found to be sufficient, the superintendent 87683
shall present the petition to the educational service center 87684
governing board at a meeting of said governing board which shall 87685
occur not later than thirty days following the filing of said 87686
petition. 87687

The educational service center governing board shall promptly 87688
certify the proposal to the board of elections of such counties in 87689
which school districts whose boundaries would be altered by such 87690
proposal are located for the purpose of having the proposal placed 87691
on the ballot at the next general election or special election 87692
held on a day on which a primary election which occurs may be 87693
held, occurring not less than ninety days after the date of such 87694
certification ~~or at a special election, the date of which shall be~~ 87695
~~specified in the certification, which date shall not be less than~~ 87696
~~ninety days after the date of such certification.~~ 87697

Signatures on a petition of transfer or petition of 87698
referendum may be withdrawn up to and including the above 87699
mentioned meeting of the educational service center governing 87700
board only by order of the governing board upon testimony of the 87701
petitioner concerned under oath before the board that the 87702
petitioner's signature was obtained by fraud, duress, or 87703
misrepresentation. 87704

If a petition is filed with the educational service center 87705
governing board which proposes the transfer of a part or all of 87706
the territory included either in a petition previously filed by 87707

electors or in a resolution of transfer previously adopted by the 87708
educational service center governing board, no action shall be 87709
taken on such new petition as long as the previously initiated 87710
proposal is pending before the governing board or is subject to an 87711
election. 87712

Upon certification of a proposal to the board or boards of 87713
elections pursuant to this section, the board or boards of 87714
elections shall make the necessary arrangements for the submission 87715
of such question to the electors of the county or counties 87716
qualified to vote thereon, and the election shall be conducted and 87717
canvassed and the results shall be certified in the same manner as 87718
in regular elections for the election of members of a board of 87719
education. 87720

The persons qualified to vote upon a proposal are the 87721
electors residing in the district or districts containing 87722
territory that is proposed to be transferred. If the proposed 87723
transfer is approved by at least a majority of the electors voting 87724
on the proposal, the educational service center governing board 87725
shall make such transfer at any time prior to the next succeeding 87726
first day of July, subject to the approval of the receiving board 87727
of education in case of a transfer to a city or exempted village 87728
school district, and subject to the approval of the educational 87729
service center governing board of the receiving center, in case of 87730
a transfer to an educational service center. If the proposed 87731
transfer is not approved by at least a majority of the electors 87732
voting on the proposal, the question of transferring any property 87733
included in the territory covered by the proposal shall not be 87734
submitted to electors at any election prior to the first general 87735
election the date of which is at least two years after the date of 87736
the original election, or the first special election held on a day 87737
on which a primary election may be held in an even-numbered year 87738
the date of which is at least two years after the date of the 87739

original election. 87740

Where a territory is transferred under this section to a city 87741
or exempted village school district, the board of education of 87742
such district shall, and where territory is transferred to an 87743
educational service center the governing board of such educational 87744
service center shall, within thirty days following receipt of the 87745
proposal, either accept or reject the transfer. 87746

Where a governing board of an educational service center 87747
adopts a resolution accepting territory transferred to the 87748
educational service center under the provisions of sections 87749
3311.231 and 3311.24 of the Revised Code, the governing board 87750
shall, at the time of the adoption of the resolution accepting the 87751
territory, designate the school district to which the accepted 87752
territory shall be annexed. 87753

When an entire school district is proposed to be transferred 87754
to two or more adjoining school districts and the offer is 87755
rejected by any one of the receiving boards of education, none of 87756
the territory included in the proposal shall be transferred. 87757

Upon the acceptance of territory by the receiving board or 87758
boards of education the educational service center governing board 87759
offering the territory shall file with the county auditor of each 87760
county affected by the transfer and with the state board of 87761
education an accurate map showing the boundaries of the territory 87762
transferred. 87763

Upon the making of such transfer, the net indebtedness of the 87764
former district from which territory was transferred shall be 87765
apportioned between the acquiring school district and the portion 87766
of the former school district remaining after the transfer in the 87767
ratio which the assessed valuation of the territory transferred to 87768
the acquiring school district bears to the assessed valuation of 87769
the original school district as of the effective date of the 87770

transfer. As used in this section "net indebtedness" means the 87771
difference between the par value of the outstanding and unpaid 87772
bonds and notes of the school district and the amount held in the 87773
sinking fund and other indebtedness retirement funds for their 87774
redemption. 87775

Upon the making of any transfer under this section, the funds 87776
of the district from which territory was transferred shall be 87777
divided equitably by the educational service center governing 87778
board, between the acquiring district and any part of the original 87779
district remaining after the transfer. 87780

If an entire district is transferred the board of education 87781
of such district is thereby abolished or if a member of the board 87782
of education lives in that part of a school district transferred 87783
the member becomes a nonresident of the school district from which 87784
the territory was transferred and such member ceases to be a 87785
member of the board of education of such district. 87786

The legal title of all property of the board of education in 87787
the territory transferred shall become vested in the board of 87788
education of the school district to which such territory is 87789
transferred. 87790

If an entire district is transferred, foundation program 87791
moneys accruing to a district receiving school territory under the 87792
provisions of this section shall not be less, in any year during 87793
the next succeeding three years following the transfer, than the 87794
sum of the amounts received by the districts separately in the 87795
year in which the transfer was consummated. 87796

Sec. 3311.26. The state board of education may, by resolution 87797
adopted by majority vote of its full membership, propose the 87798
creation of a new local school district from one or more local 87799
school districts or parts thereof, including the creation of a 87800
local district with noncontiguous territory from one or more local 87801

school districts if one of those districts has entered into an 87802
agreement under section 3313.42 of the Revised Code. Such proposal 87803
shall include an accurate map showing the territory affected. 87804
After the adoption of the resolution, the state board shall file a 87805
copy of such proposal with the board of education of each school 87806
district whose boundaries would be altered by such proposal. 87807

87808

Upon the creation of a new district under this section, the 87809
state board shall at its next regular meeting that occurs not 87810
earlier than thirty days after the adoption by the state board of 87811
the resolution proposing such creation, adopt a resolution making 87812
the creation effective prior to the next succeeding first day of 87813
July, unless, prior to the expiration of such thirty-day period, 87814
qualified electors residing in the area included in such proposed 87815
new district, equal in number to thirty-five per cent of the 87816
qualified electors voting at the last general election, file a 87817
petition of referendum against the creation of the proposed new 87818
district. 87819

A petition of referendum filed under this section shall be 87820
filed at the office of the state superintendent of public 87821
instruction. The person presenting the petition shall be given a 87822
receipt containing thereon the time of day, the date, and the 87823
purpose of the petition. 87824

If a petition of referendum is filed, the state board shall, 87825
at the next regular meeting of the state board, certify the 87826
proposal to the board of elections for the purpose of having the 87827
proposal placed on the ballot at the next general election or 87828
special election held on a day on which a primary election which 87829
occurs may be held, occurring not less than ninety days after the 87830
date of such certification, ~~or at a special election, the date of~~ 87831
~~which shall be specified in the certification, which date shall~~ 87832
~~not be less than ninety days after the date of such certification.~~ 87833

Upon certification of a proposal to the board or boards of 87834
elections pursuant to this section, the board or boards of 87835
elections shall make the necessary arrangements for the submission 87836
of such question to the electors of the county or counties 87837
qualified to vote thereon, and the election shall be conducted and 87838
canvassed and the results shall be certified in the same manner as 87839
in regular elections for the election of members of a board of 87840
education. 87841

The persons qualified to vote upon a proposal are the 87842
electors residing in the proposed new districts. 87843

If the proposed district be approved by at least a majority 87844
of the electors voting on the proposal, the state board shall then 87845
create such new district prior to the next succeeding first day of 87846
July. 87847

Upon the creation of such district, the indebtedness of each 87848
former district becoming in its entirety a part of the new 87849
district shall be assumed in full by the new district. Upon the 87850
creation of such district, that part of the net indebtedness of 87851
each former district becoming only in part a part of the new 87852
district shall be assumed by the new district which bears the same 87853
ratio to the entire net indebtedness of the former district as the 87854
assessed valuation of the part taken by the new district bears to 87855
the entire assessed valuation of the former district as fixed on 87856
the effective date of transfer. As used in this section, "net 87857
indebtedness" means the difference between the par value of the 87858
outstanding and unpaid bonds and notes of the school district and 87859
the amount held in the sinking fund and other indebtedness 87860
retirement funds for their redemption. Upon the creation of such 87861
district, the funds of each former district becoming in its 87862
entirety a part of the new district shall be paid over in full to 87863
the new district. Upon the creation of such district, the funds of 87864
each former district becoming only in part a part of the new 87865

district shall be divided equitably by the state board between the 87866
new district and that part of the former district not included in 87867
the new district as such funds existed on the effective date of 87868
the creation of the new district. 87869

The state board shall, following the election, file with the 87870
county auditor of each county affected by the creation of a new 87871
district an accurate map showing the boundaries of such newly 87872
created district. 87873

When a new local school district is so created, a board of 87874
education for such newly created district shall be appointed by 87875
the state board. The members of such appointed board of education 87876
shall hold their office until their successors are elected and 87877
qualified. A board of education shall be elected for such newly 87878
created district at the next general election held in an odd 87879
numbered year occurring more than ninety days after the 87880
appointment of the board of education of such newly created 87881
district. At such election two members shall be elected for a term 87882
of two years and three members shall be elected for a term of four 87883
years, and, thereafter, their successors shall be elected in the 87884
same manner and for the same terms as members of the board of 87885
education of a local school district. 87886

When the new district consists of territory lying in two or 87887
more counties, the state board shall determine to which 87888
educational service center the new district shall be assigned. 87889

The legal title of all property of the board of education in 87890
the territory taken shall become vested in the board of education 87891
of the newly created school district. 87892

Foundation program moneys accruing to a district created 87893
under the provisions of this section or previous section 3311.26 87894
of the Revised Code, shall not be less, in any year during the 87895
next succeeding three years following the creation, than the sum 87896

of the amounts received by the districts separately in the year in 87897
which the creation of the district became effective. 87898

If, prior to September 26, 2003, a local school district 87899
board of education or a group of individuals requests the 87900
governing board of an educational service center to consider 87901
proposing the creation of a new local school district, the 87902
governing board, at any time during the one-year period following 87903
the date that request is made, may adopt a resolution proposing 87904
the creation of a new local school district in response to that 87905
request and in accordance with the first paragraph of the version 87906
of this section in effect prior to September 26, 2003. If the 87907
governing board so proposes within that one-year period, the 87908
governing board may proceed to create the new local school 87909
district as it proposed, in accordance with the version of this 87910
section in effect prior to September 26, 2003, subject to the 87911
provisions of that version authorizing a petition and referendum 87912
on the matter. 87913

Consolidations of school districts which include all of the 87914
schools of a county and which become effective on or after July 1, 87915
1959, shall be governed and included under this section. 87916

Sec. 3311.50. (A) As used in this section, "county school 87917
financing district" means a taxing district consisting of the 87918
following territory: 87919

(1) The territory that constitutes the educational service 87920
center on the date that the governing board of that educational 87921
service center adopts a resolution under division (B) of this 87922
section declaring that the territory of the educational service 87923
center is a county school financing district, exclusive of any 87924
territory subsequently withdrawn from the district under division 87925
(D) of this section; 87926

(2) Any territory that has been added to the county school 87927

financing district under this section. 87928

A county school financing district may include the territory 87929
of a city, local, or exempted village school district whose 87930
territory also is included in the territory of one or more other 87931
county school financing districts. 87932

(B) The governing board of any educational service center 87933
may, by resolution, declare that the territory of the educational 87934
service center is a county school financing district. The 87935
resolution shall state the purpose for which the county school 87936
financing district is created, which may be for any one or more of 87937
the following purposes: 87938

(1) To levy taxes for the provision of special education by 87939
the school districts that are a part of the district, including 87940
taxes for permanent improvements for special education; 87941

(2) To levy taxes for the provision of specified educational 87942
programs and services by the school districts that are a part of 87943
the district, as identified in the resolution creating the 87944
district, including the levying of taxes for permanent 87945
improvements for those programs and services. Services financed by 87946
the levy may include school safety and security and mental health 87947
services, including training and employment of or contracting for 87948
the services of safety personnel, mental health personnel, social 87949
workers, and counselors. 87950

(3) To levy taxes for permanent improvements of school 87951
districts that are a part of the district. 87952

The governing board of the educational service center that 87953
creates a county school financing district shall serve as the 87954
taxing authority of the district and may use educational service 87955
center governing board employees to perform any of the functions 87956
necessary in the performance of its duties as a taxing authority. 87957
A county school financing district shall not employ any personnel. 87958

With the approval of a majority of the members of the board 87959
of education of each school district within the territory of the 87960
county school financing district, the taxing authority of the 87961
financing district may amend the resolution creating the district 87962
to broaden or narrow the purposes for which it was created. 87963

A governing board of an educational service center may create 87964
more than one county school financing district. If a governing 87965
board of an educational service center creates more than one such 87966
district, it shall clearly distinguish among the districts it 87967
creates by including a designation of each district's purpose in 87968
the district's name. 87969

(C) A majority of the members of a board of education of a 87970
city, local, or exempted village school district may adopt a 87971
resolution requesting that its territory be joined with the 87972
territory of any county school financing district. Copies of the 87973
resolution shall be filed with the state board of education and 87974
the taxing authority of the county school financing district. 87975
Within sixty days of its receipt of such a resolution, the county 87976
school financing district's taxing authority shall vote on the 87977
question of whether to accept the school district's territory as 87978
part of the county school financing district. If a majority of the 87979
members of the taxing authority vote to accept the territory, the 87980
school district's territory shall thereupon become a part of the 87981
county school financing district unless the county school 87982
financing district has in effect a tax imposed under section 87983
5705.215 of the Revised Code. If the county school financing 87984
district has such a tax in effect, the taxing authority shall 87985
certify a copy of its resolution accepting the school district's 87986
territory to the school district's board of education, which may 87987
then adopt a resolution, with the affirmative vote of a majority 87988
of its members, proposing the submission to the electors of the 87989
question of whether the district's territory shall become a part 87990

of the county school financing district and subject to the taxes 87991
imposed by the financing district. The resolution shall set forth 87992
the date on which the question shall be submitted to the electors, 87993
which shall be at a general election or a special election held on 87994
a day on which a primary election may be held on a date , as 87995
specified in the resolution, which shall not be earlier than 87996
ninety days after the adoption and certification of the 87997
resolution. A copy of the resolution shall immediately be 87998
certified to the board of elections of the proper county, which 87999
shall make arrangements for the submission of the proposal to the 88000
electors of the school district. The board of the joining district 88001
shall publish notice of the election in a newspaper of general 88002
circulation in the county once a week for two consecutive weeks, 88003
or as provided in section 7.16 of the Revised Code, prior to the 88004
election. Additionally, if the board of elections operates and 88005
maintains a web site, the board of elections shall post notice of 88006
the election on its web site for thirty days prior to the 88007
election. The question appearing on the ballot shall read: 88008

"Shall the territory within (name of the school 88009
district proposing to join the county school financing district) 88010
..... be added to (name) county school 88011
financing district, and a property tax for the purposes of 88012
..... (here insert purposes) at a rate of taxation 88013
not exceeding (here insert the outstanding tax rate) 88014
..... be in effect for (here insert the number of 88015
years the tax is to be in effect or "a continuing period of time," 88016
as applicable)?" 88017

If the proposal is approved by a majority of the electors 88018
voting on it, the joinder shall take effect on the first day of 88019
July following the date of the election, and the county board of 88020
elections shall notify the county auditor of each county in which 88021
the school district joining its territory to the county school 88022

financing district is located. 88023

(D) The board of any city, local, or exempted village school 88024
district whose territory is part of a county school financing 88025
district may withdraw its territory from the county school 88026
financing district thirty days after submitting to the governing 88027
board that is the taxing authority of the district and the state 88028
board a resolution proclaiming such withdrawal, adopted by a 88029
majority vote of its members, but any county school financing 88030
district tax levied in such territory on the effective date of the 88031
withdrawal shall remain in effect in such territory until such tax 88032
expires or is renewed. No board may adopt a resolution withdrawing 88033
from a county school financing district that would take effect 88034
during the forty-five days preceding the date of an election at 88035
which a levy proposed under section 5705.215 of the Revised Code 88036
is to be voted upon. 88037

(E) A city, local, or exempted village school district does 88038
not lose its separate identity or legal existence by reason of 88039
joining its territory to a county school financing district under 88040
this section and an educational service center does not lose its 88041
separate identity or legal existence by reason of creating a 88042
county school financing district that accepts or loses territory 88043
under this section. 88044

Sec. 3313.38. The board of education of a school district 88045
that is inaccessible from the mainland at some time of the year 88046
for any reason may purchase, erect, or rent, and maintain a 88047
residence for a principal or teacher, when in the opinion of a 88048
majority of the members of the board it is necessary to insure 88049
adequate personnel for the schools of such district. To provide a 88050
sum sufficient for the purchase price, the cost of the erection, 88051
or the cost of renting such residence an additional tax may be 88052
levied upon all the taxable property in the school district, in 88053

such amount as the board determines. The question of levying such 88054
tax, and the amount thereof, shall be separately submitted to the 88055
qualified electors of the school district at a general election or 88056
a special election held on a day on which a primary election may 88057
be held. Twenty days' notice thereof shall be previously given by 88058
posting notice of such election in at least three public places in 88059
the school district. Such notice shall state specifically the 88060
amount to be raised and the purposes thereof. If a majority of all 88061
votes cast at such election upon the proposition are in favor 88062
thereof, the tax provided for shall be authorized. 88063

Upon authorization of the tax levy the members of the board 88064
may issue notes in anticipation of such revenues to mature in not 88065
more than two years from the date of issue and to bear interest at 88066
not more than four per cent per annum. 88067

Sec. 3313.911. The state board of education may adopt a 88068
resolution assigning a city, exempted village, or local school 88069
district that is not a part of a joint vocational school district 88070
to membership in a joint vocational school district. A copy of the 88071
resolution shall be certified to the board of education of the 88072
joint vocational school district and the board of education of the 88073
district proposed to be assigned. The board of education of the 88074
joint vocational school district shall advertise a copy of the 88075
resolution in a newspaper of general circulation in the district 88076
proposed to be assigned once each week for two weeks, or as 88077
provided in section 7.16 of the Revised Code, immediately 88078
following the certification of the resolution to the board. The 88079
assignment shall take effect on the ninety-first day after the 88080
state board adopts the resolution, unless prior to that date 88081
qualified electors residing in the school district proposed for 88082
assignment, equal in number to ten per cent of the qualified 88083
electors of that district voting at the last general election, 88084
file a petition against the assignment. 88085

The petition of referendum shall be filed with the treasurer 88086
of the board of education of the district proposed to be assigned 88087
to the joint vocational school district. The treasurer shall give 88088
the person presenting the petition a receipt showing the time of 88089
day, date, and purpose of the petition. The treasurer shall cause 88090
the board of elections to determine the sufficiency of signatures 88091
on the petition and if the signatures are found to be sufficient, 88092
shall present the petition to the board of education of the 88093
district. The board of education shall promptly certify the 88094
question to the board of elections for the purpose of having the 88095
question placed on the ballot at the next general, ~~primary,~~ 88096
election or special election held on a day on which a primary 88097
election may be held, occurring not earlier than sixty days after 88098
the date of the certification. 88099

Only those qualified electors residing in the district 88100
proposed for assignment to the joint vocational school district 88101
are qualified to vote on the question. If a majority of the 88102
electors voting on the question vote against the assignment, it 88103
shall not take place, and the state board of education shall 88104
require the district to contract with the joint vocational school 88105
district or another school district as authorized by section 88106
3313.91 of the Revised Code. 88107

If a majority of the electors voting on the question do not 88108
vote against the assignment, the assignment shall take immediate 88109
effect, and the board of education of the joint vocational school 88110
district shall notify the county auditor of the county in which 88111
the school district becoming a part of the joint vocational school 88112
district is located to have any outstanding levy of the joint 88113
vocational school district spread over the territory of the school 88114
district that has become a part of the joint vocational school 88115
district. 88116

The assignment of a school district to a joint vocational 88117

school district pursuant to this section is subject to any 88118
agreements made between the board of education of the assigned 88119
school district and the board of education of the joint vocational 88120
school district. Such an agreement may include provisions for a 88121
payment by the assigned school district to the joint vocational 88122
school district of an amount to be contributed toward the cost of 88123
the existing facilities of the joint vocational school district. 88124

Sec. 3318.06. (A) After receipt of the conditional approval 88125
of the Ohio facilities construction commission, the school 88126
district board by a majority of all of its members shall, if it 88127
desires to proceed with the project, declare all of the following 88128
by resolution: 88129

(1) That by issuing bonds in an amount equal to the school 88130
district's portion of the basic project cost the district is 88131
unable to provide adequate classroom facilities without assistance 88132
from the state; 88133

(2) Unless the school district board has resolved to transfer 88134
money in accordance with section 3318.051 of the Revised Code or 88135
to apply the proceeds of a property tax or the proceeds of an 88136
income tax, or a combination of proceeds from such taxes, as 88137
authorized under section 3318.052 of the Revised Code, that to 88138
qualify for such state assistance it is necessary to do either of 88139
the following: 88140

(a) Levy a tax outside the ten-mill limitation the proceeds 88141
of which shall be used to pay the cost of maintaining the 88142
classroom facilities included in the project; 88143

(b) Earmark for maintenance of classroom facilities from the 88144
proceeds of an existing permanent improvement tax levied under 88145
section 5705.21 of the Revised Code, if such tax can be used for 88146
maintenance, an amount equivalent to the amount of the additional 88147
tax otherwise required under this section and sections 3318.05 and 88148

3318.08 of the Revised Code. 88149

(3) That the question of any tax levy specified in a 88150
resolution described in division (A)(2)(a) of this section, if 88151
required, shall be submitted to the electors of the school 88152
district at the next general election or special election held on 88153
a day on which a primary election may be held, ~~if there be a~~ 88154
~~general or primary election occurring~~ not less than ninety and not 88155
more than one hundred ten days after the day of the adoption of 88156
such resolution ~~or, if not, at a special election to be held at a~~ 88157
~~time specified in the resolution which shall be not less than~~ 88158
~~ninety days after the day of the adoption of the resolution and~~ 88159
~~which shall be in accordance with the requirements of section~~ 88160
~~3501.01 of the Revised Code.~~ 88161

Such resolution shall also state that the question of issuing 88162
bonds of the board shall be combined in a single proposal with the 88163
question of such tax levy. More than one election under this 88164
section may be held in any one calendar year. Such resolution 88165
shall specify both of the following: 88166

(a) That the rate which it is necessary to levy shall be at 88167
the rate of not less than one-half mill for each one dollar of 88168
valuation, and that such tax shall be levied for a period of 88169
twenty-three years; 88170

(b) That the proceeds of the tax shall be used to pay the 88171
cost of maintaining the classroom facilities included in the 88172
project. 88173

(B) A copy of a resolution adopted under division (A) of this 88174
section shall after its passage and not less than ninety days 88175
prior to the date set therein for the election be certified to the 88176
county board of elections. 88177

The resolution of the school district board, in addition to 88178
meeting other applicable requirements of section 133.18 of the 88179

Revised Code, shall state that the amount of bonds to be issued 88180
will be an amount equal to the school district's portion of the 88181
basic project cost, and state the maximum maturity of the bonds 88182
which may be any number of years not exceeding the term calculated 88183
under section 133.20 of the Revised Code as determined by the 88184
board. In estimating the amount of bonds to be issued, the board 88185
shall take into consideration the amount of moneys then in the 88186
bond retirement fund and the amount of moneys to be collected for 88187
and disbursed from the bond retirement fund during the remainder 88188
of the year in which the resolution of necessity is adopted. 88189

If the bonds are to be issued in more than one series, the 88190
resolution may state, in addition to the information required to 88191
be stated under division (B)(3) of section 133.18 of the Revised 88192
Code, the number of series, which shall not exceed five, the 88193
principal amount of each series, and the approximate date each 88194
series will be issued, and may provide that no series, or any 88195
portion thereof, may be issued before such date. Upon such a 88196
resolution being certified to the county auditor as required by 88197
division (C) of section 133.18 of the Revised Code, the county 88198
auditor, in calculating, advising, and confirming the estimated 88199
average annual property tax levy under that division, shall also 88200
calculate, advise, and confirm by certification the estimated 88201
average property tax levy for each series of bonds to be issued. 88202

Notice of the election shall include the fact that the tax 88203
levy shall be at the rate of not less than one-half mill for each 88204
one dollar of valuation for a period of twenty-three years, and 88205
that the proceeds of the tax shall be used to pay the cost of 88206
maintaining the classroom facilities included in the project. 88207

If the bonds are to be issued in more than one series, the 88208
board of education, when filing copies of the resolution with the 88209
board of elections as required by division (D) of section 133.18 88210
of the Revised Code, may direct the board of elections to include 88211

in the notice of election the principal amount and approximate 88212
date of each series, the maximum number of years over which the 88213
principal of each series may be paid, the estimated additional 88214
average property tax levy for each series, and the first calendar 88215
year in which the tax is expected to be due for each series, in 88216
addition to the information required to be stated in the notice 88217
under divisions (E)(3)(a) to (e) of section 133.18 of the Revised 88218
Code. 88219

(C)(1) Except as otherwise provided in division (C)(2) of 88220
this section, the form of the ballot to be used at such election 88221
shall be: 88222

"A majority affirmative vote is necessary for passage. 88223

Shall bonds be issued by the (here insert name 88224
of school district) school district to pay the local share of 88225
school construction under the State of Ohio Classroom Facilities 88226
Assistance Program in the principal amount of (here 88227
insert principal amount of the bond issue), to be repaid annually 88228
over a maximum period of (here insert the maximum 88229
number of years over which the principal of the bonds may be paid) 88230
years, and an annual levy of property taxes be made outside the 88231
ten-mill limitation, estimated by the county auditor to average 88232
over the repayment period of the bond issue (here 88233
insert the number of mills estimated) mills for each one dollar of 88234
tax valuation, which amounts to (rate expressed in 88235
cents or dollars and cents, such as "thirty-six cents" or "\$0.36") 88236
for each one hundred dollars of tax valuation to pay the annual 88237
debt charges on the bonds and to pay debt charges on any notes 88238
issued in anticipation of the bonds?" 88239

and, unless the additional levy 88240
of taxes is not required pursuant 88241
to division (C) of section 88242
3318.05 of the Revised Code, 88243

"Shall an additional levy of taxes be made for a period of 88244
 twenty-three years to benefit the (here insert name 88245
 of school district) school district, the proceeds of which shall 88246
 be used to pay the cost of maintaining the classroom facilities 88247
 included in the project at the rate of (here insert the 88248
 number of mills, which shall not be less than one-half mill) mills 88249
 for each one dollar of valuation? 88250

	FOR THE BOND ISSUE AND TAX LEVY	
	AGAINST THE BOND ISSUE AND TAX LEVY	"

88251
 88252
 88253
 88254

(2) If authority is sought to issue bonds in more than one 88255
 series and the board of education so elects, the form of the 88256
 ballot shall be as prescribed in section 3318.062 of the Revised 88257
 Code. If the board of education elects the form of the ballot 88258
 prescribed in that section, it shall so state in the resolution 88259
 adopted under this section. 88260

(D) If it is necessary for the school district to acquire a 88261
 site for the classroom facilities to be acquired pursuant to 88262
 sections 3318.01 to 3318.20 of the Revised Code, the district 88263
 board may propose either to issue bonds of the board or to levy a 88264
 tax to pay for the acquisition of such site, and may combine the 88265
 question of doing so with the questions specified in division (B) 88266
 of this section. Bonds issued under this division for the purpose 88267
 of acquiring a site are a general obligation of the school 88268
 district and are Chapter 133. securities. 88269

The form of that portion of the ballot to include the 88270
 question of either issuing bonds or levying a tax for site 88271
 acquisition purposes shall be one of the following: 88272

(1) "Shall bonds be issued by the (here insert 88273
 name of the school district) school district to pay costs of 88274

acquiring a site for classroom facilities under the State of Ohio 88275
Classroom Facilities Assistance Program in the principal amount of 88276
..... (here insert principal amount of the bond issue), to be 88277
repaid annually over a maximum period of (here insert 88278
maximum number of years over which the principal of the bonds may 88279
be paid) years, and an annual levy of property taxes be made 88280
outside the ten-mill limitation, estimated by the county auditor 88281
to average over the repayment period of the bond issue 88282
(here insert number of mills) mills for each one dollar of tax 88283
valuation, which amount to (here insert rate expressed 88284
in cents or dollars and cents, such as "thirty-six cents" or 88285
"\$0.36") for each one hundred dollars of valuation to pay the 88286
annual debt charges on the bonds and to pay debt charges on any 88287
notes issued in anticipation of the bonds?" 88288

(2) "Shall an additional levy of taxes outside the ten-mill 88289
limitation be made for the benefit of the (here insert 88290
name of the school district) school district for the purpose of 88291
acquiring a site for classroom facilities in the sum of 88292
(here insert annual amount the levy is to produce) estimated by 88293
the county auditor to average (here insert number of 88294
mills) mills for each one hundred dollars of valuation, for a 88295
period of (here insert number of years the millage is to 88296
be imposed) years?" 88297

Where it is necessary to combine the question of issuing 88298
bonds of the school district and levying a tax as described in 88299
division (B) of this section with the question of issuing bonds of 88300
the school district for acquisition of a site, the question 88301
specified in that division to be voted on shall be "For the Bond 88302
Issues and the Tax Levy" and "Against the Bond Issues and the Tax 88303
Levy." 88304

Where it is necessary to combine the question of issuing 88305
bonds of the school district and levying a tax as described in 88306

division (B) of this section with the question of levying a tax 88307
for the acquisition of a site, the question specified in that 88308
division to be voted on shall be "For the Bond Issue and the Tax 88309
Levies" and "Against the Bond Issue and the Tax Levies." 88310

Where the school district board chooses to combine the 88311
question in division (B) of this section with any of the 88312
additional questions described in divisions (A) to (D) of section 88313
3318.056 of the Revised Code, the question specified in division 88314
(B) of this section to be voted on shall be "For the Bond Issues 88315
and the Tax Levies" and "Against the Bond Issues and the Tax 88316
Levies." 88317

If a majority of those voting upon a proposition hereunder 88318
which includes the question of issuing bonds vote in favor 88319
thereof, and if the agreement provided for by section 3318.08 of 88320
the Revised Code has been entered into, the school district board 88321
may proceed under Chapter 133. of the Revised Code, with the 88322
issuance of bonds or bond anticipation notes in accordance with 88323
the terms of the agreement. 88324

Sec. 3318.061. This section applies only to school districts 88325
eligible to receive additional assistance under division (B)(2) of 88326
section 3318.04 of the Revised Code. 88327

The board of education of a school district in which a tax 88328
described by division (B) of section 3318.05 and levied under 88329
section 3318.06 of the Revised Code is in effect, may adopt a 88330
resolution by vote of a majority of its members to extend the term 88331
of that tax beyond the expiration of that tax as originally 88332
approved under that section. The school district board may include 88333
in the resolution a proposal to extend the term of that tax at the 88334
rate of not less than one-half mill for each dollar of valuation 88335
for a period of twenty-three years from the year in which the 88336
school district board and the Ohio facilities construction 88337

commission enter into an agreement under division (B)(2) of 88338
section 3318.04 of the Revised Code or in the following year, as 88339
specified in the resolution. Such a resolution may be adopted at 88340
any time before such an agreement is entered into and before the 88341
tax levied pursuant to section 3318.06 of the Revised Code 88342
expires. If the resolution is combined with a resolution to issue 88343
bonds to pay the school district's portion of the basic project 88344
cost, it shall conform with the requirements of divisions (A)(1), 88345
(2), and (3) of section 3318.06 of the Revised Code, except that 88346
the resolution also shall state that the tax levy proposed in the 88347
resolution is an extension of an existing tax levied under that 88348
section. A resolution proposing an extension adopted under this 88349
section does not take effect until it is approved by a majority of 88350
electors voting in favor of the resolution at a general, election 88351
or a special election held on a day on which a primary, or special 88352
election may be held, as provided in this section. 88353

A tax levy extended under this section is subject to the same 88354
terms and limitations to which the original tax levied under 88355
section 3318.06 of the Revised Code is subject under that section, 88356
except the term of the extension shall be as specified in this 88357
section. 88358

The school district board shall certify a copy of the 88359
resolution adopted under this section to the proper county board 88360
of elections not later than ninety days before the date set in the 88361
resolution as the date of the election at which the question will 88362
be submitted to electors. The notice of the election shall conform 88363
with the requirements of division (A)(3) of section 3318.06 of the 88364
Revised Code, except that the notice also shall state that the 88365
maintenance tax levy is an extension of an existing tax levy. 88366

The form of the ballot shall be as follows: 88367

"Shall the existing tax levied to pay the cost of maintaining 88368
classroom facilities constructed with the proceeds of the 88369

previously issued bonds at the rate of (here insert the 88370
number of mills, which shall not be less than one-half mill) mills 88371
per dollar of tax valuation, be extended until (here 88372
insert the year that is twenty-three years after the year in which 88373
the district and commission will enter into an agreement under 88374
division (B)(2) of section 3318.04 of the Revised Code or the 88375
following year)? 88376

	FOR EXTENDING THE EXISTING TAX LEVY	
	AGAINST EXTENDING THE EXISTING TAX LEVY	"

88377
88378
88379
88380

Section 3318.07 of the Revised Code applies to ballot 88381
questions under this section. 88382

Sec. 3318.063. If the board of education of a city, exempted 88383
village, or local school district that has entered into an 88384
agreement under section 3318.051 of the Revised Code to make 88385
transfers of money in lieu of levying the tax for maintenance of 88386
the classroom facilities included in the district's project 88387
determines that it no longer can continue making the transfers so 88388
agreed to and desires to rescind that agreement, the board shall 88389
adopt the resolution to submit the question of the tax levy 88390
prescribed in this section. 88391

The resolution shall declare that the question of a tax levy 88392
specified in division (F) of section 3318.051 of the Revised Code 88393
shall be submitted to the electors of the school district at the 88394
next general election or special election held on a day on which a 88395
primary election may be held, ~~if there be a general or primary~~ 88396
~~election occurring~~ occurring not less than seventy-five and not more than 88397
ninety-five days after the day of the adoption of such resolution 88398
~~or, if not, at a special election to be held at a time specified~~ 88399
~~in the resolution which shall be not less than seventy-five days~~ 88400

~~after the day of the adoption of the resolution and which shall be~~ 88401
~~in accordance with the requirements of section 3501.01 of the~~ 88402
~~Revised Code.~~ Such resolution shall specify both of the following: 88403

(A) That the rate which it is necessary to levy shall be at 88404
the rate of not less than one-half mill for each one dollar of 88405
valuation, and that such tax shall be levied for the number of 88406
years required by division (F) of section 3318.051 of the Revised 88407
Code; 88408

(B) That the proceeds of the tax shall be used to pay the 88409
cost of maintaining the classroom facilities included in the 88410
project. 88411

A copy of such resolution shall after its passage and not 88412
less than seventy-five days prior to the date set therein for the 88413
election be certified to the county board of elections. 88414

Notice of the election shall include the fact that the tax 88415
levy shall be at the rate of not less than one-half mill for each 88416
one dollar of valuation for the number of years required by 88417
division (F) of section 3318.051 of the Revised Code, and that the 88418
proceeds of the tax shall be used to pay the cost of maintaining 88419
the classroom facilities included in the project. 88420

The form of the ballot to be used at such election shall be: 88421

"Shall a levy of taxes be made for a period of 88422
(here insert the number of years, which shall not be less than the 88423
number required by division (F) of section 3318.051 of the Revised 88424
Code) years to benefit the (here insert name of 88425
school district) school district, the proceeds of which shall be 88426
used to pay the cost of maintaining the classroom facilities 88427
included in the project at the rate of (here insert the 88428
number of mills, which shall not be less than one-half mill) mills 88429
for each one dollar of valuation? 88430

88431

	FOR THE TAX LEVY	88432
	AGAINST THE TAX LEVY	88433

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Sec. 3318.361. A school district board opting to qualify for state assistance pursuant to section 3318.36 of the Revised Code through levying the tax specified in division (D)(2)(a) or (D)(4) of that section shall declare by resolution that the question of a tax levy specified in division (D)(2)(a) or (4), as applicable, of section 3318.36 of the Revised Code shall be submitted to the electors of the school district at the next general election or special election held on a day on which a primary election may be held, ~~if there be a general or primary election occurring~~ not less than ninety and not more than one hundred ten days after the day of the adoption of such resolution ~~or, if not, at a special election to be held at a time specified in the resolution which shall be not less than ninety days after the day of the adoption of the resolution and which shall be in accordance with the requirements of section 3501.01 of the Revised Code.~~ Such resolution shall specify both of the following:

(A) That the rate which it is necessary to levy shall be at the rate of not less than one-half mill for each one dollar of valuation, and that such tax shall be levied for a period of twenty-three years;

(B) That the proceeds of the tax shall be used to pay the cost of maintaining the classroom facilities included in the project.

A copy of such resolution shall after its passage and not less than ninety days prior to the date set therein for the election be certified to the county board of elections.

Notice of the election shall include the fact that the tax levy shall be at the rate of not less than one-half mill for each

one dollar of valuation for a period of twenty-three years, and 88463
that the proceeds of the tax shall be used to pay the cost of 88464
maintaining the classroom facilities included in the project. 88465

The form of the ballot to be used at such election shall be: 88466

"Shall a levy of taxes be made for a period of twenty-three 88467
years to benefit the (here insert name of school 88468
district) school district, the proceeds of which shall be used to 88469
pay the cost of maintaining the classroom facilities included in 88470
the project at the rate of (here insert the number of 88471
mills, which shall not be less than one-half mill) mills for each 88472
one dollar of valuation? 88473

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

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88475
88476
88477
Sec. 3354.02. A community college district may be created 88478
with the approval of the Ohio board of regents pursuant to 88479
standards established by the board. The standards shall take into 88480
consideration such factors as the population of the proposed 88481
district, the present and potential pupil enrollment, the present 88482
and potential higher education facilities in the district, and 88483
such other factors as pertain to the educational needs of the 88484
district. The Ohio board of regents may undertake or contract for 88485
a study to be made relative to the establishment of a community 88486
college district. 88487

The attorney general shall be the attorney for each community 88488
college district and shall provide legal advice in all matters 88489
relating to its powers and duties. 88490

A proposal to create a community college district may be 88491
presented to the Ohio board of regents in any of the following 88492

ways: 88493

(A) The board of county commissioners of any county, having a population of not less than seventy-five thousand, may, by resolution approved by two-thirds of its members, propose the creation of a community college district consisting of the whole territory of such county.

(B) The boards of county commissioners of any two or more contiguous counties, which together have a combined population of not less than seventy-five thousand, may, by a resolution approved by two-thirds of the members of each such board, together and jointly propose the creation of a community college district consisting of the whole territories of such counties together.

(C) Qualified electors residing in a county or in two or more contiguous counties may execute a petition proposing the creation of a community college district comprised of the territory of a county or two or more contiguous counties, respectively. Such petition shall be presented to the board of elections of the most populous county in which the proposed community college district is situated, and shall be signed by at least two per cent of the total number of resident electors who voted in the most recent election for governor in the territory of such proposed district. Such petition shall set forth the necessity for the district, a demonstration that it will be conducive to the public convenience and welfare, and a description of the territory to be included in the proposed district.

Upon receiving a petition duly executed pursuant to this division, the board of elections of the most populous county shall certify the fact of such petition to the election boards of the other counties, if any, to be included in such district. The proposal to create such district shall be placed on the ballot by the board of elections and submitted to vote in each affected county or group of contiguous counties, at the next ~~primary or~~

general election or special election held on a day on which a 88525
primary election may be held, occurring more than seventy-five 88526
days after the filing of such petition. ~~If there is no primary or~~ 88527
~~general election occurring within ninety days after the filing of~~ 88528
~~such petition, the board of elections of the most populous county~~ 88529
~~shall fix the date of a special election to be held in each~~ 88530
~~affected county, or group of contiguous counties, such date to be~~ 88531
~~not less than seventy five days after the filing of the petition~~ 88532
~~and to be consistent with the requirements of section 3501.01 of~~ 88533
~~the Revised Code.~~ If a majority of the electors voting on the 88534
proposition in the proposed community college district vote in 88535
favor thereof, the board of elections of the most populous county 88536
in which the proposed district is situated shall certify such fact 88537
to the Ohio board of regents. 88538

(D) No county shall be included in the territory of more than 88539
one community college district. 88540

A community college district may also be created under 88541
division (D) of section 3358.02 of the Revised Code. 88542

Sec. 3354.12. (A) Upon the request by resolution approved by 88543
the board of trustees of a community college district, and upon 88544
certification to the board of elections not less than ninety days 88545
prior to ~~the~~ a general election or a special election held on a 88546
day on which a primary election may be held, the boards of 88547
elections of the county or counties comprising such district shall 88548
place upon the ballot in their respective counties the question of 88549
levying a tax on all the taxable property in the community college 88550
district outside the ten-mill limitation, for a specified period 88551
of years or for a continuing period of time, to provide funds for 88552
any one or more of the following purposes: the acquisition of 88553
sites, the erection, furnishing, and equipment of buildings, the 88554
acquisition, construction, or improvement of any property which 88555

the board of trustees of a community college district is 88556
authorized to acquire, construct, or improve and which has an 88557
estimated life of usefulness of five years or more as certified by 88558
the fiscal officer, and the payment of operating costs. ~~Not more~~ 88559
~~than two special elections shall be held in any one calendar year.~~ 88560
Levies for a continuing period of time adopted under this section 88561
may be reduced in accordance with section 5705.261 of the Revised 88562
Code. 88563

If such proposal is to be or include the renewal of an 88564
existing levy at the expiration thereof, the ballot for such 88565
election shall state whether it is a renewal of a tax; a renewal 88566
of a stated number of mills and an increase of a stated number of 88567
mills, or a renewal of a part of an existing levy with a reduction 88568
of a stated number of mills; the year of the tax duplicate on 88569
which such renewal will first be made; and if earlier, the year of 88570
the tax duplicate on which such additional levy will first be 88571
made, which may include the tax duplicate for the current year 88572
unless the election is to be held after the first Tuesday after 88573
the first Monday in November of the current tax year. The ballot 88574
shall also state the period of years for such levy or that it is 88575
for a continuing period of time. If a levy for a continuing period 88576
of time provides for but is not limited to current expenses, the 88577
resolution of the board of trustees providing for the election on 88578
such levy shall apportion the annual rate of the levy between 88579
current expenses and the other purpose or purposes. Such 88580
apportionment need not be the same for each year of the levy, but 88581
the respective portions of the rate actually levied each year for 88582
current expenses and the other purpose or purposes shall be 88583
limited by such apportionment. The portion of the rate apportioned 88584
to the other purpose or purposes shall be reduced as provided in 88585
division (B) of this section. 88586

If a majority of the electors in such district voting on such 88587

question approve thereof, the county auditor or auditors of the 88588
county or counties comprising such district shall annually, for 88589
the applicable years, place such levy on the tax duplicate in such 88590
district, in an amount determined by the board of trustees, but 88591
not to exceed the amount set forth in the proposition approved by 88592
the electors. 88593

The boards of trustees of a community college district shall 88594
establish a special fund for all revenue derived from any tax 88595
levied pursuant to this section. 88596

The boards of elections of the county or counties comprising 88597
the district shall cause to be published in a newspaper of general 88598
circulation in each such county an advertisement of the proposed 88599
tax levy question once a week for two consecutive weeks, or as 88600
provided in section 7.16 of the Revised Code, prior to the 88601
election at which the question is to appear on the ballot. If a 88602
board of elections operates and maintains a web site, that board 88603
also shall post the advertisement on its web site for thirty days 88604
prior to that election. 88605

After the approval of such levy by vote, the board of 88606
trustees of a community college district may anticipate a fraction 88607
of the proceeds of such levy and from time to time issue 88608
anticipation notes having such maturity or maturities that the 88609
aggregate principal amount of all such notes maturing in any 88610
calendar year shall not exceed seventy-five per cent of the 88611
anticipated proceeds from such levy for such year, and that no 88612
note shall mature later than the thirty-first day of December of 88613
the tenth calendar year following the calendar year in which such 88614
note is issued. Each issue of notes shall be sold as provided in 88615
Chapter 133. of the Revised Code. 88616

The amount of bonds or anticipatory notes authorized pursuant 88617
to Chapter 3354. of the Revised Code, may include sums to repay 88618
moneys previously borrowed, advanced, or granted and expended for 88619

the purposes of such bond or anticipatory note issues, whether 88620
such moneys were advanced from the available funds of the 88621
community college district or by other persons, and the community 88622
college district may restore and repay to such funds or persons 88623
from the proceeds of such issues the moneys so borrowed, advanced 88624
or granted. 88625

All operating costs of such community college may be paid out 88626
of any gift or grant from the state, pursuant to division (K) of 88627
section 3354.09 of the Revised Code; out of student fees and 88628
tuition collected pursuant to division (G) of section 3354.09 of 88629
the Revised Code; or out of unencumbered funds from any other 88630
source of the community college income not prohibited by law. 88631

(B) Prior to the application of section 319.301 of the 88632
Revised Code, the rate of a levy that is limited to, or to the 88633
extent that it is apportioned to, purposes other than current 88634
expenses shall be reduced in the same proportion in which the 88635
district's total valuation increases during the life of the levy 88636
because of additions to such valuation that have resulted from 88637
improvements added to the tax list and duplicate. 88638

Sec. 3357.02. A technical college district may be created 88639
with the approval of the Ohio board of regents pursuant to 88640
standards established by it. Such standards shall take into 88641
consideration such factors as the population of the proposed 88642
district, the present and potential pupil enrollment, present and 88643
potential higher education facilities in the district, and such 88644
other factors as may pertain to the educational needs of the 88645
district. The Ohio board of regents may undertake a study or 88646
contract for a study to be made relative to its establishment or 88647
application of such standards. 88648

The attorney general shall be the attorney for each technical 88649
college district and shall provide legal advice in all matters 88650

relating to its powers and duties. 88651

A proposal to create a technical college district may be 88652
presented to the Ohio board of regents in any of the following 88653
ways: 88654

(A) The board of education of a city school district may by 88655
resolution approved by a majority of its members propose the 88656
creation of a technical college district consisting of the whole 88657
territory of such district. 88658

(B) The boards of two or more contiguous city, exempted 88659
village, or local school districts or educational service centers 88660
may by resolutions approved by a majority of the members of each 88661
participating board propose the creation of a technical college 88662
district consisting of the whole territories of all the 88663
participating school districts and educational service centers. 88664

(C) The governing board of any educational service center may 88665
by resolution approved by a majority of its members propose the 88666
creation of a technical college district consisting of the whole 88667
territory of such educational service center. 88668

(D) The governing boards of any two or more contiguous 88669
educational service centers may by resolutions approved by a 88670
majority of the members of each participating board, propose the 88671
creation of a technical college district consisting of the whole 88672
territories of such educational service centers. 88673

(E) Qualified electors residing in a city school district, in 88674
a county, in two or more contiguous school districts, or in two or 88675
more contiguous counties may execute a petition proposing the 88676
creation of a technical college district comprised of the 88677
territory of the city school district, educational service center, 88678
two or more contiguous school districts or educational service 88679
centers, or two or more contiguous counties, respectively. Such 88680
petition shall be presented to the board of elections of the most 88681

populous county in which the technical college district is 88682
situated and shall bear the signatures of at least two per cent of 88683
the total number of resident electors who voted in the most recent 88684
election for governor in the territory of such proposed district. 88685
Such petition shall set forth the necessity for the district, a 88686
demonstration that it will be conducive to the public convenience 88687
and welfare, and a description of the territory to be included in 88688
the proposed district. 88689

Upon receiving a petition duly executed pursuant to division 88690
(E) of this section, the board of elections of the most populous 88691
county shall certify the fact of such petition to the boards of 88692
elections of the other counties, if any, in which any of the 88693
territory of the proposed district is situated. The proposal to 88694
create a technical college district shall be placed on the ballot 88695
by the board of elections and submitted to vote in each affected 88696
city school district, county, or group of contiguous school 88697
districts or counties, at the next ~~primary or~~ general election or 88698
special election held on a day on which a primary election may be 88699
held, occurring more than ninety days after the filing of such 88700
petition. ~~If there is no primary or general election occurring~~ 88701
~~within one hundred five days after the filing of such petition,~~ 88702
~~the board of elections of the most populous county shall fix the~~ 88703
~~date of a special election to be held in each affected city school~~ 88704
~~district, county, or group of contiguous school districts or~~ 88705
~~counties, such date to be not less than ninety days after the~~ 88706
~~filing of the petition.~~ If a majority of electors voting on the 88707
proposition in the proposed technical college district vote in 88708
favor thereof, the board of elections of the most populous county 88709
in which the proposed district is situated shall certify such fact 88710
to the Ohio board of regents. 88711

Sec. 3357.11. For the purposes of purchasing a site or 88712
enlargement thereof, and for the erection and equipment of 88713

buildings, or for the purpose of enlarging, improving, or 88714
rebuilding existing facilities, the board of trustees of a 88715
technical college district shall determine the amount of bonds to 88716
be issued and such other matters as pertain thereto, and may when 88717
authorized by the vote of the electors of the district, issue and 88718
sell such bonds as provided in Chapter 133. of the Revised Code. 88719
Such board of trustees shall have the same authority and be 88720
subject to the same procedure as provided in such chapter in the 88721
case where the board of education proposes a bond issue for the 88722
purposes noted in this section. 88723

At any time the board of trustees of a technical college 88724
district by a vote of two-thirds of all its members may declare by 88725
resolution the necessity of a tax outside the ten-mill limitation 88726
for a period of years not to exceed ten years, to provide funds 88727
for one or more of the following purposes: for operation and 88728
maintenance, for purchasing a site or enlargement thereof, for the 88729
erection and construction or equipment of buildings, or for the 88730
purpose of enlarging or improving or rebuilding thereon. A copy of 88731
such resolution shall be certified to the board of elections of 88732
the county or counties in which such technical college district is 88733
situated, for the purpose of placing the proposal on the ballot at 88734
~~an~~ a general election or a special election held on a day on which 88735
a primary election ~~to~~ may be held at , occurring on a date 88736
designated by such board of trustees, ~~which date shall be~~ 88737
~~consistent with the requirements of section 3501.01 of the Revised~~ 88738
~~Code,~~ but which shall not be earlier than ninety days after the 88739
adoption and certification of such resolution. If a majority of 88740
the electors in such district voting on such question vote in 88741
favor of such levy, the resolution shall go into immediate effect. 88742
The trustees shall certify their action to the auditors of the 88743
county or counties in which such technical college district is 88744
situated, who shall annually thereafter place such levy on the tax 88745
duplicate in such district in the amount set forth in the 88746

proposition approved by the voters. 88747

After the approval of such levy by vote the board of trustees 88748
of a technical college district may anticipate a fraction of the 88749
proceeds of such levy and from time to time, during the life of 88750
such levy, issue anticipation notes in an amount not to exceed 88751
seventy-five per cent of the estimated proceeds of such levy to be 88752
collected in each year over a period of five years after the date 88753
of the issuance of such notes, less an amount equal to the 88754
proceeds of such levy previously obligated for each year by the 88755
issuance of anticipation notes, provided, that the total amount 88756
maturing in any one year shall not exceed seventy-five per cent of 88757
the anticipated proceeds of such levy for that year. 88758

Each issue of notes shall be sold as provided in Chapter 133. 88759
of the Revised Code and shall mature serially in substantially 88760
equal amounts, during each remaining year of the levy, not to 88761
exceed five, after their issuance. 88762

All necessary expenses for the operation of such technical 88763
college may be paid from any gifts, from grants of the state or 88764
federal government, from student fees and tuition collected 88765
pursuant to division (G) of section 3357.09 of the Revised Code, 88766
or from unencumbered funds from any other source of the technical 88767
college income, not prohibited by law. 88768

Sec. 3381.03. Any county, or any two or more counties, 88769
municipal corporations, or townships, or any combination of these 88770
may create a regional arts and cultural district by the adoption 88771
of a resolution or ordinance by the board of county commissioners 88772
of each county, the legislative authority of each municipal 88773
corporation, and the board of township trustees of each township 88774
that desires to create or to join in the creation of the district. 88775
The resolution or ordinance shall state all of the following: 88776

(A) The purposes for the creation of the district; 88777

(B) The counties, municipal corporations, or townships that are to be included in the district; 88778
88779

(C) The official name by which the district shall be known; 88780

(D) The location of the principal office of the district or the manner in which the location shall be selected; 88781
88782

(E) Subject to section 3381.05 of the Revised Code, the number, term, and compensation, which shall not exceed the sum of fifty dollars for each board and committee meeting attended by a member, of the members of the board of trustees of the district; 88783
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(F) Subject to section 3381.05 of the Revised Code, the manner in which members of the board of trustees of the district shall be appointed; the method of filling vacancies; and the period, if any, for which a trustee continues in office after expiration of the trustee's term pending the appointment of the trustee's successor; 88787
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(G) The manner of apportioning expenses of the district among the participating counties, municipal corporations, and townships. 88793
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The resolution or ordinance may also provide that the authority of the districts to make grants under section 3381.20 of the Revised Code may be totally or partially delegated to one or more area arts councils, as defined in section 757.03 of the Revised Code, located within the district. 88795
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The district provided for in the resolution or ordinance shall be created upon the adoption of the resolution or ordinance by the board of county commissioners of each county, the legislative authority of each municipal corporation, and the board of township trustees of each township enumerated in the resolution or ordinance. The resolution or ordinance may be amended to include additional counties, municipal corporations, or townships or for any other purpose by the adoption of an amendment by the board of county commissioners of each county, the legislative 88800
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authority of each municipal corporation, and the board of township 88809
trustees of each township that has created or joined or proposes 88810
to join the district. 88811

After each county, municipal corporation, and township has 88812
adopted a resolution or ordinance approving inclusion of 88813
additional counties, municipal corporations, or townships in the 88814
district, a copy of the resolution or ordinance shall be filed 88815
with the clerk of the board of the county commissioners of each 88816
county, the clerk of the legislative authority of each municipal 88817
corporation, and the fiscal officer of the board of trustees of 88818
each township proposed to be included in the district. The 88819
inclusion is effective when all such filing is completed unless 88820
the district to which territory is to be added has authority to 88821
levy an ad valorem tax on property within its territory, in which 88822
event the inclusion shall become effective upon voter approval of 88823
the joinder and the tax. The board of trustees shall promptly 88824
certify the proposal to the board or boards of elections for the 88825
purpose of having the proposal placed on the ballot at the next 88826
general election or special election held on a day on which a 88827
primary election that occurs may be held, occurring not less than 88828
sixty days after the date of the meeting of the board of trustees, 88829
~~or at a special election held on a date specified in the~~ 88830
~~certification that is not less than sixty days after the date of~~ 88831
~~the meeting of the board.~~ If territory of more than one county, 88832
municipal corporation, or township is to be added to the regional 88833
arts and cultural district, the electors of the territories of the 88834
counties, municipal corporations, or townships which are to be 88835
added shall vote as a district, and the outcome of the election 88836
shall be determined by the vote cast in the entire district. Upon 88837
certification of a proposal to the board or boards of elections 88838
pursuant to this section, the board or boards of elections shall 88839
make the necessary arrangements for the submission of the 88840
questions to the electors of the territory to be added to the 88841

district, and the election shall be held, canvassed, and certified 88842
in the manner provided for the submission of tax levies under 88843
section 5705.19 of the Revised Code, except that the question 88844
appearing on the ballot shall read: 88845

"Shall the territory within the (name or 88846
names of political subdivisions to be joined) be added to 88847
..... (name) regional arts and cultural 88848
district? And shall a(n) (here insert type of 88849
tax or taxes) at a rate of taxation not to exceed (here 88850
insert maximum tax rate or rates) be levied for purposes of such 88851
district?" 88852

If the question is approved by a majority of the electors 88853
voting on the question, the joinder is effective immediately, and 88854
the district may extend the levy of the tax against all the 88855
taxable property within the territory that has been added. If the 88856
question is approved at a general election ~~or at a special~~ 88857
~~election occurring prior to a general election but after the~~ 88858
~~fifteenth day of July in any calendar year~~, the district may amend 88859
its budget and resolution adopted pursuant to section 5705.34 of 88860
the Revised Code, and the levy shall be placed on the current tax 88861
list and duplicate and collected as other taxes are collected from 88862
all taxable property within the territory of the district, 88863
including the territory added as a result of the election. 88864

The territory of a district shall be coextensive with the 88865
territory of the counties, municipal corporations, and townships 88866
included within the district, provided that the same territory may 88867
not be included in more than one regional arts and cultural 88868
district, and provided, that if a district includes only a portion 88869
of an entire county, a district may be created in the remaining 88870
portion of the same county by resolution of the board of county 88871
commissioners acting alone or in conjunction with municipal 88872
corporations and townships as provided in this section. 88873

Sec. 3501.022. (A) Notwithstanding any section of the Revised Code to the contrary except as authorized under section 5705.214 or 5748.07 of the Revised Code, no question or issue proposing either of the following may be placed on the ballot at a special election held in August: 88874
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(1) To levy, renew, replace, increase, decrease, or repeal any tax; 88879
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(2) To create, dissolve, or change the territorial boundaries of a political subdivision or other entity authorized to submit to the electors a question described in division (A)(1) of this section. 88881
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(B) A board of elections may not accept a resolution or ordinance proposing to submit to the electors a question or issue described in division (A) of this section at a special election held in August. 88885
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Sec. 4301.421. (A) For the purposes of section 307.696 of the Revised Code, to pay the expenses of administering the tax, and to pay any or all of the charge the board of elections makes against the county to hold the election on the question of levying the tax, or for those purposes and to provide revenues to the county for permanent improvements, the board of county commissioners may levy a tax on the sale of beer at a rate not to exceed sixteen cents per gallon, on the sale of cider at a rate not to exceed twenty-four cents per gallon, and on the sale of wine and mixed beverages at a rate not to exceed thirty-two cents per gallon. The tax shall be imposed on all beer, cider, wine, and mixed beverages sold for resale at retail in the county, and on all beer, cider, wine, and mixed beverages sold at retail in the county by the manufacturer, bottler, importer, or other person upon which the tax has not been paid. The tax shall not be levied on the sale of 88889
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wine to be used for known sacramental purposes. The tax may be 88904
levied for any number of years not exceeding twenty. The tax shall 88905
be in addition to the taxes imposed by sections 4301.42, 4301.43, 88906
4301.432, and 4305.01 of the Revised Code. The tax shall not be 88907
considered a cost in any computation required under rules of the 88908
liquor control commission regulating minimum prices or mark-ups. 88909
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Only one sale of the same article shall be used in computing, 88911
reporting, and paying the amount of tax due. 88912

The tax shall be levied pursuant to a resolution of the 88913
county commissioners approved by a majority of the electors in the 88914
county voting on the question of levying the tax, which resolution 88915
shall specify the rate of the tax, the number of years the tax 88916
will be levied, and the purposes for which the tax is levied. The 88917
election may be held on the date of a general election or a 88918
special election held on a day on which a primary election or 88919
special election may be held, occurring not sooner than ninety 88920
days after the date the board certifies its resolution to the 88921
board of elections. If approved by the electors, the tax shall 88922
take effect on the first day of the month specified in the 88923
resolution but not sooner than the first day of the month that is 88924
at least sixty days after the certification of the election 88925
results by the board of elections. A copy of the resolution 88926
levying the tax and the certification of the board of elections 88927
shall be certified to the tax commissioner at least sixty days 88928
prior to the date on which the tax is to become effective. 88929

A resolution under this section may be joined on the ballot 88930
as a single question with a resolution adopted under section 88931
307.697 or 5743.024 of the Revised Code to levy a tax for the same 88932
purposes and for the purpose of paying the expenses of 88933
administering the tax. The form of the ballot in an election held 88934
pursuant to this section shall be as prescribed in section 307.697 88935

of the Revised Code. 88936

(B) The board of county commissioners of a county in which a 88937
tax is imposed under this section on the effective date of the 88938
amendment of this section by H.B. 59 of the 130th general 88939
assembly, September 29, 2013, may levy a tax for the purpose of 88940
section 307.673 of the Revised Code regardless of whether or not 88941
the cooperative agreement authorized under that section has been 88942
entered into prior to the day the resolution adopted under 88943
division (B)(1) or (2) of this section is adopted, for the purpose 88944
of reimbursing a county for costs incurred in the construction of 88945
a sports facility pursuant to an agreement entered into by the 88946
county under section 307.696 of the Revised Code, or for the 88947
purpose of paying the costs of capital repairs of and improvements 88948
to a sports facility. The tax shall be levied and approved in one 88949
of the manners prescribed by division (B)(1) or (2) of this 88950
section. 88951

(1) The tax may be levied pursuant to a resolution adopted by 88952
a majority of the members of the board of county commissioners not 88953
later than September 2, 1995. A board of county commissioners 88954
approving a tax under division (B)(1) of this section may approve 88955
a tax under division (D)(1) of section 307.697 or division (C)(1) 88956
of section 5743.024 of the Revised Code at the same time. Subject 88957
to the resolution being submitted to a referendum under sections 88958
305.31 to 305.41 of the Revised Code, the resolution shall take 88959
effect immediately, but the tax levied pursuant to the resolution 88960
shall not be levied prior to the day following the last day that 88961
any tax previously levied pursuant to this division may be levied. 88962

(2) The tax may be levied pursuant to a resolution adopted by 88963
a majority of the members of the board of county commissioners not 88964
later than September 1, 2015, and approved by a majority of the 88965
electors of the county voting on the question of levying the tax. 88966
The board of county commissioners shall certify a copy of the 88967

resolution to the board of elections immediately upon adopting a 88968
resolution under division (D)(2) of this section. The election may 88969
be held on the date of a general election or a special election 88970
held on a day on which a primary election may be held, occurring 88971
not sooner than ninety days after the date the board certifies its 88972
resolution to the board of elections. The form of the ballot shall 88973
be as prescribed by division (C) of section 307.697 of the Revised 88974
Code, except that the phrase "paying not more than one-half of the 88975
costs of providing a sports facility together with related 88976
redevelopment and economic development projects" shall be replaced 88977
by the phrase "paying the costs of constructing, renovating, 88978
improving, or repairing a sports facility and reimbursing a county 88979
for costs incurred by the county in the construction of a sports 88980
facility," and the phrase ", beginning (here insert the 88981
earliest date the tax would take effect)" shall be appended after 88982
"years." A board of county commissioners submitting the question 88983
of a tax under division (B)(2) of this section may submit the 88984
question of a tax under division (D)(2) of section 307.697 or 88985
division (C)(2) of section 5743.024 of the Revised Code as a 88986
single question, and the form of the ballot shall include each of 88987
the proposed taxes. 88988

If approved by a majority of electors voting on the question, 88989
the tax shall take effect on the day specified on the ballot, 88990
which shall not be earlier than the day following the last day 88991
that any tax previously levied pursuant to this division may be 88992
levied. 88993

The rate of a tax levied pursuant to division (B)(1) or (2) 88994
of this section shall not exceed the rate specified in division 88995
(A) of this section. A tax levied pursuant to division (B)(1) or 88996
(2) of this section may be levied for any number of years not 88997
exceeding twenty. 88998

A board of county commissioners adopting a resolution under 88999

division (B)(1) or (2) of this section shall certify a copy of the 89000
resolution to the tax commissioner immediately upon adoption of 89001
the resolution. 89002

(C) No tax shall be levied under division (A) of this section 89003
on or after September 23, 2008. This division does not apply to a 89004
tax levied under division (B) of this section, and does not 89005
prevent the collection of any tax levied under this section before 89006
September 23, 2008, so long as that tax remains effective. 89007

Sec. 4301.424. (A) For the purpose of section 351.26 of the 89008
Revised Code and to pay any or all of the charge the board of 89009
elections makes against the county to hold the election on the 89010
question of levying the tax, the board of county commissioners, in 89011
the manner prescribed by division (A) of section 351.26 of the 89012
Revised Code, may levy a tax on each gallon of spirituous liquor; 89013
on the sale of beer; and on the sale of wine and mixed beverages. 89014
The tax on spirituous liquor shall be imposed on spirituous liquor 89015
sold to or purchased by liquor permit holders for resale, and sold 89016
at retail by the division of liquor control, in the county at a 89017
rate not greater than three dollars per gallon; the tax on beer, 89018
wine, and mixed beverages shall be imposed on all beer, wine, and 89019
mixed beverages sold for resale at retail in the county, and on 89020
all beer, wine, and mixed beverages sold at retail in the county 89021
by the manufacturer, bottler, importer, or other person and upon 89022
which the tax has not been paid. The rate of the tax on beer shall 89023
not exceed sixteen cents per gallon, and the rate of the tax on 89024
wine and mixed beverages shall not exceed thirty-two cents per 89025
gallon. Only one sale of the same article shall be used in 89026
computing, reporting, and paying the amount of tax due. The tax 89027
may be levied for any number of years not exceeding twenty. 89028

The tax shall be levied pursuant to a resolution of the board 89029
of county commissioners adopted as prescribed by division (A) of 89030

section 351.26 of the Revised Code and approved by a majority of 89031
the electors in the county voting on the question of levying the 89032
tax. The resolution shall specify the rates of the tax, the number 89033
of years the tax will be levied, and the purposes for which the 89034
tax is levied. Such election may be held on the date of a general 89035
election or a special election held on a day on which a primary 89036
election may be held, occurring not sooner than ninety days after 89037
the date the board certifies its resolution to the board of 89038
elections. If approved by the electors, the tax takes effect on 89039
the first day of the month specified in the resolution but not 89040
sooner than the first day of the month that is at least sixty days 89041
after the certification of the election results by the board of 89042
elections. A copy of the resolution levying the tax shall be 89043
certified to the division of liquor control and the tax 89044
commissioner at least sixty days prior to the date on which the 89045
tax is to become effective. 89046

(B) A resolution under this section may be joined on the 89047
ballot as a single question with a resolution adopted under 89048
section 5743.026 of the Revised Code to levy a tax for the same 89049
purposes, and for the purpose of paying the expenses of 89050
administering that tax. 89051

(C) The form of the ballot in an election held on the 89052
question of levying a tax proposed pursuant to this section shall 89053
be as prescribed by section 351.26 of the Revised Code. 89054

(D) No tax shall be levied under this section on or after 89055
September 23, 2008. This division does not prevent the collection 89056
of any tax levied under this section before that date so long as 89057
that tax remains effective. 89058

Sec. 5705.191. The taxing authority of any subdivision, other 89059
than the board of education of a school district or the taxing 89060
authority of a county school financing district, by a vote of 89061

two-thirds of all its members, may declare by resolution that the 89062
amount of taxes that may be raised within the ten-mill limitation 89063
by levies on the current tax duplicate will be insufficient to 89064
provide an adequate amount for the necessary requirements of the 89065
subdivision, and that it is necessary to levy a tax in excess of 89066
such limitation for any of the purposes in section 5705.19 of the 89067
Revised Code, or to supplement the general fund for the purpose of 89068
making appropriations for one or more of the following purposes: 89069
public assistance, human or social services, relief, welfare, 89070
hospitalization, health, and support of general hospitals, and 89071
that the question of such additional tax levy shall be submitted 89072
to the electors of the subdivision at a general, election or a 89073
special election held on a day on which a primary, ~~or special~~ 89074
election ~~to~~ may be held, occurring at a time therein specified. In 89075
the case of a qualifying library levy for the support of a library 89076
association or private corporation, the question of the levy shall 89077
be submitted to the electors of the association library district. 89078
Such resolution shall not include a levy on the current tax list 89079
and duplicate unless such election is to be held at or prior to 89080
the general election day of the current tax year. Such resolution 89081
shall conform to the requirements of section 5705.19 of the 89082
Revised Code, except that a levy to supplement the general fund 89083
for the purposes of public assistance, human or social services, 89084
relief, welfare, hospitalization, health, or the support of 89085
general or tuberculosis hospitals may not be for a longer period 89086
than ten years. All other levies under this section may not be for 89087
a longer period than five years unless a longer period is 89088
permitted by section 5705.19 of the Revised Code, and the 89089
resolution shall specify the date of holding such election, which 89090
shall not be earlier than ninety days after the adoption and 89091
certification of such resolution. The resolution shall go into 89092
immediate effect upon its passage and no publication of the same 89093
is necessary other than that provided for in the notice of 89094

election. A copy of such resolution, immediately after its 89095
passage, shall be certified to the board of elections of the 89096
proper county or counties in the manner provided by section 89097
5705.25 of the Revised Code, and such section shall govern the 89098
arrangements for the submission of such question and other matters 89099
with respect to such election, to which section 5705.25 of the 89100
Revised Code refers, excepting that such election shall be held on 89101
the date of the general election or the special election held on a 89102
day on which a primary election may be held, as specified in the 89103
resolution, ~~which shall be consistent with the requirements of~~ 89104
~~section 3501.01 of the Revised Code,~~ provided that only one 89105
~~special~~ election for the submission of such question may be held 89106
in any one calendar year ~~and provided that a special election may~~ 89107
~~be held upon the same day a primary election is held.~~ Publication 89108
of notice of that election shall be made in a newspaper of general 89109
circulation in the county once a week for two consecutive weeks, 89110
or as provided in section 7.16 of the Revised Code, prior to the 89111
election. If the board of elections operates and maintains a web 89112
site, the board of elections shall post notice of the election on 89113
its web site for thirty days prior to the election. 89114

If a majority of the electors voting on the question vote in 89115
favor thereof, the taxing authority of the subdivision may make 89116
the necessary levy within such subdivision or, in the case of a 89117
qualifying library levy for the support of a library association 89118
or private corporation, within the association library district, 89119
at the additional rate or at any lesser rate outside the ten-mill 89120
limitation on the tax list and duplicate for the purpose stated in 89121
the resolution. Such tax levy shall be included in the next annual 89122
tax budget that is certified to the county budget commission. 89123

After the approval of such a levy by the electors, the taxing 89124
authority of the subdivision may anticipate a fraction of the 89125
proceeds of such levy and issue anticipation notes. In the case of 89126

a continuing levy that is not levied for the purpose of current 89127
expenses, notes may be issued at any time after approval of the 89128
levy in an amount not more than fifty per cent of the total 89129
estimated proceeds of the levy for the succeeding ten years, less 89130
an amount equal to the fraction of the proceeds of the levy 89131
previously anticipated by the issuance of anticipation notes. In 89132
the case of a levy for a fixed period that is not for the purpose 89133
of current expenses, notes may be issued at any time after 89134
approval of the levy in an amount not more than fifty per cent of 89135
the total estimated proceeds of the levy throughout the remaining 89136
life of the levy, less an amount equal to the fraction of the 89137
proceeds of the levy previously anticipated by the issuance of 89138
anticipation notes. In the case of a levy for current expenses, 89139
notes may be issued after the approval of the levy by the electors 89140
and prior to the time when the first tax collection from the levy 89141
can be made. Such notes may be issued in an amount not more than 89142
fifty per cent of the total estimated proceeds of the levy 89143
throughout the term of the levy in the case of a levy for a fixed 89144
period, or fifty per cent of the total estimated proceeds for the 89145
first ten years of the levy in the case of a continuing levy. 89146

No anticipation notes that increase the net indebtedness of a 89147
county may be issued without the prior consent of the board of 89148
county commissioners of that county. The notes shall be issued as 89149
provided in section 133.24 of the Revised Code, shall have 89150
principal payments during each year after the year of their 89151
issuance over a period not exceeding the life of the levy 89152
anticipated, and may have a principal payment in the year of their 89153
issuance. 89154

"Taxing authority" and "subdivision" have the same meanings 89155
as in section 5705.01 of the Revised Code. 89156

This section is supplemental to and not in derogation of 89157
sections 5705.20, 5705.21, and 5705.22 of the Revised Code. 89158

Sec. 5705.192. (A) For the purposes of this section only, 89159
"taxing authority" includes a township board of park commissioners 89160
appointed under section 511.18 of the Revised Code. 89161

(B) A taxing authority may propose to replace an existing 89162
levy that the taxing authority is authorized to levy, regardless 89163
of the section of the Revised Code under which the authority is 89164
granted, except a school district emergency levy proposed pursuant 89165
to sections 5705.194 to 5705.197 of the Revised Code. The taxing 89166
authority may propose to replace the existing levy in its entirety 89167
at the rate at which it is authorized to be levied; may propose to 89168
replace a portion of the existing levy at a lesser rate; or may 89169
propose to replace the existing levy in its entirety and increase 89170
the rate at which it is levied. If the taxing authority proposes 89171
to replace an existing levy, the proposed levy shall be called a 89172
replacement levy and shall be so designated on the ballot. Except 89173
as otherwise provided in this division, a replacement levy shall 89174
be limited to the purpose of the existing levy, and shall appear 89175
separately on the ballot from, and shall not be conjoined with, 89176
the renewal of any other existing levy. In the case of an existing 89177
school district levy imposed under section 5705.21 of the Revised 89178
Code for the purpose specified in division (F) of section 5705.19 89179
of the Revised Code, or in the case of an existing school district 89180
levy imposed under section 5705.217 of the Revised Code for the 89181
acquisition, construction, enlargement, renovation, and financing 89182
of permanent improvements, the replacement for that existing levy 89183
may be for the same purpose or for the purpose of general 89184
permanent improvements as defined in section 5705.21 of the 89185
Revised Code. The replacement for an existing levy imposed under 89186
division (L) of section 5705.19 or section 5705.222 of the Revised 89187
Code may be for any purpose authorized for a levy imposed under 89188
section 5705.222 of the Revised Code. 89189

The resolution proposing a replacement levy shall specify the 89190

purpose of the levy; its proposed rate expressed in mills; whether 89191
the proposed rate is the same as the rate of the existing levy, a 89192
reduction, or an increase; the extent of any reduction or increase 89193
expressed in mills; the first calendar year in which the levy will 89194
be due; and the term of the levy, expressed in years or, if 89195
applicable, that it will be levied for a continuing period of 89196
time. 89197

The sections of the Revised Code governing the maximum rate 89198
and term of the existing levy, the contents of the resolution that 89199
proposed the levy, the adoption of the resolution, the 89200
arrangements for the submission of the question of the levy, and 89201
notice of the election also govern the respective provisions of 89202
the proposal to replace the existing levy, except as provided in 89203
divisions (B)(1) to (4) of this section: 89204

(1) In the case of an existing school district levy that is 89205
imposed under section 5705.21 of the Revised Code for the purpose 89206
specified in division (F) of section 5705.19 of the Revised Code 89207
or under section 5705.217 of the Revised Code for the acquisition, 89208
construction, enlargement, renovation, and financing of permanent 89209
improvements, and that is to be replaced by a levy for general 89210
permanent improvements, the term of the replacement levy may be 89211
for a continuing period of time. 89212

(2) The date on which the election is held shall be as 89213
follows: 89214

(a) For the replacement of a levy with a fixed term of years, 89215
the date of the general election held during the last year the 89216
existing levy may be extended on the real and public utility 89217
property tax list and duplicate, or the date of ~~any~~ either the 89218
general election or the special election held on a day on which a 89219
primary election may be held, occurring in the ensuing year; 89220

(b) For the replacement of a levy imposed for a continuing 89221

period of time, the date of ~~any~~ a general election or a special 89222
election held on a day on which a primary election may be held, 89223
occurring in any year after the year the levy to be replaced is 89224
first approved by the electors, except that only one election on 89225
the question of replacing the levy may be held during any calendar 89226
year. 89227

The failure by the electors to approve a proposal to replace 89228
a levy imposed for a continuing period of time does not terminate 89229
the existing continuing levy. 89230

(3) In the case of an existing school district levy imposed 89231
under division (B) of section 5705.21, division (C) of section 89232
5705.212, or division ~~(J)~~(I) of section 5705.218 of the Revised 89233
Code, the rates allocated to the qualifying school district and to 89234
partnering community schools each may be increased or decreased or 89235
remain the same, and the total rate may be increased, decreased, 89236
or remain the same. 89237

(4) In the case of an existing levy imposed under division 89238
(L) of section 5705.19 of the Revised Code, the term may be for 89239
any number of years not exceeding ten or for a continuing period 89240
of time. 89241

(C) The form of the ballot at the election on the question of 89242
a replacement levy shall be as follows: 89243

"A replacement of a tax for the benefit of (name 89244
of subdivision or public library) for the purpose of 89245
(the purpose stated in the resolution) at a rate not exceeding 89246
..... mills for each one dollar of valuation, which amounts 89247
to (rate expressed in dollars and cents) for each one 89248
hundred dollars in valuation, for (number of years levy 89249
is to run, or that it will be levied for a continuous period of 89250
time) 89251

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	FOR THE TAX LEVY	89253
	AGAINST THE TAX LEVY	89254

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If the replacement levy is proposed by a qualifying school district to replace an existing tax levied under division (B) of section 5705.21, division (C)(1) of section 5705.212, or division ~~(J)~~(I) of section 5705.218 of the Revised Code, the form of the ballot shall be modified by adding, after the phrase "each one dollar of valuation," the following: "(of which mills is to be allocated to partnering community schools)."

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If the proposal is to replace an existing levy and increase the rate of the existing levy, the form of the ballot shall be changed by adding the words "..... mills of an existing levy and an increase of mills, to constitute" after the words "a replacement of." If the proposal is to replace only a portion of an existing levy, the form of the ballot shall be changed by adding the words "a portion of an existing levy, being a reduction of mills, to constitute" after the words "a replacement of." If the existing levy is imposed under division (B) of section 5705.21, division (C)(1) of section 5705.212, or division ~~(J)~~(I) of section 5705.218 of the Revised Code, the form of the ballot also shall state the portion of the total increased rate or of the total rate as reduced that is to be allocated to partnering community schools.

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If the tax is to be placed on the tax list of the current tax year, the form of the ballot shall be modified by adding at the end of the form the phrase ", commencing in (first year the replacement tax is to be levied), first due in calendar year (first calendar year in which the tax shall be due)."

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The question covered by the resolution shall be submitted as a separate proposition, but may be printed on the same ballot with any other proposition submitted at the same election, other than

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the election of officers. More than one such question may be 89285
submitted at the same election. 89286

(D) Two or more existing levies, or any portion of those 89287
levies, may be combined into one replacement levy, so long as all 89288
of the existing levies are for the same purpose and either all are 89289
due to expire the same year or all are for a continuing period of 89290
time. The question of combining all or portions of those existing 89291
levies into the replacement levy shall appear as one ballot 89292
proposition before the electors. If the electors approve the 89293
ballot proposition, all or the stated portions of the existing 89294
levies are replaced by one replacement levy. 89295

(E) A levy approved in excess of the ten-mill limitation 89296
under this section shall be certified to the tax commissioner. In 89297
the first year of a levy approved under this section, the levy 89298
shall be extended on the tax lists after the February settlement 89299
succeeding the election at which the levy was approved. If the 89300
levy is to be placed on the tax lists of the current year, as 89301
specified in the resolution providing for its submission, the 89302
result of the election shall be certified immediately after the 89303
canvass by the board of elections to the taxing authority, which 89304
shall forthwith make the necessary levy and certify it to the 89305
county auditor, who shall extend it on the tax lists for 89306
collection. After the first year, the levy shall be included in 89307
the annual tax budget that is certified to the county budget 89308
commission. 89309

If notes are authorized to be issued in anticipation of the 89310
proceeds of the existing levy, notes may be issued in anticipation 89311
of the proceeds of the replacement levy, and such issuance is 89312
subject to the terms and limitations governing the issuance of 89313
notes in anticipation of the proceeds of the existing levy. 89314

(F) This section does not authorize a tax to be levied in any 89315
year after the year in which revenue is not needed for the purpose 89316

for which the tax is levied. 89317

Sec. 5705.194. The board of education of any city, local, 89318
exempted village, cooperative education, or joint vocational 89319
school district at any time may declare by resolution that the 89320
revenue that will be raised by all tax levies which the district 89321
is authorized to impose, when combined with state and federal 89322
revenues, will be insufficient to provide for the emergency 89323
requirements of the school district or to avoid an operating 89324
deficit, and that it is therefore necessary to levy an additional 89325
tax in excess of the ten-mill limitation. The resolution shall be 89326
confined to a single purpose and shall specify that purpose. If 89327
the levy is proposed to renew all or a portion of the proceeds 89328
derived from one or more existing levies imposed pursuant to this 89329
section, it shall be called a renewal levy and shall be so 89330
designated on the ballot. If two or more existing levies are to be 89331
included in a single renewal levy but are not scheduled to expire 89332
in the same year, the resolution shall specify that the existing 89333
levies to be renewed shall not be levied after the year preceding 89334
the year in which the renewal levy is first imposed. 89335
Notwithstanding the original purpose of any one or more existing 89336
levies that are to be in any single renewal levy, the purpose of 89337
the renewal levy may be either to avoid an operating deficit or to 89338
provide for the emergency requirements of the school district. The 89339
resolution shall further specify the amount of money it is 89340
necessary to raise for the specified purpose for each calendar 89341
year the millage is to be imposed; if a renewal levy, whether the 89342
levy is to renew all, or a portion of, the proceeds derived from 89343
one or more existing levies; and the number of years in which the 89344
millage is to be in effect, which may include a levy upon the 89345
current year's tax list. The number of years may be any number not 89346
exceeding ten. 89347

The question shall be submitted at a general election or a 89348

special election ~~held~~ on a ~~date~~ day on which a primary election 89349
may be held, as specified in the resolution. The date shall not be 89350
earlier than eighty days after the adoption and certification of 89351
the resolution to the county auditor ~~and shall be consistent with~~ 89352
~~the requirements of section 3501.01 of the Revised Code.~~ A 89353
resolution for a renewal levy shall not be placed on the ballot 89354
unless the question is submitted ~~on a date on which~~ either at a 89355
general election or a special election held on a day on which a 89356
primary election may be held ~~under division (D) of section 3501.01~~ 89357
~~of the Revised Code, except for the first Tuesday after the first~~ 89358
~~Monday in August,~~ occurring during the last year the levy to be 89359
renewed may be extended on the real and public utility property 89360
tax list and duplicate, or at any such election held in the 89361
ensuing year, except that if the resolution proposes renewing two 89362
or more existing levies, the question shall be submitted on the 89363
date of ~~the~~ a general election or a special election held on a day 89364
on which a primary election may be held during , occurring in the 89365
last year at least one of the levies to be renewed may be extended 89366
on ~~that~~ the tax list and duplicate, or at any such election held 89367
during the ensuing year. For purposes of this section and sections 89368
5705.197 and 5705.199 of the Revised Code, a levy shall be 89369
considered to be an "existing levy" through the year following the 89370
last year it can be placed on the real and public utility property 89371
tax list and duplicate. 89372

~~The submission of questions to the electors under this~~ 89373
~~section is subject to the limitation on the number of election~~ 89374
~~dates established by section 5705.214 of the Revised Code.~~ 89375

The resolution shall go into immediate effect upon its 89376
passage, and no publication of the resolution shall be necessary 89377
other than that provided for in the notice of election. A copy of 89378
the resolution shall immediately after its passing be certified to 89379
the county auditor of the proper county. Section 5705.195 of the 89380

Revised Code shall govern the arrangements for the submission of 89381
questions to the electors under this section and other matters 89382
concerning the election. Publication of notice of the election 89383
shall be made in one newspaper of general circulation in the 89384
county once a week for two consecutive weeks, or as provided in 89385
section 7.16 of the Revised Code, prior to the election. If the 89386
board of elections operates and maintains a web site, the board of 89387
elections shall post notice of the election on its web site for 89388
thirty days prior to the election. If a majority of the electors 89389
voting on the question submitted in an election vote in favor of 89390
the levy, the board of education of the school district may make 89391
the additional levy necessary to raise the amount specified in the 89392
resolution for the purpose stated in the resolution. The tax levy 89393
shall be included in the next tax budget that is certified to the 89394
county budget commission. 89395

After the approval of the levy and prior to the time when the 89396
first tax collection from the levy can be made, the board of 89397
education may anticipate a fraction of the proceeds of the levy 89398
and issue anticipation notes in an amount not exceeding the total 89399
estimated proceeds of the levy to be collected during the first 89400
year of the levy. 89401

The notes shall be issued as provided in section 133.24 of 89402
the Revised Code, shall have principal payments during each year 89403
after the year of their issuance over a period not to exceed five 89404
years, and may have principal payment in the year of their 89405
issuance. 89406

Sec. 5705.199. (A) At any time the board of education of a 89407
city, local, exempted village, cooperative education, or joint 89408
vocational school district, by a vote of two-thirds of all its 89409
members, may declare by resolution that the revenue that will be 89410
raised by all tax levies that the district is authorized to 89411

impose, when combined with state and federal revenues, will be 89412
insufficient to provide for the necessary requirements of the 89413
school district, and that it is therefore necessary to levy a tax 89414
in excess of the ten-mill limitation for the purpose of providing 89415
for the necessary requirements of the school district. Such a levy 89416
shall be proposed as a substitute for all or a portion of one or 89417
more existing levies imposed under sections 5705.194 to 5705.197 89418
of the Revised Code or under this section, by levying a tax as 89419
follows: 89420

(1) In the initial year the levy is in effect, the levy shall 89421
be in a specified amount of money equal to the aggregate annual 89422
dollar amount of proceeds derived from the levy or levies, or 89423
portion thereof, being substituted. 89424

(2) In each subsequent year the levy is in effect, the levy 89425
shall be in a specified amount of money equal to the sum of the 89426
following: 89427

(a) The dollar amount of the proceeds derived from the levy 89428
in the prior year; and 89429

(b) The dollar amount equal to the product of the total 89430
taxable value of all taxable real property in the school district 89431
in the then-current year, excluding carryover property as defined 89432
in section 319.301 of the Revised Code, multiplied by the annual 89433
levy, expressed in mills for each one dollar of valuation, that 89434
was required to produce the annual dollar amount of the levy under 89435
this section in the prior year; provided, that the amount under 89436
division (A)(2)(b) of this section shall not be less than zero. 89437

(B) The resolution proposing the substitute levy shall 89438
specify the annual dollar amount the levy is to produce in its 89439
initial year; the first calendar year in which the levy will be 89440
due; and the term of the levy expressed in years, which may be any 89441
number not exceeding ten, or for a continuing period of time. The 89442

resolution shall specify the date of holding the election, which 89443
shall not be earlier than ninety days after certification of the 89444
resolution to the board of elections, and which shall be 89445
~~consistent with the requirements of section 3501.01 of the Revised~~ 89446
~~Code~~ the date of a general election or a special election held on 89447
a day on which a primary election may be held. If two or more 89448
existing levies are to be included in a single substitute levy, 89449
but are not scheduled to expire in the same year, the resolution 89450
shall specify that the existing levies to be substituted shall not 89451
be levied after the year preceding the year in which the 89452
substitute levy is first imposed. 89453

The resolution shall go into immediate effect upon its 89454
passage, and no publication of the resolution shall be necessary 89455
other than that provided for in the notice of election. A copy of 89456
the resolution shall immediately after its passage be certified to 89457
the county auditor in the manner provided by section 5705.195 of 89458
the Revised Code, and sections 5705.194 and 5705.196 of the 89459
Revised Code shall govern the arrangements for the submission of 89460
the question and other matters concerning the notice of election 89461
and the election, except as may be provided otherwise in this 89462
section. 89463

(C) The form of the ballot to be used at the election on the 89464
question of a levy under this section shall be as follows: 89465

"Shall a tax levy substituting for an existing levy be 89466
imposed by the (here insert name of school district) 89467
for the purpose of providing for the necessary requirements of the 89468
school district in the initial sum of (here insert the 89469
annual dollar amount the levy is to produce in its initial year), 89470
and a levy of taxes be made outside of the ten-mill limitation 89471
estimated by the county auditor to require (here insert 89472
number of mills) mills for each one dollar of valuation, which 89473
amounts to (here insert rate expressed in dollars and 89474

cents) for each one hundred dollars of valuation for the initial 89475
year of the tax, for a period of (here insert the 89476
number of years the levy is to be imposed, or that it will be 89477
levied for a continuing period of time), commencing in 89478
(first year the tax is to be levied), first due in calendar year 89479
..... (first calendar year in which the tax shall be due), 89480
with the sum of such tax to increase only if and as new land or 89481
real property improvements not previously taxed by the school 89482
district are added to its tax list? 89483

	FOR THE TAX LEVY	"
	AGAINST THE TAX LEVY	

89484
89485
89486
89487

If the levy submitted is a proposal to substitute all or a 89488
portion of more than one existing levy, the form of the ballot may 89489
be changed so long as the ballot reflects the number of levies to 89490
be substituted and that none of the existing levies to be 89491
substituted will be levied after the year preceding the year in 89492
which the substitute levy is first imposed. The form of the ballot 89493
shall be modified by substituting the statement "Shall a tax levy 89494
substituting for an existing levy" with "Shall a tax levy 89495
substituting for existing levies" and adding the following 89496
statement after "added to its tax list?" and before "For the Tax 89497
Levy": 89498

"If approved, any remaining tax years on any of the 89499
..... (here insert the number of existing levies) existing 89500
levies will not be collected after (here insert the 89501
current tax year or, if not the current tax year, the applicable 89502
tax year)." 89503

~~(D) The submission of questions to the electors under this 89504
section is subject to the limitation on the number of election 89505~~

~~dates established by section 5705.214 of the Revised Code.~~ 89506

~~(E)~~ If a majority of the electors voting on the question so 89507
submitted in an election vote in favor of the levy, the board of 89508
education may make the necessary levy within the school district 89509
at the rate and for the purpose stated in the resolution. The tax 89510
levy shall be included in the next tax budget that is certified to 89511
the county budget commission. 89512

~~(F)~~(E) A levy for a continuing period of time may be 89513
decreased pursuant to section 5705.261 of the Revised Code. 89514

~~(G)~~(F) A levy under this section substituting for all or a 89515
portion of one or more existing levies imposed under sections 89516
5705.194 to 5705.197 of the Revised Code or under this section 89517
shall be treated as having renewed the levy or levies being 89518
substituted for purposes of the payments made under sections 89519
5751.20 to 5751.22 of the Revised Code. 89520

~~(H)~~(G) After the approval of a levy on the current tax list 89521
and duplicate, and prior to the time when the first tax collection 89522
from the levy can be made, the board of education may anticipate a 89523
fraction of the proceeds of the levy and issue anticipation notes 89524
in a principal amount not exceeding fifty per cent of the total 89525
estimated proceeds of the levy to be collected during the first 89526
year of the levy. The notes shall be issued as provided in section 89527
133.24 of the Revised Code, shall have principal payments during 89528
each year after the year of their issuance over a period not to 89529
exceed five years, and may have a principal payment in the year of 89530
their issuance. 89531

Sec. 5705.21. (A) At any time, the board of education of any 89532
city, local, exempted village, cooperative education, or joint 89533
vocational school district, by a vote of two-thirds of all its 89534
members, may declare by resolution that the amount of taxes that 89535
may be raised within the ten-mill limitation by levies on the 89536

current tax duplicate will be insufficient to provide an adequate 89537
amount for the necessary requirements of the school district, that 89538
it is necessary to levy a tax in excess of such limitation for one 89539
of the purposes specified in division (A), (D), (F), (H), or (DD) 89540
of section 5705.19 of the Revised Code, for general permanent 89541
improvements, for the purpose of operating a cultural center, for 89542
the purpose of providing for school safety and security, or for 89543
the purpose of providing education technology, and that the 89544
question of such additional tax levy shall be submitted to the 89545
electors of the school district at a general election or a special 89546
election held on a day ~~to~~ on which a primary election may be held, 89547
as specified in the resolution. In the case of a qualifying 89548
library levy for the support of a library association or private 89549
corporation, the question shall be submitted to the electors of 89550
the association library district. If the resolution states that 89551
the levy is for the purpose of operating a cultural center, the 89552
ballot shall state that the levy is "for the purpose of operating 89553
the..... (name of cultural center)." 89554

As used in this division, "cultural center" means a 89555
freestanding building, separate from a public school building, 89556
that is open to the public for educational, musical, artistic, and 89557
cultural purposes; "education technology" means, but is not 89558
limited to, computer hardware, equipment, materials, and 89559
accessories, equipment used for two-way audio or video, and 89560
software; "general permanent improvements" means permanent 89561
improvements without regard to the limitation of division (F) of 89562
section 5705.19 of the Revised Code that the improvements be a 89563
specific improvement or a class of improvements that may be 89564
included in a single bond issue; and "providing for school safety 89565
and security" includes but is not limited to providing for 89566
permanent improvements to provide or enhance security, employment 89567
of or contracting for the services of safety personnel, providing 89568

mental health services and counseling, or providing training in 89569
safety and security practices and responses. 89570

A resolution adopted under this division shall be confined to 89571
a single purpose and shall specify the amount of the increase in 89572
rate that it is necessary to levy, the purpose of the levy, and 89573
the number of years during which the increase in rate shall be in 89574
effect. The number of years may be any number not exceeding five 89575
or, if the levy is for current expenses of the district or for 89576
general permanent improvements, for a continuing period of time. 89577

(B)(1) The board of education of a qualifying school 89578
district, by resolution, may declare that it is necessary to levy 89579
a tax in excess of the ten-mill limitation for the purpose of 89580
paying the current expenses of partnering community schools and, 89581
if any of the levy proceeds are so allocated, of the district. A 89582
qualifying school district that is not a municipal school district 89583
may allocate all of the levy proceeds to partnering community 89584
schools. A municipal school district shall allocate a portion of 89585
the levy proceeds to the current expenses of the district. The 89586
resolution shall declare that the question of the additional tax 89587
levy shall be submitted to the electors of the school district at 89588
a general election or a special election held on a day ~~to~~ on which 89589
a primary election may be held, as specified in the resolution. 89590
The resolution shall state the purpose of the levy, the rate of 89591
the tax expressed in mills per dollar of taxable value, the number 89592
of such mills to be levied for the current expenses of the 89593
partnering community schools and the number of such mills, if any, 89594
to be levied for the current expenses of the school district, the 89595
number of years the tax will be levied, and the first year the tax 89596
will be levied. The number of years the tax may be levied may be 89597
any number not exceeding ten years, or for a continuing period of 89598
time. 89599

The levy of a tax for the current expenses of a partnering 89600

community school under this section and the distribution of 89601
proceeds from the tax by a qualifying school district to 89602
partnering community schools is hereby determined to be a proper 89603
public purpose. 89604

(2)(a) If any portion of the levy proceeds are to be 89605
allocated to the current expenses of the qualifying school 89606
district, the form of the ballot at an election held pursuant to 89607
division (B) of this section shall be as follows: 89608

"Shall a levy be imposed by the..... (insert the name of 89609
the qualifying school district) for the purpose of current 89610
expenses of the school district and of partnering community 89611
schools at a rate not exceeding..... (insert the number of mills) 89612
mills for each one dollar of valuation, of which..... (insert the 89613
number of mills to be allocated to partnering community schools) 89614
mills is to be allocated to partnering community schools), which 89615
amounts to..... (insert the rate expressed in dollars and cents) 89616
for each one hundred dollars of valuation, for..... (insert the 89617
number of years the levy is to be imposed, or that it will be 89618
levied for a continuing period of time), beginning..... (insert 89619
first year the tax is to be levied), which will first be payable 89620
in calendar year..... (insert the first calendar year in which 89621
the tax would be payable)? 89622

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

(b) If all of the levy proceeds are to be allocated to the 89625
current expenses of partnering community schools, the form of the 89626
ballot shall be as follows: 89627

"Shall a levy be imposed by the..... (insert the name of 89628
the qualifying school district) for the purpose of current 89629
expenses of partnering community schools at a rate not 89630
exceeding..... (insert the number of mills) mills for each one 89631
dollar of valuation which amounts to..... (insert the rate 89632

expressed in dollars and cents) for each one hundred dollars of 89633
valuation, for..... (insert the number of years the levy is to be 89634
imposed, or that it will be levied for a continuing period of 89635
time), beginning..... (insert first year the tax is to be 89636
levied), which will first be payable in calendar year..... 89637
(insert the first calendar year in which the tax would be 89638
payable)? 89639

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

(3) Upon each receipt of a tax distribution by the qualifying 89642
school district, the board of education shall credit the portion 89643
allocated to partnering community schools to the partnering 89644
community schools fund. All income from the investment of money in 89645
the partnering community schools fund shall be credited to that 89646
fund. 89647

(a) If the qualifying school district is a municipal school 89648
district, the board of education shall distribute the partnering 89649
community schools amount among the then qualifying community 89650
schools not more than forty-five days after the school district 89651
receives and deposits each tax distribution. From each tax 89652
distribution, each such partnering community school shall receive 89653
a portion of the partnering community schools amount in the 89654
proportion that the number of its resident students bears to the 89655
aggregate number of resident students of all such partnering 89656
community schools as of the date of receipt and deposit of the tax 89657
distribution. 89658

(b) If the qualifying school district is not a municipal 89659
school district, the board of education may distribute all or a 89660
portion of the amount in the partnering community schools fund 89661
during a fiscal year to partnering community schools on or before 89662
the first day of June of the preceding fiscal year. Each such 89663
partnering community school shall receive a portion of the amount 89664

distributed by the board from the partnering community schools 89665
fund during the fiscal year in the proportion that the number of 89666
its resident students bears to the aggregate number of resident 89667
students of all such partnering community schools as of the date 89668
the school district received and deposited the most recent tax 89669
distribution. On or before the fifteenth day of June of each 89670
fiscal year, the board of education shall announce an estimated 89671
allocation to partnering community schools for the ensuing fiscal 89672
year. The board is not required to allocate to partnering 89673
community schools the entire partnering community schools amount 89674
in the fiscal year in which a tax distribution is received and 89675
deposited in the partnering community schools fund. The estimated 89676
allocation shall be published on the web site of the school 89677
district and expressed as a dollar amount per resident student. 89678
The actual allocation to community schools in a fiscal year need 89679
not conform to the estimate published by the school district so 89680
long if the estimate was made in good faith. 89681

Distributions by a school district under division (B)(3)(b) 89682
of this section shall be made in accordance with distribution 89683
agreements entered into by the board of education and each 89684
partnering community school eligible for distributions under this 89685
division. The distribution agreements shall be certified to the 89686
department of education each fiscal year before the thirtieth day 89687
of July. Each agreement shall provide for at least three 89688
distributions by the school district to the partnering community 89689
school during the fiscal year and shall require the initial 89690
distribution be made on or before the thirtieth day of July. 89691

(c) For the purposes of division (B) of this section, the 89692
number of resident students shall be the number of such students 89693
reported under section 3317.03 of the Revised Code and established 89694
by the department of education as of the date of receipt and 89695
deposit of the tax distribution. 89696

(4) To the extent an agreement whereby the qualifying school district and a community school endorse each other's programs is necessary for the community school to qualify as a partnering community school under division (B)(6)(b) of this section, the board of education of the school district shall certify to the department of education the agreement along with the determination that such agreement satisfies the requirements of that division. The board's determination is conclusive.

(5) For the purposes of Chapter 3317. of the Revised Code or other laws referring to the "taxes charged and payable" for a school district, the taxes charged and payable for a qualifying school district that levies a tax under division (B) of this section includes only the taxes charged and payable under that levy for the current expenses of the school district, and does not include the taxes charged and payable for the current expenses of partnering community schools. The taxes charged and payable for the current expenses of partnering community schools shall not affect the calculation of "state education aid" as defined in section 5751.20 of the Revised Code.

(6) As used in division (B) of this section:

(a) "Qualifying school district" means a municipal school district, as defined in section 3311.71 of the Revised Code or a school district that contains within its territory a partnering community school.

(b) "Partnering community school" means a community school established under Chapter 3314. of the Revised Code that is located within the territory of the qualifying school district and meets one of the following criteria:

(i) If the qualifying school district is a municipal school district, the community school is sponsored by the district or is a party to an agreement with the district whereby the district and

the community school endorse each other's programs; 89728

(ii) If the qualifying school district is not a municipal 89729
school district, the community school is sponsored by a sponsor 89730
that was rated as "exemplary" in the ratings most recently 89731
published under section 3314.016 of the Revised Code before the 89732
resolution proposing the levy is certified to the board of 89733
elections. 89734

(c) "Partnering community schools amount" means the product 89735
obtained, as of the receipt and deposit of the tax distribution, 89736
by multiplying the amount of a tax distribution by a fraction, the 89737
numerator of which is the number of mills per dollar of taxable 89738
value of the property tax to be allocated to partnering community 89739
schools, and the denominator of which is the total number of mills 89740
per dollar of taxable value authorized by the electors in the 89741
election held under division (B) of this section, each as set 89742
forth in the resolution levying the tax. If the resolution 89743
allocates all of the levy proceeds to partnering community 89744
schools, the "partnering schools amount" equals the amount of the 89745
tax distribution. 89746

(d) "Partnering community schools fund" means a separate fund 89747
established by the board of education of a qualifying school 89748
district for the deposit of partnering community school amounts 89749
under this section. 89750

(e) "Resident student" means a student enrolled in a 89751
partnering community school who is entitled to attend school in 89752
the qualifying school district under section 3313.64 or 3313.65 of 89753
the Revised Code. 89754

(f) "Tax distribution" means a distribution of proceeds of 89755
the tax authorized by division (B) of this section under section 89756
321.24 of the Revised Code and distributions that are attributable 89757
to that tax under sections 323.156 and 4503.068 of the Revised 89758

Code or other applicable law. 89759

(C) A resolution adopted under this section shall specify the 89760
date of holding the election, as authorized under this section, 89761
which shall not be earlier than ninety days after the adoption and 89762
certification of the resolution ~~and which shall be consistent with~~ 89763
~~the requirements of section 3501.01 of the Revised Code.~~ 89764

A resolution adopted under this section may propose to renew 89765
one or more existing levies imposed under division (A) or (B) of 89766
this section or to increase or decrease a single levy imposed 89767
under either such division. 89768

If the board of education imposes one or more existing levies 89769
for the purpose specified in division (F) of section 5705.19 of 89770
the Revised Code, the resolution may propose to renew one or more 89771
of those existing levies, or to increase or decrease a single such 89772
existing levy, for the purpose of general permanent improvements. 89773

If the resolution proposes to renew two or more existing 89774
levies, the levies shall be levied for the same purpose. The 89775
resolution shall identify those levies and the rates at which they 89776
are levied. The resolution also shall specify that the existing 89777
levies shall not be extended on the tax lists after the year 89778
preceding the year in which the renewal levy is first imposed, 89779
regardless of the years for which those levies originally were 89780
authorized to be levied. 89781

If the resolution proposes to renew an existing levy imposed 89782
under division (B) of this section, the rates allocated to the 89783
qualifying school district and to partnering community schools 89784
each may be increased or decreased or remain the same, and the 89785
total rate may be increased, decreased, or remain the same. The 89786
resolution and notice of election shall specify the number of the 89787
mills to be levied for the current expenses of the partnering 89788
community schools and the number of the mills, if any, to be 89789

levied for the current expenses of the qualifying school district. 89790

A resolution adopted under this section shall go into 89791
immediate effect upon its passage, and no publication of the 89792
resolution shall be necessary other than that provided for in the 89793
notice of election. A copy of the resolution shall immediately 89794
after its passing be certified to the board of elections of the 89795
proper county in the manner provided by section 5705.25 of the 89796
Revised Code. That section shall govern the arrangements for the 89797
submission of such question and other matters concerning the 89798
election to which that section refers, including publication of 89799
notice of the election, except that the election shall be held on 89800
the date specified in the resolution. In the case of a resolution 89801
adopted under division (B) of this section, the publication of 89802
notice of that election shall state the number of the mills, if 89803
any, to be levied for the current expenses of partnering community 89804
schools and the number of the mills to be levied for the current 89805
expenses of the qualifying school district. If a majority of the 89806
electors voting on the question so submitted in an election vote 89807
in favor of the levy, the board of education may make the 89808
necessary levy within the school district or, in the case of a 89809
qualifying library levy for the support of a library association 89810
or private corporation, within the association library district, 89811
at the additional rate, or at any lesser rate in excess of the 89812
ten-mill limitation on the tax list, for the purpose stated in the 89813
resolution. A levy for a continuing period of time may be reduced 89814
pursuant to section 5705.261 of the Revised Code. The tax levy 89815
shall be included in the next tax budget that is certified to the 89816
county budget commission. 89817

(D)(1) After the approval of a levy on the current tax list 89818
and duplicate for current expenses, for recreational purposes, for 89819
community centers provided for in section 755.16 of the Revised 89820
Code, or for a public library of the district under division (A) 89821

of this section, and prior to the time when the first tax 89822
collection from the levy can be made, the board of education may 89823
anticipate a fraction of the proceeds of the levy and issue 89824
anticipation notes in a principal amount not exceeding fifty per 89825
cent of the total estimated proceeds of the levy to be collected 89826
during the first year of the levy. 89827

(2) After the approval of a levy for general permanent 89828
improvements for a specified number of years or for permanent 89829
improvements having the purpose specified in division (F) of 89830
section 5705.19 of the Revised Code, the board of education may 89831
anticipate a fraction of the proceeds of the levy and issue 89832
anticipation notes in a principal amount not exceeding fifty per 89833
cent of the total estimated proceeds of the levy remaining to be 89834
collected in each year over a period of five years after the 89835
issuance of the notes. 89836

The notes shall be issued as provided in section 133.24 of 89837
the Revised Code, shall have principal payments during each year 89838
after the year of their issuance over a period not to exceed five 89839
years, and may have a principal payment in the year of their 89840
issuance. 89841

(3) After approval of a levy for general permanent 89842
improvements for a continuing period of time, the board of 89843
education may anticipate a fraction of the proceeds of the levy 89844
and issue anticipation notes in a principal amount not exceeding 89845
fifty per cent of the total estimated proceeds of the levy to be 89846
collected in each year over a specified period of years, not 89847
exceeding ten, after the issuance of the notes. 89848

The notes shall be issued as provided in section 133.24 of 89849
the Revised Code, shall have principal payments during each year 89850
after the year of their issuance over a period not to exceed ten 89851
years, and may have a principal payment in the year of their 89852
issuance. 89853

(4) After the approval of a levy on the current tax list and duplicate under division (B) of this section, and prior to the time when the first tax collection from the levy can be made, the board of education may anticipate a fraction of the proceeds of the levy for the current expenses of the school district and issue anticipation notes in a principal amount not exceeding fifty per cent of the estimated proceeds of the levy to be collected during the first year of the levy and allocated to the school district. The portion of the levy proceeds to be allocated to partnering community schools under that division shall not be included in the estimated proceeds anticipated under this division and shall not be used to pay debt charges on any anticipation notes.

The notes shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

~~(E) The submission of questions to the electors under this section is subject to the limitation on the number of election dates established by section 5705.214 of the Revised Code.~~

~~(F)~~ The board of education of any school district that levies a tax under this section for the purpose of providing for school safety and security may report to the department of education how the district is using revenue from that tax.

Sec. 5705.211. (A) As used in this section:

(1) "Adjusted charge-off increase" for a tax year means two and two-tenths per cent of the cumulative carryover property value increase.

(2) "Cumulative carryover property value increase" means the sum of the increases in carryover value certified under division

(B)(2) of section 3317.015 of the Revised Code and included in a school district's total taxable value in the computation of recognized valuation under division (B) of that section for all fiscal years from the fiscal year that ends in the first tax year a levy under this section is extended on the tax list of real and public utility property until and including the fiscal year that ends in the current tax year.

(3) "Taxes charged and payable" means the taxes charged and payable from a tax levy extended on the real and public utility property tax list and the general list of personal property before any reduction under section 319.302, 323.152, or 323.158 of the Revised Code.

(B) The board of education of a city, local, or exempted village school district may adopt a resolution proposing the levy of a tax in excess of the ten-mill limitation for the purpose of paying the current operating expenses of the district. If the resolution is approved as provided in division (D) of this section, the tax may be levied at such a rate each tax year that the total taxes charged and payable from the levy equals the adjusted charge-off increase for the tax year or equals a lesser amount as prescribed under division (C) of this section. The tax may be levied for a continuing period of time or for a specific number of years, but not fewer than five years, as provided in the resolution. The tax may not be placed on the tax list for a tax year beginning before the first day of January following adoption of the resolution. A board of education may not adopt a resolution under this section proposing to levy a tax under this section concurrently with any other tax levied by the board under this section.

(C) After the first year a tax is levied under this section, the rate of the tax in any year shall not exceed the rate, estimated by the county auditor, that would cause the sums levied

from the tax against carryover property to exceed one hundred four 89916
per cent of the sums levied from the tax against carryover 89917
property in the preceding year. A board of education imposing a 89918
tax under this section may specify in the resolution imposing the 89919
tax that the percentage shall be less than one hundred four per 89920
cent, but the percentage shall not be less than one hundred per 89921
cent. At any time after a resolution adopted under this section is 89922
approved by a majority of electors as provided in division (D) of 89923
this section, the board of education, by resolution, may decrease 89924
the percentage specified in the resolution levying the tax. 89925

(D) A resolution adopted under this section shall state that 89926
the purpose of the tax is to pay current operating expenses of the 89927
district, and shall specify the first year in which the tax is to 89928
be levied, the number of years the tax will be levied or that it 89929
will be levied for a continuing period of time, and the election 89930
at which the question of the tax is to appear on the ballot, which 89931
shall be a general election or a special election ~~consistent with~~ 89932
~~the requirements of section 3501.01 of the Revised Code held on a~~ 89933
day on which a primary election may be held. If the board of 89934
education specifies a percentage less than one hundred four per 89935
cent pursuant to division (C) of this section, the percentage 89936
shall be specified in the resolution. 89937

Upon adoption of the resolution, the board of education may 89938
certify a copy of the resolution to the proper county board of 89939
elections. The copy of the resolution shall be certified to the 89940
board of elections not later than ninety days before the day of 89941
the election at which the question of the tax is to appear on the 89942
ballot. Upon receiving a timely certified copy of such a 89943
resolution, the board of elections shall make the necessary 89944
arrangements for the submission of the question to the electors of 89945
the school district, and the election shall be conducted, 89946
canvassed, and certified in the same manner as regular elections 89947

in the school district for the election of members of the board of 89948
education. Notice of the election shall be published in a 89949
newspaper of general circulation in the school district once per 89950
week for four consecutive weeks or as provided in section 7.16 of 89951
the Revised Code. The notice shall state that the purpose of the 89952
tax is for the current operating expenses of the school district, 89953
the first year the tax is to be levied, the number of years the 89954
tax is to be levied or that it is to be levied for a continuing 89955
period of time, that the tax is to be levied each year in an 89956
amount estimated to offset decreases in state base cost funding 89957
caused by appreciation in real estate values, and that the 89958
estimated additional tax in any year shall not exceed the previous 89959
year's by more than four per cent, or a lesser percentage 89960
specified in the resolution levying the tax, except for increases 89961
caused by the addition of new taxable property. 89962

The question shall be submitted as a separate proposition but 89963
may be printed on the same ballot with any other proposition 89964
submitted at the same election other than the election of 89965
officers. 89966

The form of the ballot shall be substantially as follows: 89967

"An additional tax for the benefit of (name of school 89968
district) for the purpose of paying the current operating expenses 89969
of the district, for (number of years or for continuing 89970
period of time), at a rate sufficient to offset any reduction in 89971
basic state funding caused by appreciation in real estate values? 89972
This levy will permit variable annual growth in revenue up to 89973
..... (amount specified by school district) per cent for the 89974
duration of the levy. 89975

	For the tax levy
	Against the tax levy

"

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If a majority of the electors of the school district voting
on the question vote in favor of the question, the board of
elections shall certify the results of the election to the board
of education and to the tax commissioner immediately after the
canvass.

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(E) When preparing any estimate of the contemplated receipts
from a tax levied pursuant to this section for the purposes of
sections 5705.28 to 5705.40 of the Revised Code, and in preparing
to certify the tax under section 5705.34 of the Revised Code, a
board of education authorized to levy such a tax shall use
information supplied by the department of education to determine
the adjusted charge-off increase for the tax year for which that
certification is made. If the board levied a tax under this
section in the preceding tax year, the sum to be certified for
collection from the tax shall not exceed the sum that would exceed
the limitation imposed under division (C) of this section. At the
request of the board of education or the treasurer of the school
district, the county auditor shall assist the board of education
in determining the rate or sum that may be levied under this
section.

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The board of education shall certify the sum authorized to be
levied to the county auditor, and, for the purpose of the county
auditor determining the rate at which the tax is to be levied in
the tax year, the sum so certified shall be the sum to be raised
by the tax unless the sum exceeds the limitation imposed by
division (C) of this section. A tax levied pursuant to this
section shall not be levied at a rate in excess of the rate
estimated by the county auditor to produce the sum certified by
the board of education before the reductions under sections
319.302, 323.152, and 323.158 of the Revised Code. Notwithstanding
section 5705.34 of the Revised Code, a board of education

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authorized to levy a tax under this section shall certify the tax 90011
to the county auditor before the first day of October of the tax 90012
year in which the tax is to be levied, or at a later date as 90013
approved by the tax commissioner. 90014

Sec. 5705.212. (A)(1) The board of education of any school 90015
district, at any time and by a vote of two-thirds of all of its 90016
members, may declare by resolution that the amount of taxes that 90017
may be raised within the ten-mill limitation will be insufficient 90018
to provide an adequate amount for the present and future 90019
requirements of the school district, that it is necessary to levy 90020
not more than five taxes in excess of that limitation for current 90021
expenses, and that each of the proposed taxes first will be levied 90022
in a different year, over a specified period of time. The board 90023
shall identify the taxes proposed under this section as follows: 90024
the first tax to be levied shall be called the "original tax." 90025
Each tax subsequently levied shall be called an "incremental tax." 90026
The rate of each incremental tax shall be identical, but the rates 90027
of such incremental taxes need not be the same as the rate of the 90028
original tax. The resolution also shall state that the question of 90029
these additional taxes shall be submitted to the electors of the 90030
school district at a general election or a special election held 90031
on a day on which a primary election may be held. The resolution 90032
shall specify separately for each tax proposed: the amount of the 90033
increase in rate that it is necessary to levy, expressed 90034
separately for the original tax and each incremental tax; that the 90035
purpose of the levy is for current expenses; the number of years 90036
during which the original tax shall be in effect; a specification 90037
that the last year in which the original tax is in effect shall 90038
also be the last year in which each incremental tax shall be in 90039
effect; and the year in which each tax first is proposed to be 90040
levied. The original tax may be levied for any number of years not 90041
exceeding ten, or for a continuing period of time. The resolution 90042

shall specify the date of holding the ~~special~~ election, which 90043
shall not be earlier than ninety days after the adoption and 90044
certification of the resolution ~~and shall be consistent with the~~ 90045
~~requirements of section 3501.01 of the Revised Code.~~ 90046

(2) The board of education, by a vote of two-thirds of all of 90047
its members, may adopt a resolution proposing to renew taxes 90048
levied other than for a continuing period of time under division 90049
(A)(1) of this section. Such a resolution shall provide for 90050
levying a tax and specify all of the following: 90051

(a) That the tax shall be called and designated on the ballot 90052
as a renewal levy; 90053

(b) The rate of the renewal tax, which shall be a single rate 90054
that combines the rate of the original tax and each incremental 90055
tax into a single rate. The rate of the renewal tax shall not 90056
exceed the aggregate rate of the original and incremental taxes. 90057

(c) The number of years, not to exceed ten, that the renewal 90058
tax will be levied, or that it will be levied for a continuing 90059
period of time; 90060

(d) That the purpose of the renewal levy is for current 90061
expenses; 90062

(e) Subject to the certification and notification 90063
requirements of section 5705.251 of the Revised Code, that the 90064
question of the renewal levy shall be submitted to the electors of 90065
the school district at the general election held during the last 90066
year the original tax may be extended on the real and public 90067
utility property tax list and duplicate or at a the general 90068
election or the special election held on a day on which a primary 90069
election may be held, occurring during the ensuing year. 90070

(3) A resolution adopted under division (A)(1) or (2) of this 90071
section shall go into immediate effect upon its adoption and no 90072
publication of the resolution is necessary other than that 90073

provided for in the notice of election. Immediately after its 90074
adoption, a copy of the resolution shall be certified to the board 90075
of elections of the proper county in the manner provided by 90076
division (A) of section 5705.251 of the Revised Code, and that 90077
division shall govern the arrangements for the submission of the 90078
question and other matters concerning the election to which that 90079
section refers. The election shall be held on the date specified 90080
in the resolution. If a majority of the electors voting on the 90081
question so submitted in an election vote in favor of the taxes or 90082
a renewal tax, the board of education, if the original or a 90083
renewal tax is authorized to be levied for the current year, 90084
immediately may make the necessary levy within the school district 90085
at the authorized rate, or at any lesser rate in excess of the 90086
ten-mill limitation, for the purpose stated in the resolution. No 90087
tax shall be imposed prior to the year specified in the resolution 90088
as the year in which it is first proposed to be levied. The rate 90089
of the original tax and the rate of each incremental tax shall be 90090
cumulative, so that the aggregate rate levied in any year is the 90091
sum of the rates of both the original tax and all incremental 90092
taxes levied in or prior to that year under the same proposal. A 90093
tax levied for a continuing period of time under this section may 90094
be reduced pursuant to section 5705.261 of the Revised Code. 90095

(B) Notwithstanding section 133.30 of the Revised Code, after 90096
the approval of a tax to be levied in the current or the 90097
succeeding year and prior to the time when the first tax 90098
collection from that levy can be made, the board of education may 90099
anticipate a fraction of the proceeds of the levy and issue 90100
anticipation notes in an amount not to exceed fifty per cent of 90101
the total estimated proceeds of the levy to be collected during 90102
the first year of the levy. The notes shall be sold as provided in 90103
Chapter 133. of the Revised Code. If anticipation notes are 90104
issued, they shall mature serially and in substantially equal 90105
amounts during each year over a period not to exceed five years; 90106

and the amount necessary to pay the interest and principal as the 90107
anticipation notes mature shall be deemed appropriated for those 90108
purposes from the levy, and appropriations from the levy by the 90109
board of education shall be limited each fiscal year to the 90110
balance available in excess of that amount. 90111

If the auditor of state has certified a deficit pursuant to 90112
section 3313.483 of the Revised Code, the notes authorized under 90113
this section may be sold in accordance with Chapter 133. of the 90114
Revised Code, except that the board may sell the notes after 90115
providing a reasonable opportunity for competitive bidding. 90116

(C)(1) The board of education of a qualifying school 90117
district, at any time and by a vote of two-thirds of all its 90118
members, may declare by resolution that it is necessary to levy 90119
not more than five taxes in excess of the ten-mill limitation for 90120
the current expenses of partnering community schools and, if any 90121
of the levy proceeds are so allocated, of the school district, and 90122
that each of the proposed taxes first will be levied in a 90123
different year, over a specified period of time. A qualifying 90124
school district that is not a municipal school district may 90125
allocate all of the levy proceeds to partnering community schools. 90126
A municipal school district shall allocate a portion of the levy 90127
proceeds to the current expenses of the district. The board shall 90128
identify the taxes proposed under this division in the same manner 90129
as in division (A)(1) of this section. The rate of each 90130
incremental tax shall be identical, but the rates of such 90131
incremental taxes need not be the same as the rate of the original 90132
tax. In addition to the specifications required of the resolution 90133
in division (A) of this section, the resolution shall state the 90134
number of the mills to be levied each year for the current 90135
expenses of the partnering community schools and the number of the 90136
mills, if any, to be levied each year for the current expenses of 90137
the school district. The number of mills for the current expenses 90138

of partnering community schools shall be the same for each of the 90139
incremental taxes, and the number of mills for the current 90140
expenses of the qualifying school district shall be the same for 90141
each of the incremental taxes. 90142

The levy of taxes for the current expenses of a partnering 90143
community school under division (C) of this section and the 90144
distribution of proceeds from the tax by a qualifying school 90145
district to partnering community schools is hereby determined to 90146
be a proper public purpose. 90147

(2) The board of education, by a vote of two-thirds of all of 90148
its members, may adopt a resolution proposing to renew taxes 90149
levied other than for a continuing period of time under division 90150
(C)(1) of this section. In such a renewal levy, the rates 90151
allocated to the qualifying school district and to partnering 90152
community schools each may be increased or decreased or remain the 90153
same, and the total rate may be increased, decreased, or remain 90154
the same. In addition to the requirements of division (A)(2) of 90155
this section, the resolution shall state the number of the mills 90156
to be levied for the current expenses of the partnering community 90157
schools and the number of the mills to be levied for the current 90158
expenses of the school district. 90159

(3) A resolution adopted under division (C)(1) or (2) of this 90160
section is subject to the rules and procedures prescribed by 90161
division (A)(3) of this section. 90162

(4) The proceeds of each tax levied under division (C)(1) or 90163
(2) of this section shall be credited and distributed in the 90164
manner prescribed by division (B)(3) of section 5705.21 of the 90165
Revised Code, and divisions (B)(4), (5), and (6) of that section 90166
apply to taxes levied under division (C) of this section. 90167

(5) Notwithstanding section 133.30 of the Revised Code, after 90168
the approval of a tax to be levied under division (C)(1) or (2) of 90169

this section, in the current or succeeding year and prior to the 90170
time when the first tax collection from that levy can be made, the 90171
board of education may anticipate a fraction of the proceeds of 90172
the levy for the current expenses of the qualifying school 90173
district and issue anticipation notes in a principal amount not 90174
exceeding fifty per cent of the estimated proceeds of the levy to 90175
be collected during the first year of the levy and allocated to 90176
the school district. The portion of levy proceeds to be allocated 90177
to partnering community schools shall not be included in the 90178
estimated proceeds anticipated under this division and shall not 90179
be used to pay debt charges on any anticipation notes. 90180

The notes shall be sold as provided in Chapter 133. of the 90181
Revised Code. If anticipation notes are issued, they shall mature 90182
serially and in substantially equal amounts during each year over 90183
a period not to exceed five years. The amount necessary to pay the 90184
interest and principal as the anticipation notes mature shall be 90185
deemed appropriated for those purposes from the levy, and 90186
appropriations from the levy by the board of education shall be 90187
limited each fiscal year to the balance available in excess of 90188
that amount. 90189

If the auditor of state has certified a deficit pursuant to 90190
section 3313.483 of the Revised Code, the notes authorized under 90191
this section may be sold in accordance with Chapter 133. of the 90192
Revised Code, except that the board may sell the notes after 90193
providing a reasonable opportunity for competitive bidding. 90194

As used in division (C) of this section, "qualifying school 90195
district" and "partnering community schools" have the same 90196
meanings as in section 5705.21 of the Revised Code. 90197

~~(D) The submission of questions to the electors under this 90198
section is subject to the limitation on the number of election 90199
dates established by section 5705.214 of the Revised Code. 90200~~

Sec. 5705.213. (A)(1) The board of education of any school 90201
district, at any time and by a vote of two-thirds of all of its 90202
members, may declare by resolution that the amount of taxes that 90203
may be raised within the ten-mill limitation will be insufficient 90204
to provide an adequate amount for the present and future 90205
requirements of the school district and that it is necessary to 90206
levy a tax in excess of that limitation for current expenses. The 90207
resolution also shall state that the question of the additional 90208
tax shall be submitted to the electors of the school district at a 90209
general election or a special election held on a day on which a 90210
primary election may be held. The resolution shall specify, for 90211
each year the levy is in effect, the amount of money that the levy 90212
is proposed to raise, which may, for years after the first year 90213
the levy is made, be expressed in terms of a dollar or percentage 90214
increase over the prior year's amount. The resolution also shall 90215
specify that the purpose of the levy is for current expenses, the 90216
number of years during which the tax shall be in effect which may 90217
be for any number of years not exceeding ten, and the year in 90218
which the tax first is proposed to be levied. The resolution shall 90219
specify the date of holding the ~~special~~ election, which shall not 90220
be earlier than ninety-five days after the adoption and 90221
certification of the resolution to the county auditor and not 90222
earlier than ninety days after certification to the board of 90223
elections. ~~The date of the election shall be consistent with the~~ 90224
~~requirements of section 3501.01 of the Revised Code.~~ 90225

(2) The board of education, by a vote of two-thirds of all of 90226
its members, may adopt a resolution proposing to renew a tax 90227
levied under division (A)(1) of this section. Such a resolution 90228
shall provide for levying a tax and specify all of the following: 90229

(a) That the tax shall be called and designated on the ballot 90230
as a renewal levy; 90231

(b) The amount of the renewal tax, which shall be no more than the amount of tax levied during the last year the tax being renewed is authorized to be in effect;

(c) The number of years, not to exceed ten, that the renewal tax will be levied, or that it will be levied for a continuing period of time;

(d) That the purpose of the renewal levy is for current expenses;

(e) Subject to the certification and notification requirements of section 5705.251 of the Revised Code, that the question of the renewal levy shall be submitted to the electors of the school district at the general election held during the last year the tax being renewed may be extended on the real and public utility property tax list and duplicate or at a the general election or the special election held on a day on which a primary election may be held, occurring during the ensuing year.

(3) A resolution adopted under division (A)(1) or (2) of this section shall go into immediate effect upon its adoption and no publication of the resolution is necessary other than that provided for in the notice of election. Immediately after its adoption, a copy of the resolution shall be certified to the county auditor of the proper county, who shall, within five days, calculate and certify to the board of education the estimated levy, for the first year, and for each subsequent year for which the tax is proposed to be in effect. The estimates shall be made both in mills for each dollar of valuation, and in dollars and cents for each one hundred dollars of valuation. In making the estimates, the auditor shall assume that the amount of the tax list remains throughout the life of the levy, the same as the tax list for the current year. If the tax list for the current year is not determined, the auditor shall base the auditor's estimates on the estimated amount of the tax list for the current year as

submitted to the county budget commission. 90264

If the board desires to proceed with the submission of the 90265
question, it shall certify its resolution, with the estimated tax 90266
levy expressed in mills and dollars and cents per hundred dollars 90267
of valuation for each year that the tax is proposed to be in 90268
effect, to the board of elections of the proper county in the 90269
manner provided by division (A) of section 5705.251 of the Revised 90270
Code. Section 5705.251 of the Revised Code shall govern the 90271
arrangements for the submission of the question and other matters 90272
concerning the election to which that section refers. The election 90273
shall be held on the date specified in the resolution. If a 90274
majority of the electors voting on the question so submitted in an 90275
election vote in favor of the tax, and if the tax is authorized to 90276
be levied for the current year, the board of education immediately 90277
may make the additional levy necessary to raise the amount 90278
specified in the resolution or a lesser amount for the purpose 90279
stated in the resolution. 90280

~~(4) The submission of questions to the electors under this 90281
section is subject to the limitation on the number of election 90282
dates established by section 5705.214 of the Revised Code. 90283~~

(B) Notwithstanding sections 133.30 and 133.301 of the 90284
Revised Code, after the approval of a tax to be levied in the 90285
current or the succeeding year and prior to the time when the 90286
first tax collection from that levy can be made, the board of 90287
education may anticipate a fraction of the proceeds of the levy 90288
and issue anticipation notes in an amount not to exceed fifty per 90289
cent of the total estimated proceeds of the levy to be collected 90290
during the first year of the levy. The notes shall be sold as 90291
provided in Chapter 133. of the Revised Code. If anticipation 90292
notes are issued, they shall mature serially and in substantially 90293
equal amounts during each year over a period not to exceed five 90294
years; and the amount necessary to pay the interest and principal 90295

as the anticipation notes mature shall be deemed appropriated for 90296
those purposes from the levy, and appropriations from the levy by 90297
the board of education shall be limited each fiscal year to the 90298
balance available in excess of that amount. 90299

If the auditor of state has certified a deficit pursuant to 90300
section 3313.483 of the Revised Code, the notes authorized under 90301
this section may be sold in accordance with Chapter 133. of the 90302
Revised Code, except that the board may sell the notes after 90303
providing a reasonable opportunity for competitive bidding. 90304

Sec. 5705.214. Notwithstanding any section of the Revised 90305
Code to the contrary, the board of education of a school district 90306
may submit a proposal to levy a property tax on the ballot at a 90307
special election held in August if the resolution or ordinance 90308
proposing the tax declares that the purpose of such tax, in 90309
addition to any other purpose authorized for that tax under the 90310
Revised Code, is to prevent the conditions that would qualify the 90311
school district for a fiscal emergency declaration as described in 90312
division (B) of section 3316.03 of the Revised Code. This 90313
additional purpose shall be included in the election notice 90314
advertising the levy and in the levy's ballot language. 90315

Sec. 5705.217. (A) The board of education of a city, local, 90316
or exempted village school district, at any time by a vote of 90317
two-thirds of all its members, may declare by resolution that the 90318
amount of taxes that can be raised within the ten-mill limitation 90319
will be insufficient to provide an adequate amount for the present 90320
and future requirements of the school district; that it is 90321
necessary to levy an additional tax in excess of that limitation 90322
for the purposes of providing funds for current operating expenses 90323
and for general permanent improvements as defined in section 90324
5705.21 of the Revised Code; and that the question of the tax 90325
shall be submitted to the electors of the district at a general 90326

election or a special election held on a day on which a primary 90327
election may be held. The tax may be levied for a specified number 90328
of years not exceeding five or for a continuing period of time. 90329
The resolution shall specify the proposed tax rate, the first year 90330
the tax will be levied, and the number of years it will be levied, 90331
or that it will be levied for a continuing period of time. The 90332
resolution shall apportion the annual rate of the tax between 90333
current operating expenses and permanent improvements. The 90334
apportionment may but need not be the same for each year of the 90335
tax, but the respective portions of the rate actually levied each 90336
year for current operating expenses and permanent improvements 90337
shall be limited by the apportionment. 90338

The resolution shall specify the date of holding the ~~special~~ 90339
election, which shall not be earlier than ninety days after 90340
certification of the resolution to the board of elections ~~and~~ 90341
~~shall be consistent with the requirements of section 3501.01 of~~ 90342
~~the Revised Code.~~ The resolution shall go into immediate effect 90343
upon its passage, and no publication of it is necessary other than 90344
that provided in the notice of election. The board of education 90345
shall certify a copy of the resolution to the board of elections 90346
immediately after its adoption. Section 5705.25 of the Revised 90347
Code governs the arrangements and form of the ballot for the 90348
submission of the question to the electors. 90349

If a majority of the electors voting on the question vote in 90350
favor of the tax, the board of education may make the levy at the 90351
additional rate, or at any lesser rate in excess of the ten-mill 90352
limitation. If the tax is for a continuing period of time, it may 90353
be decreased in accordance with section 5705.261 of the Revised 90354
Code. 90355

A board of education may adopt a resolution to renew one or 90356
more existing levies imposed under this section, or to increase or 90357
decrease the rate of a tax levied under this section, for the 90358

purpose of providing funds for either current expenses and general 90359
permanent improvements or solely for general permanent 90360
improvements. 90361

(B)(1) After the approval of a tax for current operating 90362
expenses under this section and prior to the time the first 90363
collection and distribution from the levy can be made, the board 90364
of education may anticipate a fraction of the proceeds of such 90365
levy and issue anticipation notes in a principal amount not 90366
exceeding fifty per cent of the total estimated proceeds of the 90367
tax to be collected during the first year of the levy. 90368

(2) After the approval of a tax for general permanent 90369
improvements levied under this section for a specified number of 90370
years, the board of education may anticipate a fraction of the 90371
proceeds of such tax and issue anticipation notes in a principal 90372
amount not exceeding fifty per cent of the total estimated 90373
proceeds of the tax remaining to be collected in each year over a 90374
specified period of years, not exceeding the number of years for 90375
which the tax was levied, after issuance of the notes. 90376

(3) After the approval of a tax for general permanent 90377
improvements levied under this section for a continuing period of 90378
time, the board of education may anticipate a fraction of the 90379
proceeds of such tax and issue anticipation notes in a principal 90380
amount not exceeding fifty per cent of the total estimated 90381
proceeds of the tax to be collected in each year over a specified 90382
period of years, not exceeding ten, after issuance of the notes. 90383

Anticipation notes under this section shall be issued as 90384
provided in section 133.24 of the Revised Code. Notes issued under 90385
division (B)(1) or (2) of this section shall have principal 90386
payments during each year after the year of their issuance over a 90387
period not to exceed five years, and may have a principal payment 90388
in the year of their issuance. Notes issued under division (B)(3) 90389
of this section shall have principal payments during each year 90390

after the year of their issuance over a period not to exceed ten 90391
years, and may have a principal payment in the year of their 90392
issuance. 90393

~~(C) The submission of a question to the electors under this 90394
section is subject to the limitation on the number of elections 90395
that can be held in a year under section 5705.214 of the Revised 90396
Code. 90397~~

Sec. 5705.218. (A) The board of education of a city, local, 90398
or exempted village school district, at any time by a vote of 90399
two-thirds of all its members, may declare by resolution that it 90400
may be necessary for the school district to issue general 90401
obligation bonds for permanent improvements. The resolution shall 90402
state all of the following: 90403

(1) The necessity and purpose of the bond issue; 90404

(2) The date of the ~~special~~ election at which the question 90405
shall be submitted to the electors, which shall be the date of a 90406
general election or a special election held on a day on which a 90407
primary election may be held; 90408

(3) The amount, approximate date, estimated rate of interest, 90409
and maximum number of years over which the principal of the bonds 90410
may be paid; 90411

(4) The necessity of levying a tax outside the ten-mill 90412
limitation to pay debt charges on the bonds and any anticipatory 90413
securities. 90414

On adoption of the resolution, the board shall certify a copy 90415
of it to the county auditor. The county auditor promptly shall 90416
estimate and certify to the board the average annual property tax 90417
rate required throughout the stated maturity of the bonds to pay 90418
debt charges on the bonds, in the same manner as under division 90419
(C) of section 133.18 of the Revised Code. 90420

(B) After receiving the county auditor's certification under 90421
division (A) of this section, the board of education of the city, 90422
local, or exempted village school district, by a vote of 90423
two-thirds of all its members, may declare by resolution that the 90424
amount of taxes that can be raised within the ten-mill limitation 90425
will be insufficient to provide an adequate amount for the present 90426
and future requirements of the school district; that it is 90427
necessary to issue general obligation bonds of the school district 90428
for permanent improvements and to levy an additional tax in excess 90429
of the ten-mill limitation to pay debt charges on the bonds and 90430
any anticipatory securities; that it is necessary for a specified 90431
number of years or for a continuing period of time to levy 90432
additional taxes in excess of the ten-mill limitation to provide 90433
funds for the acquisition, construction, enlargement, renovation, 90434
and financing of permanent improvements or to pay for current 90435
operating expenses, or both; and that the question of the bonds 90436
and taxes shall be submitted to the electors of the school 90437
district at a general election or a special election held on a day 90438
on which a primary election may be held, which shall not be 90439
earlier than ninety days after certification of the resolution to 90440
the board of elections, ~~and the date of which shall be consistent~~ 90441
~~with section 3501.01 of the Revised Code.~~ The resolution shall 90442
specify all of the following: 90443

(1) The county auditor's estimate of the average annual 90444
property tax rate required throughout the stated maturity of the 90445
bonds to pay debt charges on the bonds; 90446

(2) The proposed rate of the tax, if any, for current 90447
operating expenses, the first year the tax will be levied, and the 90448
number of years it will be levied, or that it will be levied for a 90449
continuing period of time; 90450

(3) The proposed rate of the tax, if any, for permanent 90451
improvements, the first year the tax will be levied, and the 90452

number of years it will be levied, or that it will be levied for a 90453
continuing period of time. 90454

The resolution shall apportion the annual rate of the tax 90455
between current operating expenses and permanent improvements, if 90456
both taxes are proposed. The apportionment may but need not be the 90457
same for each year of the tax, but the respective portions of the 90458
rate actually levied each year for current operating expenses and 90459
permanent improvements shall be limited by the apportionment. The 90460
resolution shall go into immediate effect upon its passage, and no 90461
publication of it is necessary other than that provided in the 90462
notice of election. The board of education shall certify a copy of 90463
the resolution, along with copies of the auditor's estimate and 90464
its resolution under division (A) of this section, to the board of 90465
elections immediately after its adoption. 90466

(C) The board of elections shall make the arrangements for 90467
the submission to the electors of the school district of the 90468
question proposed under division (B) or ~~(J)~~(I) of this section, 90469
and the election shall be conducted, canvassed, and certified in 90470
the same manner as regular elections in the district for the 90471
election of county officers. The resolution shall be put before 90472
the electors as one ballot question, with a favorable vote 90473
indicating approval of the bond issue, the levy to pay debt 90474
charges on the bonds and any anticipatory securities, the current 90475
operating expenses levy, the permanent improvements levy, and the 90476
levy for the current expenses of a qualifying school district and 90477
of partnering community schools, as those levies may be proposed. 90478
The board of elections shall publish notice of the election in a 90479
newspaper of general circulation in the school district once a 90480
week for two consecutive weeks, or as provided in section 7.16 of 90481
the Revised Code, prior to the election. If a board of elections 90482
operates and maintains a web site, that board also shall post 90483
notice of the election on its web site for thirty days prior to 90484

the election. The notice of election shall state all of the	90485
following:	90486
(1) The principal amount of the proposed bond issue;	90487
(2) The permanent improvements for which the bonds are to be issued;	90488 90489
(3) The maximum number of years over which the principal of the bonds may be paid;	90490 90491
(4) The estimated additional average annual property tax rate to pay the debt charges on the bonds, as certified by the county auditor;	90492 90493 90494
(5) The proposed rate of the additional tax, if any, for current operating expenses and, if the question is proposed under division (J) <u>(I)</u> of this section, the portion of the rate to be allocated to the school district and the portion to be allocated to partnering community schools;	90495 90496 90497 90498 90499
(6) The number of years the current operating expenses tax will be in effect, or that it will be in effect for a continuing period of time;	90500 90501 90502
(7) The proposed rate of the additional tax, if any, for permanent improvements;	90503 90504
(8) The number of years the permanent improvements tax will be in effect, or that it will be in effect for a continuing period of time;	90505 90506 90507
(9) The time and place of the special election.	90508
(D) The form of the ballot for an election under this section is as follows:	90509 90510
"Shall the school district be authorized to do the following:	90511 90512
(1) Issue bonds for the purpose of in the	90513

principal amount of \$....., to be repaid annually over a maximum 90514
 period of years, and levy a property tax outside the 90515
 ten-mill limitation, estimated by the county auditor to average 90516
 over the bond repayment period mills for each one dollar of 90517
 tax valuation, which amounts to (rate expressed in cents or 90518
 dollars and cents, such as "36 cents" or "\$1.41") for each \$100 of 90519
 tax valuation, to pay the annual debt charges on the bonds, and to 90520
 pay debt charges on any notes issued in anticipation of those 90521
 bonds?" 90522

If either a levy for permanent improvements or a levy for 90523
 current operating expenses is proposed, or both are proposed, the 90524
 ballot also shall contain the following language, as appropriate: 90525

"(2) Levy an additional property tax to provide funds for the 90526
 acquisition, construction, enlargement, renovation, and financing 90527
 of permanent improvements at a rate not exceeding mills 90528
 for each one dollar of tax valuation, which amounts to 90529
 (rate expressed in cents or dollars and cents) for each \$100 of 90530
 tax valuation, for (number of years of the levy, or a 90531
 continuing period of time)? 90532

(3) Levy an additional property tax to pay current operating 90533
 expenses at a rate not exceeding mills for each one dollar 90534
 of tax valuation, which amounts to (rate expressed in 90535
 cents or dollars and cents) for each \$100 of tax valuation, for 90536
 (number of years of the levy, or a continuing period of 90537
 time)? 90538

	FOR THE BOND ISSUE AND LEVY (OR LEVIES)	
	AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)	"

90539
 90540
 90541
 90542

If the question is proposed under division ~~(J)~~(I) of this 90543
 section, the form of the ballot shall be modified as prescribed by 90544

division ~~(J)~~(I)(4) of this section. 90545

(E) The board of elections promptly shall certify the results 90546
of the election to the tax commissioner and the county auditor of 90547
the county in which the school district is located. If a majority 90548
of the electors voting on the question vote for it, the board of 90549
education may proceed with issuance of the bonds and with the levy 90550
and collection of the property tax or taxes at the additional rate 90551
or any lesser rate in excess of the ten-mill limitation. Any 90552
securities issued by the board of education under this section are 90553
Chapter 133. securities, as that term is defined in section 133.01 90554
of the Revised Code. 90555

(F)(1) After the approval of a tax for current operating 90556
expenses under this section and prior to the time the first 90557
collection and distribution from the levy can be made, the board 90558
of education may anticipate a fraction of the proceeds of such 90559
levy and issue anticipation notes in a principal amount not 90560
exceeding fifty per cent of the total estimated proceeds of the 90561
tax to be collected during the first year of the levy. 90562

(2) After the approval of a tax under this section for 90563
permanent improvements having a specific purpose, the board of 90564
education may anticipate a fraction of the proceeds of such tax 90565
and issue anticipation notes in a principal amount not exceeding 90566
fifty per cent of the total estimated proceeds of the tax 90567
remaining to be collected in each year over a period of five years 90568
after issuance of the notes. 90569

(3) After the approval of a tax under this section for 90570
general permanent improvements as defined under section 5705.21 of 90571
the Revised Code, the board of education may anticipate a fraction 90572
of the proceeds of such tax and issue anticipation notes in a 90573
principal amount not exceeding fifty per cent of the total 90574
estimated proceeds of the tax to be collected in each year over a 90575
specified period of years, not exceeding ten, after issuance of 90576

the notes. 90577

Anticipation notes under this section shall be issued as 90578
provided in section 133.24 of the Revised Code. Notes issued under 90579
division (F)(1) or (2) of this section shall have principal 90580
payments during each year after the year of their issuance over a 90581
period not to exceed five years, and may have a principal payment 90582
in the year of their issuance. Notes issued under division (F)(3) 90583
of this section shall have principal payments during each year 90584
after the year of their issuance over a period not to exceed ten 90585
years, and may have a principal payment in the year of their 90586
issuance. 90587

(G) A tax for current operating expenses or for permanent 90588
improvements levied under this section for a specified number of 90589
years may be renewed or replaced in the same manner as a tax for 90590
current operating expenses or for permanent improvements levied 90591
under section 5705.21 of the Revised Code. A tax for current 90592
operating expenses or for permanent improvements levied under this 90593
section for a continuing period of time may be decreased in 90594
accordance with section 5705.261 of the Revised Code. 90595

~~(H) The submission of a question to the electors under this 90596
section is subject to the limitation on the number of elections 90597
that can be held in a year under section 5705.214 of the Revised 90598
Code. 90599~~

~~(I)~~ A school district board of education proposing a ballot 90600
measure under this section to generate local resources for a 90601
project under the school building assistance expedited local 90602
partnership program under section 3318.36 of the Revised Code may 90603
combine the questions under division (D) of this section with a 90604
question for the levy of a property tax to generate moneys for 90605
maintenance of the classroom facilities acquired under that 90606
project as prescribed in section 3318.361 of the Revised Code. 90607

~~(J)~~(I)(1) After receiving the county auditor's certification 90608
under division (A) of this section, the board of education of a 90609
qualifying school district, by a vote of two-thirds of all its 90610
members, may declare by resolution that it is necessary to levy a 90611
tax in excess of the ten-mill limitation for the purpose of paying 90612
the current expenses of the school district and of partnering 90613
community schools, as defined in section 5705.21 of the Revised 90614
Code; that it is necessary to issue general obligation bonds of 90615
the school district for permanent improvements of the district and 90616
to levy an additional tax in excess of the ten-mill limitation to 90617
pay debt charges on the bonds and any anticipatory securities; and 90618
that the question of the bonds and taxes shall be submitted to the 90619
electors of the school district at a general election or a special 90620
election held on a day on which a primary election may be held, 90621
~~which shall~~ occurring not be earlier than ninety days after 90622
certification of the resolution to the board of elections, ~~and the~~ 90623
~~date of which shall be consistent with section 3505.01 of the~~ 90624
~~Revised Code.~~ 90625

The levy of taxes for the current expenses of a partnering 90626
community school under division ~~(J)~~(I) of this section and the 90627
distribution of proceeds from the tax by a qualifying school 90628
district to partnering community schools is hereby determined to 90629
be a proper public purpose. 90630

(2) The tax for the current expenses of the school district 90631
and of partnering community schools is subject to the requirements 90632
of divisions (B)(3), (4), and (5) of section 5705.21 of the 90633
Revised Code. 90634

(3) In addition to the required specifications of the 90635
resolution under division (B) of this section, the resolution 90636
shall express the rate of the tax in mills per dollar of taxable 90637
value, state the number of the mills to be levied for the current 90638
expenses of the partnering community schools and the number of the 90639

mills to be levied for the current expenses of the school district, specify the number of years (not exceeding ten) the tax will be levied or that it will be levied for a continuing period of time, and state the first year the tax will be levied.

The resolution shall go into immediate effect upon its passage, and no publication of it is necessary other than that provided in the notice of election. The board of education shall certify a copy of the resolution, along with copies of the auditor's estimate and its resolution under division (A) of this section, to the board of elections immediately after its adoption.

(4) The form of the ballot shall be modified by replacing the ballot form set forth in division (D)(3) of this section with the following:

"Levy an additional property tax for the purpose of the current expenses of the school district and of partnering community schools at a rate not exceeding (insert the number of mills) mills for each one dollar of valuation (of which (insert the number of mills to be allocated to partnering community schools) mills is to be allocated to partnering community schools), which amounts to (insert the rate expressed in dollars and cents) for each one hundred dollars of valuation, for (insert the number of years the levy is to be imposed, or that it will be levied for a continuing period of time)?

	FOR THE BOND ISSUE AND LEVY (OR LEVIES)
	AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)

(5) After the approval of a tax for the current expenses of the school district and of partnering community schools under division ~~(J)~~(L) of this section, and prior to the time the first collection and distribution from the levy can be made, the board

of education may anticipate a fraction of the proceeds of the levy 90671
for the current expenses of the school district and issue 90672
anticipation notes in a principal amount not exceeding fifty per 90673
cent of the estimated proceeds of the levy to be collected during 90674
the first year of the levy and allocated to the school district. 90675
The portion of levy proceeds to be allocated to partnering 90676
community schools shall not be included in the estimated proceeds 90677
anticipated under this division and shall not be used to pay debt 90678
charges on any anticipation notes. 90679

The notes shall be issued as provided in section 133.24 of 90680
the Revised Code, shall have principal payments during each year 90681
after the year of their issuance over a period not to exceed five 90682
years, and may have a principal payment in the year of their 90683
issuance. 90684

(6) A tax for the current expenses of the school district and 90685
of partnering community schools levied under division ~~(J)~~(I) of 90686
this section for a specified number of years may be renewed or 90687
replaced in the same manner as a tax for the current expenses of a 90688
school district and of partnering community schools levied under 90689
division (B) of section 5705.21 of the Revised Code. A tax for the 90690
current expenses of the school district and of partnering 90691
community schools levied under this division for a continuing 90692
period of time may be decreased in accordance with section 90693
5705.261 of the Revised Code. 90694

(7) The proceeds from the issuance of the general obligation 90695
bonds under division ~~(J)~~(I) of this section shall be used solely 90696
to pay for permanent improvements of the school district and not 90697
for permanent improvements of partnering community schools. 90698

Sec. 5705.219. (A) As used in this section: 90699

(1) "Eligible school district" means a city, local, or 90700
exempted village school district in which the taxes charged and 90701

payable for current expenses on residential/agricultural real 90702
property in the tax year preceding the year in which the levy 90703
authorized by this section will be submitted for elector approval 90704
or rejection are greater than two per cent of the taxable value of 90705
the residential/agricultural real property. 90706

(2) "Residential/agricultural real property" and 90707
"nonresidential/agricultural real property" means the property 90708
classified as such under section 5713.041 of the Revised Code. 90709

(3) "Effective tax rate" and "taxes charged and payable" have 90710
the same meanings as in division (B) of section 319.301 of the 90711
Revised Code. 90712

(B) On or after January 1, 2010, but before January 1, 2015, 90713
the board of education of an eligible school district, by a vote 90714
of two-thirds of all its members, may adopt a resolution proposing 90715
to convert existing levies imposed for the purpose of current 90716
expenses into a levy raising a specified amount of tax money by 90717
repealing all or a portion of one or more of those existing levies 90718
and imposing a levy in excess of the ten-mill limitation that will 90719
raise a specified amount of money for current expenses of the 90720
district. 90721

The board of education shall certify a copy of the resolution 90722
to the tax commissioner not later than one hundred five days 90723
before the election upon which the repeal and levy authorized by 90724
this section will be proposed to the electors. Within ten days 90725
after receiving the copy of the resolution, the tax commissioner 90726
shall determine each of the following and certify the 90727
determinations to the board of education: 90728

(1) The dollar amount to be raised by the proposed levy, 90729
which shall be the product of: 90730

(a) The difference between the aggregate effective tax rate 90731
for residential/agricultural real property for the tax year 90732

preceding the year in which the repeal and levy will be proposed 90733
to the electors and twenty mills per dollar of taxable value; 90734

(b) The total taxable value of all property on the tax list 90735
of real and public utility property for the tax year preceding the 90736
year in which the repeal and levy will be proposed to the 90737
electors. 90738

(2) The estimated tax rate of the proposed levy. 90739

(3) The existing levies and any portion of an existing levy 90740
to be repealed upon approval of the question. Levies shall be 90741
repealed in reverse chronological order from most recently imposed 90742
to least recently imposed until the sum of the effective tax rates 90743
repealed for residential/agricultural real property is equal to 90744
the difference calculated in division (B)(1)(a) of this section. 90745

(4) The sum of the following: 90746

(a) The total taxable value of nonresidential/agricultural 90747
real property for the tax year preceding the year in which the 90748
repeal and levy will be proposed to the electors multiplied by the 90749
difference between (i) the aggregate effective tax rate for 90750
nonresidential/agricultural real property for the existing levies 90751
and any portion of an existing levy to be repealed and (ii) the 90752
amount determined under division (B)(1)(a) of this section, but 90753
not less than zero; 90754

(b) The total taxable value of public utility tangible 90755
personal property for the tax year preceding the year in which the 90756
repeal and levy will be proposed to the electors multiplied by the 90757
difference between (i) the aggregate voted tax rate for the 90758
existing levies and any portion of an existing levy to be repealed 90759
and (ii) the amount determined under division (B)(1)(a) of this 90760
section, but not less than zero. 90761

(C) Upon receipt of the certification from the tax 90762
commissioner under division (B) of this section, a majority of the 90763

members of the board of education may adopt a resolution proposing 90764
the repeal of the existing levies as identified in the 90765
certification and the imposition of a levy in excess of the 90766
ten-mill limitation that will raise annually the amount certified 90767
by the commissioner. If the board determines that the tax should 90768
be for an amount less than that certified by the commissioner, the 90769
board may request that the commissioner redetermine the rate under 90770
division (B)(2) of this section on the basis of the lesser amount 90771
the levy is to raise as specified by the board. The amount 90772
certified under division (B)(4) and the levies to be repealed as 90773
certified under division (B)(3) of this section shall not be 90774
redetermined. Within ten days after receiving a timely request 90775
specifying the lesser amount to be raised by the levy, the 90776
commissioner shall redetermine the rate and recertify it to the 90777
board as otherwise provided in division (B) of this section. Only 90778
one such request may be made by the board of education of an 90779
eligible school district. 90780

The resolution shall state the first calendar year in which 90781
the levy will be due; the existing levies and any portion of an 90782
existing levy that will be repealed, as certified by the 90783
commissioner; the term of the levy expressed in years, which may 90784
be any number not exceeding ten, or that it will be levied for a 90785
continuing period of time; and the date of the election, which 90786
shall be the date of a ~~primary or~~ general election or a special 90787
election held on a day on which a primary election may be held. 90788

Immediately upon its passage, the resolution shall go into 90789
effect and shall be certified by the board of education to the 90790
county auditor of the proper county. The county auditor and the 90791
board of education shall proceed as required under section 90792
5705.195 of the Revised Code. No publication of the resolution is 90793
necessary other than that provided for in the notice of election. 90794
Section 5705.196 of the Revised Code shall govern the matters 90795

concerning the election. ~~The submission of a question to the~~ 90796
~~electors under this section is subject to the limitation on the~~ 90797
~~number of election dates established by section 5705.214 of the~~ 90798
~~Revised Code.~~ 90799

(D) The form of the ballot to be used at the election 90800
 provided for in this section shall be as follows: 90801

"Shall the existing levy of (insert the voted 90802
 millage rate of the levy to be repealed), currently being charged 90803
 against residential and agricultural property by the 90804
 (insert the name of school district) at a rate of 90805
 (insert the residential/agricultural real property effective tax 90806
 rate of the levy being repealed) for the purpose of 90807
 (insert the purpose of the existing levy) be repealed, and shall a 90808
 levy be imposed by the (insert the name of school 90809
 district) in excess of the ten-mill limitation for the necessary 90810
 requirements of the school district in the sum of 90811
 (insert the annual amount the levy is to produce), estimated by 90812
 the tax commissioner to require (insert the number of 90813
 mills) mills for each one dollar of valuation, which amounts to 90814
 (insert the rate expressed in dollars and cents) for 90815
 each one hundred dollars of valuation for the initial year of the 90816
 tax, for a period of (insert the number of years the 90817
 levy is to be imposed, or that it will be levied for a continuing 90818
 period of time), commencing in (insert the first year 90819
 the tax is to be levied), first due in calendar year 90820
 (insert the first calendar year in which the tax shall be due)? 90821

	FOR THE REPEAL AND TAX
	AGAINST THE REPEAL AND TAX

"

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If the question submitted is a proposal to repeal all or a 90826

portion of more than one existing levy, the form of the ballot 90827
shall be modified by substituting the statement "shall the 90828
existing levy of" with "shall existing levies of" and inserting 90829
the aggregate voted and aggregate effective tax rates to be 90830
repealed. 90831

(E) If a majority of the electors voting on the question 90832
submitted in an election vote in favor of the repeal and levy, the 90833
result shall be certified immediately after the canvass by the 90834
board of elections to the board of education. The board of 90835
education may make the levy necessary to raise the amount 90836
specified in the resolution for the purpose stated in the 90837
resolution and shall certify it to the county auditor, who shall 90838
extend it on the current year tax lists for collection. After the 90839
first year, the levy shall be included in the annual tax budget 90840
that is certified to the county budget commission. 90841

(F) A levy imposed under this section for a continuing period 90842
of time may be decreased or repealed pursuant to section 5705.261 90843
of the Revised Code. If a levy imposed under this section is 90844
decreased, the amount calculated under division (B)(4) of this 90845
section and paid under section 5705.2110 of the Revised Code shall 90846
be decreased by the same proportion as the levy is decreased. If 90847
the levy is repealed, no further payments shall be made to the 90848
district under that section. 90849

(G) At any time, the board of education, by a vote of 90850
two-thirds of all of its members, may adopt a resolution to renew 90851
a tax levied under this section. The resolution shall provide for 90852
levying the tax and specifically all of the following: 90853

(1) That the tax shall be called, and designated on the 90854
ballot as, a renewal levy; 90855

(2) The amount of the renewal tax, which shall be no more 90856
than the amount of tax previously collected; 90857

(3) The number of years, not to exceed ten, that the renewal tax will be levied, or that it will be levied for a continuing period of time; 90858
90859
90860

(4) That the purpose of the renewal tax is for current expenses. 90861
90862

The board shall certify a copy of the resolution to the board of elections not later than ninety days before the date of the election at which the question is to be submitted, which shall be the date of a ~~primary or~~ general election or a special election held on a day on which a primary election may be held. 90863
90864
90865
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90867

(H) The form of the ballot to be used at the election on the question of renewing a levy under this section shall be as follows: 90868
90869
90870

"Shall a tax levy renewing an existing levy of (insert the annual dollar amount the levy is to produce each year), estimated to require (insert the number of mills) mills for each one dollar of valuation be imposed by the (insert the name of school district) for the purpose of current expenses for a period of (insert the number of years the levy is to be imposed, or that it will be levied for a continuing period of time), commencing in (insert the first year the tax is to be levied), first due in calendar year (insert the first calendar year in which the tax shall be due)? 90871
90872
90873
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90881

	FOR THE RENEWAL OF THE TAX LEVY	
	AGAINST THE RENEWAL OF THE TAX LEVY	"

90882
90883
90884
90885

If the levy submitted is to be for less than the amount of money previously collected, the form of the ballot shall be modified to add "and reducing" after "renewing" and to add before 90886
90887
90888

"estimated to require" the statement "be approved at a tax rate 90889
necessary to produce (insert the lower annual dollar 90890
amount the levy is to produce each year)." 90891

Sec. 5705.2111. (A) If the board of directors of a regional 90892
student education district created under section 3313.83 of the 90893
Revised Code desires to levy a tax in excess of the ten-mill 90894
limitation throughout the district for the purpose of funding the 90895
services to be provided by the district to students enrolled in 90896
the school districts of which the district is composed and their 90897
immediate family members, the board shall propose the levy to each 90898
of the boards of education of those school districts. The proposal 90899
shall specify the rate or amount of the tax, the number of years 90900
the tax will be levied or that it will be levied for a continuing 90901
period of time, and that the aggregate rate of the tax shall not 90902
exceed three mills per dollar of taxable value in the regional 90903
student education district. 90904

(B)(1) If a majority of the boards of education of the school 90905
districts of which the regional student education district is 90906
composed approves the proposal for the tax levy, the board of 90907
directors of the regional student education district may adopt a 90908
resolution approved by a majority of the board's full membership 90909
declaring the necessity of levying the proposed tax in excess of 90910
the ten-mill limitation throughout the district for the purpose of 90911
funding the services to be provided by the district to students 90912
enrolled in the school districts of which the district is composed 90913
and their immediate family members. The resolution shall provide 90914
for the question of the tax to be submitted to the electors of the 90915
district at a general, election or a special election held on a 90916
day on which a primary, ~~or special~~ election ~~on a day to~~ may be 90917
held, as specified in the resolution ~~that is consistent with the~~ 90918
~~requirements of section 3501.01 of the Revised Code and that~~ 90919
~~occurs~~ , occurring at least ninety days after the resolution is 90920

certified to the board of elections. The resolution shall specify 90921
the rate or amount of the tax and the number of years the tax will 90922
be levied or that the tax will be levied for a continuing period 90923
of time. The aggregate rate of tax levied by a regional student 90924
education district under this section at any time shall not exceed 90925
three mills per dollar of taxable value in the district. A tax 90926
levied under this section may be renewed, subject to section 90927
5705.25 of the Revised Code, or replaced as provided in section 90928
5705.192 of the Revised Code. 90929

(2) The resolution shall take effect immediately upon 90930
passage, and no publication of the resolution is necessary other 90931
than that provided in the notice of election. The resolution shall 90932
be certified and submitted in the manner provided under section 90933
5705.25 of the Revised Code, and that section governs the 90934
arrangements governing submission of the question and other 90935
matters concerning the election. 90936

Sec. 5705.2112. (A) As used in this section and section 90937
5705.2113 of the Revised Code: 90938

(1) "Qualifying partnership" has the same meaning as in 90939
section 3318.71 of the Revised Code. 90940

(2) "Fiscal board" means the board of education of the school 90941
district that is selected as the fiscal agent of a qualifying 90942
partnership under division (D) of section 3318.71 of the Revised 90943
Code. 90944

(3) "Participating school district" means a city, local, 90945
exempted village, cooperative education, or joint vocational 90946
school district that is a party to the qualifying partnership 90947
agreement described in section 3318.71 of the Revised Code. 90948

(4) "Tax distribution" means a distribution of proceeds of 90949
the tax authorized by this section under section 321.24 of the 90950

Revised Code and distributions that are attributable to that tax 90951
under sections 323.156 and 4503.068 of the Revised Code or other 90952
applicable law. 90953

(5) "Acquisition of classroom facilities" has the same 90954
meaning as in section 3318.01 of the Revised Code. 90955

(B) The fiscal board of a qualifying partnership may levy a 90956
tax under this section in excess of the ten-mill limitation for 90957
the purpose of funding the acquisition of classroom facilities 90958
that benefit the qualifying partnership. The tax is subject to the 90959
approval of the electors of all participating school districts. 90960
Before proposing the tax to such electors, the fiscal board shall 90961
obtain identical resolutions adopted by two-thirds of the members 90962
of the board of education of each participating school district. 90963
The resolutions shall specify all of the following: 90964

(1) The rate of the levy; 90965

(2) The purpose of the levy, which shall be confined to the 90966
acquisition of classroom facilities; 90967

(3) The number of years during which the levy shall be in 90968
effect, which shall be for any number of years not exceeding ten; 90969

(4) That the question of the levy shall be submitted to the 90970
electors of each participating school district at a general 90971
election or a special election held on a day on which a primary 90972
election may be held; 90973

(5) The date that such ~~special~~ election shall be held, which 90974
shall not be earlier than ninety days after the resolutions are 90975
certified to the board or boards of elections under division (C) 90976
of this section ~~and which shall be consistent with the~~ 90977
~~requirements of section 3501.01 of the Revised Code.~~ 90978

(C) A resolution adopted under division (B) of this section 90979
shall go into immediate effect upon its passage, and no 90980

publication of the resolution shall be necessary other than that 90981
provided for in the notice of election. Upon passing such a 90982
resolution, the board of education of a participating school 90983
district shall certify a copy of the resolution to the fiscal 90984
board of the qualifying partnership. Once the fiscal board 90985
receives an identical resolution from each participating school 90986
district, the fiscal board shall certify copies of such 90987
resolutions to the board of elections of the proper county or 90988
counties in the manner provided by section 5705.25 of the Revised 90989
Code. That section shall govern the arrangements for the 90990
submission of the levy to the electors of each participating 90991
school district and other matters concerning the election to which 90992
that section refers, including publication of notice of the 90993
election, except that the election shall be held on the date 90994
specified in the resolutions and the notice shall be published in 90995
newspapers of general circulation in all the participating school 90996
districts. 90997

The question of the levy shall be submitted as a single 90998
ballot issue to the electors of all the participating school 90999
districts. If a majority of all such electors voting on the 91000
question so submitted in the election vote in favor of the levy, 91001
the fiscal board may make the necessary levy within the territory 91002
of the participating school districts at the additional rate, or 91003
at any lesser rate in excess of the ten-mill limitation on the tax 91004
list, for the purpose stated in the resolutions. 91005

~~The submission of questions to the electors under this 91006
section is subject to the limitation on the number of election 91007
dates established by section 5705.214 of the Revised Code. 91008~~

(D) Each tax distribution shall be deposited to a special 91009
fund, established for the purposes described in the resolutions 91010
proposing the tax levy, in the county treasury of the county in 91011
which the fiscal board of the qualifying partnership is located. 91012

The fiscal board shall be the custodian of the amounts deposited 91013
to such fund and shall have the same rights and responsibilities 91014
with respect to the fund as boards of education do with respect to 91015
other levy revenues. 91016

(E) The levy of a tax under this section for the purpose of 91017
funding the acquisition of classroom facilities benefiting a 91018
qualifying partnership is hereby determined to be a proper public 91019
purpose. For the purposes of Chapter 3317. of the Revised Code or 91020
other laws referring to the "taxes charged and payable" for a 91021
school district, the taxes charged and payable for a levy 91022
authorized under this section are not included in the taxes 91023
charged and payable for any participating school district. The 91024
taxes charged and payable for a levy authorized under this section 91025
shall not affect the calculation of "state education aid," as 91026
defined in section 5751.20 of the Revised Code, for any 91027
participating school district. 91028

(F)(1) After the approval of a levy under this section for a 91029
specified number of years, the fiscal board of a qualifying 91030
partnership may anticipate a fraction of the proceeds of the levy 91031
and issue anticipation notes in a principal amount not exceeding 91032
seventy-five per cent of the total estimated proceeds of the levy 91033
remaining to be collected in each year over a period of ten years 91034
after the issuance of the notes. 91035

The notes shall be issued as provided in section 133.24 of 91036
the Revised Code, shall have principal payments during each year 91037
after the year of their issuance over a period not to exceed ten 91038
years, and may have a principal payment in the year of their 91039
issuance. 91040

(2) The fiscal board of a qualifying partnership is a "taxing 91041
authority" for the purposes of Chapter 133. of the Revised Code 91042
with respect to the tax and securities authorized under this 91043
section, and the treasurer of the school district serving as the 91044

fiscal board is the fiscal officer for the purposes of that 91045
chapter. 91046

Sec. 5705.221. (A) At any time, the board of county 91047
commissioners of any county by a majority vote of the full 91048
membership may declare by resolution and certify to the board of 91049
elections of the county that the amount of taxes which may be 91050
raised within the ten-mill limitation by levies on the current tax 91051
duplicate will be insufficient to provide the necessary 91052
requirements of the county's alcohol, drug addiction, and mental 91053
health service district established pursuant to Chapter 340. of 91054
the Revised Code, or the county's contribution to a joint-county 91055
district of which the county is a part, and that it is necessary 91056
to levy a tax in excess of such limitation for the operation of 91057
community addiction services providers and community mental health 91058
services providers and the acquisition, construction, renovation, 91059
financing, maintenance, and operation of alcohol and drug 91060
addiction facilities and mental health facilities. 91061

Such resolution shall conform to section 5705.19 of the 91062
Revised Code, except that the increased rate may be in effect for 91063
any number of years not exceeding ten. 91064

The resolution shall be certified and submitted in the manner 91065
provided in section 5705.25 of the Revised Code, ~~except that it~~ . 91066
The resolution may be placed on the ballot ~~in any~~ at a general 91067
election or a special election held on a day on which a primary 91068
election may be held, and shall be certified to the board of 91069
elections not less than ninety days before the election at which 91070
it will be voted upon. 91071

If the majority of the electors voting on a levy to 91072
supplement general fund appropriations for the support of the 91073
comprehensive community addiction and mental health services 91074
providers vote in favor of the levy, the board may levy a tax 91075

within the county at the additional rate outside the ten-mill 91076
limitation during the specified or continuing period, for the 91077
purpose stated in the resolution. 91078

(B) When electors have approved a tax levy under this 91079
section, the board of county commissioners may anticipate a 91080
fraction of the proceeds of the levy and, from time to time, issue 91081
anticipation notes in accordance with section 5705.191 or 5705.193 91082
of the Revised Code. 91083

(C) The county auditor who is the fiscal officer of the 91084
alcohol, drug addiction, and mental health service district, upon 91085
receipt of a resolution from the board of alcohol, drug addiction, 91086
and mental health services, shall establish for the district a 91087
capital improvements account or a reserve balance account, or 91088
both, as specified in the resolution. The capital improvements 91089
account shall be a contingency fund for the necessary acquisition, 91090
replacement, renovation, or construction of facilities and movable 91091
and fixed equipment. Upon the request of the board, funds not 91092
needed to pay for current expenses may be appropriated to the 91093
capital improvements account, in amounts such that the account 91094
does not exceed twenty-five per cent of the replacement value of 91095
all capital facilities and equipment currently used by the board 91096
for programs and services. Other funds which are available for 91097
current capital expenses from federal, state, or local sources may 91098
also be appropriated to this account. 91099

The reserve balance account shall contain those funds that 91100
are not needed to pay for current operating expenses and not 91101
deposited in the capital improvements account but that will be 91102
needed to pay for operating expenses in the future. Upon the 91103
request of a board, such funds shall be appropriated to the 91104
reserve balance account. Payments from the capital improvements 91105
account and the reserve balance account shall be made by the 91106
county treasurer who is the custodian of funds for the district 91107

upon warrants issued by the county auditor who is the fiscal 91108
officer of the district pursuant to orders of the board. 91109

Sec. 5705.222. (A) At any time the board of county 91110
commissioners of any county by a majority vote of the full 91111
membership may declare by resolution and certify to the board of 91112
elections of the county that the amount of taxes which may be 91113
raised within the ten-mill limitation by levies on the current tax 91114
duplicate will be insufficient to provide the necessary 91115
requirements of the county board of developmental disabilities 91116
established pursuant to Chapter 5126. of the Revised Code and that 91117
it is necessary to levy a tax in excess of such limitation for the 91118
operation of community programs and services authorized by county 91119
boards of developmental disabilities, for the acquisition, 91120
construction, renovation, financing, maintenance, and operation of 91121
developmental disabilities facilities, or for both of such 91122
purposes. 91123

The resolution shall conform to section 5705.19 of the 91124
Revised Code, except that the increased rate may be in effect for 91125
any number of years not exceeding ten or for a continuing period 91126
of time. 91127

The resolution shall be certified and submitted in the manner 91128
provided in section 5705.25 of the Revised Code, ~~except that it~~ . 91129
The resolution may be placed on the ballot ~~in any~~ at a general 91130
election or at a special election held on a day on which a primary 91131
election may be held, and shall be certified to the board of 91132
elections not less than ninety days before the election at which 91133
it will be voted upon. 91134

If the majority of the electors voting on a levy for the 91135
support of the programs and services of the county board of 91136
developmental disabilities vote in favor of the levy, the board of 91137
county commissioners may levy a tax within the county at the 91138

additional rate outside the ten-mill limitation during the 91139
specified or continuing period, for the purpose stated in the 91140
resolution. 91141

The county board of developmental disabilities, within its 91142
budget and with the approval of the board of county commissioners 91143
through annual appropriations, shall use the proceeds of a levy 91144
approved under this section or division (L) of section 5705.19 of 91145
the Revised Code solely for the purposes authorized by that 91146
section or division. 91147

A board of county commissioners that levies a tax under this 91148
section or for the purpose authorized by division (L) of section 91149
5705.19 of the Revised Code, by a majority vote of the full 91150
membership, may adopt a resolution to renew such a levy, or renew 91151
two or more such levies as a single ballot question, in the manner 91152
provided by section 5705.25 of the Revised Code for the renewal of 91153
existing levies. The purpose of the renewal levy may be for any of 91154
the purposes authorized for a levy imposed under this section or 91155
division (L) of section 5705.19 of the Revised Code. The term of 91156
the renewal levy may be for any number of years not exceeding ten 91157
or for a continuing period of time. 91158

(B) When electors have approved a tax levy under this 91159
section, the county commissioners may anticipate a fraction of the 91160
proceeds of the levy and issue anticipation notes in accordance 91161
with section 5705.191 or 5705.193 of the Revised Code. 91162

(C) The county auditor, upon receipt of a resolution from the 91163
county board of developmental disabilities, shall establish a 91164
capital improvements account or a reserve balance account, or 91165
both, as specified in the resolution. The capital improvements 91166
account shall be a contingency account for the necessary 91167
acquisition, replacement, renovation, or construction of 91168
facilities and movable and fixed equipment. Upon the request of 91169
the county board of developmental disabilities, moneys not needed 91170

to pay for current expenses may be appropriated to this account, 91171
in amounts such that this account does not exceed twenty-five per 91172
cent of the replacement value of all capital facilities and 91173
equipment currently used by the county board of developmental 91174
disabilities for developmental disabilities programs and services. 91175
Other moneys available for current capital expenses from federal, 91176
state, or local sources may also be appropriated to this account. 91177

The reserve balance account shall contain those moneys that 91178
are not needed to pay for current operating expenses and not 91179
deposited in the capital improvements account but that will be 91180
needed to pay for operating expenses in the future. Upon the 91181
request of a county board of developmental disabilities, the board 91182
of county commissioners may appropriate moneys to the reserve 91183
balance account. 91184

Sec. 5705.23. The board of library trustees of any county, 91185
municipal corporation, school district, or township public library 91186
by a vote of two-thirds of all its members may at any time declare 91187
by resolution that the amount of taxes which may be raised within 91188
the ten-mill limitation by levies on the current tax duplicate 91189
will be insufficient to provide an adequate amount for the 91190
necessary requirements of the public library, that it is necessary 91191
to levy a tax in excess of such limitation for current expenses of 91192
the public library or for the construction of any specific 91193
permanent improvement or class of improvements which the board of 91194
library trustees is authorized to make or acquire and which could 91195
be included in a single issue of bonds, and that the question of 91196
such additional tax levy shall be submitted by the taxing 91197
authority of the political subdivision to whose jurisdiction the 91198
board is subject, to the electors of the subdivision, or, in the 91199
case of a qualifying library levy, to the electors residing within 91200
the boundaries of the library district ~~on the day specified by~~ 91201
~~division (E) of section 3501.01 of the Revised Code for the~~ 91202

~~holding of at a general election or a special election held on a~~ 91203
~~day on which a primary election or at an election on another day~~ 91204
~~to be specified in the resolution. No more than two elections~~ 91205
~~shall may be held under authority of this section in any one~~ 91206
~~calendar year.~~ Such resolution shall conform to section 5705.19 of 91207
the Revised Code, except that the tax levy may be in effect for 91208
any specified number of years or for a continuing period of time, 91209
as set forth in the resolution, and the resolution shall specify 91210
the date of holding the election, which shall not be earlier than 91211
ninety days after the adoption and certification of the resolution 91212
to the taxing authority of the political subdivision to whose 91213
jurisdiction the board is subject, ~~and which shall be consistent~~ 91214
~~with the requirements of section 3501.01 of the Revised Code.~~ The 91215
resolution shall not include a levy on the current tax list and 91216
duplicate unless the election is to be held at or prior to the 91217
first Tuesday after the first Monday in November of the current 91218
tax year. 91219

Upon receipt of the resolution, the taxing authority of the 91220
political subdivision to whose jurisdiction the board is subject 91221
shall adopt a resolution providing for the submission of such 91222
additional tax levy to the electors of the subdivision, or, in the 91223
case of a qualifying library levy, to the electors residing within 91224
the boundaries of the library district on the date specified in 91225
the resolution of the board of library trustees. The resolution 91226
adopted by the taxing authority shall otherwise conform to the 91227
resolution certified to it by the board. The resolution of the 91228
taxing authority shall be certified to the board of elections of 91229
the proper county not less than ninety days before the date of 91230
such election. Such resolution shall go into immediate effect upon 91231
its passage, and no publication of the resolution shall be 91232
necessary other than that provided in the notice of election. 91233
Section 5705.25 of the Revised Code shall govern the arrangements 91234
for the submission of such question and other matters concerning 91235

the election, to which that section refers, except that such 91236
election shall be held on the date specified in the resolution. If 91237
a majority of the electors voting on the question so submitted in 91238
an election vote in favor of such levy, the taxing authority may 91239
forthwith make the necessary levy within the subdivision or, in 91240
the case of a qualifying library levy, within the boundaries of 91241
the library district at the additional rate in excess of the 91242
ten-mill limitation on the tax list, for the purpose stated in 91243
such resolutions. Such tax levy shall be included in the next 91244
annual tax budget that is certified to the county budget 91245
commission. The proceeds of any library levy in excess of the 91246
ten-mill limitation shall be used for purposes of the board in 91247
accordance with the law applicable to the board. 91248

After the approval of a levy on the current tax list and 91249
duplicate to provide an increase in current expenses, and prior to 91250
the time when the first tax collection from such levy can be made, 91251
the taxing authority at the request of the board of library 91252
trustees may anticipate a fraction of the proceeds of such levy 91253
and issue anticipation notes in an amount not exceeding fifty per 91254
cent of the total estimated proceeds of the levy to be collected 91255
during the first year of the levy. 91256

After the approval of a levy to provide revenues for the 91257
construction or acquisition of any specific permanent improvement 91258
or class of improvements, the taxing authority at the request of 91259
the board of library trustees may anticipate a fraction of the 91260
proceeds of such levy and issue anticipation notes in a principal 91261
amount not exceeding fifty per cent of the total estimated 91262
proceeds of the levy to be collected in each year over a period of 91263
ten years after the issuance of such notes. 91264

The notes shall be issued as provided in section 133.24 of 91265
the Revised Code, shall have principal payments during each year 91266
after the year of their issuance over a period not to exceed ten 91267

years, and may have a principal payment in the year of their 91268
issuance. 91269

Any levy approved by the electors of a library district shall 91270
be made within the library district only. 91271

Sec. 5705.233. (A) As used in this section, "criminal justice 91272
facility" means any facility located within the county in which a 91273
tax is levied under this section and for which the board of 91274
commissioners of such county may make an appropriation under 91275
section 307.45 of the Revised Code. 91276

(B) The board of county commissioners of any county, at any 91277
time, may declare by resolution that it may be necessary for the 91278
county to issue general obligation bonds for permanent 91279
improvements to a criminal justice facility, including the 91280
acquisition, construction, enlargement, renovation, or maintenance 91281
of such a facility. The resolution shall state all of the 91282
following: 91283

(1) The necessity and purpose of the bond issue; 91284

(2) The date of the ~~general or special~~ election at which the 91285
question shall be submitted to the electors, which shall be the 91286
day of a general election or a special election held on a day on 91287
which a primary election may be held; 91288

(3) The amount, approximate date, estimated rate of interest, 91289
and maximum number of years over which the principal of the bonds 91290
may be paid; 91291

(4) The necessity of levying a tax outside the ten-mill 91292
limitation to pay debt charges on the bonds and any anticipatory 91293
securities. 91294

On adoption of the resolution, the board of county 91295
commissioners shall certify a copy of it to the county auditor. 91296
The county auditor promptly shall estimate and certify to the 91297

board the average annual property tax rate required throughout the 91298
stated maturity of the bonds to pay debt charges on the bonds, in 91299
the same manner as under division (C) of section 133.18 of the 91300
Revised Code. Division (B) of section 5705.03 of the Revised Code 91301
does not apply to tax levy proceedings initiated under this 91302
section. 91303

(C) After receiving the county auditor's certification under 91304
division (B) of this section, the board of county commissioners 91305
may declare by resolution that the amount of taxes that can be 91306
raised within the ten-mill limitation will be insufficient to 91307
provide an adequate amount for the present and future criminal 91308
justice requirements of the county; that it is necessary to issue 91309
general obligation bonds of the county for permanent improvements 91310
to a criminal justice facility and to levy an additional tax in 91311
excess of the ten-mill limitation to pay debt charges on the bonds 91312
and any anticipatory securities; that it is necessary for a 91313
specified number of years or for a continuing period of time to 91314
levy additional taxes in excess of the ten-mill limitation to 91315
provide funds for the acquisition, construction, enlargement, 91316
renovation, maintenance, and financing of permanent improvements 91317
to such a criminal justice facility or to pay for operating 91318
expenses of the facility and other criminal justice services for 91319
which the board may make an appropriation under section 307.45 of 91320
the Revised Code, or both; and that the question of the bonds and 91321
taxes shall be submitted to the electors of the county at a 91322
general election or a special election held on a day on which a 91323
primary election may be held, which shall not be earlier than 91324
ninety days after certification of the resolution to the board of 91325
elections, ~~and the date of which shall be consistent with section~~ 91326
~~3501.01 of the Revised Code~~. The resolution shall specify all of 91327
the following: 91328

(1) The county auditor's estimate of the average annual 91329

property tax rate required throughout the stated maturity of the 91330
bonds to pay debt charges on the bonds; 91331

(2) The proposed rate of the tax, if any, for operating 91332
expenses and criminal justice services, the first year the tax 91333
will be levied, and the number of years it will be levied, or that 91334
it will be levied for a continuing period of time; 91335

(3) The proposed rate of the tax, if any, for permanent 91336
improvements to a criminal justice facility, the first year the 91337
tax will be levied, and the number of years it will be levied, or 91338
that it will be levied for a continuing period of time. 91339

The resolution shall go into immediate effect upon its 91340
passage, and no publication of it is necessary other than that 91341
provided in the notice of election. The board of county 91342
commissioners shall certify a copy of the resolution, along with 91343
copies of the auditor's estimate and its resolution under division 91344
(B) of this section, to the board of elections immediately after 91345
its adoption. 91346

(D) The board of elections shall make the arrangements for 91347
the submission of the question proposed under division (C) of this 91348
section to the electors of the county, and the election shall be 91349
conducted, canvassed, and certified in the same manner as regular 91350
elections in the county for the election of county officers. The 91351
resolution shall be put before the electors as one ballot 91352
question, with a favorable vote indicating approval of the bond 91353
issue, the levy to pay debt charges on the bonds and any 91354
anticipatory securities, the operating expenses and criminal 91355
justice services levy, and the permanent improvements levy, as 91356
those levies may be proposed. The board of elections shall publish 91357
notice of the election in a newspaper of general circulation in 91358
the county once a week for two consecutive weeks, or as provided 91359
in section 7.16 of the Revised Code, before the election. If a 91360
board of elections operates and maintains a web site, that board 91361

also shall post notice of the election on its web site for thirty 91362
days before the election. The notice of election shall state all 91363
of the following: 91364

(1) The principal amount of the proposed bond issue; 91365

(2) The permanent improvements for which the bonds are to be 91366
issued; 91367

(3) The maximum number of years over which the principal of 91368
the bonds may be paid; 91369

(4) The estimated additional average annual property tax rate 91370
to pay the debt charges on the bonds, as certified by the county 91371
auditor; 91372

(5) The proposed rate of the additional tax, if any, for 91373
operating expenses and criminal justice services; 91374

(6) The number of years the operating expenses or criminal 91375
justice services tax will be in effect, or that it will be in 91376
effect for a continuing period of time; 91377

(7) The proposed rate of the additional tax, if any, for 91378
permanent improvements; 91379

(8) The number of years the permanent improvements tax will 91380
be in effect, or that it will be in effect for a continuing period 91381
of time; 91382

(9) The time and place of the election. 91383

(E) The form of the ballot for an election under this section 91384
is as follows: 91385

"Shall be authorized to do the following: 91386

(1) Issue bonds for the purpose of in the 91387
principal amount of \$....., to be repaid annually over a maximum 91388
period of years, and levy a property tax outside the 91389
ten-mill limitation, estimated by the county auditor to average 91390

over the bond repayment period mills for each one dollar of 91391
tax valuation, which amounts to (rate expressed in cents or 91392
dollars and cents, such as "36 cents" or "\$1.41") for each \$100 of 91393
tax valuation, to pay the annual debt charges on the bonds, and to 91394
pay debt charges on any notes issued in anticipation of those 91395
bonds?" 91396

If either a levy for permanent improvements or a levy for 91397
operating expenses and criminal justice services is proposed, or 91398
both are proposed, the ballot also shall contain the following 91399
language, as appropriate: 91400

"(2) Levy an additional property tax to provide funds for the 91401
acquisition, construction, enlargement, renovation, maintenance, 91402
and financing of permanent improvements to a criminal justice 91403
facility at a rate not exceeding mills for each one dollar 91404
of tax valuation, which amounts to (rate expressed in 91405
cents or dollars and cents) for each \$100 of tax valuation, for 91406
..... (number of years of the levy, or a continuing period of 91407
time)? 91408

(3) Levy an additional property tax to pay operating expenses 91409
of a criminal justice facility and provide other criminal justice 91410
services at a rate not exceeding mills for each one dollar 91411
of tax valuation, which amounts to (rate expressed in 91412
cents or dollars and cents) for each \$100 of tax valuation, for 91413
..... (number of years of the levy, or a continuing period of 91414
time)? 91415

FOR THE BOND ISSUE AND LEVY (OR LEVIES) 91416

AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)" 91417

(F) The board of elections promptly shall certify the results 91418
of the election to the tax commissioner and the county auditor. If 91419
a majority of the electors voting on the question vote for it, the 91420
board of county commissioners may proceed with issuance of the 91421

bonds and the levy and collection of the property tax for the debt 91422
service on the bonds and any anticipatory securities in the same 91423
manner and subject to the same limitations as for securities 91424
issued under section 133.18 of the Revised Code, and with the levy 91425
and collection of the property tax or taxes for operating expenses 91426
and criminal justice services and for permanent improvements at 91427
the additional rate or any lesser rate in excess of the ten-mill 91428
limitation. Any securities issued by the board of commissioners 91429
under this section are Chapter 133. securities, as that term is 91430
defined in section 133.01 of the Revised Code. 91431

(G)(1) After the approval of a tax for operating expenses and 91432
criminal justice services under this section and before the time 91433
the first collection and distribution from the levy can be made, 91434
the board of county commissioners may anticipate a fraction of the 91435
proceeds of the levy and issue anticipation notes in a principal 91436
amount not exceeding fifty per cent of the total estimated 91437
proceeds of the tax to be collected during the first year of the 91438
levy. 91439

(2) After the approval of a tax under this section for 91440
permanent improvements to a criminal justice facility, the board 91441
of county commissioners may anticipate a fraction of the proceeds 91442
of the tax and issue anticipation notes in a principal amount not 91443
exceeding fifty per cent of the total estimated proceeds of the 91444
tax remaining to be collected in each year over a period of five 91445
years after issuance of the notes. 91446

Anticipation notes under this section shall be issued as 91447
provided in section 133.24 of the Revised Code. Notes issued under 91448
division (G) of this section shall have principal payments during 91449
each year after the year of their issuance over a period not to 91450
exceed five years, and may have a principal payment in the year of 91451
their issuance. 91452

(H) A tax for operating expenses and criminal justice 91453

services or for permanent improvements levied under this section 91454
for a specified number of years may be renewed or replaced in the 91455
same manner as a tax for current operating expenses or permanent 91456
improvements levied under section 5705.19 of the Revised Code. A 91457
tax levied under this section for a continuing period of time may 91458
be decreased in accordance with section 5705.261 of the Revised 91459
Code. 91460

Sec. 5705.24. The board of county commissioners of any 91461
county, at any time and in any year, after providing the normal 91462
and customary percentage of the total general fund appropriations 91463
for the support of children services and the care and placement of 91464
children, by vote of two-thirds of all the members of said board 91465
may declare by resolution that the amount of taxes which may be 91466
raised within the ten-mill limitation will be insufficient to 91467
provide an adequate amount for the support of such children 91468
services, and that it is necessary to levy a tax in excess of the 91469
ten-mill limitation to supplement such general fund appropriations 91470
for such purpose. Taxes collected from a levy imposed under this 91471
section may be expended for any operating or capital improvement 91472
expenditure necessary for the support of children services and the 91473
care and placement of children. 91474

Such resolution shall conform to the requirements of section 91475
5705.19 of the Revised Code, except that the levy may be for any 91476
number of years not exceeding ten. The resolution shall be 91477
certified to the board of elections not less than ninety days 91478
before the ~~general, primary, or special~~ election upon which it 91479
will be voted, and which shall be a general election or a special 91480
election held on a day on which a primary election may be held. 91481
The resolution shall be submitted in the manner provided in 91482
section 5705.25 of the Revised Code, ~~except that it may be placed~~ 91483
~~on the ballot in any such election.~~ 91484

If the majority of the electors voting on a levy to supplement general fund appropriations for the support of children services and the care and placement of children vote in favor thereof, the board may levy a tax within such county at the additional rate outside the ten-mill limitation during the period and for the purpose stated in the resolution or at any less rate or for any of the said years.

After the approval of such levy and prior to the time when the first tax collection from such levy can be made, the board of county commissioners may anticipate a fraction of the proceeds of such levy and issue anticipation notes in a principal amount not to exceed fifty per cent of the total estimated proceeds of the levy throughout its life.

Such notes shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not exceeding the life of the levy, and may have a principal payment in the year of their issuance.

Sec. 5705.25. (A) A copy of any resolution adopted as provided in section 5705.19 or 5705.2111 of the Revised Code shall be certified by the taxing authority to the board of elections of the proper county not less than ninety days before the general election in any year, and the board shall submit the proposal to the electors of the subdivision at the succeeding November election. In the case of a qualifying library levy, the board shall submit the question to the electors of the library district or association library district. Except as otherwise provided in this division, a resolution to renew an existing levy, regardless of the section of the Revised Code under which the tax was imposed, shall not be placed on the ballot unless the question is submitted at the general election held during the last year the

tax to be renewed may be extended on the real and public utility 91516
property tax list and duplicate, or at ~~any~~ the general election or 91517
at the special election held on a day on which a primary election 91518
may be held, occurring in the ensuing year. The limitation of the 91519
foregoing sentence does not apply to a resolution to renew and 91520
increase or to renew part of an existing levy that was imposed 91521
under section 5705.191 of the Revised Code to supplement the 91522
general fund for the purpose of making appropriations for one or 91523
more of the following purposes: for public assistance, human or 91524
social services, relief, welfare, hospitalization, health, and 91525
support of general hospitals. The limitation of the second 91526
preceding sentence also does not apply to a resolution that 91527
proposes to renew two or more existing levies imposed under 91528
section 5705.222 or division (L) of section 5705.19 of the Revised 91529
Code, or under section 5705.21 or 5705.217 of the Revised Code, in 91530
which case the question shall be submitted on the date of the 91531
general election or the special election held on a day on which a 91532
primary election may be held, occurring during the last year at 91533
least one of the levies to be renewed may be extended on the real 91534
and public utility property tax list and duplicate, or at any such 91535
election held during the ensuing year. For purposes of this 91536
section, a levy shall be considered to be an "existing levy" 91537
through the year following the last year it can be placed on that 91538
tax list and duplicate. 91539

The board shall make the necessary arrangements for the 91540
submission of such questions to the electors of such subdivision, 91541
library district, or association library district, and the 91542
election shall be conducted, canvassed, and certified in the same 91543
manner as regular elections in such subdivision, library district, 91544
or association library district for the election of county 91545
officers. Notice of the election shall be published in a newspaper 91546
of general circulation in the subdivision, library district, or 91547
association library district once a week for two consecutive 91548

weeks, or as provided in section 7.16 of the Revised Code, prior 91549
to the election. If the board of elections operates and maintains 91550
a web site, the board of elections shall post notice of the 91551
election on its web site for thirty days prior to the election. 91552
The notice shall state the purpose, the proposed increase in rate 91553
expressed in dollars and cents for each one hundred dollars of 91554
valuation as well as in mills for each one dollar of valuation, 91555
the number of years during which the increase will be in effect, 91556
the first month and year in which the tax will be levied, and the 91557
time and place of the election. 91558

(B) The form of the ballots cast at an election held pursuant 91559
to division (A) of this section shall be as follows: 91560

"An additional tax for the benefit of (name of subdivision or 91561
public library) for the purpose of (purpose stated in 91562
the resolution) at a rate not exceeding mills 91563
for each one dollar of valuation, which amounts to (rate expressed 91564
in dollars and cents) for each one hundred dollars of 91565
valuation, for (life of indebtedness or number of years the 91566
levy is to run). 91567

	For the Tax Levy
	Against the Tax Levy

"

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(C) If the levy is to be in effect for a continuing period of 91572
time, the notice of election and the form of ballot shall so state 91573
instead of setting forth a specified number of years for the levy. 91574

If the tax is to be placed on the current tax list, the form 91575
of the ballot shall be modified by adding, after the statement of 91576
the number of years the levy is to run, the phrase ", commencing 91577
in (first year the tax is to be levied), first due in 91578
calendar year (first calendar year in which the tax 91579

shall be due)." 91580

If the levy submitted is a proposal to renew, increase, or 91581
decrease an existing levy, the form of the ballot specified in 91582
division (B) of this section may be changed by substituting for 91583
the words "An additional" at the beginning of the form, the words 91584
"A renewal of a" in case of a proposal to renew an existing levy 91585
in the same amount; the words "A renewal of mills and an 91586
increase of mills to constitute a" in the case of an 91587
increase; or the words "A renewal of part of an existing levy, 91588
being a reduction of mills, to constitute a" in the case of 91589
a decrease in the proposed levy. 91590

If the levy submitted is a proposal to renew two or more 91591
existing levies imposed under section 5705.222 or division (L) of 91592
section 5705.19 of the Revised Code, or under section 5705.21 or 91593
5705.217 of the Revised Code, the form of the ballot specified in 91594
division (B) of this section shall be modified by substituting for 91595
the words "an additional tax" the words "a renewal of(insert 91596
the number of levies to be renewed) existing taxes." 91597

If the levy submitted is a levy under section 5705.72 of the 91598
Revised Code or a proposal to renew, increase, or decrease an 91599
existing levy imposed under that section, the name of the 91600
subdivision shall be "the unincorporated area of (name 91601
of township)." 91602

The question covered by such resolution shall be submitted as 91603
a separate proposition but may be printed on the same ballot with 91604
any other proposition submitted at the same election, other than 91605
the election of officers. More than one such question may be 91606
submitted at the same election. 91607

(D) A levy voted in excess of the ten-mill limitation under 91608
this section shall be certified to the tax commissioner. In the 91609
first year of the levy, it shall be extended on the tax lists 91610

after the February settlement succeeding the election. If the 91611
additional tax is to be placed upon the tax list of the current 91612
year, as specified in the resolution providing for its submission, 91613
the result of the election shall be certified immediately after 91614
the canvass by the board of elections to the taxing authority, who 91615
shall make the necessary levy and certify it to the county 91616
auditor, who shall extend it on the tax lists for collection. 91617
After the first year, the tax levy shall be included in the annual 91618
tax budget that is certified to the county budget commission. 91619

Sec. 5705.251. (A) A copy of a resolution adopted under 91620
section 5705.212 or 5705.213 of the Revised Code shall be 91621
certified by the board of education to the board of elections of 91622
the proper county not less than ninety days before the date of the 91623
election specified in the resolution, ~~and the~~ which shall be a 91624
general election or a special election held on a day on which a 91625
primary election may be held. The board of elections shall submit 91626
the proposal to the electors of the school district at ~~a special~~ 91627
~~the specified~~ election ~~to be held on that date.~~ The board of 91628
elections shall make the necessary arrangements for the submission 91629
of the question or questions to the electors of the school 91630
district, and the election shall be conducted, canvassed, and 91631
certified in the same manner as regular elections in the school 91632
district for the election of county officers. Notice of the 91633
election shall be published in a newspaper of general circulation 91634
in the subdivision once a week for two consecutive weeks, or as 91635
provided in section 7.16 of the Revised Code, prior to the 91636
election. If the board of elections operates and maintains a web 91637
site, the board of elections shall post notice of the election on 91638
its web site for thirty days prior to the election. 91639

(1) In the case of a resolution adopted under section 91640
5705.212 of the Revised Code, the notice shall state separately, 91641
for each tax being proposed, the purpose; the proposed increase in 91642

rate, expressed in dollars and cents for each one hundred dollars 91643
of valuation as well as in mills for each one dollar of valuation; 91644
the number of years during which the increase will be in effect; 91645
and the first calendar year in which the tax will be due. For an 91646
election on the question of a renewal levy, the notice shall state 91647
the purpose; the proposed rate, expressed in dollars and cents for 91648
each one hundred dollars of valuation as well as in mills for each 91649
one dollar of valuation; and the number of years the tax will be 91650
in effect. If the resolution is adopted under division (C) of that 91651
section, the rate of each tax being proposed shall be expressed as 91652
both the total rate and the portion of the total rate to be 91653
allocated to the qualifying school district and the portion to be 91654
allocated to partnering community schools. 91655

(2) In the case of a resolution adopted under section 91656
5705.213 of the Revised Code, the notice shall state the purpose; 91657
the amount proposed to be raised by the tax in the first year it 91658
is levied; the estimated average additional tax rate for the first 91659
year it is proposed to be levied, expressed in mills for each one 91660
dollar of valuation and in dollars and cents for each one hundred 91661
dollars of valuation; the number of years during which the 91662
increase will be in effect; and the first calendar year in which 91663
the tax will be due. The notice also shall state the amount by 91664
which the amount to be raised by the tax may be increased in each 91665
year after the first year. The amount of the allowable increase 91666
may be expressed in terms of a dollar increase over, or a 91667
percentage of, the amount raised by the tax in the immediately 91668
preceding year. For an election on the question of a renewal levy, 91669
the notice shall state the purpose; the amount proposed to be 91670
raised by the tax; the estimated tax rate, expressed in mills for 91671
each one dollar of valuation and in dollars and cents for each one 91672
hundred dollars of valuation; and the number of years the tax will 91673
be in effect. 91674

In any case, the notice also shall state the time and place of the election. 91675
91676

(B)(1) The form of the ballot in an election on taxes proposed under section 5705.212 of the Revised Code shall be as follows: 91677
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"Shall the school district be authorized to levy taxes for current expenses, the aggregate rate of which may increase in (number) increment(s) of not more than mill(s) for each dollar of valuation, from an original rate of mill(s) for each dollar of valuation, which amounts to (rate expressed in dollars and cents) for each one hundred dollars of valuation, to a maximum rate of mill(s) for each dollar of valuation, which amounts to (rate expressed in dollars and cents) for each one hundred dollars of valuation? The original tax is first proposed to be levied in (the first year of the tax), and the incremental tax in (the first year of the increment) (if more than one incremental tax is proposed in the resolution, the first year that each incremental tax is proposed to be levied shall be stated in the preceding format, and the increments shall be referred to as the first, second, third, or fourth increment, depending on their number). The aggregate rate of tax so authorized will (insert either, "expire with the original rate of tax which shall be in effect for years" or "be in effect for a continuing period of time"). 91680
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	FOR THE TAX LEVIES
	AGAINST THE TAX LEVIES

"

If the tax is proposed by a qualifying school district under division (C)(1) of section 5705.212 of the Revised Code, the form 91700
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91705

of the ballot shall be modified by adding, after the phrase "each 91706
dollar of valuation," the following: "(of which mills is to 91707
be allocated to partnering community schools)." 91708

(2) The form of the ballot in an election on the question of 91709
a renewal levy under section 5705.212 of the Revised Code shall be 91710
as follows: 91711

"Shall the school district be authorized to renew a 91712
tax for current expenses at a rate not exceeding mills 91713
for each dollar of valuation, which amounts to (rate 91714
expressed in dollars and cents) for each one hundred dollars of 91715
valuation, for (number of years the levy shall be in 91716
effect, or a continuing period of time)? 91717

	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

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91721
If the tax is proposed by a qualifying school district under 91722
division (C)(2) of section 5705.212 of the Revised Code and the 91723
total rate and the rates allocated to the school district and 91724
partnering community schools are to remain the same as those of 91725
the levy being renewed, the form of the ballot shall be modified 91726
by adding, after the phrase "each dollar of valuation," the 91727
following: "(of which mills is to be allocated to 91728
partnering community schools)." If the total rate is to be 91729
increased, the form of the ballot shall state that the proposal is 91730
to renew the existing tax with an increase in rate and shall state 91731
the increase in rate, the total rate resulting from the increase, 91732
and, of that rate, the portion of the rate to be allocated to 91733
partnering community schools. If the total rate is to be 91734
decreased, the form of the ballot shall state that the proposal is 91735
to renew a part of the existing tax and shall state the reduction 91736

in rate, the total rate resulting from the decrease, and, of that 91737
rate, the portion of the rate to be allocated to partnering 91738
community schools. 91739

(3) If a tax proposed by a ballot form prescribed in division 91740
(B)(1) or (2) of this section is to be placed on the current tax 91741
list, the form of the ballot shall be modified by adding, after 91742
the statement of the number of years the levy is to be in effect, 91743
the phrase ", commencing in (first year the tax is to 91744
be levied), first due in calendar year (first calendar 91745
year in which the tax shall be due)." 91746

(C) The form of the ballot in an election on a tax proposed 91747
under section 5705.213 of the Revised Code shall be as follows: 91748

"Shall the school district be authorized to levy the 91749
following tax for current expenses? The tax will first be levied 91750
in (year) to raise (dollars). In the (number 91751
of years) following years, the tax will increase by not more than 91752
..... (per cent or dollar amount of increase) each year, so that, 91753
during (last year of the tax), the tax will raise 91754
approximately (dollars). The county auditor estimates that 91755
the rate of the tax per dollar of valuation will be 91756
mill(s), which amounts to \$...... per one hundred dollars of 91757
valuation, both during (first year of the tax) and 91758
mill(s), which amounts to \$...... per one hundred dollars of 91759
valuation, during (last year of the tax). The tax will not 91760
be levied after (year). 91761

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

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The form of the ballot in an election on the question of a 91766
renewal levy under section 5705.213 of the Revised Code shall be 91767

as follows: 91768

"Shall the school district be authorized to renew a 91769
tax for current expenses which will raise (dollars), 91770
estimated by the county auditor to be mills for each 91771
dollar of valuation, which amounts to (rate expressed in 91772
dollars and cents) for each one hundred dollars of valuation? The 91773
tax shall be in effect for (the number of years the levy 91774
shall be in effect, or a continuing period of time). 91775

	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

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If the tax is to be placed on the current tax list, the form 91780
of the ballot shall be modified by adding, after the statement of 91781
the number of years the levy is to be in effect, the phrase ", 91782
commencing in (first year the tax is to be levied), 91783
first due in calendar year (first calendar year in 91784
which the tax shall be due)." 91785

(D) The question covered by a resolution adopted under 91786
section 5705.212 or 5705.213 of the Revised Code shall be 91787
submitted as a separate question, but may be printed on the same 91788
ballot with any other question submitted at the same election, 91789
other than the election of officers. More than one question may be 91790
submitted at the same election. 91791

(E) Taxes voted in excess of the ten-mill limitation under 91792
division (B) or (C) of this section shall be certified to the tax 91793
commissioner. If an additional tax is to be placed upon the tax 91794
list of the current year, as specified in the resolution providing 91795
for its submission, the result of the election shall be certified 91796
immediately after the canvass by the board of elections to the 91797
board of education. The board of education immediately shall make 91798

the necessary levy and certify it to the county auditor, who shall 91799
extend it on the tax list for collection. After the first year, 91800
the levy shall be included in the annual tax budget that is 91801
certified to the county budget commission. 91802

Sec. 5705.261. The question of decrease of an increased rate 91803
of levy approved for a continuing period of time by the voters of 91804
a subdivision or, in the case of a qualifying library levy, the 91805
voters of the library district or association library district, 91806
may be initiated by the filing of a petition with the board of 91807
elections of the proper county not less than ninety days before 91808
the general election in any year requesting that an election be 91809
held on such question. Such petition shall state the amount of the 91810
proposed decrease in the rate of levy and shall be signed by 91811
qualified electors residing in the subdivision, library district, 91812
or association library district equal in number to at least ten 91813
per cent of the total number of votes cast in the subdivision, 91814
library district, or association library district for the office 91815
of governor at the most recent general election for that office. 91816
Only one such petition may be filed during each five-year period 91817
following the election at which the voters approved the increased 91818
rate for a continuing period of time. 91819

After determination by it that such petition is valid, the 91820
board of elections shall submit the question to the electors of 91821
the subdivision, library district, or association library district 91822
at the succeeding general election. The election shall be 91823
conducted, canvassed, and certified in the same manner as regular 91824
elections in such subdivision, library district, or association 91825
library district for county offices. Notice of the election shall 91826
be published in a newspaper of general circulation in the district 91827
once a week for two consecutive weeks, or as provided in section 91828
7.16 of the Revised Code, prior to the election. If the board of 91829
elections operates and maintains a web site, the board of 91830

elections shall post notice of the election on its web site for 91831
thirty days prior to the election. The notice shall state the 91832
purpose, the amount of the proposed decrease in rate, and the time 91833
and place of the election. The form of the ballot cast at such 91834
election shall be prescribed by the secretary of state. The 91835
question covered by such petition shall be submitted as a separate 91836
proposition but it may be printed on the same ballot with any 91837
other propositions submitted at the same election other than the 91838
election of officers. If a majority of the qualified electors 91839
voting on the question of a decrease at such election approve the 91840
proposed decrease in rate, the result of the election shall be 91841
certified immediately after the canvass by the board of elections 91842
to the appropriate taxing authority, which shall thereupon, after 91843
the current year, cease to levy such increased rate or levy such 91844
tax at such reduced rate upon the duplicate of the subdivision, 91845
library district, or association library district. If notes have 91846
been issued in anticipation of the collection of such levy, the 91847
taxing authority shall continue to levy and collect under 91848
authority of the election authorizing the original levy such 91849
amounts as will be sufficient to pay the principal of and interest 91850
on such anticipation notes as the same fall due. 91851

In the case of a levy for the current expenses of a 91852
qualifying school district and of partnering community schools 91853
imposed under section 5705.192, division (B) of section 5705.21, 91854
division (C) of section 5705.212, or division ~~(J)~~ (I) of section 91855
5705.218 of the Revised Code for a continuing period of time, the 91856
rate allocated to the school district and to partnering community 91857
schools shall each be decreased by a number of mills per dollar 91858
that is proportionate to the decrease in the rate of the levy in 91859
proportion to the rate at which the levy was imposed before the 91860
decrease. 91861

Sec. 5705.55. (A) The board of directors of a lake facilities 91862

authority, by a vote of two-thirds of all its members, may at any 91863
time declare by resolution that the amount of taxes which may be 91864
raised within the ten-mill limitation by levies on the current tax 91865
duplicate will be insufficient to provide an adequate amount for 91866
the necessary requirements of the authority, that it is necessary 91867
to levy a tax in excess of such limitation for any of the purposes 91868
specified in divisions (A), (B), (F), and (H) of section 5705.19 91869
of the Revised Code, and that the question of such additional tax 91870
levy shall be submitted by the board to the electors residing 91871
within the boundaries of the impacted lake district on the day of 91872
a ~~primary or~~ general election or a special election held on a day 91873
on which a primary election may be held. The resolution shall 91874
conform to section 5705.19 of the Revised Code, except that the 91875
tax levy may be in effect for no more than five years, as set 91876
forth in the resolution, unless the levy is for the payment of 91877
debt charges, and the total number of mills levied for each dollar 91878
of taxable valuation that may be levied under this section for any 91879
tax year shall not exceed one mill. If the levy is for the payment 91880
of debt charges, the levy shall be for the life of the bond 91881
indebtedness. 91882

The resolution shall specify the date of holding the 91883
election, which shall not be earlier than ninety days after the 91884
adoption and certification of the resolution to the board of 91885
elections. The resolution shall not include a levy on the current 91886
tax list and duplicate unless the election is to be held at or 91887
prior to the first Tuesday after the first Monday in November of 91888
the current tax year. 91889

The resolution shall be certified to the board of elections 91890
of the proper county or counties not less than ninety days before 91891
the date of the election. The resolution shall go into immediate 91892
effect upon its passage, and no publication of the resolution 91893
shall be necessary other than that provided in the notice of 91894

election. Section 5705.25 of the Revised Code shall govern the 91895
arrangements for the submission of such question and other matters 91896
concerning the election, to which that section refers, except that 91897
the election shall be held on the date specified in the 91898
resolution. If a majority of the electors voting on the question 91899
so submitted in an election vote in favor of the levy, the board 91900
of directors may forthwith make the necessary levy within the 91901
boundaries of the impacted lake district at the additional rate in 91902
excess of the ten-mill limitation on the tax list, for the purpose 91903
stated in the resolution. The tax levy shall be included in the 91904
next annual tax budget that is certified to the county budget 91905
commission. 91906

(B) The form of the ballot in an election held on the 91907
question of levying a tax proposed pursuant to this section shall 91908
be as follows or in any other form acceptable to the secretary of 91909
state: 91910

"A tax for the benefit of (name of lake facilities authority) 91911
..... for the purpose of at a rate not exceeding 91912
..... mills for each one dollar of valuation, which amounts to 91913
(rate expressed in dollars and cents) for each one 91914
hundred dollars of valuation, for (life of 91915
indebtedness or number of years the levy is to run). 91916

	For the Tax Levy	
	Against the Tax Levy	"

(C) On approval of the levy, notes may be issued in 91921
anticipation of the collection of the proceeds of the tax levy, 91922
other than the proceeds to be received for the payment of bond 91923
debt charges, in the amount and manner and at the times as are 91924
provided in section 5705.193 of the Revised Code, for the issuance 91925

of notes by a county in anticipation of the proceeds of a tax 91926
levy. The lake facilities authority may borrow money in 91927
anticipation of the collection of current revenues as provided in 91928
section 133.10 of the Revised Code. 91929

(D) If a tax is levied under this section in a tax year, no 91930
other taxing authority of a subdivision or taxing unit, including 91931
a port authority, may levy a tax on property in the impacted lake 91932
district in the same tax year if the purpose of the levy is 91933
substantially the same as the purpose for which the lake 91934
facilities authority of the impacted lake district was created. 91935

Sec. 5705.72. (A) As used in this section and in section 91936
5705.25 of the Revised Code with regard to a levy submitted under 91937
this section, "electors" means electors of the unincorporated area 91938
of a township. 91939

(B) The board of trustees of any township that withdraws or 91940
proposes by resolution to withdraw the unincorporated area of the 91941
township from a regional transit authority under section 306.55 of 91942
the Revised Code, by vote of two-thirds of all the members of the 91943
board of trustees, may declare by resolution that the amount of 91944
taxes that may be raised within the ten-mill limitation will be 91945
insufficient to provide transportation services to the 91946
unincorporated area of the township and that it is necessary to 91947
levy a tax in excess of that limitation within the unincorporated 91948
area of that township for the purpose of providing transportation 91949
services for the movement of persons within, from, or to the 91950
unincorporated area of that township. 91951

The resolution shall specify the necessary amount of the 91952
increase in rate to levy, the purpose of such increase, and the 91953
number of years, not exceeding ten, during which the rate increase 91954
shall be in effect, which may or may not include a levy upon the 91955
tax list of the current year. 91956

The resolution shall be submitted to the proper county board 91957
of elections not less than ninety days before the date of the 91958
election at which the question will appear on the ballot and in 91959
the manner provided by section 5705.25 of the Revised Code, ~~except~~ 91960
~~that the.~~ The question may be submitted to electors at a general 91961
election or a special election held on a ~~date consistent with~~ 91962
~~section 3501.01 of the Revised Code~~ day on which a primary 91963
election may be held. 91964

A resolution adopted by the board of trustees of a township 91965
under this section may be combined with a resolution for the 91966
withdrawal of the unincorporated area of the township from a 91967
regional transit authority as provided in section 306.55 of the 91968
Revised Code, by vote of two-thirds of all members of the board. 91969
The board may certify the combined resolution to the board of 91970
elections as a combined question. The question appearing on the 91971
ballot shall be as provided in section 5705.252 of the Revised 91972
Code. 91973

When electors have approved a tax levy under this section, 91974
the board of township trustees may anticipate a fraction of the 91975
proceeds of the levy and issue anticipation notes as authorized by 91976
section 5705.191 of the Revised Code for a current expense levy 91977
with a fixed term, and may anticipate the collection of current 91978
revenue under section 133.10 of the Revised Code. 91979

Sec. 5739.021. (A) For the purpose of providing additional 91980
general revenues for the county, supporting criminal and 91981
administrative justice services in the county, funding a regional 91982
transportation improvement project under section 5595.06 of the 91983
Revised Code, or any combination of the foregoing, and to pay the 91984
expenses of administering such levy, any county may levy a tax at 91985
the rate of not more than one per cent upon every retail sale made 91986
in the county, except sales of watercraft and outboard motors 91987

required to be titled pursuant to Chapter 1548. of the Revised 91988
Code and sales of motor vehicles, and may increase the rate of an 91989
existing tax to not more than one per cent. The rate of any tax 91990
levied pursuant to this section shall be a multiple of one-fourth 91991
or one-tenth of one per cent. 91992

The tax shall be levied and the rate increased pursuant to a 91993
resolution of the board of county commissioners. The resolution 91994
shall state the purpose for which the tax is to be levied and the 91995
number of years for which the tax is to be levied, or that it is 91996
for a continuing period of time. If the tax is to be levied for 91997
the purpose of providing additional general revenues and for the 91998
purpose of supporting criminal and administrative justice 91999
services, the resolution shall state the rate or amount of the tax 92000
to be apportioned to each such purpose. The rate or amount may be 92001
different for each year the tax is to be levied, but the rates or 92002
amounts actually apportioned each year shall not be different from 92003
that stated in the resolution for that year. If the resolution is 92004
adopted as an emergency measure necessary for the immediate 92005
preservation of the public peace, health, or safety, it must 92006
receive an affirmative vote of all of the members of the board of 92007
county commissioners and shall state the reasons for such 92008
necessity. The board shall deliver a certified copy of the 92009
resolution to the tax commissioner, not later than the sixty-fifth 92010
day prior to the date on which the tax is to become effective, 92011
which shall be the first day of the calendar quarter. 92012

Prior to the adoption of any resolution under this section, 92013
the board of county commissioners shall conduct two public 92014
hearings on the resolution, the second hearing to be not less than 92015
three nor more than ten days after the first. Notice of the date, 92016
time, and place of the hearings shall be given by publication in a 92017
newspaper of general circulation in the county, or as provided in 92018
section 7.16 of the Revised Code, once a week on the same day of 92019

the week for two consecutive weeks, the second publication being 92020
not less than ten nor more than thirty days prior to the first 92021
hearing. 92022

Except as provided in division (B)(3) of this section, the 92023
resolution shall be subject to a referendum as provided in 92024
sections 305.31 to 305.41 of the Revised Code. 92025

If a petition for a referendum is filed, the county auditor 92026
with whom the petition was filed shall, within five days, notify 92027
the board of county commissioners and the tax commissioner of the 92028
filing of the petition by certified mail. If the board of 92029
elections with which the petition was filed declares the petition 92030
invalid, the board of elections, within five days, shall notify 92031
the board of county commissioners and the tax commissioner of that 92032
declaration by certified mail. If the petition is declared to be 92033
invalid, the effective date of the tax or increased rate of tax 92034
levied by this section shall be the first day of a calendar 92035
quarter following the expiration of sixty-five days from the date 92036
the commissioner receives notice from the board of elections that 92037
the petition is invalid. 92038

(B)(1) A resolution that is not adopted as an emergency 92039
measure may direct the board of elections to submit the question 92040
of levying the tax or increasing the rate of tax to the electors 92041
of the county at a general election or a special election held on 92042
a day on which a primary election may be held ~~on the date~~ , as 92043
specified by the board of county commissioners in the resolution, 92044
provided that the election occurs not less than ninety days after 92045
a certified copy of such resolution is transmitted to the board of 92046
elections ~~and the election is not held in February or August of~~ 92047
~~any year~~. Upon transmission of the resolution to the board of 92048
elections, the board of county commissioners shall notify the tax 92049
commissioner in writing of the levy question to be submitted to 92050
the electors. No resolution adopted under this division shall go 92051

into effect unless approved by a majority of those voting upon it, 92052
and, except as provided in division (B)(3) of this section, shall 92053
become effective on the first day of a calendar quarter following 92054
the expiration of sixty-five days from the date the tax 92055
commissioner receives notice from the board of elections of the 92056
affirmative vote. 92057

(2) A resolution that is adopted as an emergency measure 92058
shall go into effect as provided in division (A) of this section, 92059
but may direct the board of elections to submit the question of 92060
repealing the tax or increase in the rate of the tax to the 92061
electors of the county at the next general election in the county 92062
occurring not less than ninety days after a certified copy of the 92063
resolution is transmitted to the board of elections. Upon 92064
transmission of the resolution to the board of elections, the 92065
board of county commissioners shall notify the tax commissioner in 92066
writing of the levy question to be submitted to the electors. The 92067
ballot question shall be the same as that prescribed in section 92068
5739.022 of the Revised Code. The board of elections shall notify 92069
the board of county commissioners and the tax commissioner of the 92070
result of the election immediately after the result has been 92071
declared. If a majority of the qualified electors voting on the 92072
question of repealing the tax or increase in the rate of the tax 92073
vote for repeal of the tax or repeal of the increase, the board of 92074
county commissioners, on the first day of a calendar quarter 92075
following the expiration of sixty-five days after the date the 92076
board and tax commissioner receive notice of the result of the 92077
election, shall, in the case of a repeal of the tax, cease to levy 92078
the tax, or, in the case of a repeal of an increase in the rate of 92079
the tax, cease to levy the increased rate and levy the tax at the 92080
rate at which it was imposed immediately prior to the increase in 92081
rate. 92082

(3) If a vendor makes a sale in this state by printed catalog 92083

and the consumer computed the tax on the sale based on local rates 92084
published in the catalog, any tax levied or repealed or rate 92085
changed under this section shall not apply to such a sale until 92086
the first day of a calendar quarter following the expiration of 92087
one hundred twenty days from the date of notice by the tax 92088
commissioner pursuant to division (H) of this section. 92089

(C) If a resolution is rejected at a referendum or if a 92090
resolution adopted after January 1, 1982, as an emergency measure 92091
is repealed by the electors pursuant to division (B)(2) of this 92092
section or section 5739.022 of the Revised Code, then for one year 92093
after the date of the election at which the resolution was 92094
rejected or repealed the board of county commissioners may not 92095
adopt any resolution authorized by this section as an emergency 92096
measure. 92097

(D) The board of county commissioners, at any time while a 92098
tax levied under this section is in effect, may by resolution 92099
reduce the rate at which the tax is levied to a lower rate 92100
authorized by this section. Any reduction in the rate at which the 92101
tax is levied shall be made effective on the first day of a 92102
calendar quarter next following the sixty-fifth day after a 92103
certified copy of the resolution is delivered to the tax 92104
commissioner. 92105

(E) The tax on every retail sale subject to a tax levied 92106
pursuant to this section shall be in addition to the tax levied by 92107
section 5739.02 of the Revised Code and any tax levied pursuant to 92108
section 5739.023 or 5739.026 of the Revised Code. 92109

A county that levies a tax pursuant to this section shall 92110
levy a tax at the same rate pursuant to section 5741.021 of the 92111
Revised Code. 92112

The additional tax levied by the county shall be collected 92113
pursuant to section 5739.025 of the Revised Code. If the 92114

additional tax or some portion thereof is levied for the purpose 92115
of criminal and administrative justice services, the revenue from 92116
the tax, or the amount or rate apportioned to that purpose, shall 92117
be credited to a special fund created in the county treasury for 92118
receipt of that revenue. 92119

Any tax levied pursuant to this section is subject to the 92120
exemptions provided in section 5739.02 of the Revised Code and in 92121
addition shall not be applicable to sales not within the taxing 92122
power of a county under the Constitution of the United States or 92123
the Ohio Constitution. 92124

(F) For purposes of this section, a copy of a resolution is 92125
"certified" when it contains a written statement attesting that 92126
the copy is a true and exact reproduction of the original 92127
resolution. 92128

(G) If a board of commissioners intends to adopt a resolution 92129
to levy a tax in whole or in part for the purpose of criminal and 92130
administrative justice services, the board shall prepare and make 92131
available at the first public hearing at which the resolution is 92132
considered a statement containing the following information: 92133

(1) For each of the two preceding fiscal years, the amount of 92134
expenditures made by the county from the county general fund for 92135
the purpose of criminal and administrative justice services; 92136

(2) For the fiscal year in which the resolution is adopted, 92137
the board's estimate of the amount of expenditures to be made by 92138
the county from the county general fund for the purpose of 92139
criminal and administrative justice services; 92140

(3) For each of the two fiscal years after the fiscal year in 92141
which the resolution is adopted, the board's preliminary plan for 92142
expenditures to be made from the county general fund for the 92143
purpose of criminal and administrative justice services, both 92144
under the assumption that the tax will be imposed for that purpose 92145

and under the assumption that the tax would not be imposed for 92146
that purpose, and for expenditures to be made from the special 92147
fund created under division (E) of this section under the 92148
assumption that the tax will be imposed for that purpose. 92149

The board shall prepare the statement and the preliminary 92150
plan using the best information available to the board at the time 92151
the statement is prepared. Neither the statement nor the 92152
preliminary plan shall be used as a basis to challenge the 92153
validity of the tax in any court of competent jurisdiction, nor 92154
shall the statement or preliminary plan limit the authority of the 92155
board to appropriate, pursuant to section 5705.38 of the Revised 92156
Code, an amount different from that specified in the preliminary 92157
plan. 92158

(H) Upon receipt from a board of county commissioners of a 92159
certified copy of a resolution required by division (A) or (D) of 92160
this section, or from the board of elections of a notice of the 92161
results of an election required by division (A) or (B)(1) or (2) 92162
of this section, the tax commissioner shall provide notice of a 92163
tax rate change in a manner that is reasonably accessible to all 92164
affected vendors. The commissioner shall provide this notice at 92165
least sixty days prior to the effective date of the rate change. 92166
The commissioner, by rule, may establish the method by which 92167
notice will be provided. 92168

(I) As used in this section, "criminal and administrative 92169
justice services" means the exercise by the county sheriff of all 92170
powers and duties vested in that office by law; the exercise by 92171
the county prosecuting attorney of all powers and duties vested in 92172
that office by law; the exercise by any court in the county of all 92173
powers and duties vested in that court; the exercise by the clerk 92174
of the court of common pleas, any clerk of a municipal court 92175
having jurisdiction throughout the county, or the clerk of any 92176
county court of all powers and duties vested in the clerk by law 92177

except, in the case of the clerk of the court of common pleas, the 92178
titling of motor vehicles or watercraft pursuant to Chapter 1548. 92179
or 4505. of the Revised Code; the exercise by the county coroner 92180
of all powers and duties vested in that office by law; making 92181
payments to any other public agency or a private, nonprofit 92182
agency, the purposes of which in the county include the diversion, 92183
adjudication, detention, or rehabilitation of criminals or 92184
juvenile offenders; the operation and maintenance of any detention 92185
facility, as defined in section 2921.01 of the Revised Code; and 92186
the construction, acquisition, equipping, or repair of such a 92187
detention facility, including the payment of any debt charges 92188
incurred in the issuance of securities pursuant to Chapter 133. of 92189
the Revised Code for the purpose of constructing, acquiring, 92190
equipping, or repairing such a facility. 92191

Sec. 5739.026. (A) A board of county commissioners may levy a 92192
tax on every retail sale in the county, except sales of watercraft 92193
and outboard motors required to be titled pursuant to Chapter 92194
1548. of the Revised Code and sales of motor vehicles, at a rate 92195
of not more than one-half of one per cent and may increase the 92196
rate of an existing tax to not more than one-half of one per cent 92197
to pay the expenses of administering the tax and, except as 92198
provided in division (A)(6) of this section, for any one or more 92199
of the following purposes provided that the aggregate levy for all 92200
such purposes does not exceed one-half of one per cent: 92201

(1) To provide additional revenues for the payment of bonds 92202
or notes issued in anticipation of bonds issued by a convention 92203
facilities authority established by the board of county 92204
commissioners under Chapter 351. of the Revised Code and to 92205
provide additional operating revenues for the convention 92206
facilities authority; 92207

(2) To provide additional revenues for a transit authority 92208

operating in the county; 92209

(3) To provide additional revenue for the county's general 92210
fund; 92211

(4) To provide additional revenue for permanent improvements 92212
to be distributed by the community improvements board in 92213
accordance with section 307.283 and to pay principal, interest, 92214
and premium on bonds issued under section 307.284 of the Revised 92215
Code; 92216

(5) To provide additional revenue for the acquisition, 92217
construction, equipping, or repair of any specific permanent 92218
improvement or any class or group of permanent improvements, which 92219
improvement or class or group of improvements shall be enumerated 92220
in the resolution required by division (D) of this section, and to 92221
pay principal, interest, premium, and other costs associated with 92222
the issuance of bonds or notes in anticipation of bonds issued 92223
pursuant to Chapter 133. of the Revised Code for the acquisition, 92224
construction, equipping, or repair of the specific permanent 92225
improvement or class or group of permanent improvements; 92226

(6) To provide revenue for the implementation and operation 92227
of a 9-1-1 system in the county. If the tax is levied or the rate 92228
increased exclusively for such purpose, the tax shall not be 92229
levied or the rate increased for more than five years. At the end 92230
of the last year the tax is levied or the rate increased, any 92231
balance remaining in the special fund established for such purpose 92232
shall remain in that fund and be used exclusively for such purpose 92233
until the fund is completely expended, and, notwithstanding 92234
section 5705.16 of the Revised Code, the board of county 92235
commissioners shall not petition for the transfer of money from 92236
such special fund, and the tax commissioner shall not approve such 92237
a petition. 92238

If the tax is levied or the rate increased for such purpose 92239

for more than five years, the board of county commissioners also 92240
shall levy the tax or increase the rate of the tax for one or more 92241
of the purposes described in divisions (A)(1) to (5) of this 92242
section and shall prescribe the method for allocating the revenues 92243
from the tax each year in the manner required by division (C) of 92244
this section. 92245

(7) To provide additional revenue for the operation or 92246
maintenance of a detention facility, as that term is defined under 92247
division (F) of section 2921.01 of the Revised Code; 92248

(8) To provide revenue to finance the construction or 92249
renovation of a sports facility, but only if the tax is levied for 92250
that purpose in the manner prescribed by section 5739.028 of the 92251
Revised Code. 92252

As used in division (A)(8) of this section: 92253

(a) "Sports facility" means a facility intended to house 92254
major league professional athletic teams. 92255

(b) "Constructing" or "construction" includes providing 92256
fixtures, furnishings, and equipment. 92257

(9) To provide additional revenue for the acquisition of 92258
agricultural easements, as defined in section 5301.67 of the 92259
Revised Code; to pay principal, interest, and premium on bonds 92260
issued under section 133.60 of the Revised Code; and for the 92261
supervision and enforcement of agricultural easements held by the 92262
county; 92263

(10) To provide revenue for the provision of ambulance, 92264
paramedic, or other emergency medical services; 92265

(11) To provide revenue for the operation of a lake 92266
facilities authority and the remediation of an impacted watershed 92267
by a lake facilities authority, as provided in Chapter 353. of the 92268
Revised Code; 92269

(12) To provide additional revenue for a regional 92270
transportation improvement project under section 5595.06 of the 92271
Revised Code. 92272

Pursuant to section 755.171 of the Revised Code, a board of 92273
county commissioners may pledge and contribute revenue from a tax 92274
levied for the purpose of division (A)(5) of this section to the 92275
payment of debt charges on bonds issued under section 755.17 of 92276
the Revised Code. 92277

The rate of tax shall be a multiple of one-fourth or 92278
one-tenth of one per cent, unless a portion of the rate of an 92279
existing tax levied under section 5739.023 of the Revised Code has 92280
been reduced, and the rate of tax levied under this section has 92281
been increased, pursuant to section 5739.028 of the Revised Code, 92282
in which case the aggregate of the rates of tax levied under this 92283
section and section 5739.023 of the Revised Code shall be a 92284
multiple of one-fourth or one-tenth of one per cent. 92285

The tax shall be levied and the rate increased pursuant to a 92286
resolution adopted by a majority of the members of the board. The 92287
board shall deliver a certified copy of the resolution to the tax 92288
commissioner, not later than the sixty-fifth day prior to the date 92289
on which the tax is to become effective, which shall be the first 92290
day of a calendar quarter. 92291

Prior to the adoption of any resolution to levy the tax or to 92292
increase the rate of tax exclusively for the purpose set forth in 92293
division (A)(3) of this section, the board of county commissioners 92294
shall conduct two public hearings on the resolution, the second 92295
hearing to be no fewer than three nor more than ten days after the 92296
first. Notice of the date, time, and place of the hearings shall 92297
be given by publication in a newspaper of general circulation in 92298
the county, or as provided in section 7.16 of the Revised Code, 92299
once a week on the same day of the week for two consecutive weeks. 92300
The second publication shall be no fewer than ten nor more than 92301

thirty days prior to the first hearing. Except as provided in 92302
division (E) of this section, the resolution shall be subject to a 92303
referendum as provided in sections 305.31 to 305.41 of the Revised 92304
Code. If the resolution is adopted as an emergency measure 92305
necessary for the immediate preservation of the public peace, 92306
health, or safety, it must receive an affirmative vote of all of 92307
the members of the board of county commissioners and shall state 92308
the reasons for the necessity. 92309

If the tax is for more than one of the purposes set forth in 92310
divisions (A)(1) to (7), (9), (10), and (12) of this section, or 92311
is exclusively for one of the purposes set forth in division 92312
(A)(1), (2), (4), (5), (6), (7), (9), (10), or (12) of this 92313
section, the resolution shall not go into effect unless it is 92314
approved by a majority of the electors voting on the question of 92315
the tax. 92316

(B) The board of county commissioners shall adopt a 92317
resolution under section 351.02 of the Revised Code creating the 92318
convention facilities authority, or under section 307.283 of the 92319
Revised Code creating the community improvements board, before 92320
adopting a resolution levying a tax for the purpose of a 92321
convention facilities authority under division (A)(1) of this 92322
section or for the purpose of a community improvements board under 92323
division (A)(4) of this section. 92324

(C)(1) If the tax is to be used for more than one of the 92325
purposes set forth in divisions (A)(1) to (7), (9), (10), and (12) 92326
of this section, the board of county commissioners shall establish 92327
the method that will be used to determine the amount or proportion 92328
of the tax revenue received by the county during each year that 92329
will be distributed for each of those purposes, including, if 92330
applicable, provisions governing the reallocation of a convention 92331
facilities authority's allocation if the authority is dissolved 92332
while the tax is in effect. The allocation method may provide that 92333

different proportions or amounts of the tax shall be distributed 92334
among the purposes in different years, but it shall clearly 92335
describe the method that will be used for each year. Except as 92336
otherwise provided in division (C)(2) of this section, the 92337
allocation method established by the board is not subject to 92338
amendment during the life of the tax. 92339

(2) Subsequent to holding a public hearing on the proposed 92340
amendment, the board of county commissioners may amend the 92341
allocation method established under division (C)(1) of this 92342
section for any year, if the amendment is approved by the 92343
governing board of each entity whose allocation for the year would 92344
be reduced by the proposed amendment. In the case of a tax that is 92345
levied for a continuing period of time, the board may not so amend 92346
the allocation method for any year before the sixth year that the 92347
tax is in effect. 92348

(a) If the additional revenues provided to the convention 92349
facilities authority are pledged by the authority for the payment 92350
of convention facilities authority revenue bonds for as long as 92351
such bonds are outstanding, no reduction of the authority's 92352
allocation of the tax shall be made for any year except to the 92353
extent that the reduced authority allocation, when combined with 92354
the authority's other revenues pledged for that purpose, is 92355
sufficient to meet the debt service requirements for that year on 92356
such bonds. 92357

(b) If the additional revenues provided to the county are 92358
pledged by the county for the payment of bonds or notes described 92359
in division (A)(4) or (5) of this section, for as long as such 92360
bonds or notes are outstanding, no reduction of the county's or 92361
the community improvements board's allocation of the tax shall be 92362
made for any year, except to the extent that the reduced county or 92363
community improvements board allocation is sufficient to meet the 92364
debt service requirements for that year on such bonds or notes. 92365

(c) If the additional revenues provided to the transit authority are pledged by the authority for the payment of revenue bonds issued under section 306.37 of the Revised Code, for as long as such bonds are outstanding, no reduction of the authority's allocation of tax shall be made for any year, except to the extent that the authority's reduced allocation, when combined with the authority's other revenues pledged for that purpose, is sufficient to meet the debt service requirements for that year on such bonds.

(d) If the additional revenues provided to the county are pledged by the county for the payment of bonds or notes issued under section 133.60 of the Revised Code, for so long as the bonds or notes are outstanding, no reduction of the county's allocation of the tax shall be made for any year, except to the extent that the reduced county allocation is sufficient to meet the debt service requirements for that year on the bonds or notes.

(D)(1) The resolution levying the tax or increasing the rate of tax shall state the rate of the tax or the rate of the increase; the purpose or purposes for which it is to be levied; the number of years for which it is to be levied or that it is for a continuing period of time; the allocation method required by division (C) of this section; and if required to be submitted to the electors of the county under division (A) of this section, the date of the election at which the proposal shall be submitted to the electors of the county, which shall be a general election or a special election held on a day on which a primary election may be held, occurring not less than ninety days after the certification of a copy of the resolution to the board of elections ~~and, if the tax is to be levied exclusively for the purpose set forth in division (A)(3) of this section, shall not occur in August of any year.~~ Upon certification of the resolution to the board of elections, the board of county commissioners shall notify the tax commissioner in writing of the levy question to be submitted to

the electors. If approved by a majority of the electors, the tax 92398
shall become effective on the first day of a calendar quarter next 92399
following the sixty-fifth day following the date the board of 92400
county commissioners and tax commissioner receive from the board 92401
of elections the certification of the results of the election, 92402
except as provided in division (E) of this section. 92403

(2)(a) A resolution specifying that the tax is to be used 92404
exclusively for the purpose set forth in division (A)(3) of this 92405
section that is not adopted as an emergency measure may direct the 92406
board of elections to submit the question of levying the tax or 92407
increasing the rate of the tax to the electors of the county at a 92408
general election or a special election held on a day on which a 92409
primary election may be held on the date , as specified by the 92410
board of county commissioners in the resolution, provided that the 92411
election occurs not less than ninety days after the resolution is 92412
certified to the board of elections ~~and the election is not held~~ 92413
~~in August of any year~~. Upon certification of the resolution to the 92414
board of elections, the board of county commissioners shall notify 92415
the tax commissioner in writing of the levy question to be 92416
submitted to the electors. No resolution adopted under division 92417
(D)(2)(a) of this section shall go into effect unless approved by 92418
a majority of those voting upon it and, except as provided in 92419
division (E) of this section, not until the first day of a 92420
calendar quarter following the expiration of sixty-five days from 92421
the date the tax commissioner receives notice from the board of 92422
elections of the affirmative vote. 92423

(b) A resolution specifying that the tax is to be used 92424
exclusively for the purpose set forth in division (A)(3) of this 92425
section that is adopted as an emergency measure shall become 92426
effective as provided in division (A) of this section, but may 92427
direct the board of elections to submit the question of repealing 92428
the tax or increase in the rate of the tax to the electors of the 92429

county at the next general election in the county occurring not 92430
less than ninety days after the resolution is certified to the 92431
board of elections. Upon certification of the resolution to the 92432
board of elections, the board of county commissioners shall notify 92433
the tax commissioner in writing of the levy question to be 92434
submitted to the electors. The ballot question shall be the same 92435
as that prescribed in section 5739.022 of the Revised Code. The 92436
board of elections shall notify the board of county commissioners 92437
and the tax commissioner of the result of the election immediately 92438
after the result has been declared. If a majority of the qualified 92439
electors voting on the question of repealing the tax or increase 92440
in the rate of the tax vote for repeal of the tax or repeal of the 92441
increase, the board of county commissioners, on the first day of a 92442
calendar quarter following the expiration of sixty-five days after 92443
the date the board and tax commissioner received notice of the 92444
result of the election, shall, in the case of a repeal of the tax, 92445
cease to levy the tax, or, in the case of a repeal of an increase 92446
in the rate of the tax, cease to levy the increased rate and levy 92447
the tax at the rate at which it was imposed immediately prior to 92448
the increase in rate. 92449

(c) A board of county commissioners, by resolution, may 92450
reduce the rate of a tax levied exclusively for the purpose set 92451
forth in division (A)(3) of this section to a lower rate 92452
authorized by this section. Any such reduction shall be made 92453
effective on the first day of the calendar quarter next following 92454
the sixty-fifth day after the tax commissioner receives a 92455
certified copy of the resolution from the board. 92456

(E) If a vendor makes a sale in this state by printed catalog 92457
and the consumer computed the tax on the sale based on local rates 92458
published in the catalog, any tax levied or repealed or rate 92459
changed under this section shall not apply to such a sale until 92460
the first day of a calendar quarter following the expiration of 92461

one hundred twenty days from the date of notice by the tax commissioner pursuant to division (G) of this section.

(F) The tax levied pursuant to this section shall be in addition to the tax levied by section 5739.02 of the Revised Code and any tax levied pursuant to section 5739.021 or 5739.023 of the Revised Code.

A county that levies a tax pursuant to this section shall levy a tax at the same rate pursuant to section 5741.023 of the Revised Code.

The additional tax levied by the county shall be collected pursuant to section 5739.025 of the Revised Code.

Any tax levied pursuant to this section is subject to the exemptions provided in section 5739.02 of the Revised Code and in addition shall not be applicable to sales not within the taxing power of a county under the Constitution of the United States or the Ohio Constitution.

(G) Upon receipt from a board of county commissioners of a certified copy of a resolution required by division (A) of this section, or from the board of elections a notice of the results of an election required by division (D)(1), (2)(a), (b), or (c) of this section, the tax commissioner shall provide notice of a tax rate change in a manner that is reasonably accessible to all affected vendors. The commissioner shall provide this notice at least sixty days prior to the effective date of the rate change. The commissioner, by rule, may establish the method by which notice will be provided.

Sec. 5739.028. As used in this section "sports facility" and "constructing" have the same meanings as in division (A)(8) of section 5739.026 of the Revised Code.

This section applies only to taxes levied pursuant to

sections 5739.023 and 5741.022 of the Revised Code by a regional 92492
transit authority created under section 306.31 of the Revised Code 92493
for a continuing period of time and at an aggregate rate, on ~~the~~ 92494
~~effective date of this section~~ July 19, 1995, greater than 92495
one-half of one per cent on every retail sale made in the 92496
territory of the transit authority. 92497

The board of county commissioners of the most populous county 92498
in the territory of a regional transit authority levying a tax to 92499
which this section applies may adopt a resolution not later than 92500
one hundred eighty days after ~~the effective date of this section~~ 92501
July 19, 1995 proposing to reduce the rate of such a tax and to 92502
increase by the same extent the rate of tax levied under sections 92503
5739.026 and 5741.023 of the Revised Code for the purpose of 92504
constructing or renovating a sports facility. The total reduction 92505
in the rate of taxes levied by a transit authority and the 92506
increase in the rate of tax levied for the purpose of constructing 92507
or renovating a sports facility shall not exceed one-tenth of one 92508
per cent upon retail sales made in the territory of the transit 92509
authority; provided, the amount of taxes received by the county 92510
for the purpose of constructing or renovating a sports facility 92511
under this section shall not exceed four million five hundred 92512
thousand dollars in any calendar year. Any amounts received by a 92513
county in a calendar year in excess of four million five hundred 92514
thousand dollars pursuant to this section shall be paid to the 92515
transit authority by the county within forty-five days following 92516
receipt by the county. 92517

The resolution shall specify that the rate of tax levied by 92518
the transit authority will be reduced and that a tax will be 92519
levied at the same rate for the purpose of constructing or 92520
renovating a sports facility; the rate by which the tax levied by 92521
the transit authority will be reduced and by which the tax levied 92522
for the purpose of constructing or renovating a sports facility 92523

will be increased; the date the rates levied for those purposes 92524
will be reduced and increased, respectively; and the number of 92525
years the rate levied by a transit authority will be reduced and 92526
the rate levied for constructing or renovating a sports facility 92527
will be increased. The date the rate levied by the transit 92528
authority will be reduced and the rate levied for the purpose of 92529
constructing or renovating a sports facility will be increased 92530
shall not be earlier than the first day of the month that begins 92531
at least sixty days after the day the election on the question is 92532
conducted unless the board of county commissioners levies a tax 92533
under one or more of sections 307.697, 4301.421, 5743.024, and 92534
5743.323 of the Revised Code on ~~the effective date of this section~~ 92535
July 19, 1995, in which case the date the rate levied by the 92536
transit authority will be reduced and the rate levied for the 92537
purpose of constructing or renovating a sports facility will be 92538
increased shall not be earlier than the first day following the 92539
latest day on which any of the taxes levied under one of those 92540
sections on ~~the effective date of this amendment~~ July 19, 1995 may 92541
be levied as prescribed by the resolution levying that tax. The 92542
number of years the rate of the existing tax may be reduced and 92543
the rate of tax may be levied for constructing or renovating a 92544
sports facility may be any number of years as specified in the 92545
resolution, or for a continuing period of time if so specified in 92546
the resolution. 92547

Before a resolution adopted under this section may take 92548
effect, the board of county commissioners shall submit the 92549
resolution to the approval of the electors of the county, and the 92550
resolution shall be approved by a majority of voters voting on the 92551
question. Upon adoption of the resolution, the board of county 92552
commissioners shall certify a copy of the resolution to the board 92553
of elections of the county and to the tax commissioner, and the 92554
board of elections shall submit the question at a general election 92555
or a special election held on a day on which a primary election 92556

~~may be held on the date~~ , as specified by the board of county 92557
commissioners in the resolution, provided that the election occurs 92558
not less than seventy-five days after the resolution is certified 92559
to the board of elections ~~and the election is not held in February~~ 92560
~~or August of any year.~~ The board of county commissioners shall 92561
certify the copy of the resolution to the board of elections in 92562
the manner prescribed under section 3505.071 of the Revised Code. 92563
The board of elections shall certify the results of the election 92564
to the board of county commissioners and to the tax commissioner. 92565
If the question is approved by a majority of electors voting on 92566
the question, the rate of tax imposed under sections 5739.023 and 92567
5741.022 of the Revised Code shall be reduced, and the rate of tax 92568
levied for constructing or renovating a sports facility under 92569
sections 5739.026 and 5741.023 of the Revised Code shall be 92570
increased by the same amount, on the date specified in the 92571
resolution. 92572

If revenue from a tax levied under sections 5739.023 and 92573
5741.022 of the Revised Code and subject to reduction under this 92574
section is pledged to the payment of bonds, notes, or notes in 92575
anticipation of bonds, the board of county commissioners adopting 92576
a resolution under this section shall provide sufficient revenue 92577
from the tax for the repayment of debt charges on those bonds or 92578
notes, unless an adequate substitute for payment of those charges 92579
is provided by the transit authority. 92580

Sec. 5739.09. (A)(1) A board of county commissioners may, by 92581
resolution adopted by a majority of the members of the board, levy 92582
an excise tax not to exceed three per cent on transactions by 92583
which lodging by a hotel is or is to be furnished to transient 92584
guests. The board shall establish all regulations necessary to 92585
provide for the administration and allocation of the tax. The 92586
regulations may prescribe the time for payment of the tax, and may 92587
provide for the imposition of a penalty or interest, or both, for 92588

late payments, provided that the penalty does not exceed ten per 92589
cent of the amount of tax due, and the rate at which interest 92590
accrues does not exceed the rate per annum prescribed pursuant to 92591
section 5703.47 of the Revised Code. Except as provided in 92592
divisions (A)(2), (3), (4), (5), (6), (7), (8), (9), (10), (11), 92593
and (12) of this section, the regulations shall provide, after 92594
deducting the real and actual costs of administering the tax, for 92595
the return to each municipal corporation or township that does not 92596
levy an excise tax on the transactions, a uniform percentage of 92597
the tax collected in the municipal corporation or in the 92598
unincorporated portion of the township from each transaction, not 92599
to exceed thirty-three and one-third per cent. The remainder of 92600
the revenue arising from the tax shall be deposited in a separate 92601
fund and shall be spent solely to make contributions to the 92602
convention and visitors' bureau operating within the county, 92603
including a pledge and contribution of any portion of the 92604
remainder pursuant to an agreement authorized by section 307.678 92605
or 307.695 of the Revised Code, provided that if the board of 92606
county commissioners of an eligible county as defined in section 92607
307.678 or 307.695 of the Revised Code adopts a resolution 92608
amending a resolution levying a tax under this division to provide 92609
that revenue from the tax shall be used by the board as described 92610
in either division (D) of section 307.678 or division (H) of 92611
section 307.695 of the Revised Code, the remainder of the revenue 92612
shall be used as described in the resolution making that 92613
amendment. Except as provided in division (A)(2), (3), (4), (5), 92614
(6), (7), (8), (9), (10), or (11) or (H) of this section, on and 92615
after May 10, 1994, a board of county commissioners may not levy 92616
an excise tax pursuant to this division in any municipal 92617
corporation or township located wholly or partly within the county 92618
that has in effect an ordinance or resolution levying an excise 92619
tax pursuant to division (B) of this section. The board of a 92620

county that has levied a tax under division (C) of this section 92621
may, by resolution adopted within ninety days after July 15, 1985, 92622
by a majority of the members of the board, amend the resolution 92623
levying a tax under this division to provide for a portion of that 92624
tax to be pledged and contributed in accordance with an agreement 92625
entered into under section 307.695 of the Revised Code. A tax, any 92626
revenue from which is pledged pursuant to such an agreement, shall 92627
remain in effect at the rate at which it is imposed for the 92628
duration of the period for which the revenue from the tax has been 92629
so pledged. 92630

The board of county commissioners of an eligible county as 92631
defined in section 307.695 of the Revised Code may, by resolution 92632
adopted by a majority of the members of the board, amend a 92633
resolution levying a tax under this division to provide that the 92634
revenue from the tax shall be used by the board as described in 92635
division (H) of section 307.695 of the Revised Code, in which case 92636
the tax shall remain in effect at the rate at which it was imposed 92637
for the duration of any agreement entered into by the board under 92638
section 307.695 of the Revised Code, the duration during which any 92639
securities issued by the board under that section are outstanding, 92640
or the duration of the period during which the board owns a 92641
project as defined in section 307.695 of the Revised Code, 92642
whichever duration is longest. 92643

The board of county commissioners of an eligible county as 92644
defined in section 307.678 of the Revised Code may, by resolution, 92645
amend a resolution levying a tax under this division to provide 92646
that revenue from the tax, not to exceed five hundred thousand 92647
dollars each year, may be used as described in division (E) of 92648
section 307.678 of the Revised Code. 92649

Notwithstanding division (A)(1) of this section, the board of 92650
county commissioners of a county described in division (A)(8)(a) 92651

of this section may, by resolution, amend a resolution levying a 92652
tax under this division to provide that all or a portion of the 92653
revenue from the tax, including any revenue otherwise required to 92654
be returned to townships or municipal corporations under this 92655
division, may be used or pledged for the payment of debt service 92656
on securities issued to pay the costs of constructing, operating, 92657
and maintaining sports facilities described in division (A)(8)(b) 92658
of this section. 92659

The board of county commissioners of a county described in 92660
division (A)(9) of this section may, by resolution, amend a 92661
resolution levying a tax under this division to provide that all 92662
or a portion of the revenue from the tax may be used for the 92663
purposes described in section 307.679 of the Revised Code. 92664

(2) A board of county commissioners that levies an excise tax 92665
under division (A)(1) of this section on June 30, 1997, at a rate 92666
of three per cent, and that has pledged revenue from the tax to an 92667
agreement entered into under section 307.695 of the Revised Code 92668
or, in the case of the board of county commissioners of an 92669
eligible county as defined in section 307.695 of the Revised Code, 92670
has amended a resolution levying a tax under division (C) of this 92671
section to provide that proceeds from the tax shall be used by the 92672
board as described in division (H) of section 307.695 of the 92673
Revised Code, may, at any time by a resolution adopted by a 92674
majority of the members of the board, amend the resolution levying 92675
a tax under division (A)(1) of this section to provide for an 92676
increase in the rate of that tax up to seven per cent on each 92677
transaction; to provide that revenue from the increase in the rate 92678
shall be used as described in division (H) of section 307.695 of 92679
the Revised Code or be spent solely to make contributions to the 92680
convention and visitors' bureau operating within the county to be 92681
used specifically for promotion, advertising, and marketing of the 92682
region in which the county is located; and to provide that the 92683

rate in excess of the three per cent levied under division (A)(1) 92684
of this section shall remain in effect at the rate at which it is 92685
imposed for the duration of the period during which any agreement 92686
is in effect that was entered into under section 307.695 of the 92687
Revised Code by the board of county commissioners levying a tax 92688
under division (A)(1) of this section, the duration of the period 92689
during which any securities issued by the board under division (I) 92690
of section 307.695 of the Revised Code are outstanding, or the 92691
duration of the period during which the board owns a project as 92692
defined in section 307.695 of the Revised Code, whichever duration 92693
is longest. The amendment also shall provide that no portion of 92694
that revenue need be returned to townships or municipal 92695
corporations as would otherwise be required under division (A)(1) 92696
of this section. 92697

(3) A board of county commissioners that levies a tax under 92698
division (A)(1) of this section on March 18, 1999, at a rate of 92699
three per cent may, by resolution adopted not later than 92700
forty-five days after March 18, 1999, amend the resolution levying 92701
the tax to provide for all of the following: 92702

(a) That the rate of the tax shall be increased by not more 92703
than an additional four per cent on each transaction; 92704

(b) That all of the revenue from the increase in the rate 92705
shall be pledged and contributed to a convention facilities 92706
authority established by the board of county commissioners under 92707
Chapter 351. of the Revised Code on or before November 15, 1998, 92708
and used to pay costs of constructing, maintaining, operating, and 92709
promoting a facility in the county, including paying bonds, or 92710
notes issued in anticipation of bonds, as provided by that 92711
chapter; 92712

(c) That no portion of the revenue arising from the increase 92713
in rate need be returned to municipal corporations or townships as 92714
otherwise required under division (A)(1) of this section; 92715

(d) That the increase in rate shall not be subject to 92716
diminution by initiative or referendum or by law while any bonds, 92717
or notes in anticipation of bonds, issued by the authority under 92718
Chapter 351. of the Revised Code to which the revenue is pledged, 92719
remain outstanding in accordance with their terms, unless 92720
provision is made by law or by the board of county commissioners 92721
for an adequate substitute therefor that is satisfactory to the 92722
trustee if a trust agreement secures the bonds. 92723

Division (A)(3) of this section does not apply to the board 92724
of county commissioners of any county in which a convention center 92725
or facility exists or is being constructed on November 15, 1998, 92726
or of any county in which a convention facilities authority levies 92727
a tax pursuant to section 351.021 of the Revised Code on that 92728
date. 92729

As used in division (A)(3) of this section, "cost" and 92730
"facility" have the same meanings as in section 351.01 of the 92731
Revised Code, and "convention center" has the same meaning as in 92732
section 307.695 of the Revised Code. 92733

(4)(a) A board of county commissioners that levies a tax 92734
under division (A)(1) of this section on June 30, 2002, at a rate 92735
of three per cent may, by resolution adopted not later than 92736
September 30, 2002, amend the resolution levying the tax to 92737
provide for all of the following: 92738

(i) That the rate of the tax shall be increased by not more 92739
than an additional three and one-half per cent on each 92740
transaction; 92741

(ii) That all of the revenue from the increase in rate shall 92742
be pledged and contributed to a convention facilities authority 92743
established by the board of county commissioners under Chapter 92744
351. of the Revised Code on or before May 15, 2002, and be used to 92745
pay costs of constructing, expanding, maintaining, operating, or 92746

promoting a convention center in the county, including paying 92747
bonds, or notes issued in anticipation of bonds, as provided by 92748
that chapter; 92749

(iii) That no portion of the revenue arising from the 92750
increase in rate need be returned to municipal corporations or 92751
townships as otherwise required under division (A)(1) of this 92752
section; 92753

(iv) That the increase in rate shall not be subject to 92754
diminution by initiative or referendum or by law while any bonds, 92755
or notes in anticipation of bonds, issued by the authority under 92756
Chapter 351. of the Revised Code to which the revenue is pledged, 92757
remain outstanding in accordance with their terms, unless 92758
provision is made by law or by the board of county commissioners 92759
for an adequate substitute therefor that is satisfactory to the 92760
trustee if a trust agreement secures the bonds. 92761

(b) Any board of county commissioners that, pursuant to 92762
division (A)(4)(a) of this section, has amended a resolution 92763
levying the tax authorized by division (A)(1) of this section may 92764
further amend the resolution to provide that the revenue referred 92765
to in division (A)(4)(a)(ii) of this section shall be pledged and 92766
contributed both to a convention facilities authority to pay the 92767
costs of constructing, expanding, maintaining, or operating one or 92768
more convention centers in the county, including paying bonds, or 92769
notes issued in anticipation of bonds, as provided in Chapter 351. 92770
of the Revised Code, and to a convention and visitors' bureau to 92771
pay the costs of promoting one or more convention centers in the 92772
county. 92773

As used in division (A)(4) of this section, "cost" has the 92774
same meaning as in section 351.01 of the Revised Code, and 92775
"convention center" has the same meaning as in section 307.695 of 92776
the Revised Code. 92777

(5)(a) As used in division (A)(5) of this section:	92778
(i) "Port authority" means a port authority created under Chapter 4582. of the Revised Code.	92779 92780
(ii) "Port authority military-use facility" means port authority facilities on which or adjacent to which is located an installation of the armed forces of the United States, a reserve component thereof, or the national guard and at least part of which is made available for use, for consideration, by the armed forces of the United States, a reserve component thereof, or the national guard.	92781 92782 92783 92784 92785 92786 92787
(b) For the purpose of contributing revenue to pay operating expenses of a port authority that operates a port authority military-use facility, the board of county commissioners of a county that created, participated in the creation of, or has joined such a port authority may do one or both of the following:	92788 92789 92790 92791 92792
(i) Amend a resolution previously adopted under division (A)(1) of this section to designate some or all of the revenue from the tax levied under the resolution to be used for that purpose, notwithstanding that division;	92793 92794 92795 92796
(ii) Amend a resolution previously adopted under division (A)(1) of this section to increase the rate of the tax by not more than an additional two per cent and use the revenue from the increase exclusively for that purpose.	92797 92798 92799 92800
(c) If a board of county commissioners amends a resolution to increase the rate of a tax as authorized in division (A)(5)(b)(ii) of this section, the board also may amend the resolution to specify that the increase in rate of the tax does not apply to "hotels," as otherwise defined in section 5739.01 of the Revised Code, having fewer rooms used for the accommodation of guests than a number of rooms specified by the board.	92801 92802 92803 92804 92805 92806 92807
(6) A board of county commissioners of a county organized	92808

under a county charter adopted pursuant to Article X, Section 3, 92809
Ohio Constitution, and that levies an excise tax under division 92810
(A)(1) of this section at a rate of three per cent and levies an 92811
additional excise tax under division (E) of this section at a rate 92812
of one and one-half per cent may, by resolution adopted not later 92813
than January 1, 2008, by a majority of the members of the board, 92814
amend the resolution levying a tax under division (A)(1) of this 92815
section to provide for an increase in the rate of that tax by not 92816
more than an additional one per cent on transactions by which 92817
lodging by a hotel is or is to be furnished to transient guests. 92818
Notwithstanding divisions (A)(1) and (E) of this section, the 92819
resolution shall provide that all of the revenue from the increase 92820
in rate, after deducting the real and actual costs of 92821
administering the tax, shall be used to pay the costs of 92822
improving, expanding, equipping, financing, or operating a 92823
convention center by a convention and visitors' bureau in the 92824
county. The increase in rate shall remain in effect for the period 92825
specified in the resolution, not to exceed ten years, and may be 92826
extended for an additional period of time not to exceed ten years 92827
thereafter by a resolution adopted by a majority of the members of 92828
the board. The increase in rate shall be subject to the 92829
regulations adopted under division (A)(1) of this section, except 92830
that the resolution may provide that no portion of the revenue 92831
from the increase in the rate shall be returned to townships or 92832
municipal corporations as would otherwise be required under that 92833
division. 92834

(7) Division (A)(7) of this section applies only to a county 92835
with a population greater than sixty-five thousand and less than 92836
seventy thousand according to the most recent federal decennial 92837
census and in which, on December 31, 2006, an excise tax is levied 92838
under division (A)(1) of this section at a rate not less than and 92839
not greater than three per cent, and in which the most recent 92840
increase in the rate of that tax was enacted or took effect in 92841

November 1984. 92842

The board of county commissioners of a county to which this 92843
division applies, by resolution adopted by a majority of the 92844
members of the board, may increase the rate of the tax by not more 92845
than one per cent on transactions by which lodging by a hotel is 92846
or is to be furnished to transient guests. The increase in rate 92847
shall be for the purpose of paying expenses deemed necessary by 92848
the convention and visitors' bureau operating in the county to 92849
promote travel and tourism. The increase in rate shall remain in 92850
effect for the period specified in the resolution, not to exceed 92851
twenty years, provided that the increase in rate may not continue 92852
beyond the time when the purpose for which the increase is levied 92853
ceases to exist. If revenue from the increase in rate is pledged 92854
to the payment of debt charges on securities, the increase in rate 92855
is not subject to diminution by initiative or referendum or by law 92856
for so long as the securities are outstanding, unless provision is 92857
made by law or by the board of county commissioners for an 92858
adequate substitute for that revenue that is satisfactory to the 92859
trustee if a trust agreement secures payment of the debt charges. 92860
The increase in rate shall be subject to the regulations adopted 92861
under division (A)(1) of this section, except that the resolution 92862
may provide that no portion of the revenue from the increase in 92863
the rate shall be returned to townships or municipal corporations 92864
as would otherwise be required under division (A)(1) of this 92865
section. A resolution adopted under division (A)(7) of this 92866
section is subject to referendum under sections 305.31 to 305.99 92867
of the Revised Code. 92868

(8)(a) Division (A)(8) of this section applies only to a 92869
county satisfying all of the following: 92870

(i) The population of the county is greater than one hundred 92871
seventy-five thousand and less than two hundred twenty-five 92872
thousand according to the most recent federal decennial census. 92873

(ii) An amusement park with an average yearly attendance in excess of two million guests is located in the county. 92874
92875

(iii) On December 31, 2014, an excise tax was levied in the county under division (A)(1) of this section at a rate of three per cent. 92876
92877
92878

(b) The board of county commissioners of a county to which this division applies, by resolution adopted by a majority of the members of the board, may increase the rate of the tax by not more than one per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The increase in rate shall be used to pay the costs of constructing and maintaining facilities owned by the county or by a port authority created under Chapter 4582. of the Revised Code, and designed to host sporting events and expenses deemed necessary by the convention and visitors' bureau operating in the county to promote travel and tourism with reference to the sports facilities, and to pay or pledge to the payment of debt service on securities issued to pay the costs of constructing, operating, and maintaining the sports facilities. The increase in rate shall remain in effect for the period specified in the resolution. If revenue from the increase in rate is pledged to the payment of debt charges on securities, the increase in rate is not subject to diminution by initiative or referendum or by law for so long as the securities are outstanding, unless provision is made by law or by the board of county commissioners for an adequate substitute for that revenue that is satisfactory to the trustee if a trust agreement secures payment of the debt charges. The increase in rate shall be subject to the regulations adopted under division (A)(1) of this section, except that the resolution may provide that no portion of the revenue from the increase in the rate shall be returned to townships or municipal corporations as would otherwise be required under division (A)(1) of this section. 92879
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(9) The board of county commissioners of a county with a population greater than seventy-five thousand and less than seventy-eight thousand, by resolution adopted by a majority of the members of the board not later than October 15, 2015, may increase the rate of the tax by not more than one per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The increase in rate shall be for the purposes described in section 307.679 of the Revised Code or for the promotion of travel and tourism in the county, including travel and tourism to sports facilities. The increase in rate shall remain in effect for the period specified in the resolution and as necessary to fulfill the county's obligations under a cooperative agreement entered into under section 307.679 of the Revised Code. If the resolution is adopted by the board before September 29, 2015, but after that enactment becomes law, the increase in rate shall become effective beginning on September 29, 2015. If revenue from the increase in rate is pledged to the payment of debt charges on securities, or to substitute for other revenues pledged to the payment of such debt, the increase in rate is not subject to diminution by initiative or referendum or by law for so long as the securities are outstanding, unless provision is made by law or by the board of county commissioners for an adequate substitute for that revenue that is satisfactory to the trustee if a trust agreement secures payment of the debt charges. The increase in rate shall be subject to the regulations adopted under division (A)(1) of this section, except that no portion of the revenue from the increase in the rate shall be returned to townships or municipal corporations as would otherwise be required under division (A)(1) of this section.

(10) Division (A)(10) of this section applies only to counties satisfying either of the following:

(a) A county that, on July 1, 2015, does not levy an excise

tax under division (A)(1) of this section and that has a 92938
population of at least thirty-nine thousand but not more than 92939
forty thousand according to the 2010 federal decennial census; 92940

(b) A county that, on July 1, 2015, levies an excise tax 92941
under division (A)(1) of this section at a rate of three per cent 92942
and that has a population of at least seventy-one thousand but not 92943
more than seventy-five thousand according to 2010 federal 92944
decennial census. 92945

The board of county commissioners of a county to which 92946
division (A)(10) of this section applies, by resolution adopted by 92947
a majority of the members of the board, may levy an excise tax at 92948
a rate not to exceed three per cent on transactions by which 92949
lodging by a hotel is or is to be furnished to transient guests 92950
for the purpose of acquiring, constructing, equipping, or 92951
repairing permanent improvements, as defined in section 133.01 of 92952
the Revised Code. If the board does not levy a tax under division 92953
(A)(1) of this section, the board shall establish regulations 92954
necessary to provide for the administration of the tax, which may 92955
prescribe the time for payment of the tax and the imposition of 92956
penalty or interest subject to the limitations on penalty and 92957
interest provided in division (A)(1) of this section. No portion 92958
of the revenue shall be returned to townships or municipal 92959
corporations in the county unless otherwise provided by resolution 92960
of the board. The tax shall apply throughout the territory of the 92961
county, including in any township or municipal corporation levying 92962
an excise tax under division (B) of this section or division (A) 92963
of section 5739.08 of the Revised Code. The levy of the tax is 92964
subject to referendum as provided under section 305.31 of the 92965
Revised Code. 92966

The tax shall remain in effect for the period specified in 92967
the resolution. If revenue from the increase in rate is pledged to 92968
the payment of debt charges on securities, the increase in rate is 92969

not subject to diminution by initiative or referendum or by law 92970
for so long as the securities are outstanding unless provision is 92971
made by law or by the board for an adequate substitute for that 92972
revenue that is satisfactory to the trustee if a trust agreement 92973
secures payment of the debt charges. 92974

(11) The board of county commissioners of an eligible county, 92975
as defined in section 307.678 of the Revised Code, that levies an 92976
excise tax under division (A)(1) of this section on July 1, 2017, 92977
at a rate of three per cent may, by resolution adopted by a 92978
majority of the members of the board, amend the resolution levying 92979
the tax to increase the rate of the tax by not more than an 92980
additional three per cent on each transaction. No portion of the 92981
revenue shall be returned to townships or municipal corporations 92982
in the county unless otherwise provided by resolution of the 92983
board. Otherwise, the revenue from the increase in the rate shall 92984
be distributed and used in the same manner described under 92985
division (A)(1) of this section or distributed or used to provide 92986
credit enhancement facilities as authorized under section 307.678 92987
of the Revised Code. The increase in rate shall remain in effect 92988
for the period specified in the resolution. If revenue from the 92989
increase in rate is pledged to the payment of debt charges on 92990
securities, the increase in rate is not subject to diminution by 92991
initiative or referendum or by law for so long as the securities 92992
are outstanding unless provision is made by law or by the board 92993
for an adequate substitute for that revenue that is satisfactory 92994
to the trustee if a trust agreement secures payment of the debt 92995
charges. 92996

(12)(a) As used in this division: 92997

(i) "Eligible county" means a county that has a population 92998
greater than one hundred ninety thousand and less than two hundred 92999
thousand according to the 2010 federal decennial census and that 93000
levies an excise tax under division (A)(1) of this section at a 93001

rate of three per cent. 93002

(ii) "Professional sports facility" means a sports facility 93003
that is intended to house major or minor league professional 93004
athletic teams, including a stadium, together with all parking 93005
facilities, walkways, and other auxiliary facilities, real and 93006
personal property, property rights, easements, and interests that 93007
may be appropriate for, or used in connection with, the operation 93008
of the facility. 93009

(b) Subject to division (A)(12)(c) of this section, the board 93010
of county commissioners of an eligible county, by resolution 93011
adopted by a majority of the members of the board, may increase 93012
the rate of the tax by not more than one per cent on transactions 93013
by which lodging by a hotel is or is to be furnished to transient 93014
guests. Revenue from the increase in rate shall be used for the 93015
purposes of paying the costs of constructing, improving, and 93016
maintaining a professional sports facility in the county and 93017
paying expenses considered necessary by the convention and 93018
visitors' bureau operating in the county to promote travel and 93019
tourism with respect to that professional sports facility. The tax 93020
shall take effect only after the convention and visitors' bureau 93021
enters into a contract for the construction, improvement, or 93022
maintenance of a professional sports facility that is or will be 93023
located on property acquired, in whole or in part, with revenue 93024
from the increased rate, and thereafter shall remain in effect for 93025
the period specified in the resolution. If revenue from the 93026
increase in rate is pledged to the payment of debt charges on 93027
securities, the increase in rate is not subject to diminution by 93028
initiative or referendum or by law for so long as the securities 93029
are outstanding, unless a provision is made by law or by the board 93030
of county commissioners for an adequate substitute for that 93031
revenue that is satisfactory to the trustee if a trust agreement 93032
secures payment of the debt charges. The increase in rate shall be 93033

subject to the regulations adopted under division (A)(1) of this 93034
section, except that the resolution may provide that no portion of 93035
the revenue from the increase in the rate shall be returned to 93036
townships or municipal corporations as would otherwise be required 93037
under division (A)(1) of this section. 93038

(c) If, on December 31, 2019, the convention and visitors' 93039
bureau has not entered into a contract for the construction, 93040
improvement, or maintenance of a professional sports facility that 93041
is or will be located on property acquired, in whole or in part, 93042
with revenue from the increased rate, the authority to levy the 93043
tax under division (A)(12)(b) of this section is hereby repealed 93044
on that date. 93045

(B)(1) The legislative authority of a municipal corporation 93046
or the board of trustees of a township that is not wholly or 93047
partly located in a county that has in effect a resolution levying 93048
an excise tax pursuant to division (A)(1) of this section may, by 93049
ordinance or resolution, levy an excise tax not to exceed three 93050
per cent on transactions by which lodging by a hotel is or is to 93051
be furnished to transient guests. The legislative authority of the 93052
municipal corporation or the board of trustees of the township 93053
shall deposit at least fifty per cent of the revenue from the tax 93054
levied pursuant to this division into a separate fund, which shall 93055
be spent solely to make contributions to convention and visitors' 93056
bureaus operating within the county in which the municipal 93057
corporation or township is wholly or partly located, and the 93058
balance of that revenue shall be deposited in the general fund. 93059
The municipal corporation or township shall establish all 93060
regulations necessary to provide for the administration and 93061
allocation of the tax. The regulations may prescribe the time for 93062
payment of the tax, and may provide for the imposition of a 93063
penalty or interest, or both, for late payments, provided that the 93064
penalty does not exceed ten per cent of the amount of tax due, and 93065

the rate at which interest accrues does not exceed the rate per 93066
annum prescribed pursuant to section 5703.47 of the Revised Code. 93067
The levy of a tax under this division is in addition to any tax 93068
imposed on the same transaction by a municipal corporation or a 93069
township as authorized by division (A) of section 5739.08 of the 93070
Revised Code. 93071

(2)(a) The legislative authority of the most populous 93072
municipal corporation located wholly or partly in a county in 93073
which the board of county commissioners has levied a tax under 93074
division (A)(4) of this section may amend, on or before September 93075
30, 2002, that municipal corporation's ordinance or resolution 93076
that levies an excise tax on transactions by which lodging by a 93077
hotel is or is to be furnished to transient guests, to provide for 93078
all of the following: 93079

(i) That the rate of the tax shall be increased by not more 93080
than an additional one per cent on each transaction; 93081

(ii) That all of the revenue from the increase in rate shall 93082
be pledged and contributed to a convention facilities authority 93083
established by the board of county commissioners under Chapter 93084
351. of the Revised Code on or before May 15, 2002, and be used to 93085
pay costs of constructing, expanding, maintaining, operating, or 93086
promoting a convention center in the county, including paying 93087
bonds, or notes issued in anticipation of bonds, as provided by 93088
that chapter; 93089

(iii) That the increase in rate shall not be subject to 93090
diminution by initiative or referendum or by law while any bonds, 93091
or notes in anticipation of bonds, issued by the authority under 93092
Chapter 351. of the Revised Code to which the revenue is pledged, 93093
remain outstanding in accordance with their terms, unless 93094
provision is made by law, by the board of county commissioners, or 93095
by the legislative authority, for an adequate substitute therefor 93096
that is satisfactory to the trustee if a trust agreement secures 93097

the bonds. 93098

(b) The legislative authority of a municipal corporation 93099
that, pursuant to division (B)(2)(a) of this section, has amended 93100
its ordinance or resolution to increase the rate of the tax 93101
authorized by division (B)(1) of this section may further amend 93102
the ordinance or resolution to provide that the revenue referred 93103
to in division (B)(2)(a)(ii) of this section shall be pledged and 93104
contributed both to a convention facilities authority to pay the 93105
costs of constructing, expanding, maintaining, or operating one or 93106
more convention centers in the county, including paying bonds, or 93107
notes issued in anticipation of bonds, as provided in Chapter 351. 93108
of the Revised Code, and to a convention and visitors' bureau to 93109
pay the costs of promoting one or more convention centers in the 93110
county. 93111

As used in division (B)(2) of this section, "cost" has the 93112
same meaning as in section 351.01 of the Revised Code, and 93113
"convention center" has the same meaning as in section 307.695 of 93114
the Revised Code. 93115

(3) The legislative authority of an eligible municipal 93116
corporation may amend, on or before December 31, 2017, that 93117
municipal corporation's ordinance or resolution that levies an 93118
excise tax on transactions by which lodging by a hotel is or is to 93119
be furnished to transient guests, to provide for the following: 93120

(a) That the rate of the tax shall be increased by not more 93121
than an additional three per cent on each transaction; 93122

(b) That all of the revenue from the increase in rate shall 93123
be used by the municipal corporation for economic development and 93124
tourism-related purposes. 93125

As used in division (B)(3) of this section, "eligible 93126
municipal corporation" means a municipal corporation that, on the 93127
effective date of the amendment of this section by H.B. 49 of the 93128

132nd general assembly, September 29, 2017, levied a tax under 93129
division (B)(1) of this section at a rate of three per cent and 93130
that is located in a county that, on that date, levied a tax under 93131
division (A) of this section at a rate of three per cent and that 93132
has, according to the most recent federal decennial census, a 93133
population exceeding three hundred thousand but not greater than 93134
three hundred fifty thousand. 93135

(C) For the purposes described in section 307.695 of the 93136
Revised Code and to cover the costs of administering the tax, a 93137
board of county commissioners of a county where a tax imposed 93138
under division (A)(1) of this section is in effect may, by 93139
resolution adopted within ninety days after July 15, 1985, by a 93140
majority of the members of the board, levy an additional excise 93141
tax not to exceed three per cent on transactions by which lodging 93142
by a hotel is or is to be furnished to transient guests. The tax 93143
authorized by this division shall be in addition to any tax that 93144
is levied pursuant to division (A) of this section, but it shall 93145
not apply to transactions subject to a tax levied by a municipal 93146
corporation or township pursuant to the authorization granted by 93147
division (A) of section 5739.08 of the Revised Code. The board 93148
shall establish all regulations necessary to provide for the 93149
administration and allocation of the tax. The regulations may 93150
prescribe the time for payment of the tax, and may provide for the 93151
imposition of a penalty or interest, or both, for late payments, 93152
provided that the penalty does not exceed ten per cent of the 93153
amount of tax due, and the rate at which interest accrues does not 93154
exceed the rate per annum prescribed pursuant to section 5703.47 93155
of the Revised Code. All revenues arising from the tax shall be 93156
expended in accordance with section 307.695 of the Revised Code. 93157
The board of county commissioners of an eligible county as defined 93158
in section 307.695 of the Revised Code may, by resolution adopted 93159
by a majority of the members of the board, amend the resolution 93160
levying a tax under this division to provide that the revenue from 93161

the tax shall be used by the board as described in division (H) of 93162
section 307.695 of the Revised Code. A tax imposed under this 93163
division shall remain in effect at the rate at which it is imposed 93164
for the duration of the period during which any agreement entered 93165
into by the board under section 307.695 of the Revised Code is in 93166
effect, the duration of the period during which any securities 93167
issued by the board under division (I) of section 307.695 of the 93168
Revised Code are outstanding, or the duration of the period during 93169
which the board owns a project as defined in section 307.695 of 93170
the Revised Code, whichever duration is longest. 93171

(D) For the purpose of providing contributions under division 93172
(B)(1) of section 307.671 of the Revised Code to enable the 93173
acquisition, construction, and equipping of a port authority 93174
educational and cultural facility in the county and, to the extent 93175
provided for in the cooperative agreement authorized by that 93176
section, for the purpose of paying debt service charges on bonds, 93177
or notes in anticipation of bonds, described in division (B)(1)(b) 93178
of that section, a board of county commissioners, by resolution 93179
adopted within ninety days after December 22, 1992, by a majority 93180
of the members of the board, may levy an additional excise tax not 93181
to exceed one and one-half per cent on transactions by which 93182
lodging by a hotel is or is to be furnished to transient guests. 93183
The excise tax authorized by this division shall be in addition to 93184
any tax that is levied pursuant to divisions (A), (B), and (C) of 93185
this section, to any excise tax levied pursuant to section 5739.08 93186
of the Revised Code, and to any excise tax levied pursuant to 93187
section 351.021 of the Revised Code. The board of county 93188
commissioners shall establish all regulations necessary to provide 93189
for the administration and allocation of the tax that are not 93190
inconsistent with this section or section 307.671 of the Revised 93191
Code. The regulations may prescribe the time for payment of the 93192
tax, and may provide for the imposition of a penalty or interest, 93193
or both, for late payments, provided that the penalty does not 93194

exceed ten per cent of the amount of tax due, and the rate at 93195
which interest accrues does not exceed the rate per annum 93196
prescribed pursuant to section 5703.47 of the Revised Code. All 93197
revenues arising from the tax shall be expended in accordance with 93198
section 307.671 of the Revised Code and division (D) of this 93199
section. The levy of a tax imposed under this division may not 93200
commence prior to the first day of the month next following the 93201
execution of the cooperative agreement authorized by section 93202
307.671 of the Revised Code by all parties to that agreement. The 93203
tax shall remain in effect at the rate at which it is imposed for 93204
the period of time described in division (C) of section 307.671 of 93205
the Revised Code for which the revenue from the tax has been 93206
pledged by the county to the corporation pursuant to that section, 93207
but, to any extent provided for in the cooperative agreement, for 93208
no lesser period than the period of time required for payment of 93209
the debt service charges on bonds, or notes in anticipation of 93210
bonds, described in division (B)(1)(b) of that section. 93211

(E) For the purpose of paying the costs of acquiring, 93212
constructing, equipping, and improving a municipal educational and 93213
cultural facility, including debt service charges on bonds 93214
provided for in division (B) of section 307.672 of the Revised 93215
Code, and for any additional purposes determined by the county in 93216
the resolution levying the tax or amendments to the resolution, 93217
including subsequent amendments providing for paying costs of 93218
acquiring, constructing, renovating, rehabilitating, equipping, 93219
and improving a port authority educational and cultural performing 93220
arts facility, as defined in section 307.674 of the Revised Code, 93221
and including debt service charges on bonds provided for in 93222
division (B) of section 307.674 of the Revised Code, the 93223
legislative authority of a county, by resolution adopted within 93224
ninety days after June 30, 1993, by a majority of the members of 93225
the legislative authority, may levy an additional excise tax not 93226
to exceed one and one-half per cent on transactions by which 93227

lodging by a hotel is or is to be furnished to transient guests. 93228
The excise tax authorized by this division shall be in addition to 93229
any tax that is levied pursuant to divisions (A), (B), (C), and 93230
(D) of this section, to any excise tax levied pursuant to section 93231
5739.08 of the Revised Code, and to any excise tax levied pursuant 93232
to section 351.021 of the Revised Code. The legislative authority 93233
of the county shall establish all regulations necessary to provide 93234
for the administration and allocation of the tax. The regulations 93235
may prescribe the time for payment of the tax, and may provide for 93236
the imposition of a penalty or interest, or both, for late 93237
payments, provided that the penalty does not exceed ten per cent 93238
of the amount of tax due, and the rate at which interest accrues 93239
does not exceed the rate per annum prescribed pursuant to section 93240
5703.47 of the Revised Code. All revenues arising from the tax 93241
shall be expended in accordance with section 307.672 of the 93242
Revised Code and this division. The levy of a tax imposed under 93243
this division shall not commence prior to the first day of the 93244
month next following the execution of the cooperative agreement 93245
authorized by section 307.672 of the Revised Code by all parties 93246
to that agreement. The tax shall remain in effect at the rate at 93247
which it is imposed for the period of time determined by the 93248
legislative authority of the county. That period of time shall not 93249
exceed fifteen years, except that the legislative authority of a 93250
county with a population of less than two hundred fifty thousand 93251
according to the most recent federal decennial census, by 93252
resolution adopted by a majority of its members before the 93253
original tax expires, may extend the duration of the tax for an 93254
additional period of time. The additional period of time by which 93255
a legislative authority extends a tax levied under this division 93256
shall not exceed fifteen years. 93257

(F) The legislative authority of a county that has levied a 93258
tax under division (E) of this section may, by resolution adopted 93259
within one hundred eighty days after January 4, 2001, by a 93260

majority of the members of the legislative authority, amend the 93261
resolution levying a tax under that division to provide for the 93262
use of the proceeds of that tax, to the extent that it is no 93263
longer needed for its original purpose as determined by the 93264
parties to a cooperative agreement amendment pursuant to division 93265
(D) of section 307.672 of the Revised Code, to pay costs of 93266
acquiring, constructing, renovating, rehabilitating, equipping, 93267
and improving a port authority educational and cultural performing 93268
arts facility, including debt service charges on bonds provided 93269
for in division (B) of section 307.674 of the Revised Code, and to 93270
pay all obligations under any guaranty agreements, reimbursement 93271
agreements, or other credit enhancement agreements described in 93272
division (C) of section 307.674 of the Revised Code. The 93273
resolution may also provide for the extension of the tax at the 93274
same rate for the longer of the period of time determined by the 93275
legislative authority of the county, but not to exceed an 93276
additional twenty-five years, or the period of time required to 93277
pay all debt service charges on bonds provided for in division (B) 93278
of section 307.672 of the Revised Code and on port authority 93279
revenue bonds provided for in division (B) of section 307.674 of 93280
the Revised Code. All revenues arising from the amendment and 93281
extension of the tax shall be expended in accordance with section 93282
307.674 of the Revised Code, this division, and division (E) of 93283
this section. 93284

(G) For purposes of a tax levied by a county, township, or 93285
municipal corporation under this section or section 5739.08 of the 93286
Revised Code, a board of county commissioners, board of township 93287
trustees, or the legislative authority of a municipal corporation 93288
may adopt a resolution or ordinance at any time specifying that 93289
"hotel," as otherwise defined in section 5739.01 of the Revised 93290
Code, includes the following: 93291

(1) Establishments in which fewer than five rooms are used 93292

for the accommodation of guests. 93293

(2) Establishments at which rooms are used for the 93294
accommodation of guests regardless of whether each room is 93295
accessible through its own keyed entry or several rooms are 93296
accessible through the same keyed entry; and, in determining the 93297
number of rooms, all rooms are included regardless of the number 93298
of structures in which the rooms are situated or the number of 93299
parcels of land on which the structures are located if the 93300
structures are under the same ownership and the structures are not 93301
identified in advertisements of the accommodations as distinct 93302
establishments. For the purposes of division (G)(2) of this 93303
section, two or more structures are under the same ownership if 93304
they are owned by the same person, or if they are owned by two or 93305
more persons the majority of the ownership interests of which are 93306
owned by the same person. 93307

The resolution or ordinance may apply to a tax imposed 93308
pursuant to this section prior to the adoption of the resolution 93309
or ordinance if the resolution or ordinance so states, but the tax 93310
shall not apply to transactions by which lodging by such an 93311
establishment is provided to transient guests prior to the 93312
adoption of the resolution or ordinance. 93313

(H)(1) As used in this division: 93314

(a) "Convention facilities authority" has the same meaning as 93315
in section 351.01 of the Revised Code. 93316

(b) "Convention center" has the same meaning as in section 93317
307.695 of the Revised Code. 93318

(2) Notwithstanding any contrary provision of division (D) of 93319
this section, the legislative authority of a county with a 93320
population of one million or more according to the most recent 93321
federal decennial census that has levied a tax under division (D) 93322
of this section may, by resolution adopted by a majority of the 93323

members of the legislative authority, provide for the extension of 93324
such levy and may provide that the proceeds of that tax, to the 93325
extent that they are no longer needed for their original purpose 93326
as defined by a cooperative agreement entered into under section 93327
307.671 of the Revised Code, shall be deposited into the county 93328
general revenue fund. The resolution shall provide for the 93329
extension of the tax at a rate not to exceed the rate specified in 93330
division (D) of this section for a period of time determined by 93331
the legislative authority of the county, but not to exceed an 93332
additional forty years. 93333

(3) The legislative authority of a county with a population 93334
of one million or more that has levied a tax under division (A)(1) 93335
of this section may, by resolution adopted by a majority of the 93336
members of the legislative authority, increase the rate of the tax 93337
levied by such county under division (A)(1) of this section to a 93338
rate not to exceed five per cent on transactions by which lodging 93339
by a hotel is or is to be furnished to transient guests. 93340
Notwithstanding any contrary provision of division (A)(1) of this 93341
section, the resolution may provide that all collections resulting 93342
from the rate levied in excess of three per cent, after deducting 93343
the real and actual costs of administering the tax, shall be 93344
deposited in the county general fund. 93345

(4) The legislative authority of a county with a population 93346
of one million or more that has levied a tax under division (A)(1) 93347
of this section may, by resolution adopted on or before August 30, 93348
2004, by a majority of the members of the legislative authority, 93349
provide that all or a portion of the proceeds of the tax levied 93350
under division (A)(1) of this section, after deducting the real 93351
and actual costs of administering the tax and the amounts required 93352
to be returned to townships and municipal corporations with 93353
respect to the first three per cent levied under division (A)(1) 93354
of this section, shall be deposited in the county general fund, 93355

provided that such proceeds shall be used to satisfy any pledges 93356
made in connection with an agreement entered into under section 93357
307.695 of the Revised Code. 93358

(5) No amount collected from a tax levied, extended, or 93359
required to be deposited in the county general fund under division 93360
(H) of this section shall be contributed to a convention 93361
facilities authority, corporation, or other entity created after 93362
July 1, 2003, for the principal purpose of constructing, 93363
improving, expanding, equipping, financing, or operating a 93364
convention center unless the mayor of the municipal corporation in 93365
which the convention center is to be operated by that convention 93366
facilities authority, corporation, or other entity has consented 93367
to the creation of that convention facilities authority, 93368
corporation, or entity. Notwithstanding any contrary provision of 93369
section 351.04 of the Revised Code, if a tax is levied by a county 93370
under division (H) of this section, the board of county 93371
commissioners of that county may determine the manner of 93372
selection, the qualifications, the number, and terms of office of 93373
the members of the board of directors of any convention facilities 93374
authority, corporation, or other entity described in division 93375
(H)(5) of this section. 93376

(6)(a) No amount collected from a tax levied, extended, or 93377
required to be deposited in the county general fund under division 93378
(H) of this section may be used for any purpose other than paying 93379
the direct and indirect costs of constructing, improving, 93380
expanding, equipping, financing, or operating a convention center 93381
and for the real and actual costs of administering the tax, 93382
unless, prior to the adoption of the resolution of the legislative 93383
authority of the county authorizing the levy, extension, increase, 93384
or deposit, the county and the mayor of the most populous 93385
municipal corporation in that county have entered into an 93386
agreement as to the use of such amounts, provided that such 93387

agreement has been approved by a majority of the mayors of the 93388
other municipal corporations in that county. The agreement shall 93389
provide that the amounts to be used for purposes other than paying 93390
the convention center or administrative costs described in 93391
division (H)(6)(a) of this section be used only for the direct and 93392
indirect costs of capital improvements, including the financing of 93393
capital improvements. 93394

(b) If the county in which the tax is levied has an 93395
association of mayors and city managers, the approval of that 93396
association of an agreement described in division (H)(6)(a) of 93397
this section shall be considered to be the approval of the 93398
majority of the mayors of the other municipal corporations for 93399
purposes of that division. 93400

(7) Each year, the auditor of state shall conduct an audit of 93401
the uses of any amounts collected from taxes levied, extended, or 93402
deposited under division (H) of this section and shall prepare a 93403
report of the auditor of state's findings. The auditor of state 93404
shall submit the report to the legislative authority of the county 93405
that has levied, extended, or deposited the tax, the speaker of 93406
the house of representatives, the president of the senate, and the 93407
leaders of the minority parties of the house of representatives 93408
and the senate. 93409

(I)(1) As used in this division: 93410

(a) "Convention facilities authority" has the same meaning as 93411
in section 351.01 of the Revised Code. 93412

(b) "Convention center" has the same meaning as in section 93413
307.695 of the Revised Code. 93414

(2) Notwithstanding any contrary provision of division (D) of 93415
this section, the legislative authority of a county with a 93416
population of one million two hundred thousand or more according 93417
to the most recent federal decennial census or the most recent 93418

annual population estimate published or released by the United States census bureau at the time the resolution is adopted placing the levy on the ballot, that has levied a tax under division (D) of this section may, by resolution adopted by a majority of the members of the legislative authority, provide for the extension of such levy and may provide that the proceeds of that tax, to the extent that the proceeds are no longer needed for their original purpose as defined by a cooperative agreement entered into under section 307.671 of the Revised Code and after deducting the real and actual costs of administering the tax, shall be used for paying the direct and indirect costs of constructing, improving, expanding, equipping, financing, or operating a convention center. The resolution shall provide for the extension of the tax at a rate not to exceed the rate specified in division (D) of this section for a period of time determined by the legislative authority of the county, but not to exceed an additional forty years.

(3) The legislative authority of a county with a population of one million two hundred thousand or more that has levied a tax under division (A)(1) of this section may, by resolution adopted by a majority of the members of the legislative authority, increase the rate of the tax levied by such county under division (A)(1) of this section to a rate not to exceed five per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. Notwithstanding any contrary provision of division (A)(1) of this section, the resolution shall provide that all collections resulting from the rate levied in excess of three per cent, after deducting the real and actual costs of administering the tax, shall be used for paying the direct and indirect costs of constructing, improving, expanding, equipping, financing, or operating a convention center.

(4) The legislative authority of a county with a population

of one million two hundred thousand or more that has levied a tax 93451
under division (A)(1) of this section may, by resolution adopted 93452
on or before July 1, 2008, by a majority of the members of the 93453
legislative authority, provide that all or a portion of the 93454
proceeds of the tax levied under division (A)(1) of this section, 93455
after deducting the real and actual costs of administering the tax 93456
and the amounts required to be returned to townships and municipal 93457
corporations with respect to the first three per cent levied under 93458
division (A)(1) of this section, shall be used to satisfy any 93459
pledges made in connection with an agreement entered into under 93460
section 307.695 of the Revised Code or shall otherwise be used for 93461
paying the direct and indirect costs of constructing, improving, 93462
expanding, equipping, financing, or operating a convention center. 93463

(5) Any amount collected from a tax levied or extended under 93464
division (I) of this section may be contributed to a convention 93465
facilities authority created before July 1, 2005, but no amount 93466
collected from a tax levied or extended under division (I) of this 93467
section may be contributed to a convention facilities authority, 93468
corporation, or other entity created after July 1, 2005, unless 93469
the mayor of the municipal corporation in which the convention 93470
center is to be operated by that convention facilities authority, 93471
corporation, or other entity has consented to the creation of that 93472
convention facilities authority, corporation, or entity. 93473

(J)(1) Except as provided in division (J)(2) of this section, 93474
money collected by a county and distributed under this section to 93475
a convention and visitors' bureau in existence as of June 30, 93476
2013, the effective date of H.B. 59 of the 130th general assembly, 93477
except for any such money pledged, as of that effective date, to 93478
the payment of debt service charges on bonds, notes, securities, 93479
or lease agreements, shall be used solely for tourism sales, 93480
marketing and promotion, and their associated costs, including, 93481
but not limited to, operational and administrative costs of the 93482

bureau, sales and marketing, and maintenance of the physical 93483
bureau structure. 93484

(2) A convention and visitors' bureau that has entered into 93485
an agreement under section 307.678 of the Revised Code may use 93486
revenue it receives from a tax levied under division (A)(1) of 93487
this section as described in division (E) of section 307.678 of 93488
the Revised Code. 93489

(K) The board of county commissioners of a county with a 93490
population between one hundred three thousand and one hundred 93491
seven thousand according to the most recent federal decennial 93492
census, by resolution adopted by a majority of the members of the 93493
board within six months after September 15, 2014, the effective 93494
date of H.B. 483 of the 130th general assembly, may levy a tax not 93495
to exceed three per cent on transactions by which a hotel is or is 93496
to be furnished to transient guests. The purpose of the tax shall 93497
be to pay the costs of expanding, maintaining, or operating a 93498
soldiers' memorial and the costs of administering the tax. All 93499
revenue arising from the tax shall be credited to one or more 93500
special funds in the county treasury and shall be spent solely for 93501
the purposes of paying those costs. The board of county 93502
commissioners shall adopt all rules necessary to provide for the 93503
administration of the tax subject to the same limitations on 93504
imposing penalty or interest under division (A)(1) of this 93505
section. 93506

As used in this division "soldiers' memorial" means a 93507
memorial constructed and funded under Chapter 345. of the Revised 93508
Code. 93509

(L) A board of county commissioners of an eligible county, by 93510
resolution adopted by a majority of the members of the board, may 93511
levy an excise tax at the rate of up to three per cent on 93512
transactions by which lodging by a hotel is or is to be furnished 93513
to transient guests for the purpose of paying the costs of 93514

permanent improvements at sites at which one or more agricultural 93515
societies conduct fairs or exhibits, paying the costs of 93516
maintaining or operating such permanent improvements, and paying 93517
the costs of administering the tax. A resolution adopted under 93518
this division shall direct the board of elections to submit the 93519
question of the proposed lodging tax to the electors of the county 93520
at a general election or a special election held on a day on which 93521
a primary election may be held on the date, as specified by the 93522
board in the resolution, provided that the election occurs not 93523
less than ninety days after a certified copy of the resolution is 93524
transmitted to the board of elections. A resolution submitted to 93525
the electors under this division shall not go into effect unless 93526
it is approved by a majority of those voting upon it. The 93527
resolution takes effect on the date the board of county 93528
commissioners receives notification from the board of elections of 93529
an affirmative vote. 93530

The tax shall remain in effect for the period specified in 93531
the resolution, not to exceed five years. All revenue arising from 93532
the tax shall be credited to one or more special funds in the 93533
county treasury and shall be spent solely for the purposes of 93534
paying the costs of such permanent improvements and maintaining or 93535
operating the improvements. Revenue allocated for the use of a 93536
county agricultural society may be credited to the county 93537
agricultural society fund created in section 1711.16 of the 93538
Revised Code upon appropriation by the board. If revenue is 93539
credited to that fund, it shall be expended only as provided in 93540
that section. 93541

The board of county commissioners shall adopt all rules 93542
necessary to provide for the administration of the tax. The rules 93543
may prescribe the time for payment of the tax, and may provide for 93544
the imposition or penalty or interest, or both, for late payments, 93545
provided that the penalty does not exceed ten per cent of the 93546

amount of tax due, and the rate at which interest accrues does not 93547
exceed the rate per annum prescribed in section 5703.47 of the 93548
Revised Code. 93549

As used in this division, "eligible county" means a county in 93550
which a county agricultural society or independent agricultural 93551
society is organized under section 1711.01 or 1711.02 of the 93552
Revised Code, provided the agricultural society owns a facility or 93553
site in the county at which an annual harness horse race is 93554
conducted where one-day attendance equals at least forty thousand 93555
attendees. 93556

(M) As used in this division, "eligible county" means a 93557
county in which a tax is levied under division (A) of this section 93558
at a rate of three per cent and whose territory includes a part of 93559
Lake Erie the shoreline of which represents at least fifty per 93560
cent of the linear length of the county's border with other 93561
counties of this state. 93562

The board of county commissioners of an eligible county that 93563
has entered into an agreement with a port authority in the county 93564
under section 4582.56 of the Revised Code may levy an additional 93565
lodging tax on transactions by which lodging by a hotel is or is 93566
to be furnished to transient guests for the purpose of financing 93567
lakeshore improvement projects constructed or financed by the port 93568
authority under that section. The resolution levying the tax shall 93569
specify the purpose of the tax, the rate of the tax, which shall 93570
not exceed two per cent, and the number of years the tax will be 93571
levied or that it will be levied for a continuing period of time. 93572
The tax shall be administered pursuant to the regulations adopted 93573
by the board under division (A) of this section, except that all 93574
the proceeds of the tax levied under this division shall be 93575
pledged to the payment of the costs, including debt charges, of 93576
lakeshore improvements undertaken by a port authority pursuant to 93577
the agreement under section 4582.56 of the Revised Code. No 93578

revenue from the tax may be used to pay the current expenses of 93579
the port authority. 93580

A resolution levying a tax under this division is subject to 93581
referendum under sections 305.31 to 305.41 and 305.99 of the 93582
Revised Code. 93583

(N)(1)(a) Notwithstanding division (A) of this section, the 93584
board of county commissioners, board of township trustees, or 93585
legislative authority of any county, township, or municipal 93586
corporation that levies a lodging tax on September 29, 2017, and 93587
in which any part of a tourism development district is located on 93588
or after that date shall amend the ordinance or resolution levying 93589
the tax to require either of the following: 93590

(i) In the case of a tax levied by a county, that all tourism 93591
development district lodging tax proceeds from that tax be used 93592
exclusively to foster and develop tourism in the tourism 93593
development district; 93594

(ii) In the case of a tax levied by a township or municipal 93595
corporation, that all tourism development district lodging tax 93596
proceeds from that tax be used exclusively to foster and develop 93597
tourism in the tourism development district. 93598

(b) Notwithstanding division (A) of this section, any 93599
ordinance or resolution levying a lodging tax adopted on or after 93600
September 29, 2017, by a county, township, or municipal 93601
corporation in which any part of a tourism development district is 93602
located on or after that date shall require that all tourism 93603
development district lodging tax proceeds from that tax be used 93604
exclusively to foster and develop tourism in the tourism 93605
development district. 93606

(c) A county shall not use any of the proceeds described in 93607
division (N)(1)(a)(i) or (N)(1)(b) of this section unless the 93608
convention and visitors' bureau operating within the county 93609

approves the manner in which such proceeds are used to foster and 93610
develop tourism in the tourism development district. Upon 93611
obtaining such approval, the county may pay such proceeds to the 93612
bureau to use for the agreed-upon purpose. 93613

A municipal corporation or township shall not use any of the 93614
proceeds described in division (N)(1)(a)(ii) or (N)(1)(b) of this 93615
section unless the convention and visitors' bureau operating 93616
within the municipal corporation or township approves the manner 93617
in which such proceeds are used to foster and develop tourism in 93618
the tourism development district. Upon obtaining such approval, 93619
the municipal corporation or township may pay such proceeds to the 93620
bureau to use for the agreed-upon purpose. 93621

(2)(a) Notwithstanding division (A) of this section, the 93622
board of county commissioners of an eligible county that levies a 93623
lodging tax on March 23, 2018, may amend the resolution levying 93624
that tax to require that all or a portion of the proceeds of that 93625
tax otherwise required to be spent solely to make contributions to 93626
the convention and visitors' bureau operating within the county 93627
shall be used to foster and develop tourism in a tourism 93628
development district. 93629

(b) Notwithstanding division (A) of this section, the board 93630
of county commissioners of an eligible county that adopts a 93631
resolution levying a lodging tax on or after March 23, 2018, may 93632
require that all or a portion of the proceeds of that tax 93633
otherwise required to be spent solely to make contributions to the 93634
convention and visitors' bureau operating within the county 93635
pursuant to division (A) of this section shall be used to foster 93636
and develop tourism in a tourism development district. 93637

(c) A county shall not use any of the proceeds in the manner 93638
described in division (N)(2)(a) or (b) of this section unless the 93639
convention and visitors' bureau operating within the county 93640
approves the manner in which such proceeds are used to foster and 93641

develop tourism in the tourism development district. Upon 93642
obtaining such approval, the county may pay such proceeds to the 93643
bureau to use for the agreed upon purpose. 93644

(3) As used in division (N) of this section: 93645

(a) "Tourism development district" means a district 93646
designated by a municipal corporation under section 715.014 of the 93647
Revised Code or by a township under section 503.56 of the Revised 93648
Code. 93649

(b) "Lodging tax" means a tax levied pursuant to this section 93650
or section 5739.08 of the Revised Code. 93651

(c) "Tourism development district lodging tax proceeds" means 93652
all proceeds of a lodging tax derived from transactions by which 93653
lodging by a hotel located in a tourism development district is or 93654
is to be provided to transient guests. 93655

(d) "Eligible county" has the same meaning as in section 93656
307.678 of the Revised Code. 93657

Sec. 5743.021. (A) As used in this section, "qualifying 93658
regional arts and cultural district" means a regional arts and 93659
cultural district created under section 3381.04 of the Revised 93660
Code in a county having a population of one million two hundred 93661
thousand or more according to the 2000 federal decennial census. 93662

(B) For one or more of the purposes for which a tax may be 93663
levied under section 3381.16 of the Revised Code and for the 93664
purposes of paying the expenses of administering the tax and the 93665
expenses charged by a board of elections to hold an election on a 93666
question submitted under this section, the board of county 93667
commissioners of a county that has within its territorial 93668
boundaries a qualifying regional arts and cultural district may 93669
levy a tax on the sale of cigarettes sold for resale at retail in 93670
the county composing the district. The rate of the tax, when added 93671

to the rate of any other tax concurrently levied by the board 93672
under this section, shall not exceed fifteen mills per cigarette, 93673
and shall be computed on each cigarette sold. Only one sale of the 93674
same article shall be used in computing the amount of tax due. The 93675
tax may be levied for any number of years not exceeding ten years. 93676

The tax shall be levied pursuant to a resolution of the board 93677
of county commissioners approved by a majority of the electors in 93678
the county voting on the question of levying the tax. The 93679
resolution shall specify the rate of the tax, the number of years 93680
the tax will be levied, and the purposes for which the tax is 93681
levied. The election may be held on the date of a general, 93682
~~primary,~~ election or a special election held on a day on which a 93683
primary election may be held, occurring not sooner than ninety 93684
days after the date the board certifies its resolution to the 93685
board of elections. If approved by the electors, the tax shall 93686
take effect on the first day of the month specified in the 93687
resolution but not sooner than the first day of the month that is 93688
at least sixty days after the certification of the election 93689
results by the board of elections. A copy of the resolution 93690
levying the tax shall be certified to the tax commissioner at 93691
least sixty days prior to the date on which the tax is to become 93692
effective. 93693

(C) The form of the ballot in an election held under this 93694
section shall be as follows, or in any other form acceptable to 93695
the secretary of state: 93696

"For the purpose of (insert the purpose or 93697
purposes of the tax), shall an excise tax be levied throughout 93698
..... County for the benefit of the (name of the 93699
qualifying regional arts and cultural district) on the sale of 93700
cigarettes at wholesale at the rate of mills per cigarette 93701
for years? 93702

	For the tax	93704
	Against the tax	93705

(D) All money arising from taxes levied on behalf of each district under this section and section 5743.321 of the Revised Code shall be credited as follows:

(1) To the tax refund fund created by section 5703.052 of the Revised Code, amounts equal to the refunds from each tax levied under this section certified by the tax commissioner pursuant to section 5743.05 of the Revised Code;

(2) Following the crediting of amounts pursuant to division (D)(1) of this section:

(a) To the permissive tax distribution fund created under section 4301.423 of the Revised Code, an amount equal to ninety-eight per cent of the remainder collected;

(b) To the local excise tax administrative fund, which is hereby created in the state treasury, an amount equal to two per cent of such remainder, for use by the tax commissioner in defraying costs incurred in administering the tax.

On or before the tenth day of each month, the tax commissioner shall distribute the amount credited to the permissive tax distribution fund during the preceding month by providing for payment of the appropriate amount to the county treasurer of the county in which the tax is levied.

Sec. 5743.024. (A) For the purposes of section 307.696 of the Revised Code, to pay the expenses of administering the tax, and to pay any or all of the charge the board of elections makes against the county to hold the election on the question of levying the tax, or for such purposes and to provide revenues to the county for permanent improvements, the board of county commissioners may levy a tax on sales of cigarettes sold for resale at retail in the

county. The tax shall not exceed two and twenty-five hundredths of 93734
a mill per cigarette, and shall be computed on each cigarette 93735
sold. The tax may be levied for any number of years not exceeding 93736
twenty. Only one sale of the same article shall be used in 93737
computing the amount of tax due. 93738

The tax shall be levied pursuant to a resolution of the 93739
county commissioners approved by a majority of the electors in the 93740
county voting on the question of levying the tax at a general 93741
election or a special election held on a day on which a primary 93742
election may be held. The resolution shall specify the rate of the 93743
tax, the number of years the tax will be levied, and the purposes 93744
for which the tax is levied. Such election may be held ~~on the date~~ 93745
~~of a general or special election held~~ not sooner than ninety days 93746
after the date the board certifies its resolution to the board of 93747
elections. If approved by the electors, the tax shall take effect 93748
on the first day of the month specified in the resolution but not 93749
sooner than the first day of the month that is at least sixty days 93750
after the certification of the election results by the board of 93751
elections. A copy of the resolution levying the tax shall be 93752
certified to the tax commissioner at least sixty days prior to the 93753
date on which the tax is to become effective. 93754

A resolution under this section may be joined on the ballot 93755
as a single question with a resolution adopted under section 93756
307.697 or 4301.421 of the Revised Code to levy a tax for the same 93757
purposes and for the purpose of paying the expenses of 93758
administering the tax. The form of the ballot in an election held 93759
pursuant to this section shall be as prescribed in section 307.697 93760
of the Revised Code. 93761

(B) All money arising from each county's taxes levied under 93762
this section and section 5743.323 of the Revised Code shall be 93763
credited as follows: 93764

(1) To the tax refund fund created by section 5703.052 of the 93765

Revised Code, amounts equal to the refunds from each tax levied 93766
under this section certified by the tax commissioner pursuant to 93767
section 5743.05 of the Revised Code; 93768

(2) Following the crediting of amounts pursuant to division 93769
(B)(1) of this section: 93770

(a) To the permissive tax distribution fund created by 93771
division (B)(1) of section 4301.423 of the Revised Code, an amount 93772
equal to ninety-eight per cent of the remainder collected; 93773

(b) To the local excise tax administrative fund, which is 93774
hereby created in the state treasury, an amount equal to two per 93775
cent of such remainder, for use by the tax commissioner in 93776
defraying costs incurred in administering the tax. 93777

On or before the tenth day of each month, the tax 93778
commissioner shall distribute the amount credited to the 93779
permissive tax distribution fund during the preceding month by 93780
providing for payment of the appropriate amount to the county 93781
treasurer of each county levying the tax. 93782

(C) The board of county commissioners of a county in which a 93783
tax is imposed under this section on the effective date of the 93784
amendment of this section by H.B. 59 of the 130th general 93785
assembly, September 29, 2013, may levy a tax for the purpose of 93786
section 307.673 of the Revised Code regardless of whether or not 93787
the cooperative agreement authorized under that section has been 93788
entered into prior to the day the resolution adopted under 93789
division (C)(1) or (2) of this section is adopted, for the purpose 93790
of reimbursing a county for costs incurred in the construction of 93791
a sports facility pursuant to an agreement entered into by the 93792
county under section 307.696 of the Revised Code, or for the 93793
purpose of paying the costs of capital repairs of and improvements 93794
to a sports facility. The tax shall be levied and approved in one 93795
of the manners prescribed by division (C)(1) or (2) of this 93796

section. 93797

(1) The tax may be levied pursuant to a resolution adopted by 93798
a majority of the members of the board of county commissioners not 93799
later than forty-five days after July 19, 1995. A board of county 93800
commissioners approving a tax under division (C)(1) of this 93801
section may approve a tax under division (D)(1) of section 307.697 93802
or division (B)(1) of section 4301.421 of the Revised Code at the 93803
same time. Subject to the resolution being submitted to a 93804
referendum under sections 305.31 to 305.41 of the Revised Code, 93805
the resolution shall take effect immediately, but the tax levied 93806
pursuant to the resolution shall not be levied prior to the day 93807
following the last day that any tax previously levied pursuant to 93808
this division may be levied. 93809

(2) The tax may be levied pursuant to a resolution adopted by 93810
a majority of the members of the board of county commissioners not 93811
later than September 1, 2015, and approved by a majority of the 93812
electors of the county voting on the question of levying the tax 93813
at a general election or a special election held on a day on which 93814
a primary election may be held. The board of county commissioners 93815
shall certify a copy of the resolution to the board of elections 93816
immediately upon adopting a resolution under division (C)(2) of 93817
this section. The election may be held ~~on the date of a general or~~ 93818
~~special election held~~ not sooner than ninety days after the date 93819
the board certifies its resolution to the board of elections. The 93820
form of the ballot shall be as prescribed by division (C) of 93821
section 307.697 of the Revised Code, except that the phrase 93822
"paying not more than one-half of the costs of providing a sports 93823
facility together with related redevelopment and economic 93824
development projects" shall be replaced by the phrase "paying the 93825
costs of constructing, renovating, improving, or repairing a 93826
sports facility and reimbursing a county for costs incurred by the 93827
county in the construction of a sports facility," and the phrase 93828

", beginning (here insert the earliest date the tax
would take effect)" shall be appended after "years." A board of
county commissioners submitting the question of a tax under
division (C)(2) of this section may submit the question of a tax
under division (D)(2) of section 307.697 or division (B)(2) of
section 4301.421 of the Revised Code as a single question, and the
form of the ballot shall include each of the proposed taxes.

If approved by a majority of electors voting on the question,
the tax shall take effect on the day specified on the ballot,
which shall not be earlier than the day following the last day
that any tax previously levied pursuant to this division may be
levied.

The rate of a tax levied pursuant to division (C)(1) or (2)
of this section shall not exceed the rate specified in division
(A) of this section. A tax levied pursuant to division (C)(1) or
(2) of this section may be levied for any number of years not
exceeding twenty.

A board of county commissioners adopting a resolution under
this division shall certify a copy of the resolution to the tax
commissioner immediately upon adoption of the resolution.

(D) No tax shall be levied under division (A) of this section
on or after September 23, 2008. This division does not apply to a
tax levied under division (C) of this section, and does not
prevent the collection of any tax levied under this section before
September 23, 2008, so long as that tax remains effective.

Sec. 5743.026. For the purposes of section 351.26 of the
Revised Code, to pay the expenses of administering the tax, and to
pay any or all of the charge the board of elections makes against
the county to hold the election on the question of levying the
tax, the board of county commissioners, in the manner prescribed
by division (A) of section 351.26 of the Revised Code, may levy a

tax on sales of cigarettes sold for resale at retail in the 93860
county. The rate of the tax shall not exceed two and twenty-five 93861
hundredths mills per cigarette, and shall be computed on each 93862
cigarette sold. The tax may be levied for any number of years not 93863
to exceed twenty. Only one sale of the same article shall be used 93864
in computing the amount of tax due. 93865

The tax shall be levied pursuant to a resolution of the board 93866
of county commissioners adopted as prescribed by division (A) of 93867
section 351.26 of the Revised Code and approved by a majority of 93868
the electors in the county voting on the question of levying the 93869
tax at a general election or a special election held on a day on 93870
which a primary election may be held. The resolution shall specify 93871
the rate of the tax, the number of years the tax will be levied, 93872
and the purposes for which the tax is levied. Such election may be 93873
held ~~on the date of a general or special election held~~ not sooner 93874
than ninety days after the date the board certifies its resolution 93875
to the board of elections. If approved by voters, the tax shall 93876
take effect on the first day of the month specified in the 93877
resolution but not sooner than the first day of the month that is 93878
at least sixty days after the certification of the election 93879
results by the board of elections. A copy of the resolution 93880
levying the tax shall be certified to the tax commissioner at 93881
least sixty days prior to the date on which the tax is to become 93882
effective. 93883

A resolution under this section may be joined on the ballot 93884
as a single question with a resolution adopted under section 93885
4301.424 of the Revised Code to levy a tax for the same purposes 93886
and for the purpose of paying the expenses of administering the 93887
tax. The form of the ballot in an election held pursuant to this 93888
section shall be as prescribed in section 351.26 of the Revised 93889
Code. 93890

The treasurer of state shall credit all moneys arising from 93891

each tax levied under this section and section 5743.324 of the Revised Code in the same manner prescribed by section 5743.024 of the Revised Code for the crediting of money arising from taxes levied under that section, except that the tax commissioner shall distribute the amount credited to the permissive tax distribution fund by providing for payment of the appropriate amount to the county treasurer of the county in which the tax is levied, who shall credit the payment to the fund or account designated by the board of directors of the convention facilities authority levying the tax.

Sec. 5748.02. (A) The board of education of any school district, except a joint vocational school district, may declare, by resolution, the necessity of raising annually a specified amount of money for school district purposes. The resolution shall specify whether the income that is to be subject to the tax is taxable income of individuals and estates as defined in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised Code or taxable income of individuals as defined in division (E)(1)(b) of that section. A copy of the resolution shall be certified to the tax commissioner no later than one hundred days prior to the date of the election at which the board intends to propose a levy under this section. Upon receipt of the copy of the resolution, the tax commissioner shall estimate both of the following:

(1) The property tax rate that would have to be imposed in the current year by the district to produce an equivalent amount of money;

(2) The income tax rate that would have had to have been in effect for the current year to produce an equivalent amount of money from a school district income tax.

Within ten days of receiving the copy of the board's resolution, the commissioner shall prepare these estimates and

certify them to the board. Upon receipt of the certification, the 93923
board may adopt a resolution proposing an income tax under 93924
division (B) of this section at the estimated rate contained in 93925
the certification rounded to the nearest one-fourth of one per 93926
cent. The commissioner's certification applies only to the board's 93927
proposal to levy an income tax at the election for which the board 93928
requested the certification. If the board intends to submit a 93929
proposal to levy an income tax at any other election, it shall 93930
request another certification for that election in the manner 93931
prescribed in this division. 93932

(B)(1) Upon the receipt of a certification from the tax 93933
commissioner under division (A) of this section, a majority of the 93934
members of a board of education may adopt a resolution proposing 93935
the levy of an annual tax for school district purposes on school 93936
district income. The proposed levy may be for a continuing period 93937
of time or for a specified number of years. The resolution shall 93938
set forth the purpose for which the tax is to be imposed, the rate 93939
of the tax, which shall be the rate set forth in the 93940
commissioner's certification rounded to the nearest one-fourth of 93941
one per cent, the number of years the tax will be levied or that 93942
it will be levied for a continuing period of time, the date on 93943
which the tax shall take effect, which shall be the first day of 93944
January of any year following the year in which the question is 93945
submitted, and the date of the election at which the proposal 93946
shall be submitted to the electors of the district, which shall be 93947
on the date of a ~~primary, general, election~~ or a special election 93948
held on a day on which a primary election the date of which is 93949
~~consistent with section 3501.01 of the Revised Code~~ may be held. 93950
The resolution shall specify whether the income that is to be 93951
subject to the tax is taxable income of individuals and estates as 93952
defined in divisions (E)(1)(a) and (2) of section 5748.01 of the 93953
Revised Code or taxable income of individuals as defined in 93954
division (E)(1)(b) of that section. The specification shall be the 93955

same as the specification in the resolution adopted and certified 93956
under division (A) of this section. 93957

If the tax is to be levied for current expenses and permanent 93958
improvements, the resolution shall apportion the annual rate of 93959
the tax. The apportionment may be the same or different for each 93960
year the tax is levied, but the respective portions of the rate 93961
actually levied each year for current expenses and for permanent 93962
improvements shall be limited by the apportionment. 93963

If the board of education currently imposes an income tax 93964
pursuant to this chapter that is due to expire and a question is 93965
submitted under this section for a proposed income tax to take 93966
effect upon the expiration of the existing tax, the board may 93967
specify in the resolution that the proposed tax renews the 93968
expiring tax. Two or more expiring income taxes may be renewed 93969
under this paragraph if the taxes are due to expire on the same 93970
date. If the tax rate being proposed is no higher than the total 93971
tax rate imposed by the expiring tax or taxes, the resolution may 93972
state that the proposed tax is not an additional income tax. 93973

(2) A board of education adopting a resolution under division 93974
(B)(1) of this section proposing a school district income tax for 93975
a continuing period of time and limited to the purpose of current 93976
expenses may propose in that resolution to reduce the rate or 93977
rates of one or more of the school district's property taxes 93978
levied for a continuing period of time in excess of the ten-mill 93979
limitation for the purpose of current expenses. The reduction in 93980
the rate of a property tax may be any amount, expressed in mills 93981
per one dollar in valuation, not exceeding the rate at which the 93982
tax is authorized to be levied. The reduction in the rate of a tax 93983
shall first take effect for the tax year that includes the day on 93984
which the school district income tax first takes effect, and shall 93985
continue for each tax year that both the school district income 93986
tax and the property tax levy are in effect. 93987

In addition to the matters required to be set forth in the resolution under division (B)(1) of this section, a resolution containing a proposal to reduce the rate of one or more property taxes shall state for each such tax the maximum rate at which it currently may be levied and the maximum rate at which the tax could be levied after the proposed reduction, expressed in mills per one dollar in valuation, and that the tax is levied for a continuing period of time.

If a board of education proposes to reduce the rate of one or more property taxes under division (B)(2) of this section, the board, when it makes the certification required under division (A) of this section, shall designate the specific levy or levies to be reduced, the maximum rate at which each levy currently is authorized to be levied, and the rate by which each levy is proposed to be reduced. The tax commissioner, when making the certification to the board under division (A) of this section, also shall certify the reduction in the total effective tax rate for current expenses for each class of property that would have resulted if the proposed reduction in the rate or rates had been in effect the previous tax year. As used in this paragraph, "effective tax rate" has the same meaning as in section 323.08 of the Revised Code.

(C) A resolution adopted under division (B) of this section shall go into immediate effect upon its passage, and no publication of the resolution shall be necessary other than that provided for in the notice of election. Immediately after its adoption and at least ninety days prior to the election at which the question will appear on the ballot, a copy of the resolution shall be certified to the board of elections of the proper county, which shall submit the proposal to the electors on the date specified in the resolution. The form of the ballot shall be as provided in section 5748.03 of the Revised Code. Publication of

notice of the election shall be made in a newspaper of general 94020
circulation in the county once a week for two consecutive weeks, 94021
or as provided in section 7.16 of the Revised Code, prior to the 94022
election. If the board of elections operates and maintains a web 94023
site, the board of elections shall post notice of the election on 94024
its web site for thirty days prior to the election. The notice 94025
shall contain the time and place of the election and the question 94026
to be submitted to the electors. The question covered by the 94027
resolution shall be submitted as a separate proposition, but may 94028
be printed on the same ballot with any other proposition submitted 94029
at the same election, other than the election of officers. 94030

~~(D) No board of education shall submit the question of a tax 94031
on school district income to the electors of the district more 94032
than twice in any calendar year. If a board submits the question 94033
twice in any calendar year, one of the elections on the question 94034
shall be held on the date of the general election. 94035~~

~~(E)~~(1) No board of education may submit to the electors of 94036
the district the question of a tax on school district income on 94037
the taxable income of individuals as defined in division (E)(1)(b) 94038
of section 5748.01 of the Revised Code if that tax would be in 94039
addition to an existing tax on the taxable income of individuals 94040
and estates as defined in divisions (E)(1)(a) and (2) of that 94041
section. 94042

(2) No board of education may submit to the electors of the 94043
district the question of a tax on school district income on the 94044
taxable income of individuals and estates as defined in divisions 94045
(E)(1)(a) and (2) of section 5748.01 of the Revised Code if that 94046
tax would be in addition to an existing tax on the taxable income 94047
of individuals as defined in division (E)(1)(b) of that section. 94048

Sec. 5748.021. A board of education that levies a tax under 94049
section 5748.02 of the Revised Code on the school district income 94050

of individuals and estates as defined in divisions (G) and 94051
(E)(1)(a) and (2) of section 5748.01 of the Revised Code may 94052
declare, at any time, by a resolution adopted by a majority of its 94053
members, the necessity of raising annually a specified amount of 94054
money for school district purposes by replacing the existing tax 94055
with a tax on the school district income of individuals as defined 94056
in divisions (G)(1) and (E)(1)(b) of section 5748.01 of the 94057
Revised Code. The specified amount of money to be raised annually 94058
may be the same as, or more or less than, the amount of money 94059
raised annually by the existing tax. 94060

The board shall certify a copy of the resolution to the tax 94061
commissioner not later than the eighty-fifth day before the date 94062
of the election at which the board intends to propose the 94063
replacement to the electors of the school district. Not later than 94064
the tenth day after receiving the resolution, the tax commissioner 94065
shall estimate the tax rate that would be required in the school 94066
district annually to raise the amount of money specified in the 94067
resolution. The tax commissioner shall certify the estimate to the 94068
board. 94069

Upon receipt of the tax commissioner's estimate, the board 94070
may propose, by a resolution adopted by a majority of its members, 94071
to replace the existing tax on the school district income of 94072
individuals and estates as defined in divisions (G) and (E)(1)(a) 94073
and (2) of section 5748.01 of the Revised Code with the levy of an 94074
annual tax on the school district income of individuals as defined 94075
in divisions (G)(1) and (E)(1)(b) of section 5748.01 of the 94076
Revised Code. In the resolution, the board shall specify the rate 94077
of the replacement tax, whether the replacement tax is to be 94078
levied for a specified number of years or for a continuing time, 94079
the specific school district purposes for which the replacement 94080
tax is to be levied, the date on which the replacement tax will 94081
begin to be levied, the date of the election at which the question 94082

of the replacement is to be submitted to the electors of the 94083
school district, that the existing tax will cease to be levied and 94084
the replacement tax will begin to be levied if the replacement is 94085
approved by a majority of the electors voting on the replacement, 94086
and that if the replacement is not approved by a majority of the 94087
electors voting on the replacement the existing tax will remain in 94088
effect under its original authority for the remainder of its 94089
previously approved term. The resolution goes into immediate 94090
effect upon its adoption. Publication of the resolution is not 94091
necessary, and the information that will be provided in the notice 94092
of election is sufficient notice. At least seventy-five days 94093
before the date of the election at which the question of the 94094
replacement will be submitted to the electors of the school 94095
district, the board shall certify a copy of the resolution to the 94096
board of elections. 94097

The replacement tax shall have the same specific school 94098
district purposes as the existing tax, and its rate shall be the 94099
same as the tax commissioner's estimate rounded to the nearest 94100
one-fourth of one per cent. The replacement tax shall begin to be 94101
levied on the first day of January of the year following the year 94102
in which the question of the replacement is submitted to and 94103
approved by the electors of the school district or on the first 94104
day of January of a later year, as specified in the resolution. 94105
The date of the election shall be the date of ~~an otherwise~~ 94106
~~scheduled primary, a general,~~ election or a special election held 94107
on a day on which a primary election may be held. 94108

The board of elections shall make arrangements to submit the 94109
question of the replacement to the electors of the school district 94110
on the date specified in the resolution. The board of elections 94111
shall publish notice of the election on the question of the 94112
replacement in one newspaper of general circulation in the school 94113
district once a week for four consecutive weeks or as provided in 94114

section 7.16 of the Revised Code. The notice shall set forth the 94115
question to be submitted to the electors and the time and place of 94116
the election thereon. 94117

The question shall be submitted to the electors of the school 94118
district as a separate proposition, but may be printed on the same 94119
ballot with other propositions that are submitted at the same 94120
election, other than the election of officers. The form of the 94121
ballot shall be substantially as follows: 94122

"Shall the existing tax of (state the rate) on the 94123
school district income of individuals and estates imposed by 94124
(state the name of the school district) be replaced by a tax of 94125
..... (state the rate) on the earned income of individuals 94126
residing in the school district for (state the number of 94127
years the tax is to be in effect or that it will be in effect for 94128
a continuing time), beginning (state the date the new tax 94129
will take effect), for the purpose of (state the specific 94130
school district purposes of the tax)? If the new tax is not 94131
approved, the existing tax will remain in effect under its 94132
original authority, for the remainder of its previously approved 94133
term. 94134

	For replacing the existing tax with the new tax		
	Against replacing the existing tax with the new tax	"	

The board of elections shall conduct and canvass the election 94137
in the same manner as regular elections in the school district for 94138
the election of county officers. The board shall certify the 94139
results of the election to the board of education and to the tax 94140
commissioner. If a majority of the electors voting on the question 94141
vote in favor of the replacement, the existing tax shall cease to 94142
be levied, and the replacement tax shall begin to be levied, on 94143
the date specified in the ballot question. If a majority of the 94144

electors voting on the question vote against the replacement, the 94145
existing tax shall continue to be levied under its original 94146
authority, for the remainder of its previously approved term. 94147

~~A board of education may not submit the question of replacing 94148
a tax more than twice in a calendar year. If a board submits the 94149
question more than once, one of the elections at which the 94150
question is submitted shall be on the date of a general election. 94151~~

If a board of education later intends to renew a replacement 94152
tax levied under this section, it shall repeat the procedure 94153
outlined in this section to do so, the replacement tax then being 94154
levied being the "existing tax" and the renewed replacement tax 94155
being the "replacement tax." 94156

Sec. 5748.07. Notwithstanding any section of the Revised Code 94157
to the contrary, the board of education of a school district may 94158
submit a proposal to levy a tax under this chapter on the ballot 94159
at a special election held in August if the resolution or 94160
ordinance proposing the tax declares that the purpose of such tax, 94161
in addition to any other purpose authorized for that tax under 94162
this chapter, is to prevent the conditions that would qualify the 94163
school district for a fiscal emergency declaration as described in 94164
division (B) of section 3316.03 of the Revised Code. This 94165
additional purpose shall be included in the election notice 94166
advertising the tax and in the tax's ballot language. 94167

Sec. 5748.08. (A) The board of education of a city, local, or 94168
exempted village school district, at any time by a vote of 94169
two-thirds of all its members, may declare by resolution that it 94170
may be necessary for the school district to do all of the 94171
following: 94172

(1) Raise a specified amount of money for school district 94173
purposes by levying an annual tax on school district income; 94174

(2) Issue general obligation bonds for permanent 94175
improvements, stating in the resolution the necessity and purpose 94176
of the bond issue and the amount, approximate date, estimated rate 94177
of interest, and maximum number of years over which the principal 94178
of the bonds may be paid; 94179

(3) Levy a tax outside the ten-mill limitation to pay debt 94180
charges on the bonds and any anticipatory securities; 94181

(4) Submit the question of the school district income tax and 94182
bond issue to the electors of the district at a general election 94183
or a special election held on a day on which a primary election 94184
may be held. 94185

The resolution shall specify whether the income that is to be 94186
subject to the tax is taxable income of individuals and estates as 94187
defined in divisions (E)(1)(a) and (2) of section 5748.01 of the 94188
Revised Code or taxable income of individuals as defined in 94189
division (E)(1)(b) of that section. 94190

On adoption of the resolution, the board shall certify a copy 94191
of it to the tax commissioner and the county auditor no later than 94192
one hundred five days prior to the date of the ~~special~~ election at 94193
which the board intends to propose the income tax and bond issue. 94194
Not later than ten days of receipt of the resolution, the tax 94195
commissioner, in the same manner as required by division (A) of 94196
section 5748.02 of the Revised Code, shall estimate the rates 94197
designated in divisions (A)(1) and (2) of that section and certify 94198
them to the board. Not later than ten days of receipt of the 94199
resolution, the county auditor shall estimate and certify to the 94200
board the average annual property tax rate required throughout the 94201
stated maturity of the bonds to pay debt charges on the bonds, in 94202
the same manner as under division (C) of section 133.18 of the 94203
Revised Code. 94204

(B) On receipt of the tax commissioner's and county auditor's 94205

certifications prepared under division (A) of this section, the 94206
board of education of the city, local, or exempted village school 94207
district, by a vote of two-thirds of all its members, may adopt a 94208
resolution proposing for a specified number of years or for a 94209
continuing period of time the levy of an annual tax for school 94210
district purposes on school district income and declaring that the 94211
amount of taxes that can be raised within the ten-mill limitation 94212
will be insufficient to provide an adequate amount for the present 94213
and future requirements of the school district; that it is 94214
necessary to issue general obligation bonds of the school district 94215
for specified permanent improvements and to levy an additional tax 94216
in excess of the ten-mill limitation to pay the debt charges on 94217
the bonds and any anticipatory securities; and that the question 94218
of the bonds and taxes shall be submitted to the electors of the 94219
school district at a general election or a special election held 94220
on a day on which a primary election may be held, which shall not 94221
be earlier than ninety days after certification of the resolution 94222
to the board of elections, ~~and the date of which shall be~~ 94223
~~consistent with section 3501.01 of the Revised Code.~~ The 94224
resolution shall specify all of the following: 94225

(1) The purpose for which the school district income tax is 94226
to be imposed and the rate of the tax, which shall be the rate set 94227
forth in the tax commissioner's certification rounded to the 94228
nearest one-fourth of one per cent; 94229

(2) Whether the income that is to be subject to the tax is 94230
taxable income of individuals and estates as defined in divisions 94231
(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 94232
taxable income of individuals as defined in division (E)(1)(b) of 94233
that section. The specification shall be the same as the 94234
specification in the resolution adopted and certified under 94235
division (A) of this section. 94236

(3) The number of years the tax will be levied, or that it 94237

will be levied for a continuing period of time; 94238

(4) The date on which the tax shall take effect, which shall 94239
be the first day of January of any year following the year in 94240
which the question is submitted; 94241

(5) The county auditor's estimate of the average annual 94242
property tax rate required throughout the stated maturity of the 94243
bonds to pay debt charges on the bonds. 94244

(C) A resolution adopted under division (B) of this section 94245
shall go into immediate effect upon its passage, and no 94246
publication of the resolution shall be necessary other than that 94247
provided for in the notice of election. Immediately after its 94248
adoption and at least ninety days prior to the election at which 94249
the question will appear on the ballot, the board of education 94250
shall certify a copy of the resolution, along with copies of the 94251
auditor's estimate and its resolution under division (A) of this 94252
section, to the board of elections of the proper county. The board 94253
of education shall make the arrangements for the submission of the 94254
question to the electors of the school district, and the election 94255
shall be conducted, canvassed, and certified in the same manner as 94256
regular elections in the district for the election of county 94257
officers. 94258

The resolution shall be put before the electors as one ballot 94259
question, with a majority vote indicating approval of the school 94260
district income tax, the bond issue, and the levy to pay debt 94261
charges on the bonds and any anticipatory securities. The board of 94262
elections shall publish the notice of the election in a newspaper 94263
of general circulation in the school district once a week for two 94264
consecutive weeks, or as provided in section 7.16 of the Revised 94265
Code, prior to the election. If the board of elections operates 94266
and maintains a web site, it also shall post notice of the 94267
election on its web site for thirty days prior to the election. 94268
The notice of election shall state all of the following: 94269

(1) The questions to be submitted to the electors;	94270
(2) The rate of the school district income tax;	94271
(3) The principal amount of the proposed bond issue;	94272
(4) The permanent improvements for which the bonds are to be issued;	94273 94274
(5) The maximum number of years over which the principal of the bonds may be paid;	94275 94276
(6) The estimated additional average annual property tax rate to pay the debt charges on the bonds, as certified by the county auditor;	94277 94278 94279
(7) The time and place of the special election.	94280
(D) The form of the ballot on a question submitted to the electors under this section shall be as follows:	94281 94282
"Shall the school district be authorized to do both of the following:	94283 94284
(1) Impose an annual income tax of (state the proposed rate of tax) on the school district income of individuals and of estates, for (state the number of years the tax would be levied, or that it would be levied for a continuing period of time), beginning (state the date the tax would first take effect), for the purpose of (state the purpose of the tax)?	94285 94286 94287 94288 94289 94290 94291
(2) Issue bonds for the purpose of in the principal amount of \$....., to be repaid annually over a maximum period of years, and levy a property tax outside the ten-mill limitation estimated by the county auditor to average over the bond repayment period mills for each one dollar of tax valuation, which amounts to (rate expressed in cents or dollars and cents, such as "36 cents" or "\$1.41") for each \$100 of tax valuation, to pay the annual debt charges on the bonds, and to	94292 94293 94294 94295 94296 94297 94298 94299

pay debt charges on any notes issued in anticipation of those 94300
bonds? 94301

	FOR THE INCOME TAX AND BOND ISSUE	
	AGAINST THE INCOME TAX AND BOND ISSUE	"

94302
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94305

(E) If the question submitted to electors proposes a school 94306
district income tax only on the taxable income of individuals as 94307
defined in division (E)(1)(b) of section 5748.01 of the Revised 94308
Code, the form of the ballot shall be modified by stating that the 94309
tax is to be levied on the "earned income of individuals residing 94310
in the school district" in lieu of the "school district income of 94311
individuals and of estates." 94312

(F) The board of elections promptly shall certify the results 94313
of the election to the tax commissioner and the county auditor of 94314
the county in which the school district is located. If a majority 94315
of the electors voting on the question vote in favor of it, the 94316
income tax and the applicable provisions of Chapter 5747. of the 94317
Revised Code shall take effect on the date specified in the 94318
resolution, and the board of education may proceed with issuance 94319
of the bonds and with the levy and collection of the property 94320
taxes to pay debt charges on the bonds, at the additional rate or 94321
any lesser rate in excess of the ten-mill limitation. Any 94322
securities issued by the board of education under this section are 94323
Chapter 133. securities, as that term is defined in section 133.01 94324
of the Revised Code. 94325

(G) After approval of a question under this section, the 94326
board of education may anticipate a fraction of the proceeds of 94327
the school district income tax in accordance with section 5748.05 94328
of the Revised Code. Any anticipation notes under this division 94329
shall be issued as provided in section 133.24 of the Revised Code, 94330

shall have principal payments during each year after the year of 94331
their issuance over a period not to exceed five years, and may 94332
have a principal payment in the year of their issuance. 94333

(H) The question of repeal of a school district income tax 94334
levied for more than five years may be initiated and submitted in 94335
accordance with section 5748.04 of the Revised Code. 94336

~~(I) No board of education shall submit a question under this 94337
section to the electors of the school district more than twice in 94338
any calendar year. If a board submits the question twice in any 94339
calendar year, one of the elections on the question shall be held 94340
on the date of the general election. 94341~~

Sec. 5748.09. (A) The board of education of a city, local, or 94342
exempted village school district, at any time by a vote of 94343
two-thirds of all its members, may declare by resolution that it 94344
may be necessary for the school district to do all of the 94345
following: 94346

(1) Raise a specified amount of money for school district 94347
purposes by levying an annual tax on school district income; 94348

(2) Levy an additional property tax in excess of the ten-mill 94349
limitation for the purpose of providing for the necessary 94350
requirements of the district, stating in the resolution the amount 94351
of money to be raised each year for such purpose; 94352

(3) Submit the question of the school district income tax and 94353
property tax to the electors of the district at a general election 94354
or a special election held on a day on which a primary election 94355
may be held. 94356

The resolution shall specify whether the income that is to be 94357
subject to the tax is taxable income of individuals and estates as 94358
defined in divisions (E)(1)(a) and (2) of section 5748.01 of the 94359
Revised Code or taxable income of individuals as defined in 94360

division (E)(1)(b) of that section. 94361

On adoption of the resolution, the board shall certify a copy 94362
of it to the tax commissioner and the county auditor not later 94363
than one hundred days prior to the date of the special election at 94364
which the board intends to propose the income tax and property 94365
tax. Not later than ten days after receipt of the resolution, the 94366
tax commissioner, in the same manner as required by division (A) 94367
of section 5748.02 of the Revised Code, shall estimate the rates 94368
designated in divisions (A)(1) and (2) of that section and certify 94369
them to the board. Not later than ten days after receipt of the 94370
resolution, the county auditor, in the same manner as required by 94371
section 5705.195 of the Revised Code, shall make the calculation 94372
specified in that section and certify it to the board. 94373

(B) On receipt of the tax commissioner's and county auditor's 94374
certifications prepared under division (A) of this section, the 94375
board of education of the city, local, or exempted village school 94376
district, by a vote of two-thirds of all its members, may adopt a 94377
resolution declaring that the amount of taxes that can be raised 94378
by all tax levies the district is authorized to impose, when 94379
combined with state and federal revenues, will be insufficient to 94380
provide an adequate amount for the present and future requirements 94381
of the school district, and that it is therefore necessary to 94382
levy, for a specified number of years or for a continuing period 94383
of time, an annual tax for school district purposes on school 94384
district income, and to levy, for a specified number of years not 94385
exceeding ten or for a continuing period of time, an additional 94386
property tax in excess of the ten-mill limitation for the purpose 94387
of providing for the necessary requirements of the district, and 94388
declaring that the question of the school district income tax and 94389
property tax shall be submitted to the electors of the school 94390
district at a general election or at a special election held on a 94391
day on which a primary election may be held, which shall not be 94392

earlier than ninety days after certification of the resolution to 94393
the board of elections, ~~and the date of which shall be consistent~~ 94394
~~with section 3501.01 of the Revised Code.~~ The resolution shall 94395
specify all of the following: 94396

(1) The purpose for which the school district income tax is 94397
to be imposed and the rate of the tax, which shall be the rate set 94398
forth in the tax commissioner's certification rounded to the 94399
nearest one-fourth of one per cent; 94400

(2) Whether the income that is to be subject to the tax is 94401
taxable income of individuals and estates as defined in divisions 94402
(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 94403
taxable income of individuals as defined in division (E)(1)(b) of 94404
that section. The specification shall be the same as the 94405
specification in the resolution adopted and certified under 94406
division (A) of this section. 94407

(3) The number of years the school district income tax will 94408
be levied, or that it will be levied for a continuing period of 94409
time; 94410

(4) The date on which the school district income tax shall 94411
take effect, which shall be the first day of January of any year 94412
following the year in which the question is submitted; 94413

(5) The amount of money it is necessary to raise for the 94414
purpose of providing for the necessary requirements of the 94415
district for each year the property tax is to be imposed; 94416

(6) The number of years the property tax will be levied, or 94417
that it will be levied for a continuing period of time; 94418

(7) The tax list upon which the property tax shall be first 94419
levied, which may be the current year's tax list; 94420

(8) The amount of the average tax levy, expressed in dollars 94421
and cents for each one hundred dollars of valuation as well as in 94422

mills for each one dollar of valuation, estimated by the county auditor under division (A) of this section. 94423
94424

(C) A resolution adopted under division (B) of this section shall go into immediate effect upon its passage, and no publication of the resolution shall be necessary other than that provided for in the notice of election. Immediately after its adoption and at least ninety days prior to the election at which the question will appear on the ballot, the board of education shall certify a copy of the resolution, along with copies of the county auditor's certification and the resolution under division (A) of this section, to the board of elections of the proper county. The board of ~~education~~ elections shall make the arrangements for the submission of the question to the electors of the school district, and the election shall be conducted, canvassed, and certified in the same manner as regular elections in the district for the election of county officers. 94425
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The resolution shall be put before the electors as one ballot question, with a majority vote indicating approval of the school district income tax and the property tax. The board of elections shall publish the notice of the election in a newspaper of general circulation in the school district once a week for two consecutive weeks, or as provided in section 7.16 of the Revised Code, prior to the election. If the board of elections operates and maintains a web site, also shall post notice of the election on its web site for thirty days prior to the election. The notice of election shall state all of the following: 94439
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94448

(1) The questions to be submitted to the electors as a single ballot question; 94449
94450

(2) The rate of the school district income tax; 94451

(3) The number of years the school district income tax will be levied or that it will be levied for a continuing period of 94452
94453

time; 94454

(4) The annual proceeds of the proposed property tax levy for 94455
the purpose of providing for the necessary requirements of the 94456
district; 94457

(5) The number of years during which the property tax levy 94458
shall be levied, or that it shall be levied for a continuing 94459
period of time; 94460

(6) The estimated average additional tax rate of the property 94461
tax, expressed in dollars and cents for each one hundred dollars 94462
of valuation as well as in mills for each one dollar of valuation, 94463
outside the limitation imposed by Section 2 of Article XII, Ohio 94464
Constitution, as certified by the county auditor; 94465

(7) The time and place of the ~~special~~ election. 94466

(D) The form of the ballot on a question submitted to the 94467
electors under this section shall be as follows: 94468

"Shall the school district be authorized to do both of 94469
the following: 94470

(1) Impose an annual income tax of (state the proposed 94471
rate of tax) on the school district income of individuals and of 94472
estates, for (state the number of years the tax would be 94473
levied, or that it would be levied for a continuing period of 94474
time), beginning (state the date the tax would first take 94475
effect), for the purpose of (state the purpose of the 94476
tax)? 94477

(2) Impose a property tax levy outside of the ten-mill 94478
limitation for the purpose of providing for the necessary 94479
requirements of the district in the sum of 94480
(here insert annual amount the levy is to produce), estimated by 94481
the county auditor to average (here insert number 94482
of mills) mills for each one dollar of valuation, which amounts to 94483

..... (here insert rate expressed in dollars and cents) 94484
 for each one hundred dollars of valuation, for 94485
 (state the number of years the tax is to be imposed or that it 94486
 will be imposed for a continuing period of time), commencing in 94487
 (first year the tax is to be levied), first due in 94488
 calendar year (first calendar year in which the tax 94489
 shall be due)? 94490

	FOR THE INCOME TAX AND PROPERTY TAX	
	AGAINST THE INCOME TAX AND PROPERTY TAX	"

94491
94492
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94494

If the question submitted to electors proposes a school 94495
 district income tax only on the taxable income of individuals as 94496
 defined in division (E)(1)(b) of section 5748.01 of the Revised 94497
 Code, the form of the ballot shall be modified by stating that the 94498
 tax is to be levied on the "earned income of individuals residing 94499
 in the school district" in lieu of the "school district income of 94500
 individuals and of estates." 94501

(E) The board of elections promptly shall certify the results 94502
 of the election to the tax commissioner and the county auditor of 94503
 the county in which the school district is located. If a majority 94504
 of the electors voting on the question vote in favor of it: 94505

(1) The income tax and the applicable provisions of Chapter 94506
 5747. of the Revised Code shall take effect on the date specified 94507
 in the resolution. 94508

(2) The board of education of the school district may make 94509
 the additional property tax levy necessary to raise the amount 94510
 specified on the ballot for the purpose of providing for the 94511
 necessary requirements of the district. The property tax levy 94512

shall be included in the next tax budget that is certified to the county budget commission.

(F)(1) After approval of a question under this section, the board of education may anticipate a fraction of the proceeds of the school district income tax in accordance with section 5748.05 of the Revised Code. Any anticipation notes under this division shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

(2) After the approval of a question under this section and prior to the time when the first tax collection from the property tax levy can be made, the board of education may anticipate a fraction of the proceeds of the levy and issue anticipation notes in an amount not exceeding the total estimated proceeds of the levy to be collected during the first year of the levy. Any anticipation notes under this division shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

(G)(1) The question of repeal of a school district income tax levied for more than five years may be initiated and submitted in accordance with section 5748.04 of the Revised Code.

(2) A property tax levy for a continuing period of time may be reduced in the manner provided under section 5705.261 of the Revised Code.

~~(H) No board of education shall submit a question under this section to the electors of the school district more than twice in any calendar year. If a board submits the question twice in any calendar year, one of the elections on the question shall be held~~

~~on the date of the general election.~~ 94544

(I) If the electors of the school district approve a question 94545
under this section, and if the last calendar year the school 94546
district income tax is in effect and the last calendar year of 94547
collection of the property tax are the same, the board of 94548
education of the school district may propose to submit under this 94549
section the combined question of a school district income tax to 94550
take effect upon the expiration of the existing income tax and a 94551
property tax to be first collected in the calendar year after the 94552
calendar year of last collection of the existing property tax, and 94553
specify in the resolutions adopted under this section that the 94554
proposed taxes would renew the existing taxes. The form of the 94555
ballot on a question submitted to the electors under division 94556
(I)(H) of this section shall be as follows: 94557

"Shall the school district be authorized to do both 94558
of the following: 94559

(1) Impose an annual income tax of (state the 94560
proposed rate of tax) on the school district income of individuals 94561
and of estates to renew an income tax expiring at the end of 94562
..... (state the last year the existing income tax may be 94563
levied) for (state the number of years the tax would be 94564
levied, or that it would be levied for a continuing period of 94565
time), beginning (state the date the tax would first take 94566
effect), for the purpose of (state the purpose of the 94567
tax)? 94568

(2) Impose a property tax levy renewing an existing levy 94569
outside of the ten-mill limitation for the purpose of providing 94570
for the necessary requirements of the district in the sum of 94571
..... (here insert annual amount the levy is to 94572
produce), estimated by the county auditor to average 94573
..... (here insert number of mills) mills for each one 94574
dollar of valuation, which amounts to (here 94575

insert rate expressed in dollars and cents) for each one hundred 94576
dollars of valuation, for (state the number of years 94577
the tax is to be imposed or that it will be imposed for a 94578
continuing period of time), commencing in (first year 94579
the tax is to be levied), first due in calendar year 94580
(first calendar year in which the tax shall be due)? 94581

	FOR THE INCOME TAX AND PROPERTY TAX	
	AGAINST THE INCOME TAX AND PROPERTY TAX	"

94582
94583
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94585

If the question submitted to electors proposes a school 94586
district income tax only on the taxable income of individuals as 94587
defined in division (E)(1)(b) of section 5748.01 of the Revised 94588
Code, the form of the ballot shall be modified by stating that the 94589
tax is to be levied on the "earned income of individuals residing 94590
in the school district" in lieu of the "school district income of 94591
individuals and of estates." 94592

The question of a renewal levy under this division shall not 94593
be placed on the ballot unless the question is submitted ~~on a date~~ 94594
~~on which~~ at a general election or a special election held on a day 94595
on which a primary election may be held ~~under section 3501.01 of~~ 94596
~~the Revised Code, except for the first Tuesday after the first~~ 94597
~~Monday in February and August, occurring~~ during the last year the 94598
property tax levy to be renewed may be extended on the real and 94599
public utility property tax list and duplicate, or at any such 94600
election held in the ensuing year. 94601

~~(J)~~(I) If the electors of the school district approve a 94602
question under this section, the board of education of the school 94603
district may propose to renew either or both of the existing taxes 94604

as individual ballot questions in accordance with section 5748.02 94605
of the Revised Code for the school district income tax, or section 94606
5705.194 of the Revised Code for the property tax. 94607

Section 130.21. That existing sections 133.06, 133.18, 94608
306.32, 306.321, 306.322, 306.70, 307.695, 307.697, 323.17, 94609
349.14, 505.14, 505.20, 505.47, 511.27, 511.28, 511.34, 703.20, 94610
707.30, 715.38, 715.691, 715.70, 715.71, 715.72, 718.04, 718.09, 94611
718.10, 1545.041, 1545.21, 3311.21, 3311.213, 3311.22, 3311.231, 94612
3311.26, 3311.50, 3313.38, 3313.911, 3318.06, 3318.061, 3318.063, 94613
3318.361, 3354.02, 3354.12, 3357.02, 3357.11, 3381.03, 4301.421, 94614
4301.424, 5705.191, 5705.192, 5705.194, 5705.199, 5705.21, 94615
5705.211, 5705.212, 5705.213, 5705.217, 5705.218, 5705.219, 94616
5705.2111, 5705.2112, 5705.221, 5705.222, 5705.23, 5705.233, 94617
5705.24, 5705.25, 5705.251, 5705.261, 5705.55, 5705.72, 5739.021, 94618
5739.026, 5739.028, 5739.09, 5743.021, 5743.024, 5743.026, 94619
5748.02, 5748.021, 5748.08, and 5748.09 of the Revised Code are 94620
hereby repealed. 94621

Section 130.22. That section 5705.214 of the Revised Code is 94622
hereby repealed. 94623

Section 130.23. Sections 130.20 to 130.22 of this act apply 94624
to elections held on or after the one hundredth day after the 94625
effective date of those sections. 94626

Section 201.10. Except as otherwise provided in this act, all 94627
appropriation items in this act are appropriated out of any moneys 94628
in the state treasury to the credit of the designated fund that 94629
are not otherwise appropriated. For all appropriations made in 94630
this act, the amounts in the first column are for fiscal year 2020 94631
and the amounts in the second column are for fiscal year 2021. 94632

Section 203.10. ACC ACCOUNTANCY BOARD OF OHIO				94633
Dedicated Purpose Fund Group				94634
4J80	889601	CPA Education Assistance	\$ 525,000 \$	525,000 94635
4K90	889609	Operating Expenses	\$ 1,236,965 \$	1,291,139 94636
TOTAL DPF Dedicated Purpose Fund Group				94637
Group				\$ 1,761,965 \$ 1,816,139 94638
TOTAL ALL BUDGET FUND GROUPS				\$ 1,761,965 \$ 1,816,139 94639
 Section 205.10. ADJ ADJUTANT GENERAL				94641
General Revenue Fund				94642
GRF	745401	Ohio Military Reserve	\$ 11,939 \$	11,939 94643
GRF	745404	Air National Guard	\$ 1,805,346 \$	1,773,954 94644
GRF	745407	National Guard Benefits	\$ 388,000 \$	388,000 94645
GRF	745409	Central Administration	\$ 5,123,132 \$	5,184,396 94646
GRF	745499	Army National Guard	\$ 3,644,419 \$	3,620,908 94647
TOTAL GRF General Revenue Fund				\$ 10,972,836 \$ 10,979,197 94648
Dedicated Purpose Fund Group				94649
5340	745612	Property Operations Management	\$ 900,000 \$	900,000 94650
5360	745605	Marksmanship Activities	\$ 115,000 \$	115,000 94651
5360	745620	Camp Perry and Buckeye Inn Operations	\$ 874,054 \$	874,054 94652
5370	745604	Ohio National Guard Facilities Maintenance	\$ 190,000 \$	190,000 94653
5LY0	745626	Military Medal of	\$ 5,000 \$	5,000 94654

		Distinction				
5U80	745613	Community Match	\$	350,000	\$	350,000 94655
		Armories				
TOTAL DPF		Dedicated Purpose Fund	\$	2,434,054	\$	2,434,054 94656
Group						
Federal Fund Group						94657
3420	745616	Army National Guard	\$	26,262,967	\$	26,252,590 94658
		Service Agreement				
3E80	745628	Air National Guard	\$	16,276,986	\$	16,276,984 94659
		Operations and				
		Maintenance				
3R80	745603	Counter Drug	\$	15,000	\$	15,000 94660
		Operations				
TOTAL FED		Federal Fund Group	\$	42,554,953	\$	42,544,574 94661
TOTAL ALL		BUDGET FUND GROUPS	\$	55,961,843	\$	55,957,825 94662

Section 205.20. NATIONAL GUARD BENEFITS 94664

The foregoing appropriation item 745407, National Guard 94665
Benefits, shall be used for purposes of sections 5919.31 and 94666
5919.33 of the Revised Code, and for administrative costs of the 94667
associated programs. 94668

If necessary, in order to pay benefits in a timely manner 94669
pursuant to sections 5919.31 and 5919.33 of the Revised Code, the 94670
Adjutant General may request the Director of Budget and Management 94671
transfer appropriation from any appropriation item used by the 94672
Adjutant General to appropriation item 745407, National Guard 94673
Benefits. Such amounts are hereby appropriated. The Adjutant 94674
General may subsequently seek Controlling Board approval to 94675
restore the appropriation in the appropriation item from which 94676
such a transfer was made. 94677

For active duty members of the Ohio National Guard who died 94678
after October 7, 2001, while performing active duty, the death 94679

benefit, pursuant to section 5919.33 of the Revised Code, shall be 94680
paid to the beneficiary or beneficiaries designated on the 94681
member's Servicemembers' Group Life Insurance Policy. 94682

STATE ACTIVE DUTY COSTS 94683

Of the foregoing appropriation item 745409, Central 94684
Administration, \$50,000 in each fiscal year shall be used for the 94685
purpose of paying expenses related to state active duty of members 94686
of the Ohio organized militia, in accordance with a proclamation 94687
of the Governor. Expenses include, but are not limited to, the 94688
cost of equipment, supplies, and services, as determined by the 94689
Adjutant General's Department. On June 1 of each fiscal year, if 94690
it is determined by the Adjutant General that any portion of this 94691
\$50,000 in that fiscal year will not be used for state active duty 94692
expenses, those amounts may be encumbered by the Adjutant General 94693
for maintenance expenses. If before the end of that fiscal year, 94694
state active duty expenses occur, these encumbrances should be 94695
canceled by the Adjutant General to pay for expenses related to 94696
state active duty. 94697

CYBER RANGE 94698

The Adjutant General's Department, in conjunction and 94699
collaboration with the Department of Administrative Services, the 94700
Department of Public Safety, the Department of Higher Education, 94701
and the Department of Education shall establish and maintain a 94702
cyber range. The Adjutant General's Department may work with 94703
federal agencies to assist in accomplishing this objective. The 94704
cyber range shall: (1) provide cyber training and education to 94705
K-12 students, higher education students, Ohio National Guardsmen, 94706
federal employees, and state and local government employees, and 94707
(2) provide for emergency preparedness exercises and training. The 94708
state agencies identified in this paragraph may procure any 94709
necessary goods and services including, but not limited to, 94710
contracted services, hardware, networking services, maintenance 94711

costs, and the training and management costs of a cyber range. 94712
 These state agencies shall determine the amount of funds each 94713
 agency will contribute from available funds and appropriations 94714
 enacted herein in order to establish and maintain a cyber range. 94715

Of the foregoing appropriation item 745409, Central 94716
 Administration, up to \$2,000,000 in each fiscal year shall be used 94717
 by the Adjutant General's Department for the purposes of 94718
 establishing and maintaining the cyber range. 94719

Section 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 94720

General Revenue Fund 94721

GRF 100412 Unemployment Insurance \$ 0 \$ 1,817,900 94722

System Lease Rental
 Payments

GRF 100413 EDCS Lease Rental \$ 11,843,800 \$ 13,716,500 94723

Payments

GRF 100414 MARCS Lease Rental \$ 6,768,900 \$ 6,769,600 94724

Payments

GRF 100415 OAKS Lease Rental \$ 2,440,300 \$ 2,444,500 94725

Payments

GRF 100416 STARS Lease Rental \$ 3,846,000 \$ 5,097,800 94726

Payments

GRF 100447 Administrative \$ 86,914,500 \$ 94,266,800 94727

Buildings Lease Rental
 Bond Payments

GRF 100456 State IT Services \$ 2,249,158 \$ 2,249,773 94728

GRF 100457 Equal Opportunity \$ 2,178,704 \$ 2,178,704 94729

Services

GRF 100459 Ohio Business Gateway \$ 15,527,621 \$ 14,527,621 94730

GRF 100469 Aronoff Center \$ 270,000 \$ 270,000 94731

Building Maintenance

GRF 100501 MARCS Fee Offset \$ 1,000,000 \$ 1,000,000 94732

GRF 130321	State Agency Support	\$	18,494,092	\$	18,513,941	94733
	Services					
TOTAL GRF	General Revenue Fund	\$	151,533,075	\$	162,853,139	94734
	Dedicated Purpose Fund Group					94735
5L70 100610	Professional	\$	1,650,000	\$	1,650,000	94736
	Development					
5MV0 100662	Theater Equipment	\$	50,000	\$	50,000	94737
	Maintenance					
5NM0 100663	911 Program	\$	717,060	\$	715,522	94738
5V60 100619	Employee Educational	\$	1,245,000	\$	1,245,000	94739
	Development					
TOTAL DPF	Dedicated Purpose Fund	\$	3,662,060	\$	3,660,522	94740
	Group					
	Internal Service Activity Fund Group					94741
1120 100616	DAS Administration	\$	12,667,391	\$	13,100,541	94742
1150 100632	Central Service Agency	\$	956,061	\$	975,025	94743
1170 100644	General Services	\$	18,265,815	\$	21,460,060	94744
	Division - Operating					
1220 100637	Fleet Management	\$	18,650,951	\$	23,315,522	94745
1250 100622	Human Resources	\$	18,612,217	\$	18,718,045	94746
	Division - Operating					
1250 100657	Benefits Communication	\$	607,577	\$	615,521	94747
1280 100620	Office of Collective	\$	4,283,998	\$	4,385,893	94748
	Bargaining					
1300 100606	Risk Management	\$	15,370,845	\$	15,389,803	94749
	Reserve					
1320 100631	DAS Building	\$	49,173,190	\$	49,384,799	94750
	Management					
1330 100607	IT Services Delivery	\$	162,248,367	\$	162,665,093	94751
1880 100649	Equal Opportunity	\$	1,836,834	\$	1,264,515	94752
	Division - Operating					
2100 100612	State Printing	\$	29,092,749	\$	28,295,851	94753

2290	100630	IT Governance	\$	32,125,970	\$	32,602,191	94754
2290	100640	Consolidated IT Purchases	\$	69,348,000	\$	74,348,000	94755
4270	100602	Investment Recovery	\$	1,662,341	\$	1,662,341	94756
4N60	100617	Major IT Purchases	\$	3,288,990	\$	5,736,219	94757
5C20	100605	MARCS Administration	\$	27,207,396	\$	26,484,493	94758
5EB0	100635	OAKS Support Organization	\$	55,382,093	\$	58,807,701	94759
5EB0	100656	OAKS Updates and Developments	\$	6,423,624	\$	6,359,539	94760
5JQ0	100658	Professionals Licensing System	\$	9,996,303	\$	8,723,135	94761
5KZ0	100659	Building Improvement	\$	3,449,500	\$	2,862,000	94762
5LJ0	100661	IT Development	\$	21,500,000	\$	21,500,000	94763
5PC0	100665	Enterprise Applications	\$	111,095,956	\$	111,263,921	94764
TOTAL ISA Internal Service Activity							94765
Fund Group			\$	673,246,168	\$	689,920,208	94766
Fiduciary Fund Group							94767
5UH0	100670	Enterprise Transactions	\$	1,150,000	\$	1,150,000	94768
TOTAL FID Fiduciary Fund Group			\$	1,150,000	\$	1,150,000	94769
Federal Fund Group							94770
3AJ0	100623	Information Technology Grants	\$	10,000	\$	10,000	94771
TOTAL FED Federal Fund Group			\$	10,000	\$	10,000	94772
TOTAL ALL BUDGET FUND GROUPS			\$	829,601,303	\$	857,593,869	94773

Section 207.20. UNEMPLOYMENT INSURANCE SYSTEM LEASE RENTAL PAYMENTS 94775
94776

The foregoing appropriation item 100412, Unemployment Insurance System Lease Rental Payments, shall be used to make 94777
94778

payments during the period from July 1, 2019, through June 30, 94779
2021, pursuant to leases and agreements entered into under Chapter 94780
125. of the Revised Code, as supplemented by Section 701.40 of 94781
H.B. 529 of the 132nd General Assembly, with respect to financing 94782
the costs associated with the acquisition, development, 94783
implementation, and integration of the Unemployment Insurance 94784
System. 94785

EDCS LEASE RENTAL PAYMENTS 94786

The foregoing appropriation item 100413, EDCS Lease Rental 94787
Payments, shall be used to make payments during the period from 94788
July 1, 2019, through June 30, 2021, pursuant to leases and 94789
agreements entered into under Chapter 125. of the Revised Code, as 94790
supplemented by Section 701.10 of H.B. 529 of the 132nd General 94791
Assembly and other prior acts of the General Assembly, with 94792
respect to financing the costs associated with the acquisition, 94793
development, implementation, and integration of the Enterprise 94794
Data Center Solutions (EDCS) information technology initiative. 94795

MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE RENTAL PAYMENTS 94796

The foregoing appropriation item 100414, MARCS Lease Rental 94797
Payments, shall be used to make payments during the period from 94798
July 1, 2019, through June 30, 2021, pursuant to leases and 94799
agreements entered into under Chapter 125. of the Revised Code, as 94800
supplemented by Section 701.10 of Sub. H.B. 497 of the 130th 94801
General Assembly and other prior acts of the General Assembly, 94802
with respect to financing the costs associated with the 94803
acquisition, development, implementation, and integration of the 94804
Multi-Agency Radio Communications System (MARCS) upgrade. 94805

OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE RENTAL PAYMENTS 94806

The foregoing appropriation item 100415, OAKS Lease Rental 94807
Payments, shall be used to make payments during the period from 94808
July 1, 2019, through June 30, 2021, pursuant to leases and 94809

agreements entered into under Chapter 125. of the Revised Code, as 94810
supplemented by Section 701.10 of H.B. 529 of the 132nd General 94811
Assembly and other prior acts of the General Assembly, with 94812
respect to financing the costs associated with the acquisition, 94813
development, implementation, and integration of the Ohio 94814
Administrative Knowledge System (OAKS). 94815

STATE TAXATION ACCOUNTING AND REVENUE SYSTEM LEASE RENTAL 94816
PAYMENTS 94817

The foregoing appropriation item 100416, STARS Lease Rental 94818
Payments, shall be used to make payments during the period from 94819
July 1, 2019, through June 30, 2021, pursuant to leases and 94820
agreements entered into under Chapter 125. of the Revised Code, as 94821
supplemented by Section 701.30 of H.B. 529 of the 132nd General 94822
Assembly and other prior acts of the General Assembly, with 94823
respect to financing the costs associated with the acquisition, 94824
development, implementation, and integration of the State Taxation 94825
Accounting and Revenue System (STARS). 94826

ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS 94827

The foregoing appropriation item 100447, Administrative 94828
Buildings Lease Rental Bond Payments, shall be used to meet all 94829
payments during the period from July 1, 2019, through June 30, 94830
2021, by the Department of Administrative Services pursuant to 94831
leases and agreements under Chapters 152. and 154. of the Revised 94832
Code. These appropriations are the source of funds pledged for 94833
bond service charges on related obligations issued under Chapters 94834
152. and 154. of the Revised Code. 94835

MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT SERVICE PAYMENTS 94836

The Director of Administrative Services, in consultation with 94837
the Multi-Agency Radio Communication System (MARCS) Steering 94838
Committee and the Director of Budget and Management, shall 94839
determine the share of debt service payments attributable to 94840

spending for MARCS components that are not specific to any one 94841
agency and that shall be charged to the Public Safety - Highway 94842
Purposes Fund (Fund 5TM0). Such share of debt service payments 94843
shall be calculated for MARCS capital disbursements made beginning 94844
July 1, 1997. Within thirty days of any payment made from 94845
appropriation item 100447, Administrative Buildings Lease Rental 94846
Bond Payments, the Director of Administrative Services shall 94847
certify to the Director of Budget and Management the amount of 94848
this share. On or before June 30 of each fiscal year, the Director 94849
of Budget and Management may transfer an amount up to the amount 94850
certified for that fiscal year to the General Revenue Fund from 94851
the Public Safety - Highway Purposes Fund (Fund 5TM0) established 94852
in section 4501.06 of the Revised Code. 94853

DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT 94854
FUND 94855

The foregoing appropriation item 130321, State Agency Support 94856
Services, may be used to provide funding for the cost of property 94857
appraisals or building studies that the Department of 94858
Administrative Services may be required to obtain for property 94859
that is being sold by the state or property under consideration to 94860
be renovated or purchased by the state. 94861

Notwithstanding section 125.28 of the Revised Code, the 94862
foregoing appropriation item 130321, State Agency Support 94863
Services, also may be used to pay the operating expenses of state 94864
facilities maintained by the Department of Administrative Services 94865
that are not billed to building tenants, or other costs associated 94866
with the Voinovich Center in Youngstown, Ohio. These expenses may 94867
include, but are not limited to, the costs for vacant space and 94868
space undergoing renovation, and the rent expenses of tenants that 94869
are relocated because of building renovations. These payments may 94870
be processed by the Department of Administrative Services through 94871
intrastate transfer vouchers and placed into the Building 94872

Management Fund (Fund 1320). 94873

At least once per year, the portion of appropriation item 94874
130321, State Agency Support Services, that is not used for the 94875
regular expenses of the appropriation item may be processed by the 94876
Department of Administrative Services through intrastate transfer 94877
voucher and placed in the Building Improvement Fund (Fund 5KZ0). 94878

CASH TRANSFER FROM THE MARCS ADMINISTRATION FUND TO THE GRF 94879

Upon the request of the Director of Administrative Services, 94880
the Director of Budget and Management may transfer unobligated 94881
cash in the MARCS Administration Fund (Fund 5C20) to the General 94882
Revenue Fund to reimburse the General Revenue Fund for lease 94883
rental payments made on behalf of the MARCS upgrade. 94884

Section 207.30. PROFESSIONAL DEVELOPMENT FUND 94885

The foregoing appropriation item 100610, Professional 94886
Development, shall be used to make payments from the Professional 94887
Development Fund (Fund 5L70) under section 124.182 of the Revised 94888
Code. If it is determined by the Director of Budget and Management 94889
that additional amounts are necessary, the amounts are hereby 94890
appropriated. 94891

911 PROGRAM 94892

The foregoing appropriation item 100663, 911 Program, shall 94893
be used by the Department of Administrative Services to pay the 94894
administrative, marketing, and educational costs of the Statewide 94895
Emergency Services Internet Protocol Network program. 94896

EMPLOYEE EDUCATIONAL DEVELOPMENT 94897

The foregoing appropriation item 100619, Employee Educational 94898
Development, shall be used to make payments from the Employee 94899
Educational Development Fund (Fund 5V60) under section 124.86 of 94900
the Revised Code. The fund shall be used to pay the costs of 94901
administering educational programs under existing collective 94902

bargaining agreements with District 1199, the Health Care and 94903
Social Service Union, Service Employees International Union; State 94904
Council of Professional Educators; Ohio Education Association and 94905
National Education Association; the Fraternal Order of Police Ohio 94906
Labor Council, Unit 2; and the Ohio State Troopers Association, 94907
Units 1 and 15. 94908

If it is determined by the Director of Budget and Management 94909
that additional amounts are necessary, the amounts are hereby 94910
appropriated. 94911

Section 207.40. GENERAL SERVICE CHARGES 94912

The Department of Administrative Services, with the approval 94913
of the Director of Budget and Management, shall establish charges 94914
for recovering the costs of administering the programs funded by 94915
the General Services Fund (Fund 1170) and the State Printing Fund 94916
(Fund 2100). 94917

COLLECTIVE BARGAINING ARBITRATION EXPENSES 94918

The Department of Administrative Services may seek 94919
reimbursement from state agencies for the actual costs and 94920
expenses the Department incurs in the collective bargaining 94921
arbitration process. The reimbursements shall be processed through 94922
intrastate transfer vouchers and credited to the Collective 94923
Bargaining Fund (Fund 1280). 94924

EQUAL OPPORTUNITY PROGRAM 94925

The Department of Administrative Services, with the approval 94926
of the Director of Budget and Management, shall establish charges 94927
for recovering the costs of administering the activities supported 94928
by the State EEO Fund (Fund 1880). These charges shall be 94929
deposited to the credit of Fund 1880 upon payment made by state 94930
agencies, state-supported or state-assisted institutions of higher 94931
education, tax-supported agencies, municipal corporations, and 94932

other political subdivisions of the state, for services rendered. 94933

CONSOLIDATED IT PURCHASES 94934

The foregoing appropriation item 100640, Consolidated IT 94935
Purchases, shall be used by the Department of Administrative 94936
Services acting as the purchasing agent for one or more government 94937
entities under the authority of division (G) of section 125.18 of 94938
the Revised Code to make information technology purchases at a 94939
lower aggregate cost than each individual government entity could 94940
have obtained independently for that information technology 94941
purchase. 94942

INVESTMENT RECOVERY FUND 94943

Notwithstanding division (B) of section 125.14 of the Revised 94944
Code, cash balances in the Investment Recovery Fund (Fund 4270) 94945
may be used to support the operating expenses of the Federal 94946
Surplus Operating Program created in sections 125.84 to 125.90 of 94947
the Revised Code. 94948

Notwithstanding division (B) of section 125.14 of the Revised 94949
Code, the Director of Budget and Management, at the request of the 94950
Director of Administrative Services, shall transfer up to 94951
\$3,800,000 of cash in excess of needs from the Investment Recovery 94952
Fund (Fund 4270) to the Enterprise Applications Fund (Fund 5PC0) 94953
during the biennium beginning July 1, 2019, and ending June 30, 94954
2021, to pay the operating and maintenance expenses of the Ohio 94955
Business Gateway. 94956

MAJOR IT PURCHASES CHARGES 94957

Effective July 1, 2019, the Director of Budget and Management 94958
shall cancel any existing encumbrances against appropriation item 94959
100617, Major IT Purchases, and reestablish them against 94960
appropriation item 100640, Consolidated IT Purchases. The 94961
reestablished encumbrance amounts are hereby appropriated. Any 94962
business commenced but not completed under appropriation item 94963

100617, Major IT Purchases, by July 1, 2019, shall be completed 94964
under appropriation item 100640, Consolidated IT Purchases, in the 94965
same manner, and with the same effect, as if completed with regard 94966
to appropriation item 100617, Major IT Purchases. 94967

On July 1, 2019, or as soon as possible thereafter, the 94968
Director of Administrative Services shall certify to the Director 94969
of Budget and Management the amount of cash in the Major 94970
Information Technology Purchases Fund (Fund 4N60) that was 94971
received from agencies for actual expenditures. The Director of 94972
Budget and Management shall transfer the certified amount of cash 94973
from the Major Information Technology Purchases Fund (Fund 4N60) 94974
to the IT Governance Fund (Fund 2290). 94975

Upon the request of the Director of Administrative Services, 94976
the Director of Budget and Management may transfer up to the 94977
amount collected for statewide indirect costs attributable to debt 94978
service paid for the enterprise data center solutions project from 94979
the General Revenue Fund to the Major Information Technology 94980
Purchases Fund (Fund 4N60). 94981

PROFESSIONS LICENSING SYSTEM 94982

The foregoing appropriation item, 100658, Ohio Professionals 94983
Licensing System, shall be used to purchase the equipment, 94984
products, and services necessary to update and maintain an 94985
automated licensing system for the professional licensing boards. 94986

The Department of Administrative Services shall establish 94987
charges for recovering the costs of ongoing maintenance of the 94988
system that are not otherwise recovered under section 125.18 of 94989
the Revised Code. The charges shall be billed to state agencies, 94990
boards, and commissions using the state's enterprise electronic 94991
licensing system and deposited via intrastate transfer vouchers to 94992
the credit of the Professions Licensing System Fund (Fund 5JQ0). 94993

Section 207.45. BUILDING IMPROVEMENT FUND 94994

The foregoing appropriation item 100659, Building 94995
Improvement, shall be used to make payments from the Building 94996
Improvement Fund (Fund 5KZ0) for major maintenance or improvements 94997
required in facilities maintained by the Department of 94998
Administrative Services. The Department of Administrative Services 94999
shall conduct or contract for regular assessments of these 95000
buildings and shall maintain a cash balance in Fund 5KZ0 equal to 95001
the cost of the repairs and improvements that are recommended to 95002
occur within the next five years, with the following exception 95003
described below. 95004

Upon request of the Director of Administrative Services, the 95005
Director of Budget and Management may permit a cash transfer from 95006
Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs 95007
of operating and maintaining facilities managed by the Department 95008
of Administrative Services that are not charged to tenants during 95009
the same fiscal year. 95010

Should the cash balance in Fund 1320 be determined to be 95011
sufficient, the Director of Administrative Services may request 95012
that the Director of Budget and Management transfer cash from Fund 95013
1320 to Fund 5KZ0 in an amount equal to the initial cash transfer 95014
made under this section plus applicable interest. 95015

INFORMATION TECHNOLOGY DEVELOPMENT 95016

The foregoing appropriation item 100661, IT Development, 95017
shall be used by the Department of Administrative Services to pay 95018
the costs of modernizing the state's information technology 95019
management and investment practices away from a limited, 95020
agency-specific focus in favor of a statewide methodology 95021
supporting development of enterprise solutions. This appropriation 95022
item may be used to pay the costs of enterprise information 95023
technology initiatives affecting state agencies or their 95024

customers. 95025

Notwithstanding any provision of law to the contrary, the 95026
Department of Administrative Services, with the approval of the 95027
Director of Budget and Management, may charge state agencies an 95028
information technology development assessment based on state 95029
agencies' information technology expenditures or other methodology 95030
and may assess fees or charges to entities that are not state 95031
agencies to offset the cost of specific technology events or 95032
services. The revenue from these assessments, fees, or charges 95033
shall be deposited into the Information Technology Development 95034
Fund (Fund 5LJ0), which is hereby created. 95035

Upon the request of the Director of Administrative Services, 95036
the Director of Budget and Management may transfer up to 95037
\$4,000,000 in cash in each fiscal year from the General Revenue 95038
Fund to the Information Technology Development Fund (Fund 5LJ0) to 95039
support the operations of the Office of InnovateOhio. 95040

ENTERPRISE APPLICATIONS 95041

The foregoing appropriation item 100665, Enterprise 95042
Applications, shall be used for the operation and management of 95043
information technology applications that support state agencies' 95044
objectives. Charges billed to benefiting agencies shall be 95045
deposited to the credit of the Enterprise Applications Fund (Fund 95046
5PC0). 95047

CASH TRANSFER FROM THE DIRECTOR'S OFFICE FUND TO THE LOCAL 95048
GOVERNMENT INNOVATION FUND 95049

On July 1, 2019, or as soon as possible thereafter, the 95050
Director of Budget and Management shall transfer \$38,555.24 cash 95051
from the Director's Office Fund (Fund 1120) to the Local 95052
Government Innovation Fund (Fund 5KN0). This amount represents the 95053
unexpended balance of a grant received from the Local Government 95054
Innovation Fund (Fund 5KN0) and appropriated under Fund 1120 95055

appropriation item 100667, Local Government Efficiency Programs. 95056

Section 207.50. ENTERPRISE IT STRATEGY IMPLEMENTATION 95057

The Director of Administrative Services shall determine and 95058
implement strategies that benefit the enterprise by improving 95059
efficiency, reducing costs, or enhancing capacity of information 95060
technology (IT) services. Such improvements and efficiencies may 95061
result in the consolidation and transfer of such services. As 95062
determined to be necessary for successful implementation of this 95063
section and notwithstanding any provision of law to the contrary, 95064
the Director of Administrative Services may request the Director 95065
of Budget and Management to consolidate or transfer IT-specific 95066
budget authority between agencies or within an agency as necessary 95067
to implement enterprise IT cost containment strategies and related 95068
efficiencies. Once the Director of Budget and Management is 95069
satisfied that the proposed initiative is cost advantageous to the 95070
enterprise, the Director of Budget and Management may transfer 95071
appropriations, funds, and cash as needed to implement the 95072
proposed initiative. The establishment of any new fund or 95073
additional appropriation as a result of this section shall be 95074
subject to Controlling Board approval. 95075

The Director of Budget and Management and the Director of 95076
Administrative Services may transfer any employees, assets, and 95077
liabilities, including, but not limited to, records, contracts, 95078
and agreements in order to facilitate the improvements determined 95079
in accordance with this section. 95080

Section 209.10. AGE DEPARTMENT OF AGING 95081

General Revenue Fund 95082

GRF 490321 Operating Expenses \$ 1,551,161 \$ 1,514,690 95083

GRF 490410 Long-Term Care \$ 1,846,979 \$ 3,112,901 95084

Ombudsman

GRF	490411	Senior Community Services	\$	8,152,696	\$	8,144,480	95085
GRF	490414	Alzheimer's and Other Dementia Respite	\$	2,495,245	\$	2,495,245	95086
GRF	490506	National Senior Service Corps	\$	222,792	\$	222,792	95087
GRF	656423	Long-Term Care Budget - State	\$	5,073,618	\$	5,325,896	95088
TOTAL GRF	General Revenue Fund		\$	19,342,491	\$	20,816,004	95089
Dedicated Purpose Fund Group							95090
4800	490606	Senior Community Outreach and Education	\$	372,523	\$	372,523	95091
4C40	490609	Regional Long-Term Care Ombudsman Program	\$	1,000,000	\$	1,000,000	95092
5BA0	490620	Ombudsman Support	\$	1,500,000	\$	1,500,000	95093
5K90	490613	Long-Term Care Consumers Guide	\$	1,350,000	\$	1,350,000	95094
5MT0	490627	Board of Executives of Long-Term Services and Supports	\$	800,000	\$	800,000	95095
5T40	656625	Health Care Grants - State	\$	200,000	\$	200,000	95096
5TI0	656624	Provider Certification	\$	120,000	\$	120,000	95097
5W10	490616	Resident Services Coordinator Program	\$	344,700	\$	344,700	95098
TOTAL DPF	Dedicated Purpose Fund Group		\$	5,687,223	\$	5,687,223	95099
Federal Fund Group							95101
3220	490618	Federal Aging Grants	\$	8,700,000	\$	8,700,000	95102

3C40 656623	Long-Term Care Budget	\$	5,341,281	\$	5,477,117	95103
	- Federal					
3M40 490612	Federal Independence	\$	58,655,080	\$	58,655,080	95104
	Services					
TOTAL FED	Federal Fund Group	\$	72,696,361	\$	72,832,197	95105
TOTAL ALL BUDGET	FUND GROUPS	\$	97,726,075	\$	99,335,424	95106

Section 209.20. LONG-TERM CARE 95108

Pursuant to an interagency agreement, the Department of 95109
 Medicaid may designate the Department of Aging to perform 95110
 assessments under section 5165.04 of the Revised Code. The 95111
 Department of Aging shall provide long-term care consultations 95112
 under section 173.42 of the Revised Code to assist individuals in 95113
 planning for their long-term health care needs. 95114

The Department of Aging shall administer the Medicaid 95115
 waiver-funded PASSPORT Home Care Program, the Assisted Living 95116
 Program, and PACE as delegated by the Department of Medicaid in an 95117
 interagency agreement. 95118

PERFORMANCE-BASED REIMBURSEMENT 95119

The Department of Aging may design and utilize a payment 95120
 method for PASSPORT administrative agency operations that includes 95121
 a pay-for-performance incentive component that is earned by a 95122
 PASSPORT administrative agency when defined consumer and policy 95123
 outcomes are achieved. 95124

Section 209.30. MYCARE OHIO 95125

The authority of the Office of the State Long-Term Care 95126
 Ombudsman as described in sections 173.14 to 173.28 of the Revised 95127
 Code extends to MyCare Ohio during the period of the federal 95128
 financial alignment demonstration program. 95129

SENIOR COMMUNITY SERVICES 95130

The foregoing appropriation item 490411, Senior Community Services, may be used for programs, services, and activities designated by the Department of Aging, including, but not limited to, home-delivered and congregate meals, transportation services, personal care services, respite services, adult day services, home repair, care coordination, prevention and disease self-management, and decision support systems. The Department may also use these funds to provide grants to community organizations to support and expand evidence-based/informed programming. Service priority shall be given to low income, high need, and/or cognitively impaired persons 60 years of age and over.

NATIONAL SENIOR SERVICE CORPS

The foregoing appropriation item 490506, National Senior Service Corps, may be used by the Department of Aging to fund grants to organizations that receive federal funds from the Corporation for National and Community Service to support the following Senior Corps programs: the Foster Grandparents Program, the Senior Companion Program, and the Retired Senior Volunteer Program. A recipient of these grant funds shall use the funds to support priorities established by the Department and the Ohio State Office of the Corporation for National and Community Service. Neither the Department nor any area agencies on aging that are involved in the distribution of these funds to lower-tiered grant recipients may use any portion of these funds to cover administrative costs.

BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS

The foregoing appropriation item 490627, Board of Executives of Long-Term Services and Supports, may be used by the Board of Executives of Long-Term Services and Supports to administer and enforce Chapter 4751. of the Revised Code and rules adopted under it.

Section 209.40. PASSPORT PROGRAM PAYMENT RATES 95162

Notwithstanding section 5164.77 of the Revised Code, the base 95163
and unit payment rates for the following services provided under 95164
the Medicaid-funded and state-funded components of the PASSPORT 95165
program during fiscal years 2020 and 2021 shall be at least two 95166
and seven tenths per cent higher than the rates for the services 95167
in effect on June 30, 2019: 95168

(A) Home care attendant services; 95169

(B) Personal care services; 95170

(C) Waiver nursing services. 95171

Section 209.50. PASSPORT PAYMENT RATES FOR HOME-DELIVERED 95172
MEALS 95173

The payment rates for home-delivered meals provided under the 95174
PASSPORT program during the period beginning July 1, 2019, and 95175
ending July 1, 2021, shall be the following: 95176

(A) For each meal delivered daily on a per-meal delivery 95177
basis by a volunteer or employee of the provider, \$7.19; 95178

(B) For each meal delivered in a chilled or frozen format on 95179
a weekly delivery basis by a volunteer or employee of the 95180
provider, \$6.99; 95181

(C) For each meal delivered in a chilled or frozen format on 95182
a weekly basis by a common carrier used by the provider, \$6.50. 95183

Section 209.60. ASSISTED LIVING PROGRAM PAYMENT RATES 95184

Notwithstanding section 5164.77 of the Revised Code, the 95185
payment rates for each tier of assisted living services provided 95186
under the Medicaid-funded and state-funded components of the 95187
Assisted Living Program during fiscal years 2020 and 2021 shall be 95188
at least two and seven tenths per cent higher than the rates for 95189

the services in effect on June 30, 2019. 95190

Section 211.10. AGR DEPARTMENT OF AGRICULTURE 95191

General Revenue Fund 95192

GRF 700401 Animal Health Programs \$ 3,785,399 \$ 3,700,399 95193

GRF 700403 Dairy Division \$ 1,208,067 \$ 1,178,459 95194

GRF 700404 Ohio Proud \$ 99,159 \$ 100,771 95195

GRF 700406 Consumer Protection \$ 1,369,703 \$ 1,320,696 95196

Lab

GRF 700407 Food Safety \$ 1,385,046 \$ 1,340,046 95197

GRF 700409 Farmland Preservation \$ 74,686 \$ 74,686 95198

GRF 700410 Plant Industry \$ 152,468 \$ 147,468 95199

GRF 700412 Weights and Measures \$ 614,723 \$ 614,723 95200

GRF 700415 Poultry Inspection \$ 811,427 \$ 811,428 95201

GRF 700417 Soil and Water \$ 20,000,000 \$ 20,000,000 95202

Phosphorus Program

GRF 700418 Livestock Regulation \$ 1,145,071 \$ 1,145,071 95203

Program

GRF 700424 Livestock Testing and \$ 117,493 \$ 117,493 95204

Inspections

GRF 700426 Dangerous and \$ 582,340 \$ 604,060 95205

Restricted Animals

GRF 700427 High Volume Breeder \$ 1,235,767 \$ 1,235,767 95206

Kennel Control

GRF 700428 Soil and Water \$ 3,543,482 \$ 3,543,482 95207

Division

GRF 700499 Meat Inspection \$ 6,172,407 \$ 5,882,091 95208

Program - State Share

GRF 700501 County Agricultural \$ 379,673 \$ 379,673 95209

Societies

GRF 700509 Soil and Water \$ 11,833,016 \$ 11,833,016 95210

District Support

TOTAL GRF General Revenue Fund	\$	54,509,927	\$	54,029,329	95211
Dedicated Purpose Fund Group					95212
4900 700651 License Plates -	\$	17,500	\$	17,500	95213
Sustainable					
Agriculture					
4940 700612 Agricultural	\$	253,000	\$	253,000	95214
Commodity Marketing					
Program					
4960 700626 Ohio Grape Industries	\$	1,543,223	\$	1,550,000	95215
4970 700627 Grain Warehouse	\$	491,590	\$	500,000	95216
Program					
4C90 700605 Commercial Feed and	\$	2,367,396	\$	2,426,251	95217
Seed					
4D20 700609 Auction Education	\$	50,000	\$	50,000	95218
4E40 700606 Utility Radiological	\$	97,610	\$	101,130	95219
Safety					
4P70 700610 Food Safety	\$	1,022,005	\$	1,043,743	95220
Inspection					
4R00 700636 Ohio Proud Marketing	\$	30,500	\$	30,500	95221
4R20 700637 Dairy Industry	\$	1,800,246	\$	1,852,950	95222
Inspection					
4T60 700611 Poultry and Meat	\$	120,000	\$	120,000	95223
Inspection					
5780 700620 Ride Inspection	\$	1,827,551	\$	1,944,585	95224
5B80 700629 Auctioneers	\$	350,449	\$	361,450	95225
5BV0 700660 Heidelberg Water	\$	250,000	\$	250,000	95226
Quality Lab					
5BV0 700661 Soil and Water	\$	8,000,000	\$	8,000,000	95227
Districts					
5FC0 700648 Plant Pest Program	\$	1,468,037	\$	1,515,298	95228
5H20 700608 Metrology Lab and	\$	975,000	\$	975,000	95229
Scale Certification					
5L80 700604 Livestock Management	\$	274,814	\$	275,000	95230

		Program				
5MA0	700657	Dangerous and Restricted Animals	\$	7,000	\$	7,000 95231
5MR0	700658	High Volume Breeders and Kennels	\$	320,000	\$	320,000 95232
5MS0	700659	Captive Deer	\$	40,000	\$	40,000 95233
5QW0	700653	Watershed Assistance	\$	515,000	\$	515,000 95234
6520	700634	Animal, Consumer, and ATL Labs	\$	5,396,151	\$	5,466,896 95235
6690	700635	Pesticide, Fertilizer, and Lime Inspection Program	\$	4,859,314	\$	5,000,000 95236
6H20	700670	H2Ohio	\$	30,300,000	\$	0 95237
TOTAL DPF Dedicated Purpose						95238
Fund Group			\$	62,376,386	\$	32,615,303 95239
Internal Service Activity Fund Group						95240
5DA0	700644	Laboratory Administration Support	\$	1,200,807	\$	1,204,626 95241
5GH0	700655	Administrative Support	\$	5,403,892	\$	5,524,048 95242
TOTAL ISA Internal Service Activity						95243
Fund Group			\$	6,604,699		6,728,674 95244
Capital Projects Fund Group						95245
7057	700632	Clean Ohio Agricultural Easement Operating	\$	589,960	\$	610,000 95246
TOTAL CPF Capital Projects Fund Group			\$	589,960	\$	610,000 95247
Federal Fund Group						95248
3260	700618	Meat Inspection Program - Federal	\$	5,036,419	\$	5,194,424 95249

		Share				
3360	700617	Ohio Farm Loan -	\$	351,743	\$	360,000 95250
		Revolving				
3820	700601	Federal Cooperative	\$	7,000,000	\$	7,000,000 95251
		Contracts				
3AB0	700641	Agricultural Easement	\$	342,419	\$	350,000 95252
3J40	700607	Federal	\$	1,209,234	\$	1,209,234 95253
		Administrative				
		Programs				
3R20	700614	Federal Plant	\$	6,020,619	\$	6,095,972 95254
		Industry				
TOTAL FED	Federal Fund Group		\$	19,960,434	\$	20,209,630 95255
TOTAL ALL BUDGET	FUND GROUPS		\$	144,041,406	\$	114,192,936 95256

Section 211.20. SOIL AND WATER PHOSPHORUS PROGRAM 95258

The Department of Agriculture shall establish programs to 95259
assist in reducing total phosphorus and dissolved reactive 95260
phosphorus in the Western Lake Erie Basin. The programs shall give 95261
priority to those subwatersheds determined to be highest in total 95262
phosphorus and dissolved reactive phosphorus nutrient loading. 95263

The foregoing appropriation item 700417, Soil and Water 95264
Phosphorus Program, shall be used to support the programs 95265
described above, which may include but not be limited to, the 95266
following: (1) equipment for subsurface placement of nutrients 95267
into the soil; (2) equipment for nutrient placement based on 95268
geographic information system data; (3) soil testing; (4) 95269
implementation of variable rate technology; (5) equipment 95270
implementing manure transformation and manure conversion 95271
technologies; (6) tributary monitoring; (7) water management and 95272
edge-of-field drainage management; and (8) an agricultural 95273
phosphorus reduction revolving loan program. Not more than forty 95274
per cent of the foregoing appropriation item 700417, Soil and 95275
Water Phosphorus Program, shall be used for any single activity. 95276

DANGEROUS AND RESTRICTED WILD ANIMALS	95277
The foregoing appropriation item 700426, Dangerous and	95278
Restricted Animals, shall be used to administer the Dangerous and	95279
Restricted Wild Animal Permitting Program.	95280
COUNTY AGRICULTURAL SOCIETIES	95281
The foregoing appropriation item 700501, County Agricultural	95282
Societies, shall be used to reimburse county and independent	95283
agricultural societies for expenses related to Junior Fair	95284
activities.	95285
SUPPORT FOR SOIL AND WATER DISTRICTS IN THE WESTERN LAKE ERIE	95286
BASIN	95287
Of the foregoing appropriation item 700509, Soil and Water	95288
District Support, \$350,000 in each fiscal year shall be used by	95289
the Department of Agriculture for a program to support soil and	95290
water conservation districts in the Western Lake Erie Basin in	95291
complying with provisions of Sub. S.B. 1 of the 131st General	95292
Assembly. The Department shall approve a soil and water district's	95293
application for funding under the program if the application	95294
demonstrates that funding will be used for, but not limited to,	95295
providing technical assistance, developing applicable nutrient or	95296
manure management plans, hiring and training of soil and water	95297
conservation district staff on best conservation practices, or	95298
other activities the Director determines appropriate to assist	95299
farmers in the Western Lake Erie Basin in complying with the	95300
provisions of Sub. S.B. 1 of the 131st General Assembly.	95301
Of the foregoing appropriation item 700509, Soil and Water	95302
District Support, \$3,500,000 in each fiscal year shall be used to	95303
support county soil and water conservation districts in the	95304
Western Lake Erie Basin for staffing costs and to assist in soil	95305
testing and nutrient management plan development, including manure	95306
transformation and manure conversion technologies, enhanced filter	95307

strips, water management, and other conservation support. 95308

SOIL AND WATER DISTRICTS 95309

In addition to state payments to soil and water conservation 95310
districts authorized by section 940.15 of the Revised Code, the 95311
Department of Agriculture may use appropriation item 700661, Soil 95312
and Water Districts, to pay any soil and water conservation 95313
district an annual amount not to exceed \$40,000 upon receipt of a 95314
request and justification from the district and approval by the 95315
Ohio Soil and Water Conservation Commission. The county auditor 95316
shall credit the payments to the special fund established under 95317
section 940.12 of the Revised Code for use by the local soil and 95318
water conservation district. The amounts received by each district 95319
shall be expended for the purposes of the district. 95320

H2OHIO FUND 95321

The foregoing appropriation item 700670, H2Ohio, shall be 95322
used by the Department of Agriculture to support best management 95323
practices for farmers including but not limited to assistance with 95324
equipment purchases and soil testing. In addition, the foregoing 95325
appropriation item 700760, H2Ohio, may be used to fund 95326
improvements and protection of state waterways in support of water 95327
quality priorities and management in accordance with section 95328
126.60 of the Revised Code. 95329

On July 1, 2020, or as soon as possible thereafter, the 95330
Director of Agriculture may certify to the Director of Budget and 95331
Management an amount up to the unexpended, unencumbered balance of 95332
the foregoing appropriation item, 700670, H2Ohio, at the end of 95333
fiscal year 2020 to be reappropriated in fiscal year 2021. The 95334
amount certified is hereby reappropriated to the same 95335
appropriation item for fiscal year 2021. 95336

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES 95337

The foregoing appropriation item 700632, Clean Ohio 95338

Agricultural Easement Operating, shall be used by the Department 95339
of Agriculture in administering Clean Ohio Agricultural Easement 95340
Fund (Fund 7057) projects pursuant to sections 901.21, 901.22, and 95341
5301.67 to 5301.70 of the Revised Code. 95342

Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY 95343

Dedicated Purpose Fund Group 95344

4Z90 898602 Small Business \$ 208,813 \$ 208,813 95345
Ombudsman

5700 898601 Operating Expenses \$ 565,364 \$ 583,395 95346

5A00 898603 Small Business \$ 450,000 \$ 450,000 95347
Assistance

TOTAL DPF Dedicated Purpose Fund \$ 1,224,177 \$ 1,242,208 95348
Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,224,177 \$ 1,242,208 95349

Section 213.20. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT 95351

AUTHORITY TRUST ACCOUNT 95352

Notwithstanding any other provision of law to the contrary, 95353
the Air Quality Development Authority may reimburse the Air 95354
Quality Development Authority trust account established under 95355
section 3706.10 of the Revised Code from all operating funds of 95356
the agency for expenses pertaining to the administration and 95357
shared costs incurred by the Air Quality Development Authority in 95358
the execution of responsibilities as prescribed in Chapter 3706. 95359
of the Revised Code. The reimbursement shall be made by voucher 95360
and completed in accordance with the administrative indirect costs 95361
allocation plan approved by the Office of Budget and Management. 95362

Section 215.10. ARC ARCHITECTS BOARDS 95363

Dedicated Purpose Fund Group 95364

4K90 891609 Operating \$ 638,611 \$ 646,294 95365

TOTAL DPF Dedicated Purpose Fund				95366
Group	\$	638,611	\$ 646,294	95367
TOTAL ALL BUDGET FUND GROUPS	\$	638,611	\$ 646,294	95368

Section 217.10. ART OHIO ARTS COUNCIL 95370

General Revenue Fund 95371

GRF 370321 Operating Expenses \$ 1,947,031 \$ 2,042,828 95372

GRF 370502 State Program \$ 13,730,750 \$ 13,730,750 95373

Subsidies

TOTAL GRF General Revenue Fund \$ 15,677,781 \$ 15,773,578 95374

Dedicated Purpose Fund Group 95375

4600 370602 Arts Council Program \$ 377,942 \$ 385,000 95376

Support

4B70 370603 Percent for Art \$ 165,000 \$ 165,000 95377

Acquisitions

TOTAL DPF Dedicated Purpose Fund \$ 542,942 \$ 550,000 95378

Group

Federal Fund Group 95379

3140 370601 Federal Support \$ 1,250,000 \$ 1,250,000 95380

TOTAL FED Federal Fund Group \$ 1,250,000 \$ 1,250,000 95381

TOTAL ALL BUDGET FUND GROUPS \$ 17,470,723 \$ 17,573,578 95382

STATE PROGRAM SUBSIDIES 95383

Notwithstanding any provision of law to the contrary, of the 95384

foregoing appropriation item 370502, State Program Subsidies, at 95385

least \$2,000,000 in each fiscal year shall be used by the Ohio 95386

Arts Council to award grants for arts-related educational 95387

programming for kindergarten through twelfth grade students. 95388

FEDERAL SUPPORT 95389

Notwithstanding any provision of law to the contrary, the 95390

foregoing appropriation item 370601, Federal Support, shall be 95391

used by the Ohio Arts Council for subsidies only, and not for its 95392

administrative costs, unless the Council is required to use a 95393
 portion of the funds for administrative costs under conditions of 95394
 the federal grant. 95395

Section 219.10. ATH ATHLETIC COMMISSION 95396

Dedicated Purpose Fund Group 95397

4K90 175609 Operating Expenses \$ 331,169 \$ 331,822 95398

TOTAL DPF Dedicated Purpose Fund \$ 331,169 \$ 331,822 95399

Group

TOTAL ALL BUDGET FUND GROUPS \$ 331,169 \$ 331,822 95400

Section 221.10. AGO ATTORNEY GENERAL 95402

General Revenue Fund 95403

GRF 055321 Operating Expenses \$ 60,646,591 \$ 62,958,461 95404

GRF 055405 Law-Related Education \$ 68,950 \$ 68,950 95405

GRF 055406 BCIRS Lease Rental \$ 2,515,100 \$ 2,513,400 95406

Payments

GRF 055411 County Sheriffs' Pay \$ 983,341 \$ 1,000,554 95407

Supplement

GRF 055415 County Prosecutors' \$ 1,247,225 \$ 1,278,630 95408

Pay Supplement

GRF 055431 Drug Abuse Response \$ 1,500,000 \$ 1,500,000 95409

Team Grants

GRF 055501 Rape Crisis Centers \$ 4,450,000 \$ 4,450,000 95410

GRF 055502 School Safety \$ 12,000,000 \$ 12,000,000 95411

Training Grants

GRF 055504 Domestic Violence \$ 1,000,000 \$ 1,000,000 95412

Programs

TOTAL GRF General Revenue Fund \$ 84,411,207 \$ 86,769,995 95413

Dedicated Purpose Fund Group 95414

1060 055612 Attorney General \$ 58,426,184 \$ 60,018,182 95415

Operating

4020	055616	Victims of Crime	\$	20,624,291	\$	20,624,291	95416
4170	055621	Domestic Violence Shelter	\$	25,000	\$	25,000	95417
4180	055615	Charitable Foundations	\$	8,286,000	\$	8,286,000	95418
4190	055623	Claims Section	\$	41,500,000	\$	42,600,000	95419
4200	055603	Attorney General Antitrust	\$	2,432,925	\$	2,432,925	95420
4210	055617	Police Officers' Training Academy Fee	\$	2,182,062	\$	2,250,000	95421
4L60	055606	DARE Programs	\$	3,814,289	\$	3,814,289	95422
4Y70	055608	Title Defect Recision	\$	1,013,751	\$	1,013,751	95423
4Z20	055609	BCI Asset Forfeiture and Cost Reimbursement	\$	2,500,000	\$	2,500,000	95424
5900	055633	Peace Officer Private Security Training	\$	95,325	\$	95,325	95425
5A90	055618	Telemarketing Fraud Enforcement	\$	10,000	\$	10,000	95426
5LR0	055655	Peace Officer Training - Casino	\$	5,355,079	\$	5,529,409	95427
5MP0	055657	Peace Officer Training Commission	\$	325,000	\$	325,000	95428
5TL0	055659	Organized Crime Law Enforcement Trust	\$	100,000	\$	100,000	95429
6310	055637	Consumer Protection Enforcement	\$	9,276,000	\$	9,276,000	95430
6590	055641	Solid and Hazardous Waste Background Investigations	\$	328,728	\$	328,728	95431
U087	055402	Tobacco Settlement Oversight, Administration, and	\$	2,650,000	\$	2,650,000	95432

Enforcement			
TOTAL DPF Dedicated Purpose Fund			95433
Group	\$ 158,944,634	\$ 161,878,900	95434
Internal Service Activity Fund Group			95435
1950 055660 Workers' Compensation	\$ 7,416,045	\$ 6,898,040	95436
Section			
TOTAL ISA Internal Service Activity	\$ 7,416,045	\$ 6,898,040	95437
Fund Group			
Holding Account Fund Group			95438
R004 055631 General Holding	\$ 1,000,000	\$ 1,000,000	95439
Account			
R005 055632 Antitrust Settlements	\$ 1,000,000	\$ 1,000,000	95440
R018 055630 Consumer Frauds	\$ 1,000,000	\$ 1,000,000	95441
R042 055601 Organized Crime	\$ 750,000	\$ 750,000	95442
Commission			
Distributions			
R054 055650 Collection Payment	\$ 4,500,000	\$ 4,500,000	95443
Redistribution			
TOTAL HLD Holding Account			95444
Fund Group	\$ 8,250,000	\$ 8,250,000	95445
Federal Fund Group			95446
3060 055620 Medicaid Fraud	\$ 8,961,419	\$ 8,961,419	95447
Control			
3830 055634 Crime Victims	\$ 109,971,344	\$ 110,000,000	95448
Assistance			
3E50 055638 Attorney General	\$ 4,017,209	\$ 4,020,999	95449
Pass-Through Funds			
3FV0 055656 Crime Victim	\$ 4,600,000	\$ 4,600,000	95450
Compensation			
3R60 055613 Attorney General	\$ 2,799,999	\$ 2,799,999	95451
Federal Funds			
TOTAL FED Federal Fund Group	\$ 130,349,971	\$ 130,382,417	95452

The foregoing appropriation item 055411, County Sheriffs' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.

At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055411, County Sheriffs' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.

COUNTY PROSECUTORS' PAY SUPPLEMENT

The foregoing appropriation item 055415, County Prosecutors' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of certain county prosecutors as required by section 325.111 of the Revised Code.

At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055415, County Prosecutors' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county prosecutors as required by section 325.111 of the Revised Code.

Section 221.30. BATTERED WOMEN'S SHELTER

Of the foregoing appropriation item 055501, Rape Crisis Centers, \$50,000 in each fiscal year shall be distributed to the Battered Women's Shelter of Summit and Medina counties for the cost of operating the commercial kitchen located at its Market Street Facility.

DRUG ABUSE RESPONSE TEAM GRANT PROGRAM

The Attorney General shall maintain the Drug Abuse Response

Team Grant Program for the purpose of replicating or expanding 95514
successful law enforcement programs that address the opioid 95515
epidemic similar to the Drug Abuse Response Team established by 95516
the Lucas County Sheriff's Department, and the Quick Response 95517
Teams established in Colerain Township's Department of Public 95518
Safety in Hamilton County and Summit County. Any grants awarded by 95519
this grant program may include requirements for private or 95520
nonprofit matching support. 95521

The foregoing appropriation item 055431, Drug Abuse Response 95522
Team Grants, shall be used by the Attorney General to fund grants 95523
to law enforcement or other government agencies; the primary 95524
purpose of the grants shall be to replicate or expand successful 95525
law enforcement programs that address the opioid epidemic similar 95526
to the Drug Abuse Response Team established by the Lucas County 95527
Sheriff's Department and the Quick Response Teams established in 95528
Colerain Township's Department of Public Safety in Hamilton County 95529
and Summit County. 95530

Each recipient of a grant under this program shall, within 95531
six months of the end date of the grant, submit a written report 95532
describing the outcomes that resulted from the grant to the 95533
Governor, the President of the Senate, the Speaker of the House of 95534
Representatives, the Minority Leader of the Senate, and the 95535
Minority Leader of the House of Representatives. 95536

DOMESTIC VIOLENCE PROGRAMS 95537

The foregoing appropriation item 055504, Domestic Violence 95538
Programs, shall be used by the Attorney General for the purpose of 95539
funding domestic violence programs as defined in section 109.46 of 95540
the Revised Code. 95541

WORKERS' COMPENSATION SECTION 95542

The Workers' Compensation Fund (Fund 1950) is entitled to 95543
receive quarterly payments from the Bureau of Workers' 95544

Compensation and the Ohio Industrial Commission to fund legal 95545
services provided to the Bureau of Workers' Compensation and the 95546
Ohio Industrial Commission during the fiscal year. 95547

In addition, the Bureau of Workers' Compensation shall 95548
transfer payments for the support of the Workers' Compensation 95549
Fraud Unit. 95550

All amounts shall be mutually agreed upon by the Attorney 95551
General, the Bureau of Workers' Compensation, and the Ohio 95552
Industrial Commission. 95553

GENERAL HOLDING ACCOUNT 95554

The foregoing appropriation item 055631, General Holding 95555
Account, shall be used to distribute moneys under the terms of 95556
relevant court orders or other settlements received in a variety 95557
of cases involving the Office of the Attorney General. If it is 95558
determined that additional amounts are necessary for this purpose, 95559
the amounts are hereby appropriated. 95560

ANTITRUST SETTLEMENTS 95561

The foregoing appropriation item 055632, Antitrust 95562
Settlements, shall be used to distribute moneys under the terms of 95563
relevant court orders or other out of court settlements in 95564
antitrust cases or antitrust matters involving the Office of the 95565
Attorney General. If it is determined that additional amounts are 95566
necessary for this purpose, the amounts are hereby appropriated. 95567

CONSUMER FRAUDS 95568

The foregoing appropriation item 055630, Consumer Frauds, 95569
shall be used for distribution of moneys from court-ordered 95570
judgments against sellers in actions brought by the Office of the 95571
Attorney General under sections 1334.08 and 4549.48 and division 95572
(B) of section 1345.07 of the Revised Code. These moneys shall be 95573
used to provide restitution to consumers victimized by the fraud 95574

that generated the court-ordered judgments. If it is determined 95575
that additional amounts are necessary for this purpose, the 95576
amounts are hereby appropriated. 95577

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 95578

The foregoing appropriation item 055601, Organized Crime 95579
Commission Distributions, shall be used by the Organized Crime 95580
Investigations Commission, as provided by section 177.011 of the 95581
Revised Code, to reimburse political subdivisions for the expenses 95582
the political subdivisions incur when their law enforcement 95583
officers participate in an organized crime task force. If it is 95584
determined that additional amounts are necessary for this purpose, 95585
the amounts are hereby appropriated. 95586

COLLECTION PAYMENT REDISTRIBUTION 95587

The foregoing appropriation item 055650, Collection Payment 95588
Redistribution, shall be used for the purpose of allocating the 95589
revenue where debtors mistakenly paid the client agencies instead 95590
of the Attorney General's Collections Enforcement Section. If it 95591
is determined that additional amounts are necessary for this 95592
purpose, the amounts are hereby appropriated. 95593

Section 223.10. AUD AUDITOR OF STATE 95594

General Revenue Fund 95595

GRF 070403 Fiscal \$ 700,000 \$ 700,000 95596

Watch/Emergency
Technical Assistance

GRF 070401 Audit Management and \$ 11,998,471 \$ 12,209,612 95597

Services

GRF 070402 Performance Audits \$ 1,750,000 \$ 1,600,000 95598

GRF 070404 Fraud/Corruption \$ 2,550,000 \$ 2,550,000 95599

Audits and
Investigation

GRF	070412	Local Government	\$	13,300,000	\$	13,300,000	95600
		Audit Support					
TOTAL GRF		General Revenue Fund	\$	30,298,471	\$	30,359,612	95601
		Dedicated Purpose Fund Group					95602
1090	070601	Public Audit Expense	\$	11,184,958	\$	11,545,067	95603
		- Intrastate					
4220	070602	Public Audit Expense	\$	34,477,707	\$	35,053,886	95604
		- Local Government					
5840	070603	Training Program	\$	475,000	\$	475,000	95605
5JZ0	070606	LEAP Revolving Loans	\$	250,000	\$	250,000	95606
6750	070605	Uniform Accounting	\$	4,191,269	\$	4,228,178	95607
		Network					
5VP0	070611	Local Government	\$	10,000,000	\$	10,000,000	95608
		Audit Support Fund					
TOTAL DPF		Dedicated Purpose Fund					95609
Group			\$	60,578,934	\$	61,552,131	95610
TOTAL ALL BUDGET FUND GROUPS			\$	90,877,405	\$	91,911,743	95611

Section 223.20. AUDIT MANAGEMENT AND SERVICES 95613

The foregoing appropriation item 070401, Audit Management and 95614
 Services, shall be used pursuant to section 117.13 of the Revised 95615
 Code to support costs of the Auditor of State that are not 95616
 recovered through charges to local governments and state entities, 95617
 which are deposited into the Public Audit Expense-Intrastate Fund 95618
 (Fund 1090), including costs that cannot be recovered from audit 95619
 clients under federal indirect cost allocation guidelines. 95620

PERFORMANCE AUDITS 95621

The foregoing appropriation item 070402, Performance Audits, 95622
 shall be used pursuant to section 117.13 of the Revised Code to 95623
 support costs of the Auditor of State related to the provision of 95624
 performance audits for local governments, school districts, state 95625
 agencies, and colleges and universities that are not recovered 95626

through charges to those entities, including costs that cannot be 95627
recovered from audit clients under federal indirect cost 95628
allocation guidelines. 95629

LOCAL GOVERNMENT AUDIT SUPPORT 95630

The foregoing appropriation item 070412, Local Government 95631
Audit Support, shall be used pursuant to section 117.13 of the 95632
Revised Code to support costs of the Auditor of State that are not 95633
recovered through charges to local governments and state entities, 95634
which are deposited into the Public Audit Expense-Local Government 95635
Fund (Fund 4220), including costs that cannot be recovered from 95636
audit clients under federal indirect cost allocation guidelines. 95637

LOCAL GOVERNMENT AUDIT SUPPORT FUND 95638

The foregoing appropriation item 070611, Local Government 95639
Audit Support Fund, shall be used pursuant to section 5747.461 of 95640
the Revised Code to offset costs of audits that would otherwise be 95641
charged to local public offices in the absence of the fund. 95642

Notwithstanding section 131.511 of the Revised Code, during 95643
fiscal year 2020, the Director of Budget and Management shall 95644
monthly credit to the Local Government Audit Support Fund such 95645
amounts as are necessary to support the fiscal year 2020 95646
appropriations from the fund. 95647

Section 229.10. OBM OFFICE OF BUDGET AND MANAGEMENT 95648

General Revenue Fund 95649

GRF	042321	Budget Development	\$	3,328,574	\$	3,389,364	95650
		and Implementation					

GRF	042425	Shared Services	\$	1,285,250	\$	1,049,725	95651
		Development					

TOTAL GRF	General Revenue Fund	\$	4,613,824	\$	4,439,089	95652
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Internal Service Activity Fund Group 95653

1050	042603	Financial Management	\$	17,106,380	\$	16,995,903	95654
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1050 042620	Shared Services	\$	6,744,587	\$	6,543,051	95655
	Operating					
	TOTAL ISA Internal Service Activity					95656
	Fund Group	\$	23,850,967	\$	23,538,954	95657
	Fiduciary Fund Group					95658
5EH0 042604	Forgery Recovery	\$	30,000	\$	30,000	95659
	TOTAL FID Fiduciary Fund Group	\$	30,000	\$	30,000	95660
	TOTAL ALL BUDGET FUND GROUPS	\$	28,494,791	\$	28,008,043	95661

Section 229.20. AUDIT COSTS 95663

All centralized audit costs associated with either Single 95664
Audit Schedules or financial statements prepared in conformance 95665
with generally accepted accounting principles for the state shall 95666
be paid from the foregoing appropriation item 042603, Financial 95667
Management. 95668

Costs associated with the audit of the Auditor of State shall 95669
be paid from the foregoing appropriation item 042321, Budget 95670
Development and Implementation. 95671

SHARED SERVICES CENTER 95672

The foregoing appropriation items 042425, Shared Services 95673
Development, and 042620, Shared Services Operating, shall be used 95674
by the Director of Budget and Management to support the Shared 95675
Services program pursuant to division (D) of section 126.21 of the 95676
Revised Code. 95677

The Director of Budget and Management shall include the 95678
recovery of costs to operate the Shared Services program in the 95679
accounting and budgeting services payroll rate and through direct 95680
charges using intrastate transfer vouchers billed to agencies for 95681
services rendered using a methodology determined by the Director 95682
of Budget and Management. Such cost recovery revenues shall be 95683
deposited to the credit of the Accounting and Budgeting Fund (Fund 95684

1050).						95685
	INTERNAL AUDIT					95686
	The Director of Budget and Management shall include the					95687
	recovery of costs to operate the Internal Audit Program pursuant					95688
	to section 126.45 of the Revised Code in the accounting and					95689
	budgeting services payroll rate and through direct charges using					95690
	intrastate transfer vouchers billed to agencies reviewed by the					95691
	program using a methodology determined by the Director of Budget					95692
	and Management. Such cost recovery revenues shall be deposited to					95693
	the credit of Fund 1050.					95694
	FORGERY RECOVERY					95695
	The foregoing appropriation item 042604, Forgery Recovery,					95696
	shall be used to reissue warrants that have been certified as					95697
	forgeries by the rightful recipient as determined by the Bureau of					95698
	Criminal Identification and Investigation and the Treasurer of					95699
	State. Upon receipt of funds to cover the reissuance of the					95700
	warrant, the Director of Budget and Management shall reissue a					95701
	state warrant of the same amount. Any additional amounts needed to					95702
	reissue warrants backed by the receipt of funds are hereby					95703
	appropriated.					95704
	Section 231.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD					95705
	General Revenue Fund					95706
GRF	874100 Personal Services	\$	3,802,439	\$	3,819,502	95707
GRF	874320 Maintenance and	\$	1,368,765	\$	1,368,765	95708
	Equipment					
TOTAL GRF	General Revenue Fund	\$	5,171,204	\$	5,188,267	95709
	Dedicated Purpose Fund Group					95710
2080	874601 Underground Parking	\$	4,245,906	\$	4,245,906	95711
	Garage Operations					
4G50	874603 Capitol Square	\$	6,000	\$	6,000	95712

Education Center and
 Arts

TOTAL DPF Dedicated Purpose				95713
Fund Group	\$	4,251,906	\$ 4,251,906	95714
Internal Service Activity Fund Group				95715
4S70 874602 Statehouse Gift	\$	800,000	\$ 800,000	95716
Shop/Events				
TOTAL ISA Internal Service Activity				95717
Fund Group	\$	800,000	\$ 800,000	95718
TOTAL ALL BUDGET FUND GROUPS	\$	10,223,110	\$ 10,240,173	95719

PERSONAL SERVICES 95720

On July 1, 2019, or as soon as possible thereafter, the 95721
 Executive Director of the Capitol Square Review and Advisory Board 95722
 may certify to the Director of Budget and Management an amount up 95723
 to the unexpended, unencumbered balance of the foregoing 95724
 appropriation item 874100, Personal Services, at the end of fiscal 95725
 year 2019 to be reappropriated to fiscal year 2020. The amount 95726
 certified is hereby appropriated to the same appropriation item 95727
 for fiscal year 2020. 95728

On July 1, 2020, or as soon as possible thereafter, the 95729
 Executive Director of the Capital Square Review and Advisory Board 95730
 may certify to the Director of Budget and Management an amount up 95731
 to the unexpended, unencumbered balance of the foregoing 95732
 appropriation item 874100, Personal Services, at the end of fiscal 95733
 year 2020 to be reappropriated to fiscal year 2021. The amount 95734
 certified is hereby appropriated to the same appropriation item 95735
 for fiscal year 2021. 95736

MAINTENANCE AND EQUIPMENT 95737

On July 1, 2019, or as soon as possible thereafter, the 95738
 Executive Director of the Capitol Square Review and Advisory Board 95739
 may certify to the Director of Budget and Management an amount up 95740

to the unexpended, unencumbered balance of the foregoing 95741
appropriation item 874320, Maintenance and Equipment, at the end 95742
of fiscal year 2019 to be reappropriated to fiscal year 2020. The 95743
amount certified is hereby appropriated to the same appropriation 95744
item for fiscal year 2020. 95745

On July 1, 2020, or as soon as possible thereafter, the 95746
Executive Director of the Capitol Square Review and Advisory Board 95747
may certify to the Director of Budget and Management an amount up 95748
to the unexpended, unencumbered balance of the foregoing 95749
appropriation item 874320, Maintenance and Equipment, at the end 95750
of fiscal year 2020 to be reappropriated to fiscal year 2021. The 95751
amount certified is hereby appropriated to the same appropriation 95752
item for fiscal year 2021. 95753

UNDERGROUND PARKING GARAGE FUND 95754

Notwithstanding division (G) of section 105.41 of the Revised 95755
Code and any other provision to the contrary, moneys in the 95756
Underground Parking Garage Fund (Fund 2080) may be used for 95757
personnel and operating costs related to the operations of the 95758
Statehouse and the Statehouse Underground Parking Garage. 95759

HOUSE AND SENATE PARKING REIMBURSEMENT 95760

On July 1 of each fiscal year, or as soon as possible 95761
thereafter, the Director of Budget and Management shall transfer 95762
\$500,000 cash from the General Revenue Fund to the Underground 95763
Parking Garage Fund (Fund 2080). The amounts transferred under 95764
this section shall be used to reimburse the Capitol Square Review 95765
and Advisory Board for legislative parking costs. 95766

Section 233.10. SCR STATE BOARD OF CAREER COLLEGES AND 95767
SCHOOLS 95768

Dedicated Purpose Fund Group 95769
4K90 233601 Operating Expenses \$ 540,260 \$ 540,260 95770

TOTAL DPF Dedicated Purpose Fund Group	\$	540,260	\$	540,260	95771
TOTAL ALL BUDGET FUND GROUPS	\$	540,260	\$	540,260	95772
Section 235.10. CAC CASINO CONTROL COMMISSION					95774
Dedicated Purpose Fund Group					95775
5HS0 955321 Operating Expenses	\$	13,180,629	\$	13,673,127	95776
5NU0 955601 Casino Commission Enforcement	\$	250,000	\$	250,000	95777
TOTAL DPF Dedicated Purpose Fund Group	\$	13,430,629	\$	13,923,127	95778
TOTAL ALL BUDGET FUND GROUPS	\$	13,430,629	\$	13,923,127	95779
Section 237.10. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD					95781
Dedicated Purpose Fund Group					95782
4K90 930609 Operating Expenses	\$	651,167	\$	664,212	95783
TOTAL DPF Dedicated Purpose Fund Group	\$	651,167	\$	664,212	95784
TOTAL ALL BUDGET FUND GROUPS	\$	651,167	\$	664,212	95785
Section 239.10. CHR STATE CHIROPRACTIC BOARD					95787
Dedicated Purpose Fund Group					95788
4K90 878609 Operating Expenses	\$	605,251	\$	622,000	95789
TOTAL DPF Dedicated Purpose Fund Group	\$	605,251	\$	622,000	95790
TOTAL ALL BUDGET FUND GROUPS	\$	605,251	\$	622,000	95791
Section 241.10. CIV OHIO CIVIL RIGHTS COMMISSION					95793
General Revenue Fund					95794
GRF 876321 Operating Expenses	\$	5,863,161	\$	5,863,161	95795
TOTAL GRF General Revenue Fund	\$	5,863,161	\$	5,863,161	95796
Dedicated Purpose Fund Group					95797

2170	876604	Operations Support	\$	3,000	\$	3,000	95798
TOTAL DPF Internal Service Activity							95799
Fund Group			\$	3,000	\$	3,000	95800
Federal Fund Group							95801
3340	876601	Federal Programs	\$	3,555,504	\$	3,908,497	95802
TOTAL FED Federal Special Revenue							95803
Fund Group			\$	3,555,504	\$	3,908,497	95804
TOTAL ALL BUDGET FUND GROUPS							95805

Section 243.10. COM DEPARTMENT OF COMMERCE 95807

Dedicated Purpose Fund Group							95808
4B20	800631	Real Estate Appraisal	\$	35,000	\$	35,000	95809
Recovery							
4H90	800608	Cemeteries	\$	302,250	\$	313,466	95810
4X20	800619	Financial Institutions	\$	1,914,631	\$	1,980,213	95811
5430	800602	Unclaimed	\$	10,452,421	\$	10,465,295	95812
Funds-Operating							
5430	800625	Unclaimed Funds-Claims	\$	70,000,000	\$	70,000,000	95813
5440	800612	Banks	\$	10,154,147	\$	10,688,048	95814
5460	800610	Fire Marshal	\$	20,436,641	\$	21,090,755	95815
5460	800639	Fire Department Grants	\$	5,200,000	\$	5,200,000	95816
5470	800603	Real Estate	\$	69,655	\$	69,655	95817
Education/Research							
5480	800611	Real Estate Recovery	\$	50,000	\$	50,000	95818
5490	800614	Real Estate	\$	3,876,514	\$	4,067,513	95819
5500	800617	Securities	\$	6,165,054	\$	6,363,135	95820
5520	800604	Credit Union	\$	3,719,253	\$	3,807,712	95821
5530	800607	Consumer Finance	\$	5,465,720	\$	5,777,988	95822
5560	800615	Industrial Compliance	\$	30,729,000	\$	30,929,000	95823
5F10	800635	Small Government Fire	\$	300,000	\$	300,000	95824
Departments							
5FW0	800616	Financial Literacy	\$	150,000	\$	150,000	95825

		Education					
5GK0	800609	Securities Investor	\$	678,400	\$	682,150	95826
		Education/Enforcement					
5HV0	800641	Cigarette Enforcement	\$	27,324	\$	27,324	95827
5LC0	800644	Liquor JobsOhio	\$	788,204	\$	788,204	95828
		Extraordinary Allowance					
5LN0	800645	Liquor Operating	\$	19,540,125	\$	19,705,103	95829
		Services					
5LP0	800646	Liquor Regulatory	\$	15,918,941	\$	14,787,281	95830
		Operating Expenses					
5SE0	800651	Cemetery Grant Program	\$	100,000	\$	100,000	95831
5SJ0	800648	Volunteer Peace	\$	50,000	\$	50,000	95832
		Officers' Dependent Fund					
5SU0	800649	Manufactured Homes	\$	260,550	\$	270,478	95833
		Regulation					
5SY0	800650	Medical Marijuana Control Program	\$	6,435,897	\$	5,121,000	95834
5VC0	800652	Real Estate Home Inspector Operating	\$	490,000	\$	490,000	95835
5VD0	800653	Real Estate Home Inspector Recovery	\$	10,000	\$	10,000	95836
5X60	800623	Video Service	\$	416,732	\$	412,693	95837
6530	800629	UST Registration/Permit Fee	\$	2,316,230	\$	2,301,714	95838
6A40	800630	Real Estate Appraiser-Operating	\$	1,299,071	\$	1,336,056	95839
TOTAL	DPF	Dedicated Purpose					95840
Fund Group			\$	217,351,760	\$	217,369,783	95841
Internal Service Activity		Fund Group					95842
1630	800620	Division of Administration	\$	8,558,140	\$	8,364,140	95843
1630	800637	Information Technology	\$	8,601,860	\$	8,985,860	95844

TOTAL ISA Internal Service Activity				95845	
Fund Group	\$	17,160,000	\$	17,350,000	95846
Federal Fund Group				95847	
3480 800622 Underground Storage Tanks	\$	820,675	\$	805,112	95848
3480 800624 Leaking Underground Storage Tanks	\$	1,950,000	\$	1,949,887	95849
TOTAL FED Federal Fund Group	\$	2,770,675	\$	2,754,999	95850
TOTAL ALL BUDGET FUND GROUPS	\$	237,282,435	\$	237,474,782	95851

Section 243.20. UNCLAIMED FUNDS PAYMENTS 95853

The foregoing appropriation item 800625, Unclaimed Funds-Claims, shall be used to pay claims under section 169.08 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management increase such amounts. Such increases are hereby appropriated. 95854
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DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING 95861

The foregoing appropriation item 800631, Real Estate Appraiser Recovery, shall be used to pay settlements, judgments, and court orders under section 4763.16 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management increase such amounts. Such increases are hereby appropriated. 95862
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The foregoing appropriation item 800611, Real Estate Recovery, shall be used to pay settlements, judgments, and court orders under section 4735.12 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the 95870
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Director of Commerce may request that the Director of Budget and Management increase such amounts. Such increases are hereby appropriated.

FIRE DEPARTMENT GRANTS

(A) The foregoing appropriation item 800639, Fire Department Grants, shall be used to make annual grants to the following eligible recipients: volunteer fire departments, fire departments that serve one or more small municipalities or small townships, joint fire districts comprised of fire departments that primarily serve small municipalities or small townships, local units of government responsible for such fire departments, and local units of government responsible for the provision of fire protection services for small municipalities or small townships. For the purposes of these grants, a private fire company, as that phrase is defined in section 9.60 of the Revised Code, that is providing fire protection services under a contract to a political subdivision of the state, is an additional eligible recipient for a training grant.

Eligible recipients that consist of small municipalities or small townships that all intend to contract with the same fire department or private fire company for fire protection services may jointly apply and be considered for a grant. If a joint applicant is awarded a grant, the State Fire Marshal shall, if feasible, proportionately award the grant and any equipment purchased with grant funds to each of the joint applicants based upon each applicant's contribution to and demonstrated need for fire protection services. For the purpose of this grant program, an eligible recipient or any firefighting entity that is contracted to serve an eligible recipient may only file, be listed as joint applicant, or be designated as a service provider on one grant application per fiscal year.

If the grant awarded to joint applicants is an equipment

grant and the equipment to be purchased cannot be readily 95907
distributed or possessed by multiple recipients, each of the joint 95908
applicants shall be awarded by the State Fire Marshal an ownership 95909
interest in the equipment so purchased in proportion to each 95910
applicant's contribution to and demonstrated need for fire 95911
protection services. The joint applicants shall then mutually 95912
agree on how the equipment is to be maintained, operated, stored, 95913
or disposed of. If, for any reason, the joint applicants cannot 95914
agree as to how jointly owned equipment is to be maintained, 95915
operated, stored, or disposed of or any of the joint applicants no 95916
longer maintain a contract with the same fire protection service 95917
provider as the other applicants, then the joint applicants shall, 95918
with the assistance of the State Fire Marshal, mutually agree as 95919
to how the jointly owned equipment is to be maintained, operated, 95920
stored, disposed of, or owned. If the joint applicants cannot 95921
agree how the grant equipment is to be maintained, operated, 95922
stored, disposed of, or owned, the State Fire Marshal may, in its 95923
discretion, require all of the equipment acquired by the joint 95924
applicants with grant funds to be returned to the State Fire 95925
Marshal. The State Fire Marshal may then award the returned 95926
equipment to any eligible recipients. For this paragraph only, an 95927
"equipment grant" also includes a MARCS Grant. 95928

(B) Except as otherwise provided in this section, the grants 95929
shall be used by recipients to purchase firefighting or rescue 95930
equipment or gear or similar items, to provide full or partial 95931
reimbursement for the documented costs of firefighter training, 95932
or, at the discretion of the State Fire Marshal, to cover fire 95933
department costs for providing fire protection services in that 95934
grant recipient's jurisdiction. 95935

(1) Of the foregoing appropriation item 800639, Fire 95936
Department Grants, up to \$1,000,000 per fiscal year may be used to 95937
pay for the State Fire Marshal's costs of providing firefighter I 95938

certification classes or other firefighter classes approved by the 95939
State Fire Marshal at no cost to selected students attending the 95940
Ohio Fire Academy or other class providers approved by the State 95941
Fire Marshal. The State Fire Marshal may establish the 95942
qualifications and selection processes for students to attend such 95943
classes by written policy, and such students shall be considered 95944
eligible recipients of fire department grants for the purposes of 95945
this portion of the grant program. 95946

(2) Of the foregoing appropriation item 800639, Fire 95947
Department Grants, up to \$3,000,000 in each fiscal year may be 95948
used for MARCS Grants. MARCS Grants may be used for the payment of 95949
user access fees by the eligible recipient to cover costs for 95950
accessing MARCS. 95951

For purposes of this section, a MARCS Grant is a grant for 95952
systems, equipment, or services that are a part of, integrated 95953
into, or otherwise interoperable with the Multi-Agency Radio 95954
Communication System (MARCS) operated by the state. 95955

MARCS Grant awards may be up to \$50,000 in each fiscal year 95956
per eligible recipient. Each eligible recipient may apply, as a 95957
separate entity or as a part of a joint application, for only one 95958
MARCS Grant per fiscal year. The State Fire Marshal may give a 95959
preference to MARCS Grants that will enhance the overall 95960
interoperability and effectiveness of emergency communication 95961
networks in the geographic region that includes and that is 95962
adjacent to the applicant. 95963

Eligible recipients that are or were awarded fire department 95964
grants that are not MARCS Grants may also apply for and receive 95965
MARCS Grants in accordance with criteria for the awarding of grant 95966
funds established by the State Fire Marshal. 95967

(3) Grant awards for firefighting or rescue equipment or gear 95968
or for fire department costs of providing fire protection services 95969

shall be up to \$15,000 per fiscal year, or up to \$25,000 per 95970
fiscal year if an eligible entity serves a jurisdiction in which 95971
the Governor declared a natural disaster during the preceding or 95972
current fiscal year in which the grant was awarded. In addition to 95973
any grant funds awarded for rescue equipment or gear, or for fire 95974
department costs associated with the provision of fire protection 95975
services, an eligible entity may receive a grant for up to \$15,000 95976
per fiscal year for full or partial reimbursement of the 95977
documented costs of firefighter training. For each fiscal year, 95978
the State Fire Marshal shall determine the total amounts to be 95979
allocated for each eligible purpose. 95980

(C) The grants shall be administered by the State Fire 95981
Marshal in accordance with rules the State Fire Marshal adopts as 95982
part of the state fire code adopted pursuant to section 3737.82 of 95983
the Revised Code that are necessary for the administration and 95984
operation of the grant program. The rules may further define the 95985
entities eligible to receive grants and establish criteria for the 95986
awarding and expenditure of grant funds, including methods the 95987
State Fire Marshal may use to verify the proper use of grant funds 95988
or to obtain reimbursement for or the return of equipment for 95989
improperly used grant funds. To the extent consistent with this 95990
section and until the rules are updated, the existing rules in the 95991
state fire code adopted pursuant to section 3737.82 of the Revised 95992
Code for fire department grants under this section apply to MARCS 95993
Grants. Any amounts in appropriation item 800639, Fire Department 95994
Grants, in excess of the amount allocated for these grants may be 95995
used for the administration of the grant program. 95996

INDUSTRIAL COMPLIANCE 95997

Of the foregoing appropriation item 800615, Industrial 95998
Compliance, \$1,200,000 in each fiscal year shall be used for the 95999
Bureau of Wage and Hour Administration within the Division of the 96000
Industrial Compliance. 96001

Section 243.30. CASH TRANSFERS TO DIVISION OF REAL ESTATE 96002
OPERATING FUND 96003

Upon the written request of the Director of Commerce, and 96004
subject to the approval of the Controlling Board, the Director of 96005
Budget and Management may transfer up to \$500,000 in cash from the 96006
Real Estate Education and Research Fund (Fund 5470) to the 96007
Division of Real Estate Operating Fund (Fund 5490) during the 96008
biennium ending June 30, 2021. 96009

If the Real Estate Recovery Fund (Fund 5480) cash balance 96010
exceeds \$250,000 during the biennium ending June 30, 2021, the 96011
Director of Budget and Management, upon the written request of the 96012
Director of Commerce and subject to the approval of the 96013
Controlling Board, may transfer cash from Fund 5480 to the 96014
Division of Real Estate Operating Fund (Fund 5490), such that the 96015
amount available in Fund 5480 is not less than \$250,000. 96016

CASH TRANSFERS TO REAL ESTATE APPRAISER OPERATING FUND 96017

If the Real Estate Appraiser Recovery Fund (Fund 4B20) cash 96018
balance exceeds \$200,000 during the biennium ending June 30, 2021, 96019
the Director of Budget and Management, upon the written request of 96020
the Director of Commerce and subject to the approval of the 96021
Controlling Board, may transfer cash from Fund 4B20 to the Real 96022
Estate Appraiser Operating Fund (Fund 6A40), such that the amount 96023
available in Fund 4B20 is not less than \$200,000. 96024

CASH TRANSFERS TO SMALL GOVERNMENT FIRE DEPARTMENT SERVICES 96025
REVOLVING LOAN FUND 96026

Upon the written request of the Director of Commerce, and 96027
subject to the approval of the Controlling Board, the Director of 96028
Budget and Management may transfer up to \$300,000 in cash from the 96029
State Fire Marshal Fund (Fund 5460) to the Small Government Fire 96030
Department Services Revolving Loan Fund (Fund 5F10) during the 96031

biennium ending June 30, 2021. 96032

CASH TRANSFERS TO THE HOME INSPECTOR OPERATING FUND AND THE 96033
HOME INSPECTOR RECOVERY FUND 96034

During the biennium beginning July 1, 2019, and ending June 96035
30, 2021, upon written request from the Director of Commerce, and 96036
subject to the approval of the Controlling Board, the Director of 96037
Budget and Management may transfer up to \$500,000 in cash from the 96038
Division of Securities Fund (Fund 5500) as follows: up to \$490,000 96039
in cash to the Home Inspector Operating Fund (Fund 5VC0) and up to 96040
\$10,000 in cash to the Home Inspector Recovery Fund (Fund 5VD0). 96041
When revenue deposited into Fund 5VC0 and Fund 5VD0 are deemed 96042
sufficient to sustain operations, the Director of Budget and 96043
Management, in consultation with the Director of Commerce, shall 96044
establish a repayment schedule to fully repay the cash transferred 96045
from Fund 5500 to Fund 5VC0 and Fund 5VD0. 96046

Section 245.10. OCC OFFICE OF CONSUMERS' COUNSEL 96047

Dedicated Purpose Fund Group 96048

5F50 053601 Operating Expenses \$ 5,541,093 \$ 5,541,093 96049

TOTAL DPF Dedicated Purpose Fund \$ 5,541,093 \$ 5,541,093 96050

Group

TOTAL ALL BUDGET FUND GROUPS \$ 5,541,093 \$ 5,541,093 96051

Section 247.10. CEB CONTROLLING BOARD 96053

Internal Service Activity Fund Group 96054

5KM0 911614 Controlling Board \$ 7,500,000 \$ 7,500,000 96055

Emergency

Purposes/Contingencies

TOTAL ISA Internal Service Activity \$ 7,500,000 \$ 7,500,000 96056

Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 7,500,000 \$ 7,500,000 96057

Section 247.20. FEDERAL SHARE 96059

In transferring appropriations to or from appropriation items 96060
that have federal shares identified in this act, the Controlling 96061
Board shall add or subtract corresponding amounts of federal 96062
matching funds at the percentages indicated by the state and 96063
federal division of the appropriations in this act. Such changes 96064
are hereby appropriated. 96065

DISASTER SERVICES 96066

The Disaster Services Fund (Fund 5E20) shall be used by the 96067
Controlling Board, pursuant to requests submitted by state 96068
agencies, to transfer cash used for the payment of state agency 96069
disaster relief program expenses for disasters that have a written 96070
Governor's authorization, if the Director of Budget and Management 96071
determines that sufficient funds exist. 96072

Pursuant to requests submitted by the Department of Public 96073
Safety, the Controlling Board may approve cash transfers from Fund 96074
5E20 to any fund used by the Department of Public Safety to 96075
provide for assistance to political subdivisions made necessary by 96076
natural disasters or emergencies. These cash transfers may be 96077
requested and approved prior to the occurrence of any specific 96078
natural disasters or emergencies in order to facilitate the 96079
provision of timely assistance. The Emergency Management Agency of 96080
the Department of Public Safety shall use the cash to fund the 96081
State Disaster Relief Program for disasters that qualify for the 96082
program by written authorization of the Governor, and the State 96083
Individual Assistance Program for disasters that been declared by 96084
the federal Small Business Administration and that qualify for the 96085
program by written authorization from the Governor. The Ohio 96086
Emergency Management Agency shall publish and make available 96087
application packets outlining procedures for the State Disaster 96088
Relief Program and the State Individual Assistance Program. 96089

Section 249.10. COS COSMETOLOGY AND BARBER BOARD				96090
Dedicated Purpose Fund Group				96091
4K90 879609	Operating Expenses	\$ 5,425,748	\$ 5,716,944	96092
TOTAL DPF Dedicated Purpose Fund				96093
Group				
TOTAL ALL BUDGET FUND GROUPS				96094
 Section 251.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE				96096
AND FAMILY THERAPIST BOARD				96097
Dedicated Purpose Fund Group				96098
4K90 899609	Operating Expenses	\$ 1,739,538	\$ 1,854,848	96099
TOTAL DPF Dedicated Purpose Fund				96100
Group				
TOTAL ALL BUDGET FUND GROUPS				96101
 Section 253.10. CLA COURT OF CLAIMS				96103
General Revenue Fund				96104
GRF 015321	Operating Expenses	\$ 2,669,835	\$ 2,692,946	96105
GRF 015403	Public Records	\$ 879,776	\$ 886,527	96106
Adjudication				
TOTAL GRF General Revenue Fund				96107
Dedicated Purpose Fund Group				96108
5K20 015603	CLA Victims of Crime	\$ 529,928	\$ 533,532	96109
5TE0 015604	Public Records	\$ 8,000	\$ 8,000	96110
TOTAL DPF Dedicated Purpose Fund				96111
Group				
TOTAL ALL BUDGET FUND GROUPS				96112
 Section 255.10. DEN STATE DENTAL BOARD				96114
Dedicated Purpose Fund Group				96115
4K90 880609	Operating Expenses	\$ 2,000,804	\$ 2,124,251	96116

GRF	195454	Small Business and Export Assistance	\$	3,057,174	\$	3,057,174	96141
GRF	195455	Appalachia Assistance	\$	15,991,465	\$	16,000,000	96142
GRF	195497	CDBG Operating Match	\$	1,092,138	\$	1,125,000	96143
GRF	195499	BSD Federal Programs Match	\$	13,148,022	\$	12,976,894	96144
GRF	195501	iBELIEVE	\$	200,000	\$	200,000	96145
GRF	195503	Local Development Projects	\$	1,490,000	\$	475,000	96146
GRF	195901	Coal Research and Development General Obligation Bond Debt Service	\$	8,123,100	\$	7,682,600	96147
GRF	195905	Third Frontier Research and Development General Obligation Bond Debt Service	\$	84,181,400	\$	87,403,000	96148
GRF	195912	Job Ready Site Development General Obligation Bond Debt Service	\$	15,516,000	\$	9,879,900	96149
TOTAL GRF		General Revenue Fund	\$	149,932,102	\$	146,035,975	96150
		Dedicated Purpose Fund Group					96151
4500	195624	Minority Business Bonding Program Administration	\$	74,905	\$	74,905	96152
4510	195649	Business Assistance Programs	\$	4,000,000	\$	4,000,000	96153
4F20	195639	State Special Projects	\$	102,104	\$	102,104	96154
4F20	195699	Utility Community Assistance	\$	500,000	\$	500,000	96155
4W10	195646	Minority Business	\$	4,000,000	\$	4,000,000	96156

		Enterprise Loan					
5JR0	195635	Tax Incentives	\$	800,000	\$	800,000	96157
		Operating					
5KP0	195645	Historic	\$	1,000,000	\$	1,000,000	96158
		Rehabilitation					
		Operating					
5M40	195659	Low Income Energy	\$	349,944,742	\$	350,000,000	96159
		Assistance (USF)					
5M50	195660	Advanced Energy Loan	\$	10,000,000	\$	10,000,000	96160
		Programs					
5MH0	195644	SiteOhio	\$	2,500	\$	2,500	96161
		Administration					
5MJ0	195683	TourismOhio	\$	10,000,000	\$	10,000,000	96162
		Administration					
5UL0	195627	Brownfields Revolving	\$	2,500,000	\$	2,500,000	96163
		Loan Program					
5W60	195691	International Trade	\$	18,000	\$	18,000	96164
		Cooperative Projects					
6170	195654	Volume Cap	\$	32,562	\$	32,562	96165
		Administration					
6460	195638	Low- and Moderate-	\$	53,000,000	\$	53,000,000	96166
		Income Housing					
		Programs					
M087	195435	Biomedical Research	\$	500,000	\$	500,000	96167
		and Technology					
		Transfer					
TOTAL	DPF	Dedicated Purpose Fund	\$	436,474,813	\$	436,530,071	96168
		Group					
		Internal Service Activity Fund Group					96169
1350	195684	Development Services	\$	11,686,861	\$	12,000,000	96170
		Operations					
6850	195636	Development Services	\$	125,000	\$	125,000	96171
		Reimbursable					

Expenditures

TOTAL ISA Internal Service Activity	\$	11,811,861	\$	12,125,000	96172
Fund Group					
Facilities Establishment Fund Group					96173
4Z60 195647 Rural Industrial Park	\$	25,000,000	\$	0	96174
Loan					
5S90 195628 Capital Access Loan	\$	2,500,000	\$	2,500,000	96175
Program					
7009 195664 Innovation Ohio	\$	5,000,000	\$	5,000,000	96176
7010 195665 Research and	\$	5,000,000	\$	5,000,000	96177
Development					
7037 195615 Facilities	\$	25,000,000	\$	25,000,000	96178
Establishment					
TOTAL FCE Facilities Establishment	\$	62,500,000	\$	37,500,000	96179
Fund Group					
Bond Research and Development Fund Group					96180
7011 195686 Third Frontier Tax	\$	750,000	\$	750,000	96181
Exempt - Operating					
7011 195687 Third Frontier	\$	21,000,000	\$	21,000,000	96182
Research and					
Development Projects					
7014 195620 Third Frontier	\$	1,710,000	\$	1,710,000	96183
Taxable - Operating					
7014 195692 Research and	\$	90,850,250	\$	90,850,250	96184
Development Taxable					
Bond Projects					
TOTAL BRD Bond Research and	\$	114,310,250	\$	114,310,250	96185
Development Fund Group					
Federal Fund Group					96186
3080 195603 Housing Assistance	\$	12,000,000	\$	12,000,000	96187
Programs					
3080 195609 Small Business	\$	5,271,381	\$	5,271,381	96188

		Administration Grants					
3080	195618	Energy Grants	\$	4,000,000	\$	4,000,000	96189
3080	195670	Home Weatherization Program	\$	20,000,000	\$	20,000,000	96190
3080	195671	Brownfield Redevelopment	\$	2,000,000	\$	2,000,000	96191
3080	195672	Manufacturing Extension Partnership	\$	6,300,000	\$	6,300,000	96192
3080	195675	Procurement Technical Assistance	\$	750,000	\$	750,000	96193
3080	195696	State Trade and Export Promotion	\$	1,000,000	\$	1,000,000	96194
3350	195610	Energy Programs	\$	345,382	\$	350,000	96195
3AE0	195643	Workforce Development Initiatives	\$	800,000	\$	800,000	96196
3FJ0	195626	Small Business Capital Access and Collateral Enhancement Program	\$	7,996,645	\$	8,000,000	96197
3FJ0	195661	Technology Targeted Investment Program	\$	2,260,953	\$	2,260,953	96198
3K80	195613	Community Development Block Grant	\$	60,000,000	\$	60,000,000	96199
3K90	195611	Home Energy Assistance Block Grant	\$	164,914,571	\$	165,000,000	96200
3K90	195614	HEAP Weatherization	\$	34,989,189	\$	35,000,000	96201
3L00	195612	Community Services Block Grant	\$	28,000,000	\$	28,000,000	96202
3V10	195601	HOME Program	\$	34,979,280	\$	35,000,000	96203
TOTAL FED Federal Fund Group			\$	385,607,401	\$	385,732,334	96204
TOTAL ALL BUDGET FUND GROUPS			\$	1,160,636,427	\$	1,132,233,630	96205

Section 259.20. COAL RESEARCH AND DEVELOPMENT PROGRAM 96207

The foregoing appropriation item 195402, Coal Research and 96208
Development Program, shall be used for the operating expenses of 96209
the Community Services Division in support of the Ohio Coal 96210
Development Office. 96211

MINORITY BUSINESS DEVELOPMENT 96212

The foregoing appropriation item 195405, Minority Business 96213
Development, shall be used to support the activities of the 96214
Minority Business Development Division, including providing grants 96215
to local nonprofit organizations to support economic development 96216
activities that promote minority business development, in 96217
conjunction with local organizations funded through appropriation 96218
item 195454, Small Business and Export Assistance. 96219

BUSINESS DEVELOPMENT SERVICES 96220

The foregoing appropriation item 195415, Business Development 96221
Services, shall be used for the operating expenses of the Office 96222
of Strategic Business Investments and the regional economic 96223
development offices. 96224

REDEVELOPMENT ASSISTANCE 96225

The foregoing appropriation item 195426, Redevelopment 96226
Assistance, shall be used to fund the costs of administering the 96227
energy, redevelopment, and other revitalization programs that may 96228
be implemented by the Development Services Agency, and may be used 96229
to match federal grant funding. 96230

TECHNOLOGY PROGRAMS AND GRANTS 96231

Of the foregoing appropriation item 195453, Technology 96232
Programs and Grants, \$1,843,656 in fiscal year 2020 and \$1,900,000 96233
in fiscal year 2021 shall be used for operating expenses incurred 96234
in administering the Ohio Third Frontier Programs and other 96235
technology focused programs that may be implemented by the 96236

Development Services Agency. 96237

Of the foregoing appropriation item 195453, Technology 96238
Programs and Grants, \$196,400 in each fiscal year shall be 96239
allocated to the Edison Welding Institute, Inc., to support the 96240
Aerospace Maintenance Repair and Overhaul - Center of Excellence 96241
Project. 96242

SMALL BUSINESS AND EXPORT ASSISTANCE 96243

The foregoing appropriation item 195454, Small Business and 96244
Export Assistance, may be used to provide a range of business 96245
assistance, including grants to local organizations to support 96246
economic development activities that promote small business 96247
development, entrepreneurship, and exports of Ohio's goods and 96248
services, in conjunction with local organizations funded through 96249
appropriation item 195405, Minority Business Development. The 96250
foregoing appropriation item shall also be used as matching funds 96251
for grants from the United States Small Business Administration 96252
and other federal agencies, pursuant to Pub. L. No. 96-302 as 96253
amended by Pub. L. No. 98-395, and regulations and policy 96254
guidelines for the programs pursuant thereto. 96255

APPALACHIA ASSISTANCE 96256

The foregoing GRF appropriation item 195455, Appalachia 96257
Assistance, may be used for the administrative costs of planning 96258
and liaison activities for the Governor's Office of Appalachia, to 96259
provide financial assistance to projects in Ohio's Appalachian 96260
counties, to support four local development districts, and to pay 96261
dues for the Appalachian Regional Commission. These funds may be 96262
used to match federal funds from the Appalachian Regional 96263
Commission. Programs funded through the foregoing appropriation 96264
item 195455, Appalachia Assistance, shall be identified and 96265
recommended by the local development districts and approved by the 96266
Governor's Office of Appalachia. The Development Services Agency 96267

shall conduct compliance and regulatory review of the programs 96268
recommended by the local development districts. Moneys allocated 96269
under the foregoing appropriation item 195455, Appalachia 96270
Assistance, may be used to fund projects including, but not 96271
limited to, those designated by the local development districts as 96272
community investment and rapid response projects. 96273

Of the foregoing appropriation item 195455, Appalachia 96274
Assistance, in each fiscal year, \$170,000 shall be allocated to 96275
the Ohio Valley Regional Development Commission, \$170,000 shall be 96276
allocated to the Ohio Mid-Eastern Government Association, \$170,000 96277
shall be allocated to the Buckeye Hills-Hocking Valley Regional 96278
Development District, and \$70,000 shall be allocated to the 96279
Eastgate Regional Council of Governments. Local development 96280
districts receiving funding under this section shall use the funds 96281
for the implementation and administration of programs and duties 96282
under section 107.21 of the Revised Code. 96283

Of the foregoing appropriation item 195455, Appalachia 96284
Assistance, up to \$4,000,000 in each fiscal year shall be 96285
allocated to the GRIT Project for operational costs and to provide 96286
virtual job training, virtual job centers, and related training 96287
and services consistent with the mission of the GRIT Project for 96288
high school students and adults residing in Adams, Brown, 96289
Highland, Pike, or Scioto counties. 96290

Of the foregoing appropriation item 195455, Appalachia 96291
Assistance, \$5,000,000 in each fiscal year shall be allocated to 96292
the Foundation for Appalachian Ohio. 96293

CDBG OPERATING MATCH 96294

The foregoing appropriation item 195497, CDBG Operating 96295
Match, shall be used as matching funds for grants from the United 96296
States Department of Housing and Urban Development pursuant to the 96297
Housing and Community Development Act of 1974 and regulations and 96298

policy guidelines for the programs pursuant thereto. 96299

BSD FEDERAL PROGRAMS MATCH 96300

The foregoing appropriation item 195499, BSD Federal Programs 96301
Match, shall be used as matching funds for grants from the U.S. 96302
Department of Commerce, National Institute of Standards and 96303
Technology (NIST) Manufacturing Extension Partnership Program and 96304
Defense Logistics Agency Procurement Technical Assistance Program, 96305
and other federal agencies, pursuant to Pub. L. No. 96-302 as 96306
amended by Pub. L. No. 98-395, and regulations and policy 96307
guidelines for the programs pursuant thereto. The foregoing 96308
appropriation item 195499, BSD Federal Programs Match, shall also 96309
be used for operating expenses of the Business Services Division. 96310

iBELIEVE 96311

The foregoing appropriation item 195501, iBELIEVE, shall be 96312
allocated to the iBELIEVE Foundation to provide opportunities for 96313
Appalachian youth to develop twenty-first century skills, 96314
including leadership, communication, and problem-solving for 96315
college access and retention. 96316

LOCAL DEVELOPMENT PROJECTS 96317

Of the foregoing appropriation item 195503, Local Development 96318
Projects, \$1,000,000 shall be used in fiscal year 2020 to provide 96319
matching funding for the National Center for Defense Manufacturing 96320
and Machining in partnership with either the U.S. Department of 96321
Defense or the U.S. Department of Energy to further economic 96322
opportunity at America Makes, the National Additive Manufacturing 96323
Innovation Institute. 96324

Of the foregoing appropriation item 195503, Local Development 96325
Projects, \$250,000 in each fiscal year shall be used to support 96326
the Cleveland Chain Reaction Project. 96327

Of the foregoing appropriation item 195503, Local Development 96328

Projects, \$150,000 in each fiscal year shall be allocated to the 96329
Stark County Minority Business Association to work in partnership 96330
with the Canton Regional Chamber of Commerce to support a 96331
demonstration pilot project. 96332

Of the foregoing appropriation item 195503, Local Development 96333
Projects, \$75,000 in each fiscal year shall be used to support the 96334
Camp James A. Garfield Joint Military Training Center. 96335

Of the foregoing appropriation item 195503, Local Development 96336
Projects, \$15,000 shall be allocated in fiscal year 2020, to the 96337
Jewish Foundation of Cincinnati to support workforce development 96338
costs involved with assisting in employment services for the 96339
financially indigent. 96340

On July 1, 2020, or as soon as possible thereafter, the 96341
Director of Development Services shall certify to the Director of 96342
Budget and Management the amount of the unexpended, unencumbered 96343
balance of appropriation item 195503, Local Development Projects, 96344
to be reappropriated in fiscal year 2021. The amount certified is 96345
hereby reappropriated to the appropriation item in fiscal year 96346
2021 for the same purpose. 96347

Section 259.25. COAL RESEARCH AND DEVELOPMENT GENERAL 96348
OBLIGATION BOND DEBT SERVICE 96349

The foregoing appropriation line item 195901, Coal Research 96350
and Development General Obligation Bond Debt Service, shall be 96351
used to pay all debt service and related financing costs during 96352
the period July 1, 2019, through June 30, 2021, on obligations 96353
issued under sections 151.01 and 151.07 of the Revised Code. 96354

THIRD FRONTIER RESEARCH AND DEVELOPMENT GENERAL OBLIGATION 96355
BOND DEBT SERVICE 96356

The foregoing appropriation item 195905, Third Frontier 96357
Research and Development General Obligation Bond Debt Service, 96358

shall be used to pay all debt service and related financing costs 96359
during the period from July 1, 2019, through June 30, 2021, on 96360
obligations issued under sections 151.01 and 151.10 of the Revised 96361
Code. 96362

JOB READY SITE DEVELOPMENT GENERAL OBLIGATION BOND DEBT 96363
SERVICE 96364

The foregoing appropriation item 195912, Job Ready Site 96365
Development General Obligation Bond Debt Service, shall be used to 96366
pay all debt service and related financing costs during the period 96367
from July 1, 2019, through June 30, 2021, on obligations issued 96368
under sections 151.01 and 151.11 of the Revised Code. 96369

Section 259.30. MINORITY BUSINESS BONDING FUND 96370

Notwithstanding Chapters 122., 169., and 175. of the Revised 96371
Code, the Director of Development Services may, upon the 96372
recommendation of the Minority Development Financing Advisory 96373
Board, pledge up to \$10,000,000 in the FY 2020-FY 2021 biennium of 96374
unclaimed funds administered by the Director of Commerce and 96375
allocated to the Minority Business Bonding Program under section 96376
169.05 of the Revised Code. 96377

If needed for the payment of losses arising from the Minority 96378
Business Bonding Program, the Director of Budget and Management 96379
may, at the request of the Director of Development Services, 96380
request that the Director of Commerce transfer unclaimed funds 96381
that have been reported by holders of unclaimed funds under 96382
section 169.05 of the Revised Code to the Minority Bonding Fund 96383
(Fund 4490). The transfer of unclaimed funds shall only occur 96384
after proceeds of the initial transfer of \$2,700,000 by the 96385
Controlling Board to the Minority Business Bonding Program have 96386
been used for that purpose. If expenditures are required for 96387
payment of losses arising from the Minority Business Bonding 96388
Program, such expenditures shall be made from appropriation item 96389

195658, Minority Business Bonding Contingency in the Minority Business Bonding Fund, and such amounts are hereby appropriated.	96390 96391
BUSINESS ASSISTANCE PROGRAMS	96392
The foregoing appropriation item 195649, Business Assistance Programs, shall be used for administrative expenses associated with the operation of loan incentives within the Office of Strategic Business Investments.	96393 96394 96395 96396
STATE SPECIAL PROJECTS	96397
The State Special Projects Fund (Fund 4F20), may be used for the deposit of private-sector funds from utility companies and for the deposit of other miscellaneous state funds. State moneys so deposited may also be used to match federal funding and to support programs of the Community Service Division.	96398 96399 96400 96401 96402
MINORITY BUSINESS ENTERPRISE LOAN	96403
The foregoing appropriation item 195646, Minority Business Enterprise Loan, shall be used for awards under the Minority Business Enterprise Loan Program and to cover operating expenses of the Minority Business Development Division. All repayments from the Minority Development Financing Advisory Board Loan Program shall be deposited in the State Treasury to the credit of the Minority Business Enterprise Loan Fund (Fund 4W10).	96404 96405 96406 96407 96408 96409 96410
ADVANCED ENERGY LOAN PROGRAMS	96411
The foregoing appropriation item 195660, Advanced Energy Loan Programs, shall be used to provide financial assistance to customers for eligible advanced energy projects for residential, commercial, and industrial business, local government, educational institution, nonprofit, and agriculture customers. The appropriation item may be used to match federal grant funding and to pay for the program's administrative costs as provided in sections 4928.61 to 4928.63 of the Revised Code and rules adopted	96412 96413 96414 96415 96416 96417 96418 96419

by the Director of Development Services. 96420

VOLUME CAP ADMINISTRATION 96421

The foregoing appropriation item 195654, Volume Cap 96422
Administration, shall be used for expenses related to the 96423
administration of the Volume Cap Program. Revenues received by the 96424
Volume Cap Administration Fund (Fund 6170) shall consist of 96425
application fees, forfeited deposits, and interest earned from the 96426
custodial account held by the Treasurer of State. 96427

Section 259.40. DEVELOPMENT SERVICES OPERATIONS 96428

The Director of Development Services may assess offices of 96429
the agency for the cost of central service operations. An 96430
assessment shall contain the characteristics of administrative 96431
ease and uniform application. A division's payments shall be 96432
credited to the Supportive Services Fund (Fund 1350) using an 96433
intrastate transfer voucher. 96434

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES 96435

The foregoing appropriation item 195636, Development Services 96436
Reimbursable Expenditures, shall be used for reimbursable costs 96437
incurred by the agency. Revenues to the General Reimbursement Fund 96438
(Fund 6850) shall consist of moneys charged for administrative 96439
costs that are not central service costs and repayments of loans, 96440
including the interest thereon, made from the Water and Sewer Fund 96441
(Fund 4440). 96442

Section 259.50. CAPITAL ACCESS LOAN PROGRAM 96443

The foregoing appropriation item 195628, Capital Access Loan 96444
Program, shall be used for operating, program, and administrative 96445
expenses of the program. Funds of the Capital Access Loan Program 96446
shall be used to assist participating financial institutions in 96447
making program loans to eligible businesses that face barriers in 96448

accessing working capital and obtaining fixed-asset financing. 96449
Loans financed with assistance under the Capital Access Loan 96450
Program are subject to Controlling Board approval. 96451

The Director of Budget and Management may transfer an amount 96452
not to exceed \$1,000,000 cash in each fiscal year from the 96453
Minority Business Enterprise Loan Fund (Fund 4W10) to the Capital 96454
Access Loan Fund (Fund 5S90). This transfer is subject to 96455
Controlling Board approval. 96456

INNOVATION OHIO 96457

The foregoing appropriation item 195664, Innovation Ohio, 96458
shall be used to provide for Innovation Ohio purposes, including 96459
loan guarantees and loans under Chapter 166. and particularly 96460
sections 166.12 to 166.16 of the Revised Code. 96461

RESEARCH AND DEVELOPMENT 96462

The foregoing appropriation item 195665, Research and 96463
Development, shall be used to provide for research and development 96464
purposes, including loans, under Chapter 166. and particularly 96465
sections 166.17 to 166.21 of the Revised Code. 96466

FACILITIES ESTABLISHMENT 96467

The foregoing appropriation item 195615, Facilities 96468
Establishment, shall be used for the purposes of the Facilities 96469
Establishment Fund (Fund 7037) under Chapter 166. of the Revised 96470
Code. 96471

OSU NON-OPIATE, NON-ADDICTIVE PHARMACEUTICAL TREATMENT 96472

Of the foregoing appropriation item 195615, Facilities 96473
Establishment, up to \$5,200,000 in fiscal year 2020 shall be used 96474
to offer a loan to The Ohio State University for the development 96475
and clinical evaluation of a non-opiate, non-addictive 96476
pharmaceutical treatment intervention's efficacy to reduce a 96477
physician's reliance upon and limit a patient's initial exposure 96478

to opioids, provided that the loan is structured so that meeting 96479
benchmarks allows future forgiveness of the loan. 96480

TRANSFERS FROM THE FACILITIES ESTABLISHMENT FUND 96481

Notwithstanding Chapter 166. of the Revised Code, on July 1, 96482
2019, or as soon as possible thereafter, the Director of Budget 96483
and Management shall transfer \$25,000,000 cash from the Facilities 96484
Establishment Fund (Fund 7037) to the Rural Industrial Park Loan 96485
Fund (Fund 4Z60). The transfer is subject to Controlling Board 96486
approval under section 166.03 of the Revised Code. 96487

Notwithstanding Chapter 166. of the Revised Code, an amount 96488
not to exceed \$3,500,000 in cash in each fiscal year may be 96489
transferred from the Facilities Establishment Fund (Fund 7037) to 96490
the Business Assistance Fund (Fund 4510). The transfer is subject 96491
to Controlling Board approval under division (B) of section 166.03 96492
of the Revised Code. 96493

Notwithstanding Chapter 166. of the Revised Code, the 96494
Director of Budget and Management may transfer an amount not to 96495
exceed \$2,000,000 in cash in each fiscal year from the Facilities 96496
Establishment Fund (Fund 7037) to the Minority Business Enterprise 96497
Loan Fund (Fund 4W10). This transfer is subject to Controlling 96498
Board approval. 96499

Notwithstanding Chapter 166. of the Revised Code, the 96500
Director of Budget and Management may transfer an amount not to 96501
exceed \$2,000,000 in cash in each fiscal year from the Facilities 96502
Establishment Fund (Fund 7037) to the Capital Access Loan Fund 96503
(Fund 5S90). This transfer is subject to Controlling Board 96504
approval. 96505

Section 259.60. THIRD FRONTIER OPERATING COSTS 96506

The foregoing appropriation items 195686, Third Frontier Tax 96507
Exempt - Operating, and 195620, Third Frontier Taxable - 96508

Operating, shall be used for operating expenses incurred by the 96509
Development Services Agency in administering projects pursuant to 96510
sections 184.10 to 184.20 of the Revised Code. Operating expenses 96511
paid from appropriation item 195686 shall be limited to the 96512
administration of projects funded from the Third Frontier Research 96513
& Development Fund (Fund 7011) and operating expenses paid from 96514
appropriation item 195620 shall be limited to the administration 96515
of projects funded from the Third Frontier Research & Development 96516
Taxable Bond Project Fund (Fund 7014). 96517

THIRD FRONTIER RESEARCH & DEVELOPMENT TAXABLE AND TAX EXEMPT 96518
PROJECTS 96519

The foregoing appropriation items 195687, Third Frontier 96520
Research & Development Projects, and 195692, Research & 96521
Development Taxable Bond Projects, shall be used by the 96522
Development Services Agency to fund selected projects which may 96523
include internship programs. Eligible costs are those costs of 96524
research and development projects to which the proceeds of the 96525
Third Frontier Research & Development Fund (Fund 7011) and the 96526
Research & Development Taxable Bond Project Fund (Fund 7014) are 96527
to be applied. 96528

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 96529

The Director of Budget and Management may approve written 96530
requests from the Director of Development Services for the 96531
transfer of appropriations between appropriation items 195687, 96532
Third Frontier Research & Development Projects, and 195692, 96533
Research & Development Taxable Bond Projects, based upon awards 96534
recommended by the Third Frontier Commission. 96535

In fiscal year 2021, the Director of Development Services may 96536
request that the Director of Budget and Management reappropriate 96537
any unexpended, unencumbered balances of the prior fiscal year's 96538
appropriation to the foregoing appropriation items 195687, Third 96539

Frontier Research & Development Projects, and 195692, Research & Development Taxable Bond Projects, for fiscal year 2021. The Director of Budget and Management may request additional information necessary for evaluating these requests, and the Director of Development Services shall provide the requested information to the Director of Budget and Management. Based on the information provided by the Director of Development Services, the Director of Budget and Management shall determine the amounts to be reappropriated, and those amounts are hereby reappropriated for fiscal year 2021.

Section 259.70. HEAP WEATHERIZATION

Up to twenty per cent of the federal funds deposited to the credit of the Home Energy Assistance Block Grant Fund (Fund 3K90) may be expended from appropriation item 195614, HEAP Weatherization, to provide home weatherization services in the state as determined by the Director of Development Services.

Section 261.10. DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES

General Revenue Fund

GRF	320411	Special Olympics	\$	100,000	\$	100,000	96558
GRF	320412	Protective Services	\$	2,381,923	\$	2,381,923	96559
GRF	320415	Developmental Disabilities	\$	19,695,400	\$	20,369,000	96560
		Facilities Lease					
		Rental Bond Payments					
GRF	322420	Screening and Early Identification	\$	300,000	\$	300,000	96561
GRF	322421	Part C Early Intervention	\$	23,236,369	\$	23,302,224	96562
GRF	322422	Multi System Youth	\$	1,000,000	\$	1,000,000	96563
GRF	322451	Family Support	\$	5,843,767	\$	5,843,767	96564

		Services					
GRF	322502	Community Program	\$	25,000	\$	25,000	96565
		Support					
GRF	322508	Employment First Initiative	\$	2,747,327	\$	2,730,015	96566
GRF	322509	Community Supports & Rental Assistance	\$	727,500	\$	727,500	96567
GRF	322510	Best Buddies Ohio	\$	50,000	\$	50,000	96568
GRF	653321	Medicaid Program Support - State	\$	7,076,877	\$	7,078,860	96569
GRF	653407	Medicaid Services	\$	675,624,643	\$	687,129,117	96570
TOTAL GRF		General Revenue Fund	\$	738,808,806	\$	751,037,406	96571
		Dedicated Purpose Fund Group					96572
2210	322620	Supplement Service Trust	\$	500,000	\$	500,000	96573
4890	653632	Developmental Centers Direct Care Services	\$	7,000,000	\$	7,000,000	96574
5DK0	322629	Capital Replacement Facilities	\$	750,000	\$	750,000	96575
5EV0	653627	Medicaid Program Support	\$	1,750,000	\$	1,750,000	96576
5GE0	320606	Central Office Operating Expenses	\$	18,501,132	\$	20,501,132	96577
5GE0	653606	ICF/IID and Waiver Match	\$	42,000,000	\$	56,000,000	96578
5H00	322619	Medicaid Repayment	\$	900,000	\$	900,000	96579
5QM0	320607	System Transformation Supports	\$	250,000	\$	100,000	96580
5S20	653622	Medicaid Administration & Oversight	\$	25,220,326	\$	27,237,952	96581
5Z10	653624	County Board Waiver Match	\$	362,680,330	\$	426,668,369	96582

TOTAL DPF Dedicated Purpose Fund	\$	459,551,788	\$	541,407,453	96583
Group					
Internal Service Activity Fund Group					96584
1520 653609 DC and Residential	\$	8,719,347	\$	9,000,000	96585
Facilities Operating					
Services					
TOTAL ISA Internal Service Activity	\$	8,719,347	\$	9,000,000	96586
Fund Group					
Federal Fund Group					96587
3250 322612 Community Social	\$	26,997,635	\$	26,997,635	96588
Service Programs					
3A40 653654 Medicaid Services	\$	2,020,594,342	\$	2,127,985,049	96589
3A40 653655 Medicaid Support	\$	66,915,330	\$	69,657,028	96590
3A50 320613 Developmental	\$	3,200,000	\$	3,200,000	96591
Disabilities Council					
TOTAL FED Federal Fund Group	\$	2,117,707,307	\$	2,227,839,712	96592
TOTAL ALL BUDGET FUND GROUPS	\$	3,324,787,248	\$	3,529,284,571	96593

Section 261.15. SPECIAL OLYMPICS 96595

The foregoing appropriation item 320411, Special Olympics, 96596
shall be distributed to the Special Olympics of Ohio. 96597

Section 261.20. DEVELOPMENTAL DISABILITIES FACILITIES 96598

LEASE-RENTAL BOND PAYMENTS 96599

The foregoing appropriation item 320415, Developmental 96600
Disabilities Facilities Lease Rental Bond Payments, shall be used 96601
to meet all payments during the period from July 1, 2019, through 96602
June 30, 2021, by the Department of Developmental Disabilities 96603
pursuant to leases and agreements made under section 154.20 of the 96604
Revised Code. These appropriations are the source of funds pledged 96605
for bond service charges on related obligations issued under 96606
Chapter 154. of the Revised Code. 96607

Section 261.30. SCREENING AND EARLY IDENTIFICATION 96608

At the discretion of the Director of Developmental 96609
Disabilities, the foregoing appropriation item 322420, Screening 96610
and Early Identification, shall be used for professional and 96611
program development related to early identification/screening and 96612
intervention for children with autism and other complex 96613
developmental disabilities and their families. 96614

Section 261.35. PART C EARLY INTERVENTION 96615

Of the foregoing appropriation item 322421, Part C Early 96616
Intervention, \$750,000 in each fiscal year shall be used to 96617
contract with the Cleveland Sight Center, the Cincinnati 96618
Association for the Blind and Visually Impaired, and the Sight 96619
Center of Northwest Ohio to provide early intervention services 96620
and family support to children under the age of three years old 96621
with blindness or low vision. 96622

Section 261.40. FAMILY SUPPORT SERVICES SUBSIDY 96623

The foregoing appropriation item 322451, Family Support 96624
Services, may be used as follows in fiscal year 2020 and fiscal 96625
year 2021: 96626

(A) The appropriation item may be used to provide a subsidy 96627
to county boards of developmental disabilities for family support 96628
services provided under section 5126.11 of the Revised Code. The 96629
subsidy shall be paid in quarterly installments and allocated to 96630
county boards according to a formula the Director of Developmental 96631
Disabilities shall develop in consultation with representatives of 96632
county boards. A county board shall use not more than seven per 96633
cent of its subsidy for administrative costs. 96634

(B) The appropriation item may be used to distribute funds to 96635
county boards for the purpose of addressing economic hardships and 96636

to promote efficiency of operations. In consultation with 96637
representatives of county boards, the Director shall determine the 96638
amount of funds to distribute for these purposes and the criteria 96639
for distributing the funds. 96640

Section 261.50. BEST BUDDIES OHIO 96641

The foregoing appropriation item 322510, Best Buddies Ohio, 96642
shall be provided to the Best Buddies Ohio program to support the 96643
delivery and expansion of inclusion services throughout Ohio 96644
schools. 96645

Section 261.60. EMPLOYMENT FIRST INITIATIVE 96646

The foregoing appropriation item 322508, Employment First 96647
Initiative, shall be used to increase employment opportunities for 96648
individuals with developmental disabilities through the Employment 96649
First Initiative in accordance with section 5123.022 of the 96650
Revised Code. 96651

Of the foregoing appropriation item, 322508, Employment First 96652
Initiative, the Director of Developmental Disabilities shall 96653
transfer, in each fiscal year, to the Opportunities for Ohioans 96654
with Disabilities Agency an amount agreed upon by the Director of 96655
Developmental Disabilities and the Executive Director of the 96656
Opportunities for Ohioans with Disabilities Agency. The transfer 96657
shall be made via an intrastate transfer voucher. The transferred 96658
funds shall be used to support the Employment First Initiative. 96659
The Opportunities for Ohioans with Disabilities Agency shall use 96660
the funds transferred as state matching funds to obtain available 96661
federal grant dollars for vocational rehabilitation services. Any 96662
federal match dollars received by the Opportunities for Ohioans 96663
with Disabilities Agency shall be used for the initiative. The 96664
Director of Developmental Disabilities and the Executive Director 96665
of the Opportunities for Ohioans with Disabilities Agency shall 96666

enter into an interagency agreement in accordance with section 96667
3304.181 of the Revised Code that will specify the 96668
responsibilities of each agency under the initiative. Under the 96669
interagency agreement, the Opportunities for Ohioans with 96670
Disabilities Agency shall retain responsibility for eligibility 96671
determination, order of selection, plan approval, plan amendment, 96672
and release of vendor payments. 96673

The remainder of appropriation item 322508, Employment First 96674
Initiative, shall be used to develop a long-term, sustainable 96675
system that places individuals with developmental disabilities in 96676
community employment, as defined in section 5123.022 of the 96677
Revised Code. 96678

Section 261.70. COMMUNITY SUPPORTS AND RENTAL ASSISTANCE 96679

The foregoing appropriation item 322509, Community Supports 96680
and Rental Assistance, may be used by the Director of 96681
Developmental Disabilities to provide funding to county boards of 96682
developmental disabilities for rental assistance to individuals 96683
with developmental disabilities receiving home and community-based 96684
services as defined in section 5123.01 of the Revised Code 96685
pursuant to section 5124.60 of the Revised Code or section 5124.69 96686
of the Revised Code and individuals with developmental 96687
disabilities who enroll in a Medicaid waiver component providing 96688
home and community-based services after receiving preadmission 96689
counseling pursuant to section 5124.68 of the Revised Code. The 96690
Director shall establish the methodology for determining the 96691
amount and distribution of such funding. 96692

Section 261.75. COMMUNITY PROGRAM SUPPORT 96693

The foregoing appropriation item 322502, Community Program 96694
Support, shall be distributed to the Halom House, Inc. 96695

Section 261.80. MEDICAID SERVICES	96696
(A) As used in this section:	96697
(1) "Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.	96698 96699
(2) "ICF/IID services" has the same meaning as in section 5124.01 of the Revised Code.	96700 96701
(B) Except as provided in section 5123.0416 of the Revised Code, the purposes for which the foregoing appropriation item 653407, Medicaid Services, shall be used include the following:	96702 96703 96704
(1) Home and community-based services;	96705
(2) Implementation of the requirements of the agreement settling the consent decree in Sermak v. Manuel, Case No. C-2-80-220, United States District Court for the Southern District of Ohio, Eastern Division;	96706 96707 96708 96709
(3) Implementation of the requirements of the agreement settling the consent decree in the Martin v. Strickland, Case No. 89-CV-00362, United States District Court for the Southern District of Ohio, Eastern Division;	96710 96711 96712 96713
(4) ICF/IID services; and	96714
(5) Other programs as identified by the Director of Developmental Disabilities.	96715 96716
Section 261.90. OPERATING AND SERVICES	96717
Of the foregoing appropriation item 320606, Operating and Services, \$100,000 in each fiscal year shall be provided to the Ohio Center for Autism and Low Incidence to establish a lifespan autism hub to support families and professionals.	96718 96719 96720 96721
Section 261.100. NONFEDERAL MATCH FOR ACTIVE TREATMENT	96722

SERVICES	96723
Any county funds received by the Department of Developmental Disabilities from county boards of developmental disabilities for active treatment shall be deposited in the Developmental Disabilities Operating Fund (Fund 4890).	96724 96725 96726 96727
Section 261.110. SYSTEM TRANSFORMATION SUPPORTS	96728
The foregoing appropriation item 320607, System Transformation Supports, may be used by the Director of Developmental Disabilities to fund system transformation initiatives identified by the Director.	96729 96730 96731 96732
Section 261.120. COMMUNITY SOCIAL SERVICE PROGRAMS	96733
A portion of the foregoing appropriation item 322612, Community Social Service Programs, may be used by the Early Intervention Services Advisory Council for the following purposes:	96734 96735 96736
(A) In addition to other necessary and allowed uses of funds and in accordance with 20 U.S.C. 1441(d), the Early Intervention Services Advisory Council established pursuant to section 5123.0422 of the Revised Code, may, in its discretion, use budgeted funds to do all of the following:	96737 96738 96739 96740 96741
(1) Conduct forums and hearings;	96742
(2) Reimburse council members for reasonable and necessary expenses, including child care expenses for parent representatives, for attending council meetings and performing council duties;	96743 96744 96745 96746
(3) Pay compensation to a council member if the member is not employed or must forfeit wages from other employment when performing official council business;	96747 96748 96749
(4) Hire staff;	96750

(5) Obtain the services of professional, technical, and 96751
clerical personnel as necessary to carry out the performance of 96752
its lawful functions. 96753

(B) Except as provided in division (A) of this section, 96754
council members shall serve without compensation or reimbursement. 96755

Section 261.130. COUNTY BOARD SHARE OF WAIVER SERVICES 96756

As used in this section, "home and community-based services" 96757
has the same meaning as in section 5123.01 of the Revised Code. 96758

The Director of Developmental Disabilities shall establish a 96759
methodology to be used in fiscal year 2020 and fiscal year 2021 to 96760
estimate the quarterly amount each county board of developmental 96761
disabilities is to pay of the nonfederal share of home and 96762
community-based services that section 5126.0510 of the Revised 96763
Code requires county boards to pay. Each quarter, the Director 96764
shall submit to a county board written notice of the amount the 96765
county board is to pay for that quarter. The notice shall specify 96766
when the payment is due. 96767

Section 261.140. WITHHOLDING OF FUNDS OWED THE DEPARTMENT 96768

If a county board of developmental disabilities does not 96769
fully pay any amount owed to the Department of Developmental 96770
Disabilities by the due date established by the Department, the 96771
Director of Developmental Disabilities may withhold the amount the 96772
county board did not pay from any amounts due to the county board. 96773
The Director may use any appropriation item or fund used by the 96774
Department to transfer cash to any other fund used by the 96775
Department in an amount equal to the amount owed the Department 96776
that the county board did not pay. Transfers under this section 96777
shall be made using an intrastate transfer voucher. 96778

Section 261.150. DEVELOPMENTAL CENTER BILLING FOR SERVICES 96779

Developmental centers of the Department of Developmental 96780
Disabilities may provide services to persons with developmental 96781
disabilities living in the community or to providers of services 96782
to these persons. The Department may develop a method for recovery 96783
of all costs associated with the provision of these services. 96784

Section 261.200. NONFEDERAL SHARE OF ICF/IID SERVICES 96785

(A) As used in this section, "ICF/IID," "ICF/IID services," 96786
and "Medicaid-certified capacity" have the same meanings as in 96787
section 5124.01 of the Revised Code. 96788

(B) The Director of Developmental Disabilities shall pay the 96789
nonfederal share of a claim for ICF/IID services using funds 96790
specified in division (C) of this section if all of the following 96791
apply: 96792

(1) Medicaid covers the ICF/IID services. 96793

(2) The ICF/IID services are provided to a Medicaid recipient 96794
to whom both of the following apply: 96795

(a) The Medicaid recipient is eligible for the ICF/IID 96796
services; 96797

(b) The Medicaid recipient does not occupy a bed in the 96798
ICF/IID that used to be included in the Medicaid-certified 96799
capacity of another ICF/IID certified by the Director of Health 96800
before June 1, 2003. 96801

(3) The ICF/IID services are provided by an ICF/IID whose 96802
Medicaid certification by the Director of Health was initiated or 96803
supported by a county board of developmental disabilities. 96804

(4) The provider of the ICF/IID services has a valid Medicaid 96805
provider agreement for the services for the time that the services 96806
are provided. 96807

(C) When required by division (B) of this section to pay the 96808

nonfederal share of a claim, the Director of Developmental 96809
Disabilities shall use the following funds to pay the claim: 96810

(1) Funds available from appropriation item 653407, Medicaid 96811
Services, that the Director allocates to the county board that 96812
initiated or supported the Medicaid certification of the ICF/IID 96813
that provided the ICF/IID services for which the claim is made; 96814

(2) If the amount of funds used pursuant to division (C)(1) 96815
of this section is insufficient to pay the claim in full, an 96816
amount of funds that are needed to make up the difference and 96817
available from amounts the Director allocates to other county 96818
boards from appropriation item 653407, Medicaid Services. 96819

Section 261.210. PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE 96820
SERVICES PROVIDED TO QUALIFYING IO ENROLLEES 96821

(A) As used in this section: 96822

(1) "Converted facility" means an ICF/IID, or former ICF/IID, 96823
that converted some or all of its beds to providing home and 96824
community-based services under the IO Waiver pursuant to section 96825
5124.60 of the Revised Code. 96826

(2) "Developmental center" and "ICF/IID" have the same 96827
meanings as in section 5124.01 of the Revised Code. 96828

(3) "IO Waiver" means the Medicaid waiver component, as 96829
defined in section 5166.01 of the Revised Code, known as 96830
Individual Options. 96831

(4) "Medicaid provider" has the same meaning as in section 96832
5164.01 of the Revised Code. 96833

(5) "Public hospital" has the same meaning as in section 96834
5122.01 of the Revised Code. 96835

(6) "Qualifying IO enrollee" means an IO Waiver enrollee to 96836
whom all of the following apply: 96837

(a) The enrollee resided in a developmental center, converted facility, or public hospital immediately before enrolling in the IO Wavier.

(b) The enrollee did not receive before July 1, 2011, routine homemaker/personal care services from the Medicaid provider that is to be paid the Medicaid rate authorized by this section for providing such services to the enrollee during the period specified in division (C) of this section.

(c) The Director of Developmental Disabilities has determined that the enrollee's special circumstances (including the enrollee's diagnosis, service needs, or length of stay at the developmental center, converted facility, or public hospital) warrants paying the Medicaid rate authorized by this section.

(B) The total Medicaid payment rate for each fifteen minutes of routine homemaker/personal care services that a Medicaid provider provides to a qualifying IO enrollee during the period specified in division (C) of this section shall be fifty-two cents higher than the Medicaid payment rate in effect on the day the services are provided for each fifteen minutes of routine homemaker/personal care services that a Medicaid provider provides to an IO enrollee who is not a qualifying IO enrollee.

(C) Division (B) of this section applies to the first twelve months, consecutive or otherwise, that a Medicaid provider, during the period beginning July 1, 2019, and ending July 1, 2021, provides routine homemaker/personal care services to a qualifying IO enrollee.

(D) Of the foregoing appropriation items 653407, Medicaid Services, and 653654, Medicaid Services, portions shall be used to pay the Medicaid payment rate determined in accordance with this section for routine homemaker/personal care services provided to qualifying IO enrollees.

Section 261.220. DIRECT SUPPORT PROFESSIONAL RATE INCREASE	96869
(A) As used in this section:	96870
(1) "DD-administered waiver" means a Medicaid waiver component, as defined in section 5166.01 of the Revised Code, administered by the Department of Developmental Disabilities.	96871 96872 96873
(2) "Direct support professional" means an individual who works directly with people with developmental disabilities.	96874 96875
(3) "Homemaker/personal care services" means the coordinated provision of a variety of services, supports, and supervision to which all of the following apply:	96876 96877 96878
(a) They are necessary to ensure the health and welfare of an individual with a developmental disability who lives in the community.	96879 96880 96881
(b) They advance the individual's independence within the individual's home and community.	96882 96883
(c) They help the individual meet daily living needs.	96884
(B) The Medicaid payment rate for homemaker/personal care services provided by direct support professionals under a DD-administered waiver during the period beginning January 1, 2020, and ending July 1, 2021, shall be \$13 per hour.	96885 96886 96887 96888
Section 261.230. ADULT DAY SUPPORT AND NONMEDICAL TRANSPORTATION SERVICES WORKGROUP	96889 96890
(A)(1) The Director of Developmental Disabilities shall establish a workgroup to advise the Department of Developmental Disabilities on the payment system for adult day support and nonmedical transportation services available under the home and community-based services Medicaid waiver components administered by the Department. The workgroup shall consist of the following members:	96891 96892 96893 96894 96895 96896 96897

(a) Representatives from each of the following as appointed	96898
by the Director:	96899
(i) The Department of Developmental Disabilities;	96900
(ii) The Ohio Health Care Association;	96901
(iii) The Ohio Provider Resource Association;	96902
(iv) The Arc of Ohio;	96903
(v) The Values and Faith Alliance;	96904
(vi) The Ohio Association of County Boards of DD;	96905
(vii) The Ohio Waiver Network;	96906
(viii) A company that provides nonmedical transportation	96907
services in multiple counties in this and other states.	96908
(b) All of the following also as appointed by the Director:	96909
(i) One parent advocate;	96910
(ii) One resident of a county that has a population of less	96911
than 65,000 and a geographical area between 520 square miles and	96912
620 square miles;	96913
(iii) Two representatives of private agency providers of	96914
adult day support that are located in counties with populations of	96915
at least 750,000 and that each serve more than 200 consumers and	96916
operate their own nonmedical transportation system.	96917
(c) Two members of the Senate, one from the majority party	96918
and one from the minority party, both appointed by the President	96919
of the Senate;	96920
(d) Two members of the House of Representatives, one from the	96921
majority party and one from the minority party, both appointed by	96922
the Speaker of the House of Representatives.	96923
(2) Members of the workgroup shall serve without compensation	96924
or reimbursement, except to the extent that serving on the	96925

workgroup is part of their usual job duties. 96926

(B) Not later than June 30, 2020, the workgroup shall submit 96927
to the Director a report containing recommended changes to the 96928
payment system for the adult day support and nonmedical 96929
transportation services. In making its recommendations, the 96930
workgroup shall consider both of the following: 96931

(1) Whether payment for the two services should be combined; 96932

(2) Potential quality measures for providers of adult day 96933
support services. 96934

(C) The Department shall not implement any changes to the 96935
payment system for adult day support and nonmedical transportation 96936
services until the workgroup submits its report to the Director. 96937

(D) The workgroup shall cease to exist on the submission of 96938
its report. 96939

Section 265.10. EDU DEPARTMENT OF EDUCATION 96940

General Revenue Fund 96941

GRF 200321 Operating Expenses \$ 15,153,032 \$ 16,565,951 96942

GRF 200408 Early Childhood \$ 68,116,789 \$ 68,116,789 96943

Education

GRF 200420 Information Technology \$ 4,004,299 \$ 4,026,960 96944

Development and

Support

GRF 200422 School Management \$ 2,385,580 \$ 2,408,711 96945

Assistance

GRF 200424 Policy Analysis \$ 458,232 \$ 457,676 96946

GRF 200426 Ohio Educational \$ 15,457,000 \$ 15,457,000 96947

Computer Network

GRF 200427 Academic Standards \$ 4,434,215 \$ 4,483,525 96948

GRF 200437 Student Assessment \$ 56,906,893 \$ 56,948,365 96949

GRF 200439 Accountability/Report \$ 7,517,406 \$ 7,565,320 96950

Cards						
GRF	200442	Child Care Licensing	\$	2,156,322	\$ 2,227,153	96951
GRF	200446	Education Management Information System	\$	8,112,987	\$ 8,174,415	96952
GRF	200448	Educator Preparation	\$	11,510,384	\$ 7,010,384	96953
GRF	200455	Community Schools and Choice Programs	\$	4,867,763	\$ 4,912,546	96954
GRF	200465	Education Technology Resources	\$	5,179,664	\$ 5,179,664	96955
GRF	200478	Industry-Recognized Credentials High School Students	\$	25,000,000	\$ 25,000,000	96956
GRF	200502	Pupil Transportation	\$	527,129,809	\$ 527,129,809	96957
GRF	200505	School Lunch Match	\$	8,963,500	\$ 8,963,500	96958
GRF	200511	Auxiliary Services	\$	150,594,178	\$ 150,594,178	96959
GRF	200532	Nonpublic Administrative Cost Reimbursement	\$	68,034,790	\$ 68,034,790	96960
GRF	200540	Special Education Enhancements	\$	152,600,000	\$ 152,850,000	96961
GRF	200545	Career-Technical Education Enhancements	\$	9,650,892	\$ 9,650,892	96962
GRF	200550	Foundation Funding	\$	6,945,608,845	\$ 6,894,258,845	96963
GRF	200566	Literacy Improvement	\$	1,352,876	\$ 1,352,172	96964
GRF	200572	Adult Education Programs	\$	9,707,674	\$ 9,707,674	96965
GRF	200573	EdChoice Expansion	\$	57,223,340	\$ 71,017,418	96966
GRF	200574	Half-Mill Maintenance Equalization	\$	18,849,207	\$ 18,128,526	96967
GRF	200576	Adaptive Sports Program	\$	250,000	\$ 250,000	96968
GRF	200598	Innovative Shared Services at Schools	\$	1,000,000	\$ 1,000,000	96969

GRF 657401	Medicaid in Schools	\$	297,978	\$	297,978	96970
TOTAL GRF	General Revenue Fund	\$	8,182,523,655	\$	8,141,770,241	96971
Dedicated Purpose Fund Group						96972
4520 200638	Charges and Reimbursements	\$	1,000,000	\$	1,000,000	96973
4550 200608	Commodity Foods	\$	1,000,000	\$	1,000,000	96974
4L20 200681	Teacher Certification and Licensure	\$	13,795,827	\$	14,000,000	96975
5980 200659	Auxiliary Services Reimbursement	\$	1,300,000	\$	1,300,000	96976
5H30 200687	School District Solvency Assistance	\$	2,000,000	\$	2,000,000	96977
5KX0 200691	Ohio School Sponsorship Program	\$	1,250,000	\$	1,250,000	96978
5MM0 200677	Child Nutrition Refunds	\$	550,000	\$	550,000	96979
5U20 200685	National Education Statistics	\$	170,675	\$	175,000	96980
5VS0 200604	Student Wellness and Success	\$	250,000,000	\$	300,000,000	96981
6200 200615	Educational Improvement Grants	\$	594,443	\$	600,000	96982
TOTAL DPF	Dedicated Purpose Fund Group	\$	271,660,945	\$	321,875,000	96983
Internal Service Activity Fund Group						96984
1380 200606	Information Technology Development and Support	\$	7,939,104	\$	8,047,645	96985
4R70 200695	Indirect Operational Support	\$	7,856,766	\$	7,856,766	96986
4V70 200633	Interagency Program	\$	5,497,938	\$	5,500,000	96987

		Support				
TOTAL ISA	Internal Service Activity		\$ 21,293,808	\$ 21,404,411		96988
	Fund Group					
	State Lottery Fund Group					96989
7017 200602	School Climate Grants		\$ 2,000,000	\$ 2,000,000		96990
7017 200612	Foundation Funding		\$ 1,077,400,000	\$ 1,128,400,000		96991
7017 200625	Student Wellness and		\$ 25,000,000	\$ 100,000,000		96992
	Success					
7017 200631	Quality Community		\$ 30,000,000	\$ 30,000,000		96993
	Schools Support					
7017 200684	Community School		\$ 16,600,000	\$ 16,600,000		96994
	Facilities					
TOTAL SLF	State Lottery Fund Group		\$ 1,151,000,000	\$ 1,277,000,000		96995
	Federal Fund Group					96996
3670 200607	School Food Services		\$ 11,469,730	\$ 11,897,473		96997
3700 200624	Education of		\$ 2,000,000	\$ 2,000,000		96998
	Exceptional Children					
3AF0 657601	Schools Medicaid		\$ 295,500	\$ 295,500		96999
	Administrative Claims					
3AN0 200671	School Improvement		\$ 17,000,000	\$ 17,000,000		97000
	Grants					
3C50 200661	Early Childhood		\$ 12,555,000	\$ 12,555,000		97001
	Education					
3EH0 200620	Migrant Education		\$ 2,700,000	\$ 2,700,000		97002
3EJ0 200622	Homeless Children		\$ 3,295,203	\$ 3,300,000		97003
	Education					
3FE0 200669	Striving Readers		\$ 12,507,905	\$ 12,511,000		97004
3GE0 200674	Summer Food Service		\$ 15,599,467	\$ 16,342,299		97005
	Program					
3GG0 200676	Fresh Fruit and		\$ 4,911,207	\$ 5,145,074		97006
	Vegetable Program					
3HF0 200649	Federal Education		\$ 7,049,677	\$ 7,056,327		97007

		Grants				
3H10	200634	Student Support and Academic Enrichment	\$ 40,042,720	\$ 40,042,720		97008
3L60	200617	Federal School Lunch	\$ 418,643,500	\$ 430,837,000		97009
3L70	200618	Federal School Breakfast	\$ 158,726,966	\$ 163,350,081		97010
3L80	200619	Child/Adult Food Programs	\$ 110,121,168	\$ 113,328,580		97011
3L90	200621	Career-Technical Education Basic Grant	\$ 45,946,927	\$ 46,000,000		97012
3M00	200623	ESEA Title 1A	\$ 600,000,000	\$ 600,000,000		97013
3M20	200680	Individuals with Disabilities Education Act	\$ 454,770,591	\$ 455,000,000		97014
3T40	200613	Public Charter Schools	\$ 7,000,000	\$ 7,000,000		97015
3Y20	200688	21st Century Community Learning Centers	\$ 47,500,000	\$ 47,500,000		97016
3Y60	200635	Improving Teacher Quality	\$ 85,000,000	\$ 85,000,000		97017
3Y70	200689	English Language Acquisition	\$ 10,500,000	\$ 10,500,000		97018
3Y80	200639	Rural and Low Income Technical Assistance	\$ 3,600,000	\$ 3,600,000		97019
3Z20	200690	State Assessments	\$ 12,000,000	\$ 12,000,000		97020
3Z30	200645	Consolidated Federal Grant Administration	\$ 10,701,635	\$ 10,900,000		97021
TOTAL FED		Federal Fund Group	\$ 2,093,937,196	\$ 2,115,861,054		97022
TOTAL ALL BUDGET FUND GROUPS			\$11,720,415,604	\$11,877,910,706		97023

Section 265.20. OPERATING EXPENSES 97025

Of the foregoing appropriation item 200321, Operating 97026

Expenses, up to \$75,000 in each fiscal year shall be distributed 97027
by the Department of Education to eligible districts pursuant to 97028
the section of this act entitled "FAFSA COMPLETION PROGRAM." 97029

A portion of the foregoing appropriation item 200321, 97030
Operating Expenses, shall be used by the Department of Education 97031
to provide matching funds related to career-technical education 97032
under 20 U.S.C. 2321. 97033

EARLY CHILDHOOD EDUCATION 97034

The Department of Education shall distribute the foregoing 97035
appropriation item 200408, Early Childhood Education, to pay the 97036
costs of early childhood education programs. The Department shall 97037
distribute such funds directly to qualifying providers. 97038

(A) As used in this section: 97039

(1) "Provider" means a city, local, exempted village, or 97040
joint vocational school district; an educational service center; a 97041
community school sponsored by an exemplary sponsor; a chartered 97042
nonpublic school; an early childhood education child care provider 97043
licensed under Chapter 5104. of the Revised Code that participates 97044
in and meets at least the third highest tier of the Step Up to 97045
Quality program established pursuant to section 5104.29 of the 97046
Revised Code; or a combination of entities described in this 97047
paragraph. 97048

(2) In the case of a city, local, or exempted village school 97049
district or early childhood education child care provider licensed 97050
under Chapter 5104. of the Revised Code, "new eligible provider" 97051
means a provider that did not receive state funding for Early 97052
Childhood Education in the previous fiscal year or demonstrates a 97053
need for early childhood programs as defined in division (D) of 97054
this section. 97055

(3) In the case of a community school, "new eligible 97056
provider" means any of the following: 97057

(a) A community school established under Chapter 3314. of the Revised Code that is sponsored by a sponsor rated "exemplary" in accordance with section 3314.016 of the Revised Code that offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code that did not receive state funding for Early Childhood Education in the previous fiscal year;

(b) A community school established under Chapter 3314. of the Revised Code that satisfies all of the following criteria:

(i) It has received, on its most recent report card, either of the following:

(I) If the school offers any of grade levels four through twelve, a grade of "C" or better for the overall value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code and for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code;

(II) If the school does not offer a grade level higher than three, a grade of "C" or better for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code.

(ii) It offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code.

(iii) It did not receive state funding for Early Childhood Education in the previous fiscal year.

(c) A community school established under Chapter 3314. of the Revised Code that is sponsored by a municipal school district and operates a program that uses the Montessori method endorsed by the American Montessori Society, the Montessori Accreditation Council for Teacher Education, or the Association Montessori Internationale as its primary method of instruction, as authorized by division (A) of section 3314.06 of the Revised Code, that did not receive state funding for Early Childhood Education in the

previous year or demonstrates a need for early childhood programs 97089
as defined in division (D) of this section. 97090

(4)(a) "Eligible child" means a child who is at least four 97091
years of age, is not of the age to be eligible for kindergarten, 97092
and whose family earns not more than two hundred per cent of the 97093
federal poverty guidelines as defined in division (A)(3) of 97094
section 5101.46 of the Revised Code. Children with an 97095
Individualized Education Program and where the Early Childhood 97096
Education program is the least restrictive environment may be 97097
enrolled on their fourth birthday. 97098

(b) If, on the first day of October of each fiscal year, a 97099
provider has remaining award funds after enrolling eligible 97100
children under division (A)(4)(a) of this section, the provider 97101
may seek approval from the Department to consider a child who is 97102
at least three years of age, is not of age to be eligible for 97103
kindergarten, and whose family earns not more than two hundred per 97104
cent of the federal poverty guidelines as an eligible child. Upon 97105
approval from the Department, the provider may use the remaining 97106
award funds to serve such three-year-old children as eligible 97107
children. 97108

(5) "Early learning program standards" means early learning 97109
program standards for school readiness developed by the Department 97110
to assess the operation of early learning and development 97111
programs. 97112

(6) "Early learning and development programs" has the same 97113
meaning as section 5104.29 of the Revised Code. 97114

(B) In each fiscal year, up to two per cent of the total 97115
appropriation may be used by the Department for program support 97116
and technical assistance. The Department shall distribute the 97117
remainder of the appropriation in each fiscal year to serve 97118
eligible children. 97119

(C) The Department shall provide an annual report to the Governor, the Speaker of the House of Representatives, and the President of the Senate and post the report to the Department's web site, regarding early childhood education programs operated under this section and the early learning program standards.

(D) After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2020, the Department shall distribute funds first to recipients of funds for early childhood education programs under Section 265.20 of Am. Sub. H.B. 49 of the 132nd General Assembly in the previous fiscal year and the balance to new eligible providers of early childhood education programs or to existing providers to serve more eligible children pursuant to division (E) of this section or for purposes of program expansion, improvement, or special projects to promote quality and innovation.

After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2021, the Department shall distribute funds first to providers of early childhood education programs under this section in the previous fiscal year and the balance to new eligible providers or to existing providers to serve more eligible children as outlined under division (E) of this section or for purposes of program expansion, improvement, or special projects to promote quality and innovation.

(E)(1) The Department shall distribute any new or remaining funding to existing providers of early childhood education programs or any new eligible providers in an effort to invest in high quality early childhood programs where there is a need as determined by the Department. The Department shall distribute the new or remaining funds to existing providers of early childhood education programs or any new eligible providers to serve additional eligible children based on community economic disadvantage, limited access to high quality preschool or

childcare services, and demonstration of high quality preschool 97152
services as determined by the Department using new metrics 97153
developed pursuant to Ohio's Race to the Top—Early Learning 97154
Challenge Grant, awarded to the Department in December 2011. 97155

(2) Awards under divisions (D) and (E) of this section shall 97156
be distributed on a per-pupil basis, and in accordance with 97157
division (I) of this section. The Department may adjust the 97158
per-pupil amount so that the per-pupil amount multiplied by the 97159
number of eligible children enrolled and receiving services on the 97160
first day of December or the business day closest to that date 97161
equals the amount allocated under this section. 97162

(F) Costs for developing and administering an early childhood 97163
education program may not exceed fifteen per cent of the total 97164
approved costs of the program. 97165

All providers shall maintain such fiscal control and 97166
accounting procedures as may be necessary to ensure the 97167
disbursement of, and accounting for, these funds. The control of 97168
funds provided in this program, and title to property obtained, 97169
shall be under the authority of the approved provider for purposes 97170
provided in the program unless, as described in division (K) of 97171
this section, the program waives its right for funding or a 97172
program's funding is eliminated or reduced due to its inability to 97173
meet financial or early learning program standards. The approved 97174
provider shall administer and use such property and funds for the 97175
purposes specified. 97176

(G) The Department may examine a provider's financial and 97177
program records. If the financial practices of the program are not 97178
in accordance with standard accounting principles or do not meet 97179
financial standards outlined under division (F) of this section, 97180
or if the program fails to substantially meet the early learning 97181
program standards, meet a quality rating level in the Step Up to 97182
Quality program established pursuant to section 5104.29 of the 97183

Revised Code as prescribed by the Department, or exhibits below 97184
average performance as measured against the standards, the early 97185
childhood education program shall propose and implement a 97186
corrective action plan that has been approved by the Department. 97187
The approved corrective action plan shall be signed by the chief 97188
executive officer and the executive of the official governing body 97189
of the provider. The corrective action plan shall include a 97190
schedule for monitoring by the Department. Such monitoring may 97191
include monthly reports, inspections, a timeline for correction of 97192
deficiencies, and technical assistance to be provided by the 97193
Department or obtained by the early childhood education program. 97194
The Department may withhold funding pending corrective action. If 97195
an early childhood education program fails to satisfactorily 97196
complete a corrective action plan, the Department may deny 97197
expansion funding to the program or withdraw all or part of the 97198
funding to the program and establish a new eligible provider 97199
through a selection process established by the Department. 97200

(H)(1) If the early childhood education program is licensed 97201
by the Department of Education and is not highly rated, as 97202
determined by the Director of Job and Family Services, under the 97203
Step Up to Quality program established pursuant to section 5104.29 97204
of the Revised Code, the program shall do all of the following: 97205

(a) Meet teacher qualification requirements prescribed by 97206
section 3301.311 of the Revised Code; 97207

(b) Align curriculum to the early learning content standards 97208
developed by the Department; 97209

(c) Meet any child or program assessment requirements 97210
prescribed by the Department; 97211

(d) Require teachers, except teachers enrolled and working to 97212
obtain a degree pursuant to section 3301.311 of the Revised Code, 97213
to attend a minimum of twenty hours every two years of 97214

professional development as prescribed by the Department; 97215

(e) Document and report child progress as prescribed by the 97216
Department; 97217

(f) Meet and report compliance with the early learning 97218
program standards as prescribed by the Department; 97219

(g) Participate in the Step Up to Quality program established 97220
pursuant to section 5104.29 of the Revised Code. 97221

(2) If the program is highly rated, as determined by the 97222
Director of Job and Family Services, under the Step Up to Quality 97223
program established pursuant to section 5104.29 of the Revised 97224
Code, the program shall comply with the requirements of that 97225
program. 97226

(I) Per-pupil funding for programs subject to this section 97227
shall be sufficient to provide eligible children with services for 97228
a standard early childhood schedule which shall be defined in this 97229
section as a minimum of twelve and one-half hours per school week 97230
as defined in section 3313.62 of the Revised Code for the minimum 97231
school year as defined in sections 3313.48, 3313.481, and 3313.482 97232
of the Revised Code. Nothing in this section shall be construed to 97233
prohibit program providers from utilizing other funds to serve 97234
eligible children in programs that exceed the twelve and one-half 97235
hours per week or that exceed the minimum school year. For any 97236
provider for which a standard early childhood education schedule 97237
creates a hardship or for which the provider shows evidence that 97238
the provider is working in collaboration with a preschool special 97239
education program, the provider may submit a waiver to the 97240
Department requesting an alternate schedule. If the Department 97241
approves a waiver for an alternate schedule that provides services 97242
for less time than the standard early childhood education 97243
schedule, the Department may reduce the provider's annual 97244
allocation proportionately. Under no circumstances shall an annual 97245

allocation be increased because of the approval of an alternate 97246
schedule. 97247

(J) Each provider shall develop a sliding fee scale based on 97248
family incomes and shall charge families who earn more than two 97249
hundred per cent of the federal poverty guidelines, as defined in 97250
division (A)(3) of section 5101.46 of the Revised Code, for the 97251
early childhood education program. 97252

The Department shall conduct an annual survey of each 97253
provider to determine whether the provider charges families 97254
tuition or fees, the amount families are charged relative to 97255
family income levels, and the number of families and students 97256
charged tuition and fees for the early childhood program. 97257

(K) If an early childhood education program voluntarily 97258
waives its right for funding, or has its funding eliminated for 97259
not meeting financial standards or the early learning program 97260
standards, the provider shall transfer control of title to 97261
property, equipment, and remaining supplies obtained through the 97262
program to providers designated by the Department and return any 97263
unexpended funds to the Department along with any reports 97264
prescribed by the Department. The funding made available from a 97265
program that waives its right for funding or has its funding 97266
eliminated or reduced may be used by the Department for new grant 97267
awards or expansion grants. The Department may award new grants or 97268
expansion grants to eligible providers who apply. The eligible 97269
providers who apply must do so in accordance with the selection 97270
process established by the Department. 97271

(L) Eligible expenditures for the Early Childhood Education 97272
Program shall be claimed each fiscal year to help meet the state's 97273
TANF maintenance of effort requirement. The Superintendent of 97274
Public Instruction and the Director of Job and Family Services 97275
shall enter into an interagency agreement to carry out the 97276
requirements under this division, which shall include developing 97277

reporting guidelines for these expenditures. 97278

(M)(1) The Department of Education and the Department of Job 97279
and Family Services shall continue to work toward establishing the 97280
following in common between early childhood education programs and 97281
publicly funded child care: 97282

(a) An application; 97283

(b) Program eligibility; 97284

(c) Funding; 97285

(d) An attendance policy; 97286

(e) An attendance tracking system. 97287

(2) In accordance with section 5104.34 of the Revised Code, 97288
eligible families may receive publicly funded child care beyond 97289
the standard early childhood schedule defined in division (I) of 97290
this section. 97291

(3) All providers, agencies, and school districts 97292
participating in the early childhood education program or 97293
providing care to eligible families beyond the standard early 97294
childhood schedule shall follow the common policies established 97295
under this division. 97296

Section 265.30. INFORMATION TECHNOLOGY DEVELOPMENT AND 97297
SUPPORT 97298

The foregoing appropriation item 200420, Information 97299
Technology Development and Support, shall be used to support the 97300
development and implementation of information technology solutions 97301
designed to improve the performance and services of the Department 97302
of Education. Funds may be used for personnel, maintenance, and 97303
equipment costs related to the development and implementation of 97304
these technical system projects. Implementation of these systems 97305
shall allow the Department to provide greater levels of assistance 97306

to school districts and to provide more timely information to the public, including school districts, administrators, and legislators. Funds may also be used to support data-driven decision-making and differentiated instruction, as well as to communicate academic content standards and curriculum models to schools through web-based applications.

Section 265.50. SCHOOL MANAGEMENT ASSISTANCE

The foregoing appropriation item 200422, School Management Assistance, shall be used by the Department of Education to provide fiscal technical assistance and inservice education for school district management personnel and to administer, monitor, and implement the fiscal caution, fiscal watch, and fiscal emergency provisions under Chapter 3316. of the Revised Code.

Section 265.60. POLICY ANALYSIS

The foregoing appropriation item 200424, Policy Analysis, shall be used by the Department of Education to support a system of administrative, statistical, and legislative education information to be used for policy analysis. Staff supported by this appropriation shall administer the development of reports, analyses, and briefings to inform education policymakers of current trends in education practice, efficient and effective use of resources, and evaluation of programs to improve education results. A portion of these funds shall be used to maintain a longitudinal database to support the assessment of the impact of policies and programs on Ohio's education and workforce development systems. The research efforts supported by this appropriation item shall be used to supply information and analysis of data to and in consultation with the General Assembly and other state policymakers, including the Office of Budget and Management and the Legislative Service Commission.

A portion of the foregoing appropriation item, 200424, Policy Analysis, may be used by the Department to support the development and implementation of an evidence-based clearinghouse to support school improvement strategies as part of the Every Student Succeeds Act.

The Department may use funding from this appropriation item to purchase or contract for the development of software systems or contract for policy studies that will assist in the provision and analysis of policy-related information. Funding from this appropriation item also may be used to monitor and enhance quality assurance for research-based policy analysis and program evaluation to enhance the effective use of education information to inform education policymakers.

Section 265.70. OHIO EDUCATIONAL COMPUTER NETWORK

The foregoing appropriation item 200426, Ohio Educational Computer Network, shall be used by the Department of Education to maintain a system of information technology throughout Ohio and to provide technical assistance for such a system.

Of the foregoing appropriation item 200426, Ohio Educational Computer Network, up to \$9,686,658 in each fiscal year shall be used by the Department to support connection of all public school buildings and participating chartered nonpublic schools to the state's education network, to each other, and to the Internet. In each fiscal year, the Department shall use these funds to assist information technology centers or school districts with the operational costs associated with this connectivity. The Department shall develop a formula and guidelines for the distribution of these funds to information technology centers or individual school districts. As used in this section, "public school building" means a school building of any city, local, exempted village, or joint vocational school district, any

community school established under Chapter 3314. of the Revised 97368
Code, any college preparatory boarding school established under 97369
Chapter 3328. of the Revised Code, any STEM school established 97370
under Chapter 3326. of the Revised Code, any educational service 97371
center building used for instructional purposes, the Ohio School 97372
for the Deaf and the Ohio School for the Blind, high schools 97373
chartered by the Ohio Department of Youth Services, or high 97374
schools operated by Ohio Department of Rehabilitation and 97375
Corrections' Ohio Central School System. 97376

Of the foregoing appropriation item 200426, Ohio Educational 97377
Computer Network, up to \$4,843,329 in each fiscal year shall be 97378
used, through a formula and guidelines devised by the Department, 97379
to support the activities of designated information technology 97380
centers, as defined by State Board of Education rules, to provide 97381
school districts and chartered nonpublic schools with 97382
computer-based student and teacher instructional and 97383
administrative information services, including approved 97384
computerized financial accounting, to ensure the effective 97385
operation of local automated administrative and instructional 97386
systems, and to monitor and support the quality of data submitted 97387
to the Department. 97388

The remainder of appropriation item 200426, Ohio Educational 97389
Computer Network, shall be used to support the work of the 97390
development, maintenance, and operation of a network of uniform 97391
and compatible computer-based information systems as well as the 97392
teacher student linkage/roster verification process and systems to 97393
support electronic sharing of student records and transcripts 97394
between entities. This technical assistance shall include, but not 97395
be restricted to, development and maintenance of adequate computer 97396
software systems to support network activities. In order to 97397
improve the efficiency of network activities, the Department and 97398
information technology centers may jointly purchase equipment, 97399

materials, and services from funds provided under this 97400
appropriation for use by the network and, when considered 97401
practical by the Department, may utilize the services of 97402
appropriate state purchasing agencies. 97403

Section 265.80. ACADEMIC STANDARDS 97404

The foregoing appropriation item 200427, Academic Standards, 97405
shall be used by the Department of Education to develop and 97406
communicate to school districts academic content standards and 97407
curriculum models and to develop professional development programs 97408
and other tools on the new content standards and model curriculum. 97409
The Department shall use a portion of these funds in partnership 97410
with educational service centers, consistent with requirements of 97411
section 3312.01 of the Revised Code, in the development and 97412
delivery of professional development programs supported under this 97413
section. 97414

Section 265.90. STUDENT ASSESSMENT 97415

Of the foregoing appropriation item 200437, Student 97416
Assessment, up to \$2,760,000 in each fiscal year may be used to 97417
support the state's early learning assessment work and the 97418
assessments required under section 3301.0715 of the Revised Code. 97419

Of the foregoing appropriation item 200437, Student 97420
Assessment, up to \$543,168 in each fiscal year shall be used to 97421
reimburse a portion of the costs associated with Advanced 97422
Placement Tests for low-income students. 97423

The remainder of appropriation item 200437, Student 97424
Assessment, shall be used to develop, field test, print, 97425
distribute, score, report results, and support other associated 97426
costs for the tests required under sections 3301.0710, 3301.0711, 97427
and 3301.0712 of the Revised Code and for similar purposes as 97428
required by section 3301.27 of the Revised Code. The funds may 97429

also be used to update and develop diagnostic assessments 97430
administered under sections 3301.079, 3301.0715, and 3313.608 of 97431
the Revised Code. 97432

DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS FOR STUDENT 97433
ASSESSMENT 97434

In fiscal year 2020 and fiscal year 2021, if the 97435
Superintendent of Public Instruction determines that additional 97436
funds are needed to fully fund the requirements of sections 97437
3301.0710, 3301.0711, 3301.0712, and 3301.27 of the Revised Code 97438
and this act for assessments of student performance, the 97439
Superintendent may recommend the reallocation of unexpended and 97440
unencumbered General Revenue Fund appropriations within the 97441
Department of Education to appropriation item 200437, Student 97442
Assessment, to the Director of Budget and Management. If the 97443
Director determines that such a reallocation is required, the 97444
Director may transfer unexpended and unencumbered appropriations 97445
within the Department of Education as necessary to appropriation 97446
item 200437, Student Assessment. 97447

Section 265.100. ACCOUNTABILITY/REPORT CARDS 97448

Of the foregoing appropriation item 200439, 97449
Accountability/Report Cards, a portion in each fiscal year shall 97450
be used to train district and regional specialists and district 97451
educators in the use of the value-added progress dimension and in 97452
the use of data as it relates to improving student achievement. 97453
This training may include teacher and administrator professional 97454
development in the use of data to improve instruction and student 97455
learning, and teacher and administrator training in understanding 97456
teacher value-added reports and how they can be used as a 97457
component in measuring teacher and administrator effectiveness. A 97458
portion of this funding shall be provided to educational service 97459
centers to support training and professional development under 97460

this section consistent with section 3312.01 of the Revised Code. 97461

The remainder of appropriation item 200439, 97462
Accountability/Report Cards, shall be used by the Department of 97463
Education to incorporate a statewide value-added progress 97464
dimension into performance ratings for school districts and for 97465
the development of an accountability system that includes the 97466
preparation and distribution of school report cards, funding and 97467
expenditure accountability reports under sections 3302.03 and 97468
3302.031 of the Revised Code, the development and maintenance of 97469
teacher value-added reports, the teacher student linkage/roster 97470
verification process, and the performance management section of 97471
the Department's web site required by section 3302.26 of the 97472
Revised Code. 97473

CHILD CARE LICENSING 97474

The foregoing appropriation item 200442, Child Care 97475
Licensing, shall be used by the Department of Education to license 97476
and to inspect preschool and school-age child care programs under 97477
sections 3301.52 to 3301.59 of the Revised Code. 97478

Section 265.110. EDUCATION MANAGEMENT INFORMATION SYSTEM 97479

The foregoing appropriation item 200446, Education Management 97480
Information System, shall be used by the Department of Education 97481
to improve the Education Management Information System (EMIS). 97482

Of the foregoing appropriation item 200446, Education 97483
Management Information System, up to \$400,000 in each fiscal year 97484
shall be used to support grants to information technology centers 97485
to provide professional development opportunities to district and 97486
school personnel related to the EMIS, with a focus placed on data 97487
submission and data quality. 97488

Of the foregoing appropriation item 200446, Education 97489
Management Information System, up to \$725,000 in each fiscal year 97490

shall be distributed to designated information technology centers 97491
for costs relating to processing, storing, and transferring data 97492
for the effective operation of the EMIS. These costs may include, 97493
but are not limited to, personnel, hardware, software development, 97494
communications connectivity, professional development, and support 97495
services. 97496

The remainder of appropriation item 200446, Education 97497
Management Information System, shall be used to develop and 97498
support the data definitions and standards outlined in the EMIS 97499
guidelines adopted under section 3301.0714 of the Revised Code, to 97500
implement recommendations of the EMIS Advisory Council and the 97501
Superintendent of Public Instruction, to enhance data quality 97502
assurance practices, and to support responsibilities related to 97503
the school report cards prescribed by section 3302.03 of the 97504
Revised Code and value-added progress dimension calculations. 97505

Section 265.120. EDUCATOR PREPARATION 97506

(A) Of the foregoing appropriation item 200448, Educator 97507
Preparation, up to \$339,783 in each fiscal year may be used by the 97508
Department of Education to monitor and support Ohio's State System 97509
of Support, as defined by the Every Student Succeeds Act. 97510

(B) Of the foregoing appropriation item 200448, Educator 97511
Preparation, up to \$67,957 in each fiscal year may be used by the 97512
Department to support the Educator Standards Board under section 97513
3319.61 of the Revised Code and reforms under sections 3302.042, 97514
3302.06 to 3302.068, 3302.12, and 3302.20 to 3302.22 of the 97515
Revised Code. 97516

(C) Of the foregoing appropriation item 200448, Educator 97517
Preparation, \$2,000,000 in each fiscal year shall be distributed 97518
to Teach For America to increase recruitment of potential corps 97519
members at select Ohio universities, to train and develop 97520
first-year and second-year teachers in the Teach for America 97521

program in Ohio, and to expand the number of teaching corps 97522
members to not fewer than 350 teaching corps members per year and 97523
the number of school districts served in Ohio by not fewer than 97524
five additional school districts by fiscal year 2021. 97525

(D) Of the foregoing appropriation item 200448, Educator 97526
Preparation, \$1,500,000 in each fiscal year shall be used for the 97527
Bright New Leaders for Ohio Schools Program administered by the 97528
Ohio State University Fisher College of Business and College of 97529
Education and Human Ecology pursuant to section 3319.272 of the 97530
Revised Code to provide an alternative path for individuals to 97531
receive training and development in the administration of primary 97532
and secondary education and leadership, enable those individuals 97533
to earn degrees and obtain licenses in public school 97534
administration, and promote the placement of those individuals in 97535
public schools that have a poverty percentage greater than fifty 97536
per cent. 97537

(E) Of the foregoing appropriation item 200448, Educator 97538
Preparation, \$200,000 in each fiscal year shall be used to support 97539
training for selected school staff through the FASTER Saves Lives 97540
Program for the purpose of stopping active shooters and treating 97541
casualties. 97542

(F) Of the foregoing appropriation item 200448, Educator 97543
Preparation, \$1,000,000 in each fiscal year shall be used by the 97544
Department of Education, in consultation with the Department of 97545
Mental Health and Addiction Services, to award professional 97546
development grants to educational service centers to train 97547
educators and related school personnel in the model and tenants of 97548
prevention of risky behaviors, including substance abuse, suicide, 97549
bullying, and other harmful behaviors. 97550

(G) Of the foregoing appropriation item 200448, Educator 97551
Preparation, up to \$1,500,000 in fiscal year 2020 shall be used by 97552
the Department of Education, in consultation with the Department 97553

of Higher Education, to provide awards to support coursework and 97554
content testing fees for currently licensed teachers to receive 97555
credentialing to teach computer science in accordance with 97556
division (B) of section 3319.236 of the Revised Code. 97557

Awards made by the Department of Education shall be in the 97558
form of reimbursements paid directly to educators for the cost of 97559
the content examination or pedagogy courses required under 97560
division (B) of section 3319.236 of the Revised Code that are 97561
completed by the summer term of 2021. First priority shall be 97562
given to educators who agree to teach at least one remote computer 97563
science course at schools that lack access to computer science 97564
educators. Second priority shall be given to educators assigned to 97565
schools with greater than fifty per cent of students classified as 97566
economically disadvantaged and with limited or no teachers 97567
currently credentialed to teach computer science, both as 97568
determined by the Department. 97569

Upon the request of the Superintendent of Public Instruction 97570
and the approval of the Director of Budget and Management, an 97571
amount equal to the unexpended, unencumbered balance of the amount 97572
set aside in this division at the end of fiscal year 2020 is 97573
hereby reappropriated to the Department for the same purpose for 97574
fiscal year 2021. 97575

(H) Of the foregoing appropriation item 200448, Educator 97576
Preparation, up to \$3,000,000 in fiscal year 2020 shall be used by 97577
the Department of Education, in consultation with the Department 97578
of Higher Education, to provide awards to support graduate 97579
coursework for high school teachers to receive credentialing to 97580
teach College Credit Plus courses in a high school setting. 97581

The Department of Education, in consultation with the 97582
Department of Higher Education, shall develop an application 97583
process and criteria for awards. Priority shall be given to 97584
education consortia that include economically disadvantaged high 97585

schools in which there are limited or no teachers currently 97586
credentialed to teach College Credit Plus courses, as determined 97587
by the Department of Education, and a public or private college or 97588
university in Ohio. 97589

Awards made by the Department of Education may support 97590
graduate coursework for high school teachers at a public or 97591
private college or university in Ohio leading to credentialing to 97592
teach college courses, as well as employment of teachers 97593
credentialed to teach college courses as a bridging strategy until 97594
a sufficient number of teachers at the high school hold the 97595
required credentials. 97596

Upon the request of the Superintendent of Public Instruction 97597
and the approval of the Director of Budget and Management, an 97598
amount equal to the unexpended, unencumbered balance of the amount 97599
set aside in this division at the end of fiscal year 2020 is 97600
hereby reappropriated for the same purpose for fiscal year 2021. 97601

(I) Of the foregoing appropriation item 200448, Educator 97602
Preparation, up to \$250,000 in each fiscal year shall be used to 97603
support the SmartOhio Financial Literacy Program at the University 97604
of Cincinnati. 97605

(J) Notwithstanding any provision of law to the contrary, 97606
awards under this section may be used by recipients for 97607
award-related expenses incurred for a period not to exceed two 97608
years from the date of the award according to guidelines 97609
established by the Department of Education. 97610

(K) The remainder of the foregoing appropriation item 200448, 97611
Educator Preparation, may be used for implementation of teacher 97612
and principal evaluation systems, including incorporation of 97613
student growth as a metric in those systems, and teacher 97614
value-added reports. A portion of this funding shall be provided 97615
to educational service centers, consistent with requirements of 97616

section 3312.01 of the Revised Code, in the development and 97617
delivery of professional development programs supported under this 97618
section. 97619

Section 265.130. COMMUNITY SCHOOLS AND CHOICE PROGRAMS 97620

The foregoing appropriation item 200455, Community Schools 97621
and Choice Programs, may be used by the Department of Education 97622
for operation of the school choice programs. 97623

Of the foregoing appropriation item 200455, Community Schools 97624
and Choice Programs, a portion in each fiscal year may be used by 97625
the Department for developing and conducting training sessions for 97626
community schools and sponsors and prospective sponsors of 97627
community schools as prescribed in division (A)(1) of section 97628
3314.015 of the Revised Code, and other schools participating in 97629
school choice programs. 97630

Section 265.140. EDUCATION TECHNOLOGY RESOURCES 97631

Of the foregoing appropriation item 200465, Education 97632
Technology Resources, up to \$2,500,000 in each fiscal year shall 97633
be used for the Union Catalog and InfoOhio Network and to support 97634
the provision of electronic resources with priority given to 97635
resources that support the teaching of state academic content 97636
standards in all public schools. Consideration shall be given by 97637
the Department of Education to coordinating the allocation of 97638
these moneys with the efforts of Libraries Connect Ohio, whose 97639
members include OhioLINK, the Ohio Public Information Network, and 97640
the State Library of Ohio. 97641

Of the foregoing appropriation item 200465, Education 97642
Technology Resources, up to \$1,778,879 in each fiscal year shall 97643
be used by the Department to provide grants to educational 97644
television stations working with partner education technology 97645
centers to provide Ohio public schools with instructional 97646

resources and services, with priority given to resources and 97647
services aligned with state academic content standards. Such 97648
resources and services shall be based upon the advice and approval 97649
of the Department, based on a formula developed in consultation 97650
with Ohio's educational television stations and educational 97651
technology centers. 97652

Of the foregoing appropriation item 200465, Education 97653
Technology Resources, \$200,000 in each fiscal year shall be 97654
distributed to the Ohio School Digital Literacy Program to support 97655
digital learning tools, digital resources, technical support, and 97656
professional development. The program shall do all of the 97657
following: 97658

(A) Provide a K-8 program of study for students to learn 97659
essential digital literacy skills including computer fundamentals, 97660
computational thinking, keyboarding, digital citizenship and 97661
online safety, web browsing, email and online communication, 97662
visual mapping, word processing, spreadsheets, databases, and 97663
presentations; 97664

(B) Provide teachers with the ability to measure student 97665
digital literacy growth; and 97666

(C) Allow for the integration of digital literacy instruction 97667
aligned to state standards, if applicable, into core content 97668
subjects such as mathematics, English language arts, science, and 97669
social studies. 97670

The remainder of the foregoing appropriation item 200465, 97671
Education Technology Resources, may be used to support training, 97672
technical support, guidance, and assistance with compliance 97673
reporting to school districts and public libraries applying for 97674
federal E-Rate funds; for oversight and guidance of school 97675
district technology plans; for support to district technology 97676
personnel; and for support of the development, maintenance, and 97677

operation of a network of uniform and compatible computer-based 97678
information and instructional systems. 97679

**Section 265.145. INDUSTRY-RECOGNIZED CREDENTIALS HIGH SCHOOL 97680
STUDENTS 97681**

Of the foregoing appropriation item 200478, 97682
Industry-Recognized Credentials High School Students, up to 97683
\$8,000,000 in each fiscal year may be used by the Department of 97684
Education to support payments to city, local, and exempted village 97685
school districts, community schools, STEM schools, and joint 97686
vocational school districts whose students earn an 97687
industry-recognized credential or receive a journeyman 97688
certification recognized by the United States Department of Labor. 97689
The educating entity shall be required to inform students enrolled 97690
in career-technical education courses that lead to an 97691
industry-recognized credential about the opportunity to earn these 97692
credentials. The Department of Education shall work with the 97693
Department of Higher Education and the Governor's Office of 97694
Workforce Transformation to develop a schedule for reimbursement 97695
based on the Department of Education's list of industry-recognized 97696
credentials, the time it takes to earn the credential, and the 97697
cost to obtain the credential. The educating entity shall pay for 97698
the cost of the credential and may claim and receive 97699
reimbursement. The educating entity may claim reimbursement based 97700
on the Department of Education's reimbursement schedule up to six 97701
months after the student has graduated from high school. If the 97702
amount appropriated is not sufficient, the Department shall 97703
prorate the amounts so that the aggregate amount appropriated is 97704
not exceeded. 97705

Of the foregoing appropriation item 200478, 97706
Industry-Recognized Credentials High School Students, up to 97707
\$12,500,000 in each fiscal year may be used by the Department of 97708

Education and the Governor's Office of Workforce Transformation to 97709
establish and operate the Innovative Workforce Incentive Program. 97710
In establishing the program, the Office of Workforce 97711
Transformation shall maintain a list of credentials that qualify 97712
for the program. The Department of Education shall pay each city, 97713
local, and exempted village school district, community school, 97714
STEM school, and joint vocational school district an amount equal 97715
to \$1,250 for each qualifying credential earned by a student 97716
attending the district or school during each fiscal year. If the 97717
amount appropriated is not sufficient, the Department shall 97718
prorate the amounts so that the aggregate amount appropriated is 97719
not exceeded. 97720

Of the foregoing appropriation item 200478, 97721
Industry-Recognized Credentials High School Students, up to 97722
\$4,500,000 in each fiscal year may be used by the Department of 97723
Education to establish a program to assist city, local, and 97724
exempted village school districts, community schools, STEM 97725
schools, and joint vocational school districts in establishing 97726
credentialing programs that qualify for the Innovative Workforce 97727
Incentive Program. The Department shall prioritize senior-only 97728
credentialing programs in schools that currently do not operate 97729
such programs. 97730

Section 265.150. PUPIL TRANSPORTATION 97731

Of the foregoing appropriation item 200502, Pupil 97732
Transportation, up to \$838,930 in each fiscal year may be used by 97733
the Department of Education for training prospective and 97734
experienced school bus drivers in accordance with training 97735
programs prescribed by the Department. A portion of these funds 97736
may also be used to pay for costs associated with the enrollment 97737
of bus drivers in the retained applicant fingerprint database. 97738

Of the foregoing appropriation item 200502, Pupil 97739

Transportation, up to \$60,469,220 in each fiscal year may be used 97740
by the Department for special education transportation 97741
reimbursements to school districts and county DD boards for 97742
transportation operating costs as provided in divisions (C) and 97743
(F) of section 3317.024 of the Revised Code, in accordance with 97744
the section of this act entitled "OPERATING FUNDING FOR FISCAL 97745
YEARS 2020 and 2021." 97746

The remainder of the foregoing appropriation item 200502, 97747
Pupil Transportation, shall be used to fund the transportation 97748
payments included in the state funding allocation under division 97749
(B) of the section of this act entitled "FUNDING FOR CITY, LOCAL, 97750
AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 97751

PAYMENTS IN LIEU OF TRANSPORTATION 97752

For purposes of division (D) of section 3327.02 of the 97753
Revised Code, if a parent, guardian, or other person in charge of 97754
a pupil accepts an offer from a school district of payment in lieu 97755
of providing transportation for the pupil, the school district 97756
shall pay that parent, guardian, or other person an amount that 97757
shall be not less than \$250 and not more than the amount 97758
determined by the Department as the average cost of pupil 97759
transportation for the previous school year. Payment may be 97760
prorated if the time period involved is only a part of the school 97761
year. 97762

Section 265.160. SCHOOL LUNCH MATCH 97763

The foregoing appropriation item 200505, School Lunch Match, 97764
shall be used to provide matching funds to obtain federal funds 97765
for the school lunch program. 97766

Any remaining appropriation after providing matching funds 97767
for the school lunch program may be used to partially reimburse 97768
school buildings within school districts that are required to have 97769

a school breakfast program under section 3313.813 of the Revised Code, at a rate decided by the Department. 97770
97771

Section 265.170. AUXILIARY SERVICES 97772

Of the foregoing appropriation item 200511, Auxiliary Services, up to \$2,600,000 in each fiscal year may be used for payment of the College Credit Plus Program for nonpublic secondary school participants. The Department of Education shall distribute these funds according to rule 3333-1-65.8 of the Administrative Code, adopted by the Department of Higher Education pursuant to division (A) of section 3365.071 of the Revised Code. 97773
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The remainder of the foregoing appropriation item 200511, Auxiliary Services, shall be used by the Department for the purpose of implementing sections 3317.06 and 3317.062 of the Revised Code. 97780
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Section 265.180. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 97784

The foregoing appropriation item 200532, Nonpublic Administrative Cost Reimbursement, shall be used by the Department of Education for the purpose of implementing section 3317.063 of the Revised Code. Notwithstanding section 3317.063 of the Revised Code, payments made by the Department for this purpose shall not exceed four hundred five dollars per student for each school year. 97785
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Section 265.190. SPECIAL EDUCATION ENHANCEMENTS 97791

Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$33,000,000 in each fiscal year shall be used to fund special education and related services at county boards of developmental disabilities for eligible students under section 3317.20 of the Revised Code, in accordance with the section of this act entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 2021," and at institutions for eligible students under section 97792
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3317.201 of the Revised Code. If necessary, the Department of 97799
Education shall proportionately reduce the amount calculated for 97800
each county board of developmental disabilities and institution so 97801
as not to exceed the amount appropriated in each fiscal year. 97802

Of the foregoing appropriation item 200540, Special Education 97803
Enhancements, up to \$1,350,000 in each fiscal year shall be used 97804
for parent mentoring programs. 97805

Of the foregoing appropriation item 200540, Special Education 97806
Enhancements, up to \$3,000,000 in each fiscal year may be used for 97807
school psychology interns. 97808

Of the foregoing appropriation item 200540, Special Education 97809
Enhancements, the Department shall transfer \$3,250,000 in fiscal 97810
year 2020 and \$3,500,000 in fiscal year 2021 to the Opportunities 97811
for Ohioans with Disabilities Agency. The transfer shall be made 97812
via an intrastate transfer voucher. The transferred funds shall be 97813
used by the Opportunities for Ohioans with Disabilities Agency as 97814
state matching funds to draw down available federal funding for 97815
vocational rehabilitation services. Total project funding shall be 97816
used to hire dedicated vocational rehabilitation counselors who 97817
shall work directly with school districts to provide transition 97818
services for students with disabilities. Services shall include 97819
vocational rehabilitation services such as person-centered career 97820
planning, summer work experiences, job placement, and retention 97821
services for mutually eligible students with disabilities. 97822

The Superintendent of Public Instruction and the Executive 97823
Director of the Opportunities for Ohioans with Disabilities Agency 97824
shall enter into an interagency agreement that shall specify the 97825
responsibilities of each agency under the program. Under the 97826
interagency agreement, the Opportunities for Ohioans with 97827
Disabilities Agency shall retain responsibility for all 97828
nondelegable functions, including eligibility and order of 97829
selection determination, individualized plan for employment (IPE) 97830

approval, IPE amendments, case closure, and release of vendor 97831
payments. 97832

Of the foregoing appropriation item 200540, Special Education 97833
Enhancements, up to \$2,000,000 in each fiscal year shall be used 97834
by the Department of Education to build capacity to deliver a 97835
regional system of training, support, coordination, and direct 97836
service for secondary transition services for students with 97837
disabilities beginning at fourteen years of age. These special 97838
education enhancements shall support all students with 97839
disabilities, regardless of partner agency eligibility 97840
requirements, to provide stand-alone direct secondary transition 97841
services by school districts. Secondary transition services shall 97842
include, but not be limited to, job exploration counseling, 97843
work-based learning experiences, counseling on opportunities for 97844
enrollment in comprehensive transition or post-secondary 97845
educational programs at institutions of higher education, 97846
workplace readiness training to develop occupational skills, 97847
social skills and independent living skills, and instruction in 97848
self-advocacy. Regional training shall support the expansion of 97849
transition to work endorsement opportunities for middle school and 97850
secondary level special education intervention specialists in 97851
order to develop the necessary skills and competencies to meet the 97852
secondary transition needs of students with disabilities beginning 97853
at fourteen years of age. 97854

The remainder of appropriation item 200540, Special Education 97855
Enhancements, shall be distributed by the Department of Education 97856
to school districts and institutions, as defined in section 97857
3323.091 of the Revised Code, for preschool special education 97858
funding under section 3317.0213 of the Revised Code, in accordance 97859
with the section of this act entitled "OPERATING FUNDING FOR 97860
FISCAL YEARS 2020 and 2021." 97861

The Department may reimburse school districts and 97862

institutions for services provided by instructional assistants, 97863
related services, as defined in rule 3301-51-11 of the 97864
Administrative Code, physical therapy services provided by a 97865
licensed physical therapist or physical therapist assistant under 97866
the supervision of a licensed physical therapist, as required 97867
under Chapter 4755. of the Revised Code and Chapter 4755-27 of the 97868
Administrative Code, and occupational therapy services provided by 97869
a licensed occupational therapist or occupational therapy 97870
assistant under the supervision of a licensed occupational 97871
therapist, as required under Chapter 4755. of the Revised Code and 97872
Chapter 4755-7 of the Administrative Code. Nothing in this section 97873
authorizes occupational therapy assistants or physical therapist 97874
assistants to generate or manage their own caseloads. 97875

The Department shall require school districts, educational 97876
service centers, county DD boards, and institutions serving 97877
preschool children with disabilities to adhere to Ohio's early 97878
learning program standards, participate in the Step Up to Quality 97879
program established pursuant to section 5104.29 of the Revised 97880
Code, and document child progress using research-based indicators 97881
prescribed by the Department and report results annually. The 97882
reporting dates and method shall be determined by the Department. 97883
All programs shall be rated through the Step Up to Quality 97884
program. 97885

Section 265.200. CAREER-TECHNICAL EDUCATION ENHANCEMENTS 97886

Of the foregoing appropriation item 200545, Career-Technical 97887
Education Enhancements, up to \$2,563,568 in each fiscal year shall 97888
be used to fund secondary career-technical education at 97889
institutions, the Ohio School for the Deaf, and the Ohio State 97890
School for the Blind using a grant-based methodology, 97891
notwithstanding section 3317.05 of the Revised Code. 97892

Of the foregoing appropriation item 200545, Career-Technical 97893

Education Enhancements, up to \$2,686,474 in each fiscal year shall 97894
be used by the Department of Education to fund competitive grants 97895
to tech prep consortia that expand the number of students enrolled 97896
in tech prep programs. These grant funds shall be used to directly 97897
support expanded tech prep programs provided to students enrolled 97898
in school districts, including joint vocational school districts, 97899
and affiliated higher education institutions. This support may 97900
include the purchase of equipment. 97901

Of the foregoing appropriation item 200545, Career-Technical 97902
Education Enhancements, up to \$3,000,850 in each fiscal year shall 97903
be used by the Department to support existing High Schools That 97904
Work (HSTW) sites, develop and support new sites, fund technical 97905
assistance, and support regional centers and middle school 97906
programs. The purpose of HSTW is to combine challenging academic 97907
courses and modern career-technical studies to raise the academic 97908
achievement of students. HSTW provides intensive technical 97909
assistance, focused staff development, targeted assessment 97910
services, and ongoing communications and networking opportunities. 97911

Of the foregoing appropriation item 200545, Career-Technical 97912
Education Enhancements, up to \$600,000 in each fiscal year shall 97913
be used by the Department to enable students in agricultural 97914
programs to enroll in a fifth quarter of instruction based on the 97915
agricultural education model of delivering work-based learning 97916
through supervised agricultural experience. The Department shall 97917
determine eligibility criteria and the reporting process for the 97918
Agriculture 5th Quarter Project and shall fund as many programs as 97919
possible given the set-aside. The eligibility criteria developed 97920
by the Department shall allow these funds to support supervised 97921
agricultural experience that occurs anytime outside of the regular 97922
school day. 97923

Of the foregoing appropriation item 200545, Career-Technical 97924
Education Enhancements, up to \$550,000 in each fiscal year may be 97925

used to support career planning and reporting through the 97926
OhioMeansJobs web site. 97927

Of the foregoing appropriation item 200545, Career-Technical 97928
Education Enhancements, \$100,000 in each fiscal year shall be used 97929
to support Jobs for Ohio's Graduates. 97930

Of the foregoing appropriation item 200545, Career-Technical 97931
Education Enhancements, \$150,000 in each fiscal year shall be used 97932
to prepare students for careers in culinary arts and restaurant 97933
management under the Ohio ProStart school restaurant program. 97934

Section 265.210. FOUNDATION FUNDING 97935

Of the foregoing appropriation item 200550, Foundation 97936
Funding, up to \$40,000,000 in each fiscal year shall be used to 97937
provide additional state aid to school districts, joint vocational 97938
school districts, community schools, and STEM schools for special 97939
education students under division (C)(3) of section 3314.08, 97940
section 3317.0214 and division (B) of section 3317.16 in 97941
accordance with the section of this act entitled "OPERATING 97942
FUNDING FOR FISCAL YEARS 2020 and 2021," and section 3326.34 of 97943
the Revised Code, except that the Controlling Board may increase 97944
these amounts if presented with such a request from the Department 97945
of Education at the final meeting of the fiscal year. 97946

Of the foregoing appropriation item 200550, Foundation 97947
Funding, up to \$3,800,000 in each fiscal year shall be used to 97948
fund gifted education at educational service centers. The 97949
Department shall distribute the funding through the unit-based 97950
funding methodology in place under division (L) of section 97951
3317.024, division (E) of section 3317.05, and divisions (A), (B), 97952
and (C) of section 3317.053 of the Revised Code as they existed 97953
prior to fiscal year 2010. 97954

Of the foregoing appropriation item 200550, Foundation 97955

Funding, up to \$40,000,000 in each fiscal year shall be reserved 97956
to fund the state reimbursement of educational service centers 97957
under the section of this act entitled "EDUCATIONAL SERVICE 97958
CENTERS FUNDING." 97959

Of the foregoing appropriation item 200550, Foundation 97960
Funding, up to \$3,500,000 in each fiscal year shall be distributed 97961
to educational service centers for School Improvement Initiatives 97962
and for the provision of technical assistance to schools and 97963
districts consistent with requirements of section 3312.01 of the 97964
Revised Code. The Department may distribute these funds through a 97965
competitive grant process. 97966

Of the foregoing appropriation item 200550, Foundation 97967
Funding, up to \$7,000,000 in each fiscal year shall be reserved 97968
for payments under section 3317.029 of the Revised Code, in 97969
accordance with the section of this act entitled "OPERATING 97970
FUNDING FOR FISCAL YEARS 2020 and 2021." If this amount is not 97971
sufficient, the Superintendent of Public Instruction may 97972
reallocate excess funds for other purposes supported by this 97973
appropriation item in order to fully pay the amounts required by 97974
that section, provided that the aggregate amount appropriated in 97975
appropriation item 200550, Foundation Funding, is not exceeded. 97976

Of the foregoing appropriation item 200550, Foundation 97977
Funding, up to \$26,400,000 in each fiscal year shall be used to 97978
support school choice programs. 97979

Of the portion of the funds distributed to the Cleveland 97980
Municipal School District under this section, up to \$17,600,000 in 97981
each fiscal year shall be used to operate the school choice 97982
program in the Cleveland Municipal School District under sections 97983
3313.974 to 3313.979 of the Revised Code. Notwithstanding 97984
divisions (B) and (C) of section 3313.978 and division (C) of 97985
section 3313.979 of the Revised Code, up to \$1,000,000 in each 97986
fiscal year of this amount shall be used by the Cleveland 97987

Municipal School District to provide tutorial assistance as 97988
provided in division (H) of section 3313.974 of the Revised Code. 97989
The Cleveland Municipal School District shall report the use of 97990
these funds in the district's three-year continuous improvement 97991
plan as described in section 3302.04 of the Revised Code in a 97992
manner approved by the Department. 97993

Of the foregoing appropriation item 200550, Foundation 97994
Funding, up to \$2,000,000 in each fiscal year may be used for 97995
payment of the College Credit Plus Program for students instructed 97996
at home pursuant to section 3321.04 of the Revised Code. 97997

Of the foregoing appropriation item 200550, Foundation 97998
Funding, an amount shall be available in each fiscal year to be 97999
paid to joint vocational school districts in accordance with the 98000
section of this act entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL 98001
DISTRICTS." 98002

Of the foregoing appropriation item 200550, Foundation 98003
Funding, up to \$700,000 in each fiscal year shall be used by the 98004
Department for a program to pay for educational services for youth 98005
who have been assigned by a juvenile court or other authorized 98006
agency to any of the facilities described in division (A) of the 98007
section of this act entitled "PRIVATE TREATMENT FACILITY PROJECT." 98008

Of the foregoing appropriation item 200550, Foundation 98009
Funding, a portion may be used to pay college-preparatory boarding 98010
schools the per pupil boarding amount pursuant to section 3328.34 98011
of the Revised Code. 98012

Of the foregoing appropriation item 200550, Foundation 98013
Funding, a portion in each fiscal year shall be used to pay 98014
community schools and STEM schools the amounts calculated for the 98015
graduation and third-grade reading bonuses under sections 3314.085 98016
and 3326.41 of the Revised Code, in accordance with the sections 98017
of this act entitled "FUNDING FOR COMMUNITY SCHOOLS" and "FUNDING 98018

FOR STEM SCHOOLS." 98019

Of the foregoing appropriation item 200550, Foundation 98020
Funding, up to \$350,000 in fiscal year 2020 shall be used by the 98021
Department of Education to conduct return on investment studies 98022
for programming funded through student success and wellness funds 98023
and to provide technical assistance to school districts on 98024
implementing these strategies. 98025

The remainder of the foregoing appropriation item 200550, 98026
Foundation Funding, shall be used to fund the payments included in 98027
the state funding allocation under division (A) of the section of 98028
this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE 98029
SCHOOL DISTRICTS." 98030

Appropriation items 200502, Pupil Transportation, 200540, 98031
Special Education Enhancements, and 200550, Foundation Funding, 98032
other than specific set-asides, are collectively used in each 98033
fiscal year to pay state formula aid obligations for school 98034
districts, community schools, STEM schools, college preparatory 98035
boarding schools, and joint vocational school districts under this 98036
act. The first priority of these appropriation items, with the 98037
exception of specific set-asides, is to fund state formula aid 98038
obligations. It may be necessary to reallocate funds among these 98039
appropriation items or use excess funds from other general revenue 98040
fund appropriation items in the Department of Education's budget 98041
in each fiscal year in order to meet state formula aid 98042
obligations. If it is determined that it is necessary to transfer 98043
funds among these appropriation items or to transfer funds from 98044
other General Revenue Fund appropriations in the Department's 98045
budget to meet state formula aid obligations, the Superintendent 98046
of Public Instruction shall seek approval from the Director of 98047
Budget and Management to transfer funds as needed. 98048

The Superintendent of Public Instruction shall make payments, 98049
transfers, and deductions, as authorized by Title XXXIII of the 98050

Revised Code in amounts substantially equal to those made in the 98051
prior year, or otherwise, at the discretion of the Superintendent, 98052
until at least the effective date of the amendments and enactments 98053
made to Title XXXIII by this act. Any funds paid to districts or 98054
schools under this section shall be credited toward the annual 98055
funds calculated for the district or school after the changes made 98056
to Title XXXIII in this act are effective. Upon the effective date 98057
of changes made to Title XXXIII in this act, funds shall be 98058
calculated as an annual amount. 98059

Section 265.215. OPERATING FUNDING FOR FISCAL YEARS 2020 and 98060
2021 98061

(A) Notwithstanding anything to the contrary in Chapter 3317. 98062
of the Revised Code, the Department of Education shall make no 98063
payments under that chapter for fiscal years 2020 and 2021 except 98064
as prescribed in this section and the sections of this act 98065
entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 98066
DISTRICTS" and "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 98067

(B) Each school district and educational service center shall 98068
report student enrollment data as prescribed by section 3317.03 of 98069
the Revised Code, which data the Department shall use to make 98070
payments under Chapter 3317. of the Revised Code and the sections 98071
of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED 98072
VILLAGE SCHOOL DISTRICTS" and "FUNDING FOR JOINT VOCATIONAL SCHOOL 98073
DISTRICTS." 98074

(C) The tax commissioner shall report data regarding tax 98075
valuation and receipts for school districts as prescribed by 98076
sections 3317.015, 3317.021, 3317.025, 3317.028, 3317.029, 98077
3317.0210, 3317.0211, and 3317.08, which data the Department shall 98078
use to make payments under Chapter 3317. of the Revised Code and 98079
the sections of this act entitled "FUNDING FOR CITY, LOCAL, AND 98080
EXEMPTED VILLAGE SCHOOL DISTRICTS" and "FUNDING FOR JOINT 98081

VOCATIONAL SCHOOL DISTRICTS." 98082

(D) Unless otherwise specified by another provision of law, 98083
in addition to the payments prescribed by the sections of this act 98084
entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 98085
DISTRICTS" and "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS," 98086
the Department shall continue to make payments or adjustments for 98087
each of fiscal years 2020 and 2021 under the following provisions 98088
of Chapter 3317. of the Revised Code: 98089

(1) All payments or adjustments under section 3317.023 of the 98090
Revised Code; 98091

(2) All payments or adjustments under section 3317.024 of the 98092
Revised Code; 98093

(3) Payments under section 3317.029 of the Revised Code. 98094
Notwithstanding division (A)(2)(d) of section 3317.029, for 98095
purposes of these payments, a city, local, or exempted village 98096
school district's "state education aid" for fiscal years 2020 and 98097
2021 shall be the payment made to the district under the section 98098
of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED 98099
VILLAGE SCHOOL DISTRICTS." 98100

(4) Preschool special education payments under section 98101
3317.0213 of the Revised Code; 98102

(5) The catastrophic cost reimbursement under section 98103
3317.0214 of the Revised Code; 98104

(6) Payments under sections 3317.06, 3317.062, 3317.063, and 98105
3317.064 of the Revised Code; 98106

(7) The catastrophic cost reimbursement under division (B) of 98107
section 3317.16 of the Revised Code and excess cost reimbursements 98108
under division (C) of that section. No other payments shall be 98109
made under that section. 98110

(8) Adjustments under section 3317.18 of the Revised Code; 98111

(9) Payments to cooperative education school districts under section 3317.19 of the Revised Code;	98112 98113
(10) Payments to county boards of developmental disabilities under section 3317.20 of the Revised Code;	98114 98115
(11) Payments to state institutions for special education funding under section 3317.201 of the Revised Code.	98116 98117
(E) Notwithstanding anything to the contrary in Chapter 3317. of the Revised Code, for purposes of computing the payments under that chapter for fiscal years 2020 and 2021 authorized under this section for which the "state share index" or "state share percentage" is a factor, the Department shall use the state share index or state share percentage, as applicable, computed for each district for fiscal year 2019.	98118 98119 98120 98121 98122 98123 98124
(F) For fiscal years 2020 and 2021, when calculating payments under Chapter 3317. of the Revised Code as authorized under this section, and for purposes of sections 3310.09, 3313.98, 3313.981, 3314.08, 3315.18, 3326.31, 3326.33, and 3365.01 of the Revised Code and any other provision of law with respect to education financing:	98125 98126 98127 98128 98129 98130
(1) The "formula amount" equals \$6,020 for fiscal years 2020 and 2021.	98131 98132
(2) The special education catastrophic cost threshold for fiscal years 2020 and 2021 is \$27,375 for students in categories two through five special education ADM and \$32,850 for students in category six special education ADM.	98133 98134 98135 98136
(G) This section does not affect the provisions of sections 3317.0219, 3317.031, 3317.032, 3317.033, 3317.034, 3317.035, 3317.036, 3317.061, 3317.07, 3317.08, 3317.081, 3317.082, 3317.09, 3317.10, 3317.12, 3317.13, 3317.14, 3317.141, 3317.15, 3317.161, 3317.163, 3317.23, 3317.231, 3317.24, 3317.25, 3317.26, 3317.27, 3317.30, 3317.40, 3317.50, 3317.51, 3317.60, 3317.61, and 3317.62	98137 98138 98139 98140 98141 98142

of the Revised Code. 98143

Section 265.220. FUNDING FOR CITY, LOCAL, AND EXEMPTED 98144
VILLAGE SCHOOL DISTRICTS 98145

For each of fiscal years 2020 and 2021, the Department of 98146
Education shall pay each city, local, and exempted village school 98147
district an amount equal to the sum of the following: 98148

(A) The district's aggregate annualized payments for fiscal 98149
year 2019 under section 3317.022 of the Revised Code and Section 98150
265.220 of Am. Sub. H.B. 49 of the 132nd General Assembly, as of 98151
the second payment in June 2019; 98152

(B) The district's aggregate annualized payments for fiscal 98153
year 2019 under section 3317.0212 and division (D)(2) of section 98154
3314.091 of the Revised Code, as of the second payment in June 98155
2019. 98156

Section 265.225. FUNDING FOR JOINT VOCATIONAL SCHOOL 98157
DISTRICTS 98158

For each of fiscal years 2020 and 2021, the Department of 98159
Education shall pay each joint vocational school district an 98160
amount equal to the district's aggregate annualized payments for 98161
fiscal year 2019 under section 3317.16 of the Revised Code and 98162
Section 265.230 of Am. Sub. H.B. 49 of the 132nd General Assembly, 98163
as of the second payment in June 2019. 98164

Section 265.230. FUNDING FOR COMMUNITY SCHOOLS 98165

(A) For each of fiscal years 2020 and 2021, the Department of 98166
Education shall make the deductions and payments for each student 98167
enrolled in a community school, established under Chapter 3314. of 98168
the Revised Code, in the manner prescribed by division (C) of 98169
section 3314.08 of the Revised Code, except that, for each of 98170
those fiscal years: 98171

(1) The "formula amount" shall equal the amount specified in 98172
division (F)(1) of the section of this act entitled "OPERATING 98173
FUNDING FOR FISCAL YEARS 2020 and 2021." 98174

(2) "State education aid" for a school district from which a 98175
deduction is made shall mean the amount paid to the district for 98176
that fiscal year under the section of this act entitled "FUNDING 98177
FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 98178

(3) The per pupil amount deducted from a district and paid to 98179
a community school under divisions (C)(1)(b) and (e) of section 98180
3314.08 of the Revised Code shall be the same respective per pupil 98181
amounts deducted and paid under those divisions for fiscal year 98182
2019. 98183

(B) Notwithstanding section 3314.085 of the Revised Code, for 98184
each of fiscal years 2020 and 2021, the Department shall pay each 98185
community school an amount equal to the school's payment under 98186
section 3314.085 of the Revised Code for fiscal year 2019. 98187

Section 265.235. FUNDING FOR STEM SCHOOLS 98188

(A) For each of fiscal years 2020 and 2021, the Department of 98189
Education shall make the deductions and payments for each student 98190
enrolled in a STEM school, established under Chapter 3326. of the 98191
Revised Code, in the manner prescribed by section 3326.33 of the 98192
Revised Code, except that, for each of those fiscal years: 98193

(1) The "formula amount" shall equal the amount specified in 98194
division (F)(1) of the section of this act entitled "OPERATING 98195
FUNDING FOR FISCAL YEARS 2020 and 2021." 98196

(2) "State education aid" for a school district from which a 98197
deduction is made shall mean the amount paid to the district for 98198
that fiscal year under the section of this act entitled "FUNDING 98199
FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 98200

(3) The per pupil amount deducted from a district and paid to 98201

a STEM school under divisions (B) and (E) of section 3326.33 of the Revised Code shall be the same respective per pupil amount deducted and paid under those divisions for fiscal year 2019.

(B) Notwithstanding section 3326.41 of the Revised Code, for each of fiscal years 2020 and 2021, the Department shall pay each STEM school an amount equal to the school's payment under section 3326.41 of the Revised Code for fiscal year 2019.

Section 265.240. LITERACY IMPROVEMENT

The foregoing appropriation item 200566, Literacy Improvement, shall be used by the Department of Education to support early literacy activities to align state, local, and federal efforts in order to bolster all students' reading success. Funds shall be distributed to educational service centers to establish and support regional literacy professional development teams consistent with section 3312.01 of the Revised Code. A portion of the funds may be used by the Department for program administration, monitoring, technical assistance, support, research, and evaluation.

Section 265.250. ADULT EDUCATION PROGRAMS

Of the foregoing appropriation item 200572, Adult Education Programs, up to \$6,400,000 in each fiscal year shall be used to make payments under sections 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised Code.

A portion of the foregoing appropriation item 200572, Adult Education Programs, shall be used in each fiscal year to make payments to institutions participating in the Adult Diploma Pilot Program under section 3313.902 of the Revised Code and to pay career-technical planning districts for the amounts reimbursed to students, as prescribed in this section.

Each career-technical planning district shall reimburse

individuals taking a nationally recognized high school equivalency 98232
examination approved by the Department of Education for the first 98233
time for application fees, examination fees, or both, in excess of 98234
\$40, up to a maximum reimbursement per individual of \$80. Each 98235
career-technical planning district shall designate a site or sites 98236
where individuals may register and take an approved examination. 98237
For each individual who registers for an approved examination, the 98238
career-technical planning district shall make available and offer 98239
career counseling services, including information on adult 98240
education programs that are available. A portion of the 98241
appropriation item may be reimbursed to the Department of Youth 98242
Services and the Department of Rehabilitation and Correction for 98243
individuals in these facilities who have taken an approved 98244
examination for the first time. The amounts reimbursed shall not 98245
exceed the per-individual amounts reimbursed to other individuals 98246
under this section for an approved examination. 98247

Notwithstanding any provision of law to the contrary, the 98248
unexpended balance of appropriations for payments under sections 98249
3313.902, 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised 98250
Code at the end of each fiscal year may be encumbered by the 98251
Department of Education and remain available for payment for a 98252
period not to exceed two years from the end of each fiscal year in 98253
which the funds were originally appropriated, in accordance with 98254
guidelines established by the Superintendent of Public 98255
Instruction. 98256

A portion of the foregoing appropriation item 200572, Adult 98257
Education Programs, may be used for program administration, 98258
technical assistance, support, research, and evaluation of adult 98259
education programs, including high school equivalency examinations 98260
approved by the Department of Education. 98261

Section 265.260. EDCHOICE EXPANSION 98262

The foregoing appropriation item 200573, EdChoice Expansion, 98263
shall be used to provide for the scholarships awarded under the 98264
expansion of the educational choice program established under 98265
section 3310.032 of the Revised Code. The number of scholarships 98266
awarded under the expansion of the educational choice program 98267
shall not exceed the number that can be funded with the 98268
appropriations made by the General Assembly for this purpose. 98269

HALF-MILL MAINTENANCE EQUALIZATION 98270

The foregoing appropriation item 200574, Half-Mill 98271
Maintenance Equalization, shall be used to make payments pursuant 98272
to section 3318.18 of the Revised Code. 98273

ADAPTIVE SPORTS PROGRAM 98274

The foregoing appropriation item 200576, Adaptive Sports 98275
Program, shall be used by the Department of Education, in 98276
collaboration with the Adaptive Sports Program of Ohio, to fund 98277
adaptive sports programs in school districts across the state. 98278

INNOVATIVE SHARED SERVICES AT SCHOOLS 98279

The foregoing appropriation item 200598, Innovative Shared 98280
Services at Schools, shall be used to provide competitive grants 98281
in accordance with the section of this act entitled "INNOVATIVE 98282
SHARED SERVICES AT SCHOOLS PROGRAM." 98283

Section 265.270. INNOVATIVE SHARED SERVICES AT SCHOOLS 98284
PROGRAM 98285

(A) There is hereby created the Innovative Shared Services at 98286
Schools Program to provide grants to city, local, and exempted 98287
village school districts, joint vocational school districts, 98288
community schools, STEM schools, education consortia (which may 98289
represent a partnership among school districts, community schools, 98290
STEM schools, or educational service centers), and private or 98291
governmental entities partnering with one or more of the 98292

educational entities identified in this division for projects that 98293
aim to achieve significant advancement in the use of a shared 98294
services delivery model that demonstrates increased efficiency and 98295
effectiveness, long-term sustainability, and scalability. 98296

(B)(1) Grants shall be awarded by a five-member governing 98297
board consisting of the Superintendent of Public Instruction, or 98298
the Superintendent's designee, two members appointed by the 98299
Governor, one member appointed by the Speaker of the House of 98300
Representatives, and one member appointed by the President of the 98301
Senate. The Department of Education shall provide administrative 98302
support to the board. No member shall be compensated for the 98303
member's service on the board. 98304

(2) The board shall select grant advisors with fiscal 98305
expertise and education expertise. These advisors shall evaluate 98306
proposals from grant applicants and advise the staff administering 98307
the program. No advisor shall be compensated for this service. 98308

(3) The board shall issue an annual report to the Governor, 98309
the Speaker of the House of Representatives, the President of the 98310
Senate, and the chairpersons of the House and Senate committees 98311
that primarily deal with education regarding the types of grants 98312
awarded, the grant recipients, and the effectiveness of the grant 98313
program. 98314

(4) The board shall create a grant application and publish on 98315
the Department's web site the application and timeline for the 98316
submission, review, notification, and awarding of grant proposals. 98317

(5) With the approval of the board, the Department shall 98318
establish a system for evaluating and scoring the grant 98319
applications received under this section. 98320

(C) Each grant applicant shall submit a proposal that 98321
includes all of the following: 98322

(1) A description of the project for which the applicant is 98323

seeking a grant, including a description of how the project will 98324
have substantial value and lasting impact; 98325

(2) A description of quantifiable results of the project that 98326
can be benchmarked; 98327

(3) A description of administrative efficiencies created by 98328
the project. 98329

If an education consortium described in division (A) of this 98330
section applies for a grant, the lead applicant shall be the 98331
school district, community school, or STEM school that is a member 98332
of the consortium and shall so indicate on the grant application. 98333

(D)(1) The board shall issue a timely decision of "yes," 98334
"no," "hold," or "edit" for each application. A grant awarded 98335
under this section shall not exceed \$100,000 in each fiscal year. 98336
The Superintendent of Public Instruction may make recommendations 98337
to the Controlling Board that these maximum amounts be exceeded. 98338
Upon Controlling Board approval, grants may be awarded in excess 98339
of these amounts. 98340

(2) If the board issues a "hold" or "edit" decision for an 98341
application, it shall, upon returning the application to the 98342
applicant, specify the process for reconsideration of the 98343
application. An applicant may work with the grant advisors and 98344
staff to modify or improve a grant application. 98345

(E) Upon deciding to award a grant to an applicant, the board 98346
shall enter into a grant agreement with the applicant that 98347
includes all of the following: 98348

(1) The content of the applicant's proposal as outlined under 98349
division (C) of this section; 98350

(2) The project's deliverables and a timetable for their 98351
completion; 98352

(3) Conditions for receiving grant funding; 98353

(4) Conditions for receiving funding in future years if the contract is a multi-year contract;	98354 98355
(5) A provision specifying that funding will be returned to the board if the applicant fails to implement the agreement;	98356 98357
(6) A provision specifying that the agreement may be amended by mutual agreement between the board and the applicant.	98358 98359
(F) Each grant awarded under this section shall be subject to approval by the Controlling Board prior to execution of the grant agreement.	98360 98361 98362
(G) At the discretion of the board, a portion of appropriation item 200598, Innovative Shared Services at Schools, may be used by the Department of Education to administer the program.	98363 98364 98365 98366
(H) Notwithstanding any provision of law to the contrary, grants awarded under this section may be used by grant recipients for grant-related expenses incurred for a period not to exceed two years from the date of the award according to guidelines established by the governing board.	98367 98368 98369 98370 98371
Section 265.280. MEDICAID IN SCHOOLS PROGRAM	98372
The foregoing appropriation item, 657401, Medicaid in Schools Program, shall be used by the Department of Education to support the Medicaid in Schools Program.	98373 98374 98375
Section 265.300. TEACHER CERTIFICATION AND LICENSURE	98376
The foregoing appropriation item 200681, Teacher Certification and Licensure, shall be used by the Department of Education in each year of the biennium to administer and support teacher certification and licensure activities. Notwithstanding section 3319.51 of the Revised Code, a portion of the foregoing appropriation may also be used for implementation of teacher and	98377 98378 98379 98380 98381 98382

principal evaluation systems, including incorporation of student 98383
growth as a metric in those systems, and teacher value-added 98384
reports. 98385

Section 265.320. SCHOOL DISTRICT SOLVENCY ASSISTANCE 98386

(A) The foregoing appropriation item 200687, School District 98387
Solvency Assistance, shall be allocated to the School District 98388
Shared Resource Account and the Catastrophic Expenditures Account 98389
in amounts determined by the Superintendent of Public Instruction. 98390
These funds shall be used to provide assistance and grants to 98391
school districts to enable them to remain solvent under section 98392
3316.20 of the Revised Code. Assistance and grants shall be 98393
subject to approval by the Controlling Board. Except as provided 98394
under division (C) of this section, any required reimbursements 98395
from school districts for solvency assistance shall be made to the 98396
appropriate account in the School District Solvency Assistance 98397
Fund (Fund 5H30). 98398

(B) Notwithstanding any provision of law to the contrary, 98399
upon the request of the Superintendent of Public Instruction, the 98400
Director of Budget and Management may make transfers to the School 98401
District Solvency Assistance Fund (Fund 5H30) from any fund used 98402
by the Department of Education or the General Revenue Fund to 98403
maintain sufficient cash balances in Fund 5H30 in fiscal years 98404
2020 and 2021. Any cash transferred is hereby appropriated. The 98405
transferred cash may be used by the Department to provide 98406
assistance and grants to school districts to enable them to remain 98407
solvent and to pay unforeseeable expenses of a temporary or 98408
emergency nature that the school district is unable to pay from 98409
existing resources. The Director shall notify the members of the 98410
Controlling Board of any such transfers. 98411

(C) If the cash balance of the School District Solvency 98412
Assistance Fund (Fund 5H30) is insufficient to pay solvency 98413

assistance in fiscal years 2020 and 2021, at the request of the 98414
Superintendent of Public Instruction, and with the approval of the 98415
Controlling Board, the Director of Budget and Management may 98416
transfer cash from the Lottery Profits Education Reserve Fund 98417
(Fund 7018) to Fund 5H30 to provide assistance and grants to 98418
school districts to enable them to remain solvent and to pay 98419
unforeseeable expenses of a temporary nature that they are unable 98420
to pay from existing resources under section 3316.20 of the 98421
Revised Code. Such transfers are hereby appropriated to 98422
appropriation item 200670, School District Solvency Assistance - 98423
Lottery. Any required reimbursements from school districts for 98424
solvency assistance granted from appropriation item 200670, School 98425
District Solvency Assistance - Lottery, shall be made to Fund 98426
7018. 98427

Section 265.323. STUDENT WELLNESS AND SUCCESS 98428

The foregoing appropriation item 200604, Student Wellness and 98429
Success, shall be used to distribute the amounts calculated for 98430
student wellness and success funds under sections 3314.088, 98431
3317.0219, 3317.163, and 3326.42 of the Revised Code. 98432

Section 265.325. SCHOOL CLIMATE GRANTS 98433

(A) The foregoing appropriation item 200602, School Climate 98434
Grants, shall be used to provide competitive grants to eligible 98435
applicants to implement positive behavior intervention and 98436
supports frameworks, evidence- or research-based social and 98437
emotional learning initiatives, or both, in eligible school 98438
buildings. 98439

(B) The Superintendent of Public Instruction shall administer 98440
and award the grants. The Superintendent shall prescribe an 98441
application form, establish procedures for the consideration and 98442
approval of grant applications, and determine the amount of the 98443

grant awards. 98444

(C)(1) Subject to division (C)(2) of this section, the 98445
Superintendent shall award the grants in the following order of 98446
priority: 98447

(a) First, to eligible applicants whose grant proposal serves 98448
one or more eligible school buildings whose percentage of students 98449
who are identified as economically disadvantaged is greater than 98450
the statewide average percentage of students who are identified as 98451
economically disadvantaged, as determined by the Superintendent; 98452

(b) Second, to eligible applicants whose grant proposal 98453
serves one or more eligible school buildings with high suspension 98454
rates, as determined by the Superintendent; 98455

(c) Third, to eligible applicants who were not awarded a 98456
grant under either division (C)(1)(a) or (b) of this section in 98457
the order in which the applications were received. 98458

(2) If, for a fiscal year, the amount appropriated for the 98459
grants awarded under this section is insufficient to provide 98460
grants to all eligible applicants within a priority level 98461
specified in division (C)(1) of this section, the Superintendent 98462
shall first award grants within that priority level to eligible 98463
applicants whose grant proposal serves one or more eligible school 98464
buildings that previously have not been served through a grant 98465
disbursed from the foregoing appropriation item 200602, School 98466
Climate Grants. 98467

(D) The Superintendent may enter into a written grant 98468
agreement with each eligible applicant awarded a grant under this 98469
section that includes the terms and conditions governing the use 98470
of the funds. The Superintendent may monitor a recipient's use of 98471
the funds to ensure that the funds are used in accordance with the 98472
grant agreement. 98473

(E) A grant awarded to an eligible applicant under this 98474

section shall not exceed \$5,000 per eligible school building 98475
served in the eligible applicant's grant proposal, up to a maximum 98476
of \$50,000. 98477

(F) Notwithstanding any provision of law to the contrary, 98478
grants awarded under this section may be used by grant recipients 98479
for grant-related expenses for a period not to exceed two years 98480
from the date of the award, according to guidelines established by 98481
the Superintendent. 98482

(G) As used in this section: 98483

(1) "Eligible applicant" means a city, local, or exempted 98484
village school district or a community school established under 98485
Chapter 3314. of the Revised Code. 98486

(2) "Eligible school building" means a building of an 98487
eligible applicant that serves any of grades kindergarten through 98488
three. 98489

Section 265.330. LOTTERY PROFITS EDUCATION FUND 98490

The foregoing appropriation item 200612, Foundation Funding, 98491
shall be used in conjunction with appropriation item 200550, 98492
Foundation Funding, to provide state foundation payments to school 98493
districts. 98494

The Department of Education, with the approval of the 98495
Director of Budget and Management, shall determine the monthly 98496
distribution schedules of appropriation item 200550, Foundation 98497
Funding, and appropriation item 200612, Foundation Funding. If 98498
adjustments to the monthly distribution schedule are necessary, 98499
the Department shall make such adjustments with the approval of 98500
the Director. 98501

Section 265.332. STUDENT WELLNESS AND SUCCESS 98502

The foregoing appropriation item 200625, Student Wellness and 98503

Success, shall be used to make payments calculated for student 98504
wellness and success funds under sections 3314.088, 3317.0219, 98505
3317.163, and 3326.42 of the Revised Code. 98506

Section 265.335. QUALITY COMMUNITY SCHOOLS SUPPORT 98507

(A) The foregoing appropriation item 200631, Quality 98508
Community Schools Support, shall be used for the Quality Community 98509
School Support Program. Under the program, the Department of 98510
Education shall pay each community school established under 98511
Chapter 3314. of the Revised Code and designated as a Community 98512
School of Quality under this section an amount equal to \$1,750 in 98513
each fiscal year for each pupil identified as economically 98514
disadvantaged and \$1,000 in each fiscal year for each pupil that 98515
is not identified as economically disadvantaged. The payment for 98516
the current fiscal year shall be calculated using the final 98517
adjusted full-time equivalent number of students enrolled in a 98518
community school for the prior fiscal year, except that if a 98519
school is in its first year of operation the payment for the 98520
current fiscal year shall be calculated using the adjusted 98521
full-time equivalent number of students enrolled in the school for 98522
the current fiscal year as of the date the payment is made, as 98523
reported by the school under section 3314.08 of the Revised Code. 98524
The Department shall make the payment to each Community School of 98525
Quality not later than January 31 of each fiscal year. 98526

(B) To be designated as a Community School of Quality, a 98527
community school shall satisfy at least one of the following 98528
conditions: 98529

(1) The community school meets all of the following criteria: 98530

(a) The school's sponsor was rated "exemplary" or "effective" 98531
on the sponsor's most recent evaluation conducted under section 98532
3314.016 of the Revised Code. 98533

(b) The school received a higher performance index score than the school district in which the school is located on the two most recent report cards issued for the school under section 3302.03 of the Revised Code.

(c) The school received an overall grade of "A" or "B" for the value-added progress dimension on the most recent report card issued for the school under section 3302.03 of the Revised Code or is a school described under division (A)(4) of section 3314.35 of the Revised Code and did not receive a grade for the value-added progress dimension on the most recent report card.

(d) At least fifty per cent of the students enrolled in the school are economically disadvantaged, as determined by the Department.

(2) The community school meets all of the following criteria:

(a) The school's sponsor was rated "exemplary" or "effective" on the sponsor's most recent evaluation conducted under section 3314.016 of the Revised Code.

(b) The school is in its first year of operation.

(c) The school is replicating an operational and instructional model used by a community school described in division (B)(1) of this section.

(3) The community school meets all of the following criteria:

(a) The school's sponsor was rated "exemplary" or "effective" on the sponsor's most recent evaluation conducted under section 3314.016 of the Revised Code.

(b) The school contracts with an operator that operates schools in other states and meets at least one of the following criteria:

(i) Has operated a school that received a grant funded through the federal Charter School Program established under 20

U.S.C. 7221 or received funding from the Charter School Growth Fund;	98564 98565
(ii) Meets all of the following criteria:	98566
(I) One of the operator's schools in another state performed better than the school district in which the school is located, as determined by the Department.	98567 98568 98569
(II) At least fifty per cent of the total number of students enrolled in all of the operator's schools are economically disadvantaged, as determined by the Department.	98570 98571 98572
(III) The operator is in good standing in all states where it operates schools.	98573 98574
(IV) The Department has determined that the operator does not have any financial viability issues that would prevent it from effectively operating a community school in Ohio.	98575 98576 98577
(C) A school that is designated as a Community School of Quality under division (B) of this section shall maintain that designation for the two fiscal years following the fiscal year in which the school was initially designated as a Community School of Quality.	98578 98579 98580 98581 98582
Section 265.340. COMMUNITY SCHOOL FACILITIES	98583
The foregoing appropriation item 200684, Community School Facilities, shall be used to pay each community school established under Chapter 3314. of the Revised Code and each STEM school established under Chapter 3326. of the Revised Code an amount equal to \$25 in each fiscal year for each full-time equivalent pupil in an internet- or computer-based community school and \$200 in each fiscal year for each full-time equivalent pupil in all other community or STEM schools for assistance with the cost associated with facilities. If the amount appropriated is not sufficient, the Department shall prorate the amounts so that the	98584 98585 98586 98587 98588 98589 98590 98591 98592 98593

aggregate amount appropriated is not exceeded. 98594

Section 265.350. LOTTERY PROFITS EDUCATION RESERVE FUND 98595

(A) There is hereby created the Lottery Profits Education 98596
Reserve Fund (Fund 7018) in the State Treasury. Investment 98597
earnings of the Lottery Profits Education Reserve Fund shall be 98598
credited to the fund. 98599

(B) Notwithstanding any other provision of law to the 98600
contrary, the Director of Budget and Management may transfer cash 98601
from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) 98602
in fiscal year 2020 and fiscal year 2021. 98603

(C) On July 15, 2019, or as soon as possible thereafter, the 98604
Director of the Ohio Lottery Commission shall certify to the 98605
Director of Budget and Management the amount by which lottery 98606
profit transfers received by Fund 7017 exceeded \$1,093,630,000 in 98607
fiscal year 2019. 98608

(D) On July 15, 2020, or as soon as possible thereafter, the 98609
Director of the Ohio Lottery Commission shall certify to the 98610
Director of Budget and Management the amount by which lottery 98611
profit transfers received by Fund 7017 exceeded \$1,126,000,000 in 98612
fiscal year 2020. 98613

(E) Notwithstanding any provision of law to the contrary, in 98614
fiscal year 2020 and fiscal year 2021, the Director of Budget and 98615
Management may transfer cash in excess of the amounts necessary to 98616
support appropriations in Fund 7017 from that fund to Fund 7018. 98617

Section 265.360. EDUCATIONAL SERVICE CENTERS FUNDING 98618

As used in this section, "high-performing educational service 98619
center" means an educational service center designated as such 98620
pursuant to rule 3301-105-01 of the Administrative Code. 98621

As used in this section, "student count" means the count 98622

calculated under division (G)(1) of section 3313.843 of the Revised Code. 98623
98624

In each fiscal year, the Department of Education shall pay the governing board of each high-performing educational service center state funds equal to twenty-six dollars times its student count, and to the governing board of each other center, state funds equal to twenty-four dollars times its student count. 98625
98626
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98629

If the amount earmarked for the state reimbursement of educational service centers in appropriation item 200550, Foundation Funding, is not sufficient, the Department shall prorate the payment amounts so that the appropriation is not exceeded. 98630
98631
98632
98633
98634

Notwithstanding any provision of law to the contrary, a school district that has not entered into an agreement for services with an educational service center as of June 30, 2019, shall be prohibited from entering into such an agreement during the period from July 1, 2019, through June 30, 2021. 98635
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Section 265.380. SCHOOL DISTRICT PARTICIPATION IN NATIONAL ASSESSMENT OF EDUCATION PROGRESS 98640
98641

The General Assembly intends for the Superintendent of Public Instruction to provide for school district participation in the administration of the National Assessment of Education Progress in accordance with section 3301.27 of the Revised Code. Each school and school district selected for participation by the Superintendent shall participate. 98642
98643
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Section 265.390. COMMUNITY SCHOOL FUNDING GUARANTEE FOR SBH STUDENTS 98648
98649

(A) As used in this section: 98650

(1) "IEP" has the same meaning as in section 3323.01 of the 98651

Revised Code. 98652

(2) "SBH student" means a student receiving special education 98653
and related services for severe behavior disabilities pursuant to 98654
an IEP. 98655

(B) This section applies only to a community school 98656
established under Chapter 3314. of the Revised Code that in each 98657
of fiscal years 2020 and 2021 enrolls a number of SBH students 98658
equal to at least fifty per cent of the total number of students 98659
enrolled in the school in the applicable fiscal year. 98660

(C) In addition to any state foundation payments made, in 98661
each of fiscal years 2020 and 2021, the Department of Education 98662
shall pay to a community school to which this section applies a 98663
subsidy equal to the difference between the aggregate amount 98664
calculated and paid in that fiscal year to the community school 98665
for special education and related services additional weighted 98666
costs for the SBH students enrolled in the school and the 98667
aggregate amount that would have been calculated for the school 98668
for special education and related services additional weighted 98669
costs for those same students in fiscal year 2001. If the 98670
difference is a negative number, the amount of the subsidy shall 98671
be zero. 98672

(D) The amount of any subsidy paid to a community school 98673
under this section shall not be deducted from the school district 98674
in which any of the students enrolled in the community school are 98675
entitled to attend school under section 3313.64 or 3313.65 of the 98676
Revised Code. The amount of any subsidy paid to a community school 98677
under this section shall be paid from funds appropriated to the 98678
Department in appropriation item 200550, Foundation Funding. 98679

Section 265.400. EARMARK ACCOUNTABILITY 98680

At the request of the Superintendent of Public Instruction, 98681

any entity that receives a budget earmark under the Department of 98682
Education shall submit annually to the chairpersons of the 98683
committees of the House of Representatives and the Senate 98684
primarily concerned with education and education funding and to 98685
the Department a report that includes a description of the 98686
services supported by the funds, a description of the results 98687
achieved by those services, an analysis of the effectiveness of 98688
the program, and an opinion as to the program's applicability to 98689
other school districts. For an earmarked entity that received 98690
state funds from an earmark in the prior fiscal year, no funds 98691
shall be provided by the Department to an earmarked entity for a 98692
fiscal year until its report for the prior fiscal year has been 98693
submitted. 98694

Section 265.410. COMMUNITY SCHOOL OPERATING FROM HOME 98695

A community school established under Chapter 3314. of the 98696
Revised Code that was open for operation as a community school as 98697
of May 1, 2005, may operate from or in any home, as defined in 98698
section 3313.64 of the Revised Code, located in the state, 98699
regardless of when the community school's operations from or in a 98700
particular home began. 98701

Section 265.420. USE OF VOLUNTEERS 98702

The Department of Education may utilize the services of 98703
volunteers to accomplish any of the purposes of the Department. 98704
The Superintendent of Public Instruction shall approve for what 98705
purposes volunteers may be used and for these purposes may 98706
recruit, train, and oversee the services of volunteers. The 98707
Superintendent may reimburse volunteers for necessary and 98708
appropriate expenses in accordance with state guidelines and may 98709
designate volunteers as state employees for the purpose of motor 98710
vehicle accident liability insurance under section 9.83 of the 98711

Revised Code, for immunity under section 9.86 of the Revised Code, 98712
and for indemnification from liability incurred in the performance 98713
of their duties under section 9.87 of the Revised Code. 98714

Section 265.430. RESTRICTION OF LIABILITY FOR CERTAIN 98715
REIMBURSEMENTS 98716

(A) Except as expressly required under a court judgment not 98717
subject to further appeals, or a settlement agreement with a 98718
school district executed on or before June 1, 2009, in the case of 98719
a school district for which the formula ADM for fiscal year 2005, 98720
as reported for that fiscal year under division (A) of section 98721
3317.03 of the Revised Code, was reduced based on enrollment 98722
reports for community schools, made under section 3314.08 of the 98723
Revised Code, regarding students entitled to attend school in the 98724
district, which reduction of formula ADM resulted in a reduction 98725
of foundation funding or transitional aid funding for fiscal year 98726
2005, 2006, or 2007, no school district, except a district named 98727
in the court's judgment or the settlement agreement, shall have a 98728
legal claim for reimbursement of the amount of such reduction in 98729
foundation funding or transitional aid funding, and the state 98730
shall not have liability for reimbursement of the amount of such 98731
reduction in foundation funding or transitional aid funding. 98732

(B) As used in this section: 98733

(1) "Community school" means a community school established 98734
under Chapter 3314. of the Revised Code. 98735

(2) "Entitled to attend school" means entitled to attend 98736
school in a school district under section 3313.64 or 3313.65 of 98737
the Revised Code. 98738

(3) "Foundation funding" means payments calculated for the 98739
respective fiscal year under Chapter 3317. of the Revised Code. 98740

(4) "Transitional aid funding" means payments calculated for 98741

the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 98742
of the 125th General Assembly, as subsequently amended; Section 98743
206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as 98744
subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119 98745
of the 127th General Assembly. 98746

Section 265.440. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 98747

In collaboration with the County Family and Children First 98748
Council, a city, local, or exempted village school district, 98749
community school, STEM school, joint vocational school district, 98750
educational service center, or county board of developmental 98751
disabilities that receives allocations from the Department of 98752
Education from appropriation item 200550, Foundation Funding, or 98753
appropriation item 200540, Special Education Enhancements, may 98754
transfer portions of those allocations to a flexible funding pool 98755
authorized by the section of this act entitled "FAMILY AND 98756
CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for 98757
maintenance of effort or for federal or state funding matching 98758
requirements shall not be transferred unless the allocation may 98759
still be used to meet such requirements. 98760

Section 265.450. PRIVATE TREATMENT FACILITY PROJECT 98761

(A) As used in this section: 98762

(1) The following are "participating residential treatment 98763
centers": 98764

(a) Private residential treatment facilities that have 98765
entered into a contract with the Department of Youth Services to 98766
provide services to children placed at the facility by the 98767
Department and which, in fiscal year 2020 or fiscal year 2021 or 98768
both, the Department pays through appropriation item 470401, 98769
RECLAIM Ohio; 98770

(b) Abraxas, in Shelby; 98771

(c) Paint Creek, in Bainbridge; 98772

(d) F.I.R.S.T., in Mansfield. 98773

(2) "Education program" means an elementary or secondary 98774
education program or a special education program and related 98775
services. 98776

(3) "Served child" means any child receiving an education 98777
program pursuant to division (B) of this section. 98778

(4) "School district responsible for tuition" means a city, 98779
exempted village, or local school district that, if tuition 98780
payment for a child by a school district is required under law 98781
that existed in fiscal year 1998, is the school district required 98782
to pay that tuition. 98783

(5) "Residential child" means a child who resides in a 98784
participating residential treatment center and who is receiving an 98785
educational program under division (B) of this section. 98786

(B) A youth who is a resident of the state and has been 98787
assigned by a juvenile court or other authorized agency to a 98788
residential treatment facility specified in division (A) of this 98789
section shall be enrolled in an approved educational program 98790
located in or near the facility. Approval of the educational 98791
program shall be contingent upon compliance with the criteria 98792
established for such programs by the Department of Education. The 98793
educational program shall be provided by a school district or 98794
educational service center, or by the residential facility itself. 98795
Maximum flexibility shall be given to the residential treatment 98796
facility to determine the provider. In the event that a voluntary 98797
agreement cannot be reached and the residential facility does not 98798
choose to provide the educational program, the educational service 98799
center in the county in which the facility is located shall 98800
provide the educational program at the treatment center to 98801
children under twenty-two years of age residing in the treatment 98802

center. 98803

(C) Any school district responsible for tuition for a 98804
residential child shall, notwithstanding any conflicting provision 98805
of the Revised Code regarding tuition payment, pay tuition for the 98806
child for fiscal year 2020 and fiscal year 2021 to the education 98807
program provider and in the amount specified in this division. If 98808
there is no school district responsible for tuition for a 98809
residential child and if the participating residential treatment 98810
center to which the child is assigned is located in the city, 98811
exempted village, or local school district that, if the child were 98812
not a resident of that treatment center, would be the school 98813
district where the child is entitled to attend school under 98814
sections 3313.64 and 3313.65 of the Revised Code, that school 98815
district, notwithstanding any conflicting provision of the Revised 98816
Code, shall pay tuition for the child for fiscal year 2020 and 98817
fiscal year 2021 under this division unless that school district 98818
is providing the educational program to the child under division 98819
(B) of this section. 98820

A tuition payment under this division shall be made to the 98821
school district, educational service center, or residential 98822
treatment facility providing the educational program to the child. 98823

The amount of tuition paid shall be: 98824

(1) The amount of tuition determined for the district under 98825
division (A) of section 3317.08 of the Revised Code; 98826

(2) In addition, for any student receiving special education 98827
pursuant to an individualized education program as defined in 98828
section 3323.01 of the Revised Code, a payment for excess costs. 98829
This payment shall equal the actual cost to the school district, 98830
educational service center, or residential treatment facility of 98831
providing special education and related services to the student 98832
pursuant to the student's individualized education program, minus 98833

the tuition paid for the child under division (C)(1) of this 98834
section. 98835

A school district paying tuition under this division shall 98836
not include the child for whom tuition is paid in the district's 98837
average daily membership certified under division (A) of section 98838
3317.03 of the Revised Code. 98839

(D) In each of fiscal years 2020 and 2021, the Department of 98840
Education shall reimburse, from appropriations made for the 98841
purpose, a school district, educational service center, or 98842
residential treatment facility, whichever is providing the 98843
service, that has demonstrated that it is in compliance with the 98844
funding criteria for each served child for whom a school district 98845
must pay tuition under division (C) of this section. The amount of 98846
the reimbursement shall be the amount appropriated for this 98847
purpose divided by the full-time equivalent number of children for 98848
whom reimbursement is to be made. 98849

(E) Funds provided to a school district, educational service 98850
center, or residential treatment facility under this section shall 98851
be used to supplement, not supplant, funds from other public 98852
sources for which the school district, service center, or 98853
residential treatment facility is entitled or eligible. 98854

(F) The Department of Education shall track the utilization 98855
of funds provided to school districts, educational service 98856
centers, and residential treatment facilities under this section 98857
and monitor the effect of the funding on the educational programs 98858
they provide in participating residential treatment facilities. 98859
The Department shall monitor the programs for educational 98860
accountability. 98861

Section 265.460. (A) The Superintendent of Public Instruction 98862
may form partnerships with Ohio's business community, including 98863
the Ohio Business Roundtable, to create and implement initiatives 98864

that connect students with the business community in an effort to 98865
increase student engagement and job readiness through internships, 98866
work study, and site-based learning experiences. 98867

(B) If the Superintendent forms a partnership pursuant to 98868
division (A) of this section, the initiatives created and 98869
implemented through that partnership shall do all of the 98870
following: 98871

(1) Support the career connection learning strategies 98872
described in division (B)(2) of section 3301.079 of the Revised 98873
Code; 98874

(2) Provide an opportunity for students to earn high school 98875
credit toward graduation or to meet curriculum requirements in 98876
accordance with divisions (J)(1) and (2) of section 3313.603 of 98877
the Revised Code; 98878

(3) Inform the development of student success plans pursuant 98879
to division (C) of section 3313.6020 of the Revised Code. 98880

Section 265.470. The Department of Education shall study the 98881
feasibility of new funding models for internet- or computer-based 98882
community schools. In conducting the study, the department shall 98883
do all of the following: 98884

(A) Consider models of funding based on competency and course 98885
completion; 98886

(B) Consider models of funding used in other states, 98887
including Florida and New Hampshire; 98888

(C) Make recommendations on the feasibility of new funding 98889
models for internet- or computer-based community schools. 98890

Upon completion of the study, and not later than December 31, 98891
2019, the department shall submit copies of the study to the 98892
Governor, the President and Minority Leader of the Senate, the 98893

Speaker and Minority Leader of the House of Representatives, and 98894
the chairpersons of the standing committees on education of the 98895
Senate and the House of Representatives. 98896

Section 265.490. Upon receipt of federal funds under Title 98897
IV, Part A, Student Support and Academic Enrichment Grants, and 98898
after payments are made pursuant to education programs included in 98899
this block grant program, the Department shall direct any unused 98900
funds to cover all or part of the cost of Advanced Placement tests 98901
and International Baccalaureate registration and exam fees for 98902
low-income students. 98903

Section 265.505. Not later than December 31, 2020, and 98904
December 31, 2021, the Department of Education shall submit an 98905
annual report to the General Assembly in accordance with section 98906
101.68 of the Revised Code describing the manner in which the 98907
Department partnered with educational service centers in the 98908
delivery of services consistent with Chapter 3312. of the Revised 98909
Code, as specified in the sections of this act entitled "ACADEMIC 98910
STANDARDS," "ACCOUNTABILITY/REPORT CARDS," "LITERACY IMPROVEMENT," 98911
"EDUCATOR PREPARATION," and "FOUNDATION FUNDING," during the 98912
previous fiscal year. 98913

Section 267.10. ELC OHIO ELECTIONS COMMISSION 98914

General Revenue Fund					98915
GRF 051321 Operating Expenses	\$	435,221	\$	435,221	98916
TOTAL GRF General Revenue Fund	\$	435,221	\$	435,221	98917
Dedicated Purpose Fund Group					98918
4P20 051601 Operating Support	\$	199,460	\$	199,460	98919
TOTAL DPF Dedicated Purpose Fund	\$	199,460	\$	199,460	98920
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	634,681	\$	634,681	98921

Section 269.10.	FUN STATE BOARD OF EMBALMERS AND FUNERAL				98923
	DIRECTORS				98924
	Dedicated Purpose Fund Group				98925
4K90 881609	Operating Expenses	\$	949,667	\$	1,033,281
TOTAL DPF	Dedicated Purpose Fund	\$	949,667	\$	1,033,281
	Group				
TOTAL ALL BUDGET FUND GROUPS		\$	949,667	\$	1,033,281

Section 271.10.	PAY EMPLOYEE BENEFITS FUNDS				98930
	Fiduciary Fund Group				98931
1240 995673	Payroll Deductions	\$	832,466,424	\$	824,291,520
8060 995666	Accrued Leave Fund	\$	88,203,046	\$	90,830,634
8070 995667	Disability Fund	\$	24,790,268	\$	25,839,844
8080 995668	State Employee Health	\$	926,211,020	\$	989,360,953
	Benefit Fund				
8090 995669	Dependent Care	\$	4,100,000	\$	4,477,000
	Spending Account				
8100 995670	Life Insurance	\$	1,757,422	\$	1,810,144
	Investment Fund				
8110 995671	Parental Leave	\$	4,867,791	\$	5,308,830
	Benefit Fund				
8130 995672	Health Care Spending	\$	15,206,162	\$	16,806,372
	Account				
TOTAL FID	Fiduciary Fund Group	\$	1,897,602,133	\$	1,958,725,297
TOTAL ALL BUDGET FUND GROUPS		\$	1,897,602,133	\$	1,958,725,297

Section 271.20. PAYROLL DEDUCTION FUND 98943

The foregoing appropriation item 995673, Payroll Deductions, 98944
shall be used to make payments from the Payroll Deduction Fund 98945
(Fund 1240) pursuant to section 125.21 of the Revised Code. If it 98946
is determined by the Director of Budget and Management that 98947
additional amounts are necessary, the amounts are hereby 98948

appropriated. 98949

ACCRUED LEAVE LIABILITY FUND 98950

The foregoing appropriation item 995666, Accrued Leave Fund, 98951
shall be used to make payments from the Accrued Leave Liability 98952
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 98953
If it is determined by the Director of Budget and Management that 98954
additional amounts are necessary, the amounts are hereby 98955
appropriated. 98956

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 98957

The foregoing appropriation item 995667, Disability Fund, 98958
shall be used to make payments from the State Employee Disability 98959
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 98960
Revised Code. If it is determined by the Director of Budget and 98961
Management that additional amounts are necessary, the amounts are 98962
hereby appropriated. 98963

STATE EMPLOYEE HEALTH BENEFIT FUND 98964

The foregoing appropriation item 995668, State Employee 98965
Health Benefit Fund, shall be used to make payments from the State 98966
Employee Health Benefit Fund (Fund 8080) pursuant to section 98967
124.87 of the Revised Code. If it is determined by the Director of 98968
Budget and Management that additional amounts are necessary, the 98969
amounts are hereby appropriated. 98970

DEPENDENT CARE SPENDING FUND 98971

The foregoing appropriation item 995669, Dependent Care 98972
Spending Account, shall be used to make payments from the 98973
Dependent Care Spending Fund (Fund 8090) to employees eligible for 98974
dependent care expenses pursuant to section 124.822 of the Revised 98975
Code. If it is determined by the Director of Budget and Management 98976
that additional amounts are necessary, the amounts are hereby 98977
appropriated. 98978

LIFE INSURANCE INVESTMENT FUND				98979	
The foregoing appropriation item 995670, Life Insurance				98980	
Investment Fund, shall be used to make payments from the Life				98981	
Insurance Investment Fund (Fund 8100) for the costs and expenses				98982	
of the state's life insurance benefit program pursuant to section				98983	
125.212 of the Revised Code. If it is determined by the Director				98984	
of Budget and Management that additional amounts are necessary,				98985	
the amounts are hereby appropriated.				98986	
PARENTAL LEAVE BENEFIT FUND				98987	
The foregoing appropriation item 995671, Parental Leave				98988	
Benefit Fund, shall be used to make payments from the Parental				98989	
Leave Benefit Fund (Fund 8110) to employees eligible for parental				98990	
leave benefits pursuant to section 124.137 of the Revised Code. If				98991	
it is determined by the Director of Budget and Management that				98992	
additional amounts are necessary, the amounts are hereby				98993	
appropriated.				98994	
HEALTH CARE SPENDING ACCOUNT FUND				98995	
The foregoing appropriation item 995672, Health Care Spending				98996	
Account, shall be used to make payments from the Health Care				98997	
Spending Account Fund (Fund 8130) for payments pursuant to state				98998	
employees' participation in a flexible spending account for				98999	
non-reimbursed health care expenses and section 124.821 of the				99000	
Revised Code. If it is determined by the Director of Budget and				99001	
Management that additional amounts are necessary, the amounts are				99002	
hereby appropriated.				99003	
Section 273.10. ERB STATE EMPLOYMENT RELATIONS BOARD				99004	
General Revenue Fund				99005	
GRF 125321 Operating Expenses	\$	3,998,046	\$	4,136,626	99006
TOTAL GRF General Revenue Fund	\$	3,998,046	\$	4,136,626	99007
Dedicated Purpose Fund Group				99008	

5720 125603	Training and Publications	\$	227,193	\$	227,760	99009
TOTAL DPF Dedicated Purpose Fund Group		\$	227,193	\$	227,760	99010
TOTAL ALL BUDGET FUND GROUPS		\$	4,225,239	\$	4,364,386	99011
Section 275.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS						99013
Dedicated Purpose Fund Group						99014
4K90 892609	Operating Expenses	\$	1,263,151	\$	1,312,259	99015
TOTAL DPF Dedicated Purpose Fund Group		\$	1,263,151	\$	1,312,259	99016
TOTAL ALL BUDGET FUND GROUPS		\$	1,263,151	\$	1,312,259	99017
Section 277.10. EPA ENVIRONMENTAL PROTECTION AGENCY						99019
General Revenue Fund						99020
GRF 715502	Auto Emissions E-Check Program	\$	11,186,610	\$	11,046,610	99021
GRF 715506	George Barley Water Prize	\$	125,000	\$	0	99022
TOTAL GRF General Revenue Fund		\$	11,311,610	\$	11,046,610	99023
Dedicated Purpose Fund Group						99024
4D50 715618	Recycled State Materials	\$	50,000	\$	50,000	99025
4J00 715638	Underground Injection Control	\$	429,000	\$	429,000	99026
4K20 715648	Clean Air - Non Title V	\$	5,101,448	\$	5,317,000	99027
4K30 715649	Solid Waste	\$	14,747,770	\$	15,449,000	99028
4K40 715650	Surface Water Protection	\$	10,114,999	\$	10,742,000	99029
4K50 715651	Drinking Water Protection	\$	8,062,598	\$	8,370,000	99030

4P50	715654	Cozart Landfill	\$	10,000	\$	10,000	99031
4R50	715656	Scrap Tire Management	\$	3,276,485	\$	3,251,500	99032
4R90	715658	Voluntary Action Program	\$	979,348	\$	1,094,800	99033
4T30	715659	Clean Air - Title V Permit Program	\$	9,687,591	\$	9,944,000	99034
5000	715608	Immediate Removal Special Account	\$	718,000	\$	722,000	99035
5030	715621	Hazardous Waste Facility Management	\$	4,780,000	\$	5,118,000	99036
5050	715623	Hazardous Waste Cleanup	\$	11,540,322	\$	12,087,200	99037
5050	715698	Response and Investigations	\$	3,186,244	\$	3,264,500	99038
5320	715646	Recycling and Litter Control	\$	4,541,440	\$	4,598,000	99039
5410	715670	Site Specific Cleanup	\$	779,296	\$	779,400	99040
5420	715671	Risk Management Reporting	\$	201,626	\$	210,000	99041
5860	715637	Scrap Tire Market Development	\$	1,000,000	\$	1,000,000	99042
5BC0	715622	Local Air Pollution Control	\$	2,000,000	\$	2,000,000	99043
5BC0	715624	Surface Water	\$	6,043,557	\$	6,292,000	99044
5BC0	715672	Air Pollution Control	\$	7,959,855	\$	8,236,000	99045
5BC0	715673	Drinking and Ground Water	\$	3,953,543	\$	3,590,300	99046
5BC0	715676	Assistance and Prevention	\$	1,824,471	\$	1,875,000	99047
5BC0	715677	Laboratory	\$	3,256,184	\$	3,329,000	99048
5BC0	715678	Corrective Actions	\$	1,073,590	\$	1,120,000	99049
5BC0	715687	Areawide Planning Agencies	\$	450,000	\$	450,000	99050

5BC0	715692	Administration	\$	14,742,915	\$	15,165,000	99051
5BC0	715694	Environmental Resource Coordination	\$	106,642	\$	115,000	99052
5BT0	715679	C&DD Groundwater Monitoring	\$	225,000	\$	225,000	99053
5H40	715664	Groundwater Support	\$	323,121	\$	332,000	99054
5PZ0	715696	Drinking Water Loan Fee	\$	1,106,285	\$	1,146,250	99055
5VA0	715601	Marsh Restoration	\$	1,000,000	\$	1,000,000	99056
5Y30	715685	Surface Water Improvement	\$	500,000	\$	500,000	99057
6440	715631	Emergency Response Radiological Safety	\$	276,500	\$	278,500	99058
6760	715642	Water Pollution Control Loan Administration	\$	4,606,024	\$	4,675,000	99059
6760	715699	Water Quality Administration	\$	3,837,987	\$	3,975,000	99060
6780	715635	Air Toxic Release	\$	47,984	\$	35,000	99061
6790	715636	Emergency Planning	\$	2,844,024	\$	2,864,000	99062
6960	715643	Air Pollution Control Administration	\$	987,855	\$	1,002,000	99063
6990	715644	Water Pollution Control Administration	\$	287,060	\$	300,000	99064
6A10	715645	Environmental Education	\$	1,087,749	\$	1,100,000	99065
6H20	715695	H2Ohio	\$	8,675,000	\$	0	99066
TOTAL	DPF	Dedicated Purpose Fund Group	\$	146,421,513	\$	142,041,450	99067
Internal	Service	Activity Fund Group					99068
1990	715602	Laboratory Services	\$	519,950	\$	533,000	99069
2190	715604	Central Support	\$	7,663,284	\$	8,055,000	99070

		Indirect				
4A10	715640	Operating Expenses	\$	1,307,000	\$	1,309,000 99071
TOTAL ISA		Internal Service Activity	\$	9,490,234	\$	9,897,000 99072
Fund Group						
Federal Fund Group						99073
3530	715612	Public Water Supply	\$	1,963,760	\$	2,015,000 99074
3570	715619	Air Pollution Control	\$	6,008,988	\$	6,115,000 99075
- Federal						
3620	715605	Underground Injection	\$	131,262	\$	133,000 99076
Control - Federal						
3BU0	715684	Water Quality	\$	15,159,951	\$	15,259,000 99077
Protection						
3CS0	715688	Federal NRD	\$	201,000	\$	201,000 99078
Settlements						
3F30	715632	Federally Supported	\$	6,771,522	\$	7,143,300 99079
Cleanup and Response						
3HE0	715697	Volkswagen Clean Air	\$	19,095,000	\$	22,845,000 99080
Act Settlement						
3T30	715669	Drinking Water State	\$	3,072,853	\$	3,155,000 99081
Revolving Fund						
3V70	715606	Agencywide Grants	\$	700,000	\$	700,000 99082
TOTAL FED		Federal Fund Group	\$	53,104,336	\$	57,566,300 99083
TOTAL ALL		BUDGET FUND GROUPS	\$	220,327,693	\$	220,551,360 99084

Section 277.20. GEORGE BARLEY WATER PRIZE 99086

The foregoing appropriation item, 715506, George Barley Water 99087
Prize, shall be used to support the final stage of the awards 99088
process for the Everglades Foundation's George Barley Water Prize. 99089
On July 1, 2020, or as soon as possible thereafter, the Director 99090
of Environmental Protection may certify to the Director of Budget 99091
and Management an amount up to the unexpended, unencumbered 99092
balance of the foregoing appropriation item, 715506, George Barley 99093
Water Prize, at the end of fiscal year 2020 to be reappropriated 99094

in fiscal year 2021. The amount certified is hereby reappropriated 99095
to the same appropriation item for fiscal year 2021. 99096

DRINKING AND GROUND WATER 99097

Of the foregoing appropriation item, 715673, Drinking and 99098
Ground Water, \$500,000 in FY 2020 shall be used to support a 99099
study, including the acquisition of any necessary equipment, to 99100
determine an estimate of storage capacity and maximum annual yield 99101
of the Michindoh Aquifer. 99102

AREAWIDE PLANNING AGENCIES 99103

The Director of Environmental Protection may award grants 99104
from appropriation item 715687, Areawide Planning Agencies, to 99105
areawide planning agencies engaged in areawide water quality 99106
management and planning activities in accordance with Section 208 99107
of the "Federal Clean Water Act," 33 U.S.C. 1288. 99108

CASH TRANSFERS TO THE MARSH RESTORATION FUND 99109

On July 1, 2019, or as soon as possible thereafter, the 99110
Director of Budget and Management, in consultation with the 99111
Director of Environmental Protection, may transfer up to 99112
\$12,000,000 cash from the Surface Water Improvement Fund (Fund 99113
5Y30) to the Marsh Restoration Fund (Fund 5VA0), which is hereby 99114
created in the state treasury. All moneys credited to Fund 5VA0 99115
are to be used for the remediation and restoration of the Mentor 99116
Marsh site in Mentor, Ohio. 99117

On July 1, 2019, or as soon as possible thereafter, the 99118
Director of Budget and Management, in consultation with the 99119
Director of Environmental Protection, may transfer up to 99120
\$1,000,000 cash from the Site Specific Cleanup Fund (Fund 5410) to 99121
Fund 5VA0. 99122

H2OHIO FUND 99123

The foregoing appropriation item 715695, H2Ohio, shall be 99124

used by the Environmental Protection Agency to support watershed 99125
 planning, scientific research, and data collection. In addition, 99126
 the foregoing appropriation item 715695, H2Ohio, may be used to 99127
 fund waterway improvement and protection of all state waterways in 99128
 support of water quality priorities and management in accordance 99129
 with section 126.60 of the Revised Code. 99130

On July 1, 2020, or as soon as possible thereafter, the 99131
 Director of Environmental Protection may certify to the Director 99132
 of Budget and Management an amount up to the unexpended, 99133
 unencumbered balance of the foregoing appropriation item, 715695, 99134
 H2Ohio, at the end of fiscal year 2020 to be reappropriated in 99135
 fiscal year 2021. The amount certified is hereby reappropriated to 99136
 the same appropriation item for fiscal year 2021. 99137

Section 279.10. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 99138

General Revenue Fund 99139

GRF 172321	Operating Expenses	\$	634,000	\$	651,000	99140
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TOTAL GRF	General Revenue Fund	\$	634,000	\$	651,000	99141
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TOTAL ALL BUDGET FUND GROUPS		\$	634,000	\$	651,000	99142
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Section 281.10. ETC BROADCAST EDUCATIONAL MEDIA COMMISSION 99144

General Revenue Fund 99145

GRF 935401	Statehouse News	\$	314,797	\$	314,797	99146
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Bureau

GRF 935402	Ohio Government	\$	1,758,526	\$	1,608,526	99147
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Telecommunications

Services

GRF 935410	Content Development,	\$	3,838,381	\$	3,838,381	99148
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Acquisition, and

Distribution

GRF 935430	Broadcast Education	\$	3,699,224	\$	3,699,224	99149
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Operating

TOTAL GRF General Revenue Fund	\$	9,610,928	\$	9,460,928	99150
Dedicated Purpose Fund Group					99151
5FK0 935608 Media Services	\$	95,000	\$	95,000	99152
5VB0 935650 Facility Rental	\$	30,000	\$	32,000	99153
TOTAL DPF Dedicated Purpose Fund Group	\$	125,000	\$	127,000	99154
Internal Service Activity Fund Group					99155
4F30 935603 Affiliate Services	\$	4,000	\$	4,000	99156
TOTAL ISA Internal Service Activity Fund Group	\$	4,000	\$	4,000	99158
TOTAL ALL BUDGET FUND GROUPS	\$	9,739,928	\$	9,591,928	99159

Section 281.20. STATEHOUSE NEWS BUREAU 99161

The foregoing appropriation item 935401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau. 99162
99163
99164

OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 99165

The foregoing appropriation item 935402, Ohio Government Telecommunications Services, shall be used solely to support the operations of Ohio Government Telecommunications Services which include providing multimedia support to the state government and its affiliated organizations and broadcasting the activities of the legislative, judicial, and executive branches of state government, among its other functions. 99166
99167
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CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 99173

The foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, shall be used for the development, acquisition, and distribution of information resources by public media and radio reading services and for educational use in the classroom and online. 99174
99175
99176
99177
99178

Of the foregoing appropriation item 935410, Content 99179

Development, Acquisition, and Distribution, up to \$977,856 in each 99180
fiscal year shall be allocated equally among the Ohio educational 99181
television stations. Funds shall be used for the production of 99182
interactive instructional programming series with priority given 99183
to resources aligned with state academic content standards. The 99184
programming shall be targeted to the needs of the one-third lowest 99185
capacity school districts as determined by the district's state 99186
share index calculated by the Department of Education. 99187

Of the foregoing appropriation item 935410, Content 99188
Development, Acquisition, and Distribution, up to \$2,574,472 in 99189
each fiscal year shall be distributed by the Broadcast Educational 99190
Media Commission to Ohio's qualified public educational television 99191
stations and educational radio stations to support their 99192
operations. The funds shall be distributed pursuant to an 99193
allocation formula used by the Ohio Educational Telecommunications 99194
Network Commission unless a substitute formula is developed by the 99195
Broadcast Educational Media Commission in consultation with Ohio's 99196
qualified public educational television stations and educational 99197
radio stations. 99198

Of the foregoing appropriation item 935410, Content 99199
Development, Acquisition, and Distribution, up to \$286,053 in each 99200
fiscal year shall be distributed by the Broadcast Educational 99201
Media Commission to Ohio's qualified radio reading services to 99202
support their operations. The funds shall be distributed pursuant 99203
to an allocation formula used by the Ohio Educational 99204
Telecommunications Network Commission unless a substitute formula 99205
is developed by the Broadcast Educational Media Commission in 99206
consultation with Ohio's qualified radio reading services. 99207

Section 283.10. ETH OHIO ETHICS COMMISSION 99208

General Revenue Fund 99209

GRF 146321 Operating Expenses \$ 1,821,515 \$ 2,068,492 99210

TOTAL GRF General Revenue Fund	\$	1,821,515	\$	2,068,492	99211
Dedicated Purpose Fund Group					99212
4M60 146601 Operating Support	\$	652,578	\$	536,516	99213
TOTAL DPF Dedicated Purpose Fund Group	\$	652,578	\$	536,516	99214
TOTAL ALL BUDGET FUND GROUPS	\$	2,474,093	\$	2,605,008	99215

Section 285.10. EXP OHIO EXPOSITIONS COMMISSION 99217

General Revenue Fund					99218
GRF 723403 Junior Fair Subsidy	\$	363,750	\$	363,750	99219
TOTAL GRF General Revenue Fund	\$	363,750	\$	363,750	99220
Dedicated Purpose Fund Group					99221
4N20 723602 Ohio State Fair	\$	375,000	\$	375,000	99222
Harness Racing					
5060 723601 Operating Expenses	\$	15,100,897	\$	15,363,166	99223
5060 723604 Grounds Maintenance and Repairs	\$	300,000	\$	300,000	99224
TOTAL DPF Dedicated Purpose Fund Group	\$	15,775,897	\$	16,038,166	99225
TOTAL ALL BUDGET FUND GROUPS	\$	16,139,647	\$	16,401,916	99226

STATE FAIR RESERVE 99227

The General Manager of the Expositions Commission, in 99228
consultation with the Director of Budget and Management, may 99229
submit a request to the Controlling Board to use available amounts 99230
in the State Fair Reserve Fund (Fund 6400) if revenues from either 99231
the 2019 or the 2020 Ohio State Fair are unexpectedly low. 99232

On July 1 of each fiscal year, or as soon as possible 99233
thereafter, the Director of Budget and Management, in consultation 99234
with the General Manager of the Expositions Commission, may 99235
determine that the Ohio Expositions Fund (Fund 5060) has a cash 99236
balance in excess of the anticipated operating costs of the 99237

Exposition Commission in that fiscal year. Notwithstanding section 99238
991.04 of the Revised Code, the Director of Budget and Management 99239
may transfer an amount up to the excess cash from Fund 5060 to 99240
Fund 6400 in each fiscal year. 99241

Section 287.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION 99242

General Revenue Fund 99243

GRF 230321 Operating Expenses \$ 6,662,729 \$ 6,660,461 99244

GRF 230401 Cultural Facilities \$ 33,102,800 \$ 28,670,300 99245

Lease Rental Bond

Payments

GRF 230458 State Construction \$ 1,773,454 \$ 1,922,473 99246

Management Services

GRF 230908 Common Schools \$ 410,259,800 \$ 424,825,900 99247

General Obligation

Bond Debt Service

TOTAL GRF General Revenue Fund \$ 451,798,783 \$ 462,079,134 99248

Dedicated Purpose Fund Group 99249

5VU0 230646 School Bus Purchase \$ 0 \$ 20,000,000 99250

TOTAL DPF Dedicated Purpose Fund \$ 0 \$ 20,000,000 99251

Group

Internal Service Activity Fund Group 99252

1310 230639 State Construction \$ 16,152,778 \$ 16,356,157 99253

Management Operations

TOTAL ISA Internal Service Activity \$ 16,152,778 \$ 16,356,157 99254

Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 467,951,561 \$ 498,435,291 99255

Section 287.20. CULTURAL FACILITIES LEASE RENTAL BOND 99257

PAYMENTS 99258

The foregoing appropriation item 230401, Cultural Facilities 99259

Lease Rental Bond Payments, shall be used to meet all payments 99260

during the period from July 1, 2019, through June 30, 2021, by the 99261
Ohio Facilities Construction Commission pursuant to leases and 99262
agreements for cultural and sports facilities made under section 99263
154.23 of the Revised Code. These appropriations are the source of 99264
funds pledged for bond service charges on related obligations 99265
issued under Chapter 154. of the Revised Code. 99266

COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE 99267

The foregoing appropriation item 230908, Common Schools 99268
General Obligation Bond Debt Service, shall be used to pay all 99269
debt service and related financing costs during the period from 99270
July 1, 2019, through June 30, 2021, on obligations issued under 99271
sections 151.01 and 151.03 of the Revised Code. 99272

Section 287.30. COMMUNITY PROJECT ADMINISTRATION 99273

The foregoing appropriation item 230458, State Construction 99274
Management Services, shall be used by the Ohio Facilities 99275
Construction Commission in administering Cultural and Sports 99276
Facilities Building Fund (Fund 7030) projects pursuant to section 99277
123.201 of the Revised Code. 99278

SCHOOL BUS PURCHASE 99279

The foregoing appropriation item 230646, School Bus Purchase, 99280
shall be used by the Ohio Facilities Construction Commission to 99281
assist school districts in purchasing school buses in accordance 99282
with the program developed under this section. 99283

The Commission, in partnership with the departments of 99284
Administrative Services and Public Safety, shall develop a program 99285
to provide school bus purchase assistance in a manner comparable 99286
to the method in which school facilities assistance is provided 99287
under sections 3318.01 to 3318.20 of the Revised Code. Not later 99288
than January 31, 2020, the Ohio Facilities Construction Commission 99289
and the departments of Administrative Services and Public Safety 99290

shall submit a report to the General Assembly in accordance with 99291
section 101.68 of the Revised Code that describes how the program 99292
will operate. 99293

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 99294

At the request of the Executive Director of the Ohio 99295
Facilities Construction Commission, the Director of Budget and 99296
Management may cancel encumbrances for school district projects 99297
from a previous biennium if the district has not raised its local 99298
share of project costs within thirteen months of receiving 99299
Controlling Board approval under section 3318.05 or 3318.41 of the 99300
Revised Code. The Executive Director of the Ohio Facilities 99301
Construction Commission shall certify the amounts of the canceled 99302
encumbrances to the Director of Budget and Management on a 99303
quarterly basis. The amounts of the canceled encumbrances are 99304
hereby appropriated. 99305

Section 287.40. CAPITAL DONATIONS FUND CERTIFICATIONS AND 99306
APPROPRIATIONS 99307

On July 1, 2019, or as soon as possible thereafter, the 99308
Executive Director of the Ohio Facilities Construction Commission 99309
shall certify to the Director of Budget and Management the amount 99310
of cash receipts and related investment income, irrevocable 99311
letters of credit from a bank, or certification of the 99312
availability of funds that have been received from a county or a 99313
municipal corporation for deposit into the Capital Donations Fund 99314
(Fund 5A10) and that are related to an anticipated project. These 99315
amounts are hereby appropriated to appropriation item C37146, 99316
Capital Donations. Prior to certifying these amounts to the 99317
Director, the Executive Director shall make a written agreement 99318
with the participating entity on the necessary cash flows required 99319
for the anticipated construction or equipment acquisition project. 99320

Section 287.50. AMENDMENT TO PROJECT AGREEMENT FOR 99321
MAINTENANCE LEVY 99322

The Ohio Facilities Construction Commission shall amend the 99323
project agreement between the Commission and a school district 99324
that is participating in the Accelerated Urban School Building 99325
Assistance Program on the effective date of this section, if the 99326
Commission determines that it is necessary to do so in order to 99327
comply with division (B)(3)(c) of section 3318.38 of the Revised 99328
Code. 99329

Section 287.60. Notwithstanding any other provision of law to 99330
the contrary, the Ohio Facilities Construction Commission may 99331
determine the amount of funding available for disbursement in a 99332
given fiscal year for any project approved under sections 3318.01 99333
to 3318.20 of the Revised Code in order to keep aggregate state 99334
capital spending within approved limits and may take actions 99335
including, but not limited to, determining the schedule for design 99336
or bidding of approved projects, to ensure appropriate and 99337
supportable cash flow. 99338

Section 287.70. ASSISTANCE TO JOINT VOCATIONAL SCHOOL 99339
DISTRICT 99340

Notwithstanding division (B) of section 3318.40 of the 99341
Revised Code, the Ohio Facilities Construction Commission shall 99342
provide assistance to at least one joint vocational school 99343
district each fiscal year for the acquisition or improvement of 99344
classroom facilities in accordance with sections 3318.40 to 99345
3318.45 of the Revised Code. 99346

Section 287.80. RETURNED OR RECOVERED FUNDS 99347

Notwithstanding any provision of law to the contrary, any 99348
moneys a school district transfers to the Ohio Facilities 99349

Construction Commission under division (C)(2) or (3) of section 99350
3318.12 of the Revised Code as well as any moneys recovered from 99351
settlements with or judgments against parties relating to their 99352
involvement in a classroom facilities project shall be deposited 99353
into the fund from which the capital appropriation for the project 99354
was made. In fiscal year 2020, the Executive Director of the Ohio 99355
Facilities Construction Commission may request the Director of 99356
Budget and Management to authorize expenditures from those funds 99357
and specified appropriation items in excess of the amounts 99358
appropriated in an amount equal to the amount of the funds 99359
deposited under this section. The additional amounts, if 99360
authorized, shall be used in accordance with the purposes of 99361
Chapter 3318. of the Revised Code for projects pursuant to 99362
sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the 99363
Revised Code. Upon approval of the Director of Budget and 99364
Management, the additional amounts are hereby appropriated. 99365

Section 289.10. GOV OFFICE OF THE GOVERNOR 99366

General Revenue Fund 99367

GRF 040321	Operating Expenses	\$	2,914,740	\$	2,973,034	99368
TOTAL GRF	General Revenue Fund	\$	2,914,740	\$	2,973,034	99369

Internal Service Activity Fund Group 99370

5AK0 040607	Government Relations	\$	613,870	\$	619,988	99371
TOTAL ISA	Internal Service Activity					99372
Fund Group		\$	613,870	\$	619,988	99373
TOTAL ALL BUDGET	FUND GROUPS	\$	3,528,610	\$	3,593,022	99374

GOVERNMENT RELATIONS 99375

The Office of the Governor may issue an intrastate transfer 99376
voucher to charge any state agency of the executive branch such 99377
amounts necessary to represent the interests of Ohio to federal, 99378
state, and local government units and to cover the costs or 99379
membership dues related to Ohio's participation in national and 99380

regional associations. Amounts collected shall be deposited in the 99381
Government Relations Fund (Fund 5AK0). 99382

Section 291.10. DOH DEPARTMENT OF HEALTH 99383

General Revenue Fund 99384

GRF 440416 Mothers and Children \$ 4,303,612 \$ 4,303,612 99385

Safety Net Services

GRF 440431 Free Clinic Safety Net \$ 1,500,000 \$ 1,500,000 99386

Services

GRF 440438 Breast and Cervical \$ 671,131 \$ 671,131 99387

Cancer Screening

GRF 440444 AIDS Prevention and \$ 3,493,468 \$ 3,493,468 99388

Treatment

GRF 440451 Public Health \$ 3,672,005 \$ 3,672,005 99389

Laboratory

GRF 440452 Child and Family \$ 589,482 \$ 589,482 99390

Health Services Match

GRF 440453 Health Care Quality \$ 5,083,225 \$ 5,084,936 99391

Assurance

GRF 440454 Environmental \$ 2,933,438 \$ 2,929,841 99392

Health/Radiation

Protection

GRF 440459 Help Me Grow \$ 40,289,149 \$ 49,292,281 99393

GRF 440465 FQHC Primary Care \$ 1,300,000 \$ 1,300,000 99394

Workforce Initiative

GRF 440472 Alcohol Testing \$ 1,232,732 \$ 1,210,805 99395

GRF 440474 Infant Vitality \$ 7,087,292 \$ 7,087,292 99396

GRF 440477 Emergency Preparedness \$ 1,431,677 \$ 1,431,954 99397

and Response

GRF 440481 Lupus Awareness \$ 93,120 \$ 93,120 99398

GRF 440482 Chronic Disease, \$ 7,670,089 \$ 7,898,480 99399

Injury Prevention and

	Drug Overdose				
GRF 440483	Infectious Disease	\$	4,522,054	\$	4,522,054
	Prevention and Control				99400
GRF 440484	Public Health	\$	543,369	\$	313,760
	Technology Innovation				99401
GRF 440505	Medically Handicapped	\$	11,262,451	\$	11,262,451
	Children				99402
GRF 440507	Targeted Health Care	\$	2,000,000	\$	2,000,000
	Services-Over 21				99403
GRF 654453	Medicaid - Health Care	\$	4,227,961	\$	4,246,250
	Quality Assurance				99404
TOTAL GRF	General Revenue Fund	\$	103,906,255	\$	112,902,922
					99405
	Highway Safety Fund Group				99406
4T40 440603	Child Highway Safety	\$	200,000	\$	200,000
TOTAL HSF	Highway Safety Fund Group	\$	200,000	\$	200,000
					99408
	Dedicated Purpose Fund Group				99409
4700 440647	Fee Supported	\$	29,178,120	\$	29,178,120
	Programs				99410
4710 440619	Certificate of Need	\$	878,433	\$	878,433
4730 440622	Lab Operating	\$	8,826,132	\$	8,900,000
	Expenses				99412
4770 440627	Medically Handicapped	\$	4,472,562	\$	4,500,000
	Children Audit				99413
4D60 440608	Genetics Services	\$	3,311,039	\$	3,311,039
4F90 440610	Sickle Cell Disease	\$	1,032,824	\$	1,032,824
	Control				99415
4G00 440636	Heirloom Birth	\$	15,000	\$	15,000
	Certificate				99416
4G00 440637	Birth Certificate	\$	15,000	\$	15,000
	Surcharge				99417
4L30 440609	HIV Care and	\$	26,935,756	\$	27,000,000
	Miscellaneous				99418

		Expenses				
4P40	440628	Ohio Physician Loan	\$	700,000	\$	700,000 99419
		Repayment				
4V60	440641	Save Our Sight	\$	3,482,615	\$	3,500,000 99420
5B50	440616	Quality, Monitoring, and Inspection	\$	736,194	\$	736,194 99421
5BX0	440656	Tobacco Use Prevention, Cessation, and Enforcement	\$	11,955,358	\$	12,000,000 99422
5CN0	440645	Choose Life	\$	80,000	\$	80,000 99423
5D60	440620	Second Chance Trust	\$	1,000,000	\$	1,000,000 99424
5ED0	440651	Smoke Free Indoor Air	\$	300,000	\$	300,000 99425
5G40	440639	Adoption Services	\$	150,000	\$	150,000 99426
5HB0	440470	Breast and Cervical Cancer Screening	\$	25,096	\$	0 99427
5PE0	440659	Breast and Cervical Cancer Services	\$	200,000	\$	200,000 99428
5QJ0	440662	Dental Hygienist Loan Repayments	\$	100,000	\$	100,000 99429
5SH0	440520	Children's Wish Grant Program	\$	275,000	\$	275,000 99430
5TZ0	440621	Toxicology Screenings	\$	1,000,000	\$	1,000,000 99431
5Z70	440624	Ohio Dentist Loan Repayment	\$	200,000	\$	200,000 99432
6100	440626	Radiation Emergency Response	\$	1,269,262	\$	1,300,000 99433
6660	440607	Medically Handicapped Children - County Assessments	\$	23,948,173	\$	24,000,000 99434
6980	440634	Nurse Aide Training	\$	150,000	\$	150,000 99435
L087	440669	Public Health Priorities	\$	2,000,000	\$	0 99436

TOTAL DPF Dedicated Purpose Fund Group	\$	122,236,564	\$	120,521,610	99437
Internal Service Activity Fund Group					99438
1420 440646 Agency Health Services	\$	4,984,080	\$	5,000,000	99439
2110 440613 Central Support Indirect Costs	\$	28,897,875	\$	29,500,000	99440
TOTAL ISA Internal Service Activity Fund Group	\$	33,881,955	\$	34,500,000	99441
Holding Account Fund Group					99442
R014 440631 Vital Statistics	\$	44,986	\$	44,986	99443
R048 440625 Refunds, Grants Reconciliation, and Audit Settlements	\$	20,000	\$	20,000	99444
TOTAL HLD Holding Account Fund Group	\$	64,986	\$	64,986	99445
Federal Fund Group					99446
3200 440601 Maternal Child Health Block Grant	\$	24,673,419	\$	25,000,000	99447
3870 440602 Preventive Health Block Grant	\$	9,681,749	\$	9,750,000	99448
3890 440604 Women, Infants, and Children	\$	219,839,807	\$	220,000,000	99449
3910 440606 Medicare Survey and Certification	\$	17,049,993	\$	17,500,000	99450
3920 440618 Federal Public Health Programs	\$	94,344,493	\$	95,000,000	99451
3GD0 654601 Medicaid Program Support	\$	28,161,187	\$	28,540,949	99452
3GN0 440660 Public Health Emergency Preparedness	\$	26,347,943	\$	26,500,000	99453

TOTAL FED Federal Fund Group	\$	420,098,591	\$	422,290,949	99454
TOTAL ALL BUDGET FUND GROUPS	\$	680,388,351	\$	690,480,467	99455

Section 291.20. MOTHERS AND CHILDREN SAFETY NET SERVICES 99457

Of the foregoing appropriation item 440416, Mothers and 99458
Children Safety Net Services, up to \$200,000 in each fiscal year 99459
may be used to assist families with hearing impaired children 99460
under twenty-one years of age in purchasing hearing aids and 99461
hearing assistive technology. The Director of Health shall adopt 99462
rules governing the distribution of these funds, including rules 99463
that do both of the following: (1) establish eligibility criteria 99464
to include families with incomes at or below four hundred per cent 99465
of the federal poverty guidelines as defined in section 5101.46 of 99466
the Revised Code, and (2) develop a sliding scale of disbursements 99467
under this section based on family income. The Director may adopt 99468
other rules as necessary to implement this section. Rules adopted 99469
under this section shall be adopted in accordance with Chapter 99470
119. of the Revised Code. 99471

FREE CLINIC SAFETY NET SERVICES 99472

The foregoing appropriation item 440431, Free Clinic Safety 99473
Net Services, shall be provided to the Ohio Association of Free 99474
Clinics. Funds may be used to reimburse free clinics for health 99475
care services provided, as well as for administrative services, 99476
information technology costs, infrastructure repair, or other 99477
clinic necessities. 99478

AIDS PREVENTION AND TREATMENT 99479

The foregoing appropriation item 440444, AIDS Prevention and 99480
Treatment, shall be used to administer educational and other 99481
prevention initiatives. 99482

ENVIRONMENTAL HEALTH/RADIATION PROTECTION 99483

Of the foregoing appropriation item 440454, Environmental 99484

Health/Radiation Protection, \$150,000 in each fiscal year shall be 99485
used for the Historic South Initiative in Toledo for lead 99486
abatement. 99487

FQHC PRIMARY CARE WORKFORCE INITIATIVE 99488

The foregoing appropriation item 440465, FQHC Primary Care 99489
Workforce Initiative, shall be provided to the Ohio Association of 99490
Community Health Centers to administer the FQHC Primary Care 99491
Workforce Initiative. The Initiative shall provide medical, 99492
dental, behavioral health, physician assistant, and advanced 99493
practice nursing students with clinical rotations through 99494
federally qualified health centers. 99495

INFANT VITALITY 99496

Of the foregoing appropriation item 440474, Infant Vitality, 99497
\$125,000 in each fiscal year shall be provided to Produce Perks 99498
Midwest, Inc., for the Prescription Produce Intervention for 99499
Maternal Health Program to improve maternal health, nutrition, and 99500
infant mortality rates in Ohio. 99501

The remainder of appropriation item 440474, Infant Vitality, 99502
shall be used to fund a multi-pronged population health approach 99503
to address infant mortality. This approach may include the 99504
following: increasing awareness; supporting data collection; 99505
analysis and interpretation to inform decision-making and ensure 99506
accountability; targeting resources where the need is greatest; 99507
and implementing quality improvement science and programming that 99508
is evidence-based or based on emerging practices. Measurable 99509
interventions may include activities related to safe sleep, 99510
community engagement, Centering Pregnancy, newborn screening, safe 99511
birth spacing, gestational diabetes, smoking cessation, 99512
breastfeeding, care coordination, and progesterone. 99513

EMERGENCY PREPAREDNESS AND RESPONSE 99514

The foregoing appropriation item 440477, Emergency 99515

Preparedness and Response, shall be used to support public health emergency preparedness and response efforts at the state level or at a regional sub-level within the state, and may also be used to support data infrastructure projects.

LUPUS AWARENESS

The foregoing appropriation item 440481, Lupus Awareness, shall be distributed to the Lupus Foundation of America, Greater Ohio Chapter, Inc., to operate a lupus education and awareness program.

CHRONIC DISEASE, INJURY PREVENTION AND DRUG OVERDOSE

Of the foregoing appropriation item 440482, Chronic Disease, Injury Prevention and Drug Overdose, \$250,000 in each fiscal year shall be provided to People Working Cooperatively for the Whole Home Innovation Center. The funds shall be used to administer programming, conduct research and training, and convene multi-disciplinary experts to assess and adopt strategies to help Ohioans remain in their homes.

TARGETED HEALTH CARE SERVICES-OVER 21

The foregoing appropriation item 440507, Targeted Health Care Services-Over 21, shall be used to administer the Cystic Fibrosis Program and to implement the Hemophilia Insurance Premium Payment Program. The Department of Health shall expend \$100,000 in each fiscal year to implement the Hemophilia Insurance Premium Payment Program.

The foregoing appropriation item 440507, Targeted Health Care Services-Over 21, shall also be used to provide essential medications and to pay the copayments for drugs approved by the Department of Health and covered by Medicare Part D that are dispensed to Bureau for Children with Medical Handicaps (BCMh) participants for the Cystic Fibrosis Program.

The Department shall expend all of these funds.	99546
PUBLIC HEALTH PRIORITIES	99547
The foregoing appropriation item 440669, Public Health	99548
Priorities, shall be used to conduct public health awareness and	99549
education campaigns, initiate innovative programming and	99550
prevention strategies, and other work related to advancing	99551
positive changes in population health in Ohio. The Department of	99552
Health may distribute grants, contracts, or subsidy for these	99553
purposes, including, but not limited to, supporting public-private	99554
partnerships to address pressing public health issues.	99555
FEE SUPPORTED PROGRAMS	99556
Of the foregoing appropriation item 440647, Fee Supported	99557
Programs, \$2,160,000 in each fiscal year shall be used to	99558
distribute subsidies to local health departments on a per capita	99559
basis.	99560
Of the foregoing appropriation item 440647, Fee Supported	99561
Programs, \$1,500,000 in each fiscal year shall be used to	99562
distribute subsidies to local health departments accredited	99563
through the Public Health Accreditation Board on a per capita	99564
basis.	99565
MEDICALLY HANDICAPPED CHILDREN AUDIT	99566
The Medically Handicapped Children Audit Fund (Fund 4770)	99567
shall receive revenue from audits of hospitals and recoveries from	99568
third-party payers. Moneys may be expended for payment of audit	99569
settlements and for costs directly related to obtaining recoveries	99570
from third-party payers and for encouraging Medically Handicapped	99571
Children's Program recipients to apply for third-party benefits.	99572
Moneys also may be expended for payments for diagnostic and	99573
treatment services on behalf of medically handicapped children, as	99574
defined in division (A) of section 3701.022 of the Revised Code,	99575
and Ohio residents who are twenty-one or more years of age and who	99576

are suffering from cystic fibrosis or hemophilia. Moneys may also 99577
be expended for administrative expenses incurred in operating the 99578
Medically Handicapped Children's Program. 99579

GENETICS SERVICES 99580

The foregoing appropriation item 440608, Genetics Services, 99581
shall be used by the Department of Health to administer programs 99582
authorized by sections 3701.501 and 3701.502 of the Revised Code. 99583
None of these funds shall be used to counsel or refer for 99584
abortion, except in the case of a medical emergency. 99585

TOBACCO USE PREVENTION, CESSATION, AND ENFORCEMENT 99586

Of the foregoing appropriation item 440656, Tobacco Use 99587
Prevention, Cessation, and Enforcement, \$750,000 in each fiscal 99588
year shall be used to award grants in accordance with the section 99589
of this act entitled "MOMS QUIT FOR TWO GRANT PROGRAM." 99590

Of the foregoing appropriation item 440656, Tobacco Use 99591
Prevention, Cessation, and Enforcement, \$250,000 in each fiscal 99592
year shall be distributed to boards of health for the Baby and Me 99593
Tobacco Free Program. The Director of Health shall determine how 99594
the funds are to be distributed, but shall prioritize awards to 99595
boards that serve women who reside in communities that have the 99596
highest infant mortality rates in this state, as identified under 99597
section 3701.142 of the Revised Code. 99598

The remainder of appropriation item 440656, Tobacco Use 99599
Prevention, Cessation, and Enforcement, shall be used to 99600
administer tobacco use prevention and cessation activities and 99601
programs, to administer compliance checks, retailer education, and 99602
programs related to legal age restrictions, and to enforce the 99603
Ohio Smoke-Free Workplace Act. 99604

TOXICOLOGY SCREENINGS 99605

The foregoing appropriation item 440621, Toxicology 99606

Screenings, shall be used to reimburse county coroners in counties 99607
in which the coroner has performed toxicology screenings on 99608
victims of a drug overdose. The Director of Health shall transfer 99609
the funds to the counties in proportion to the numbers of 99610
toxicology screenings performed per county. 99611

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 99612

The foregoing appropriation item 440607, Medically 99613
Handicapped Children - County Assessments, shall be used to make 99614
payments under division (E) of section 3701.023 of the Revised 99615
Code. 99616

CASH TRANSFER TO EMERGENCY PREPAREDNESS AND RESPONSE FUND 99617

If the Director of Health determines that there are 99618
insufficient funds in appropriation item 440477, Emergency 99619
Preparedness and Response, for public health emergency 99620
preparedness and response activities, the Director may certify to 99621
the Director of Budget and Management an amount necessary to 99622
address these activities. Upon certification, the Director of 99623
Budget and Management shall transfer up to \$500,000 cash in each 99624
fiscal year from the Controlling Board Emergency 99625
Purposes/Contingencies Fund (Fund 5KM0) to the Emergency 99626
Preparedness and Response Fund (Fund 5UA0). The amount transferred 99627
is hereby appropriated. 99628

Section 291.30. MOMS QUIT FOR TWO GRANT PROGRAM 99629

(A) The Department of Health shall create the Moms Quit for 99630
Two Grant Program. Recognizing the significant health risks posed 99631
to women and their children by tobacco use during and after 99632
pregnancy, the Department shall award grants to private, nonprofit 99633
entities or government entities that demonstrate the ability to 99634
deliver evidence-based tobacco cessation interventions to women 99635
who reside in communities that have the highest incidence of 99636

infant mortality, as determined by the Director of Health, and who 99637
are pregnant or live with children. Funds awarded under this 99638
section shall not be used to provide tobacco cessation 99639
interventions to women who are eligible for Medicaid. The 99640
Department may adopt any rules it considers necessary to 99641
administer the Program. 99642

(B) The Department shall create a grant application and 99643
develop a process for receiving and evaluating completed grant 99644
applications on a competitive basis. The Department shall give 99645
first preference to the entities described in division (A) of this 99646
section that are able to target the interventions to pregnant 99647
women and second preference to such entities that are able to 99648
target the interventions to women living with children. The 99649
Department's decision regarding a submitted grant application is 99650
final. 99651

(C) The Department shall establish performance objectives to 99652
be met by grant recipients. The Department shall monitor the 99653
performance of each grant recipient in meeting the objectives. 99654

Section 291.40. WIC VENDOR CONTRACTS 99655

(A) As used in this section, "WIC" means the Special 99656
Supplemental Nutrition Program for Women, Infants, and Children 99657
established under the "Child Nutrition Act of 1966," 80 Stat. 885, 99658
42 U.S.C. 1786, as amended. 99659

(B) During fiscal year 2020 and fiscal year 2021, the 99660
Department of Health shall process and review a WIC vendor 99661
contract application pursuant to Chapter 3701-42 of the 99662
Administrative Code not later than forty-five days after receipt 99663
of the application if the applicant is a WIC-contracted vendor at 99664
the time of application and meets all of the following 99665
requirements: 99666

(1) Submits a complete WIC vendor application with all required documents and information; 99667
99668

(2) Passes the required unannounced preauthorization visit within forty-five days of submitting a complete application; 99669
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(3) Completes the required in-person training within forty-five days of submitting the complete application. 99671
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(C) If an applicant fails to meet any of the requirements described in division (B) of this section, the Department shall deny the application for the contract. After an application has been denied, the applicant may reapply for a contract to act as a WIC vendor during the contracting cycle that is applicable to the applicant's WIC region. 99673
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Section 293.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION 99679

Dedicated Purpose Fund Group 99680

4610 372601	Operating Expenses	\$	12,500	\$	12,500	99681
TOTAL DPF	Dedicated Purpose Fund Group	\$	12,500	\$	12,500	99682
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	12,500	\$	12,500	99683

Section 295.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 99685

General Revenue Fund 99686

GRF 148321	Operating Expenses	\$	464,888	\$	464,047	99687
TOTAL GRF	General Revenue Fund	\$	464,888	\$	464,047	99688
Dedicated Purpose Fund Group 99689						
6010 148602	Special Initiatives	\$	24,558	\$	24,558	99690
TOTAL DPF	Dedicated Purpose Fund Group	\$	24,558	\$	24,558	99691 99692
TOTAL ALL BUDGET FUND GROUPS		\$	489,446	\$	488,605	99693

Section 297.10. OHS OHIO HISTORY CONNECTION 99695

General Revenue Fund				99696
GRF	360501	Education and Collections	\$ 5,180,712 \$	5,151,712 99697
GRF	360502	Site and Museum Operations	\$ 6,707,853 \$	6,772,853 99698
GRF	360504	Ohio Preservation Office	\$ 281,300 \$	281,300 99699
GRF	360505	National Afro-American Museum	\$ 485,000 \$	485,000 99700
GRF	360506	Hayes Presidential Center	\$ 485,000 \$	485,000 99701
GRF	360508	State Historical Grants	\$ 438,500 \$	438,500 99702
GRF	360509	Outreach and Partnership	\$ 155,583 \$	155,583 99703
TOTAL GRF	General Revenue Fund		\$ 13,733,948 \$	13,769,948 99704
Dedicated Purpose Fund Group				99705
5KL0	360602	Ohio History Tax Check-off	\$ 150,000 \$	150,000 99706
5PD0	360603	Ohio History License Plate	\$ 10,000 \$	10,000 99707
TOTAL DPF	Dedicated Purpose Fund Group		\$ 160,000 \$	160,000 99708
TOTAL ALL BUDGET FUND GROUPS			\$ 13,893,948 \$	13,929,948 99709
SUBSIDY APPROPRIATION				99710
Upon approval by the Director of Budget and Management, the				99711
foregoing appropriation items shall be released to the Ohio				99712
History Connection in quarterly amounts that in total do not				99713
exceed the annual appropriations. The funds and fiscal records of				99714
the Ohio History Connection for fiscal year 2020 and fiscal year				99715
2021 shall be examined by independent certified public accountants				99716
approved by the Auditor of State, and a copy of the audited				99717

financial statements shall be filed with the Office of Budget and Management. 99718
99719

The foregoing appropriations shall be considered to be the contractual consideration provided by the state to support the state's offer to contract with the Ohio History Connection under section 149.30 of the Revised Code. 99720
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STATE HISTORICAL GRANTS 99724

Of the foregoing appropriation item 360508, State Historical Grants, \$125,000 in each fiscal year shall be used for the Western Reserve Historical Society and \$125,000 in each fiscal year shall be used for the Cincinnati Museum Center. 99725
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Of the foregoing appropriation item 360508, State Historical Grants, \$38,500 in each fiscal year shall be allocated to support the American Jewish Archives of the Hebrew Union College-Jewish Institute of Religion. 99729
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Of the foregoing appropriation item 360508, State Historical Grants, \$25,000 in each fiscal year shall be allocated to support the Cleveland Museum of Natural History. 99733
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Of the foregoing appropriation item 360508, State Historical Grants, \$25,000 in each fiscal year shall be allocated to support the Cleveland Institute of Art. 99736
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99738

Of the foregoing appropriation item 360508, State Historical Grants, \$100,000 in each fiscal year shall be allocated to support the Nancy and David Wolf Holocaust and Humanity Center. 99739
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Section 299.10. REP OHIO HOUSE OF REPRESENTATIVES 99742

General Revenue Fund 99743

GRF 025321 Operating Expenses \$ 25,917,274 \$ 25,917,274 99744

TOTAL GRF General Revenue Fund \$ 25,917,274 \$ 25,917,274 99745

Internal Service Activity Fund Group 99746

1030	025601	House of Representatives Reimbursement	\$	1,433,664	\$	1,433,664	99747
4A40	025602	Miscellaneous Sales	\$	50,000	\$	50,000	99748
TOTAL ISA Internal Service Activity							99749
Fund Group			\$	1,483,664	\$	1,483,664	99750
TOTAL ALL BUDGET FUND GROUPS			\$	27,400,938	\$	27,400,938	99751

OPERATING EXPENSES 99752

On July 1, 2019, or as soon as possible thereafter, the Chief 99753
Administrative Officer of the House of Representatives may certify 99754
to the Director of Budget and Management an amount up to the 99755
unexpended, unencumbered balance of the foregoing appropriation 99756
item 025321, Operating Expenses, at the end of fiscal year 2019 to 99757
be reappropriated to fiscal year 2020. The amount certified is 99758
hereby reappropriated to the same appropriation item for fiscal 99759
year 2020. 99760

On July 1, 2020, or as soon as possible thereafter, the Chief 99761
Administrative Officer of the House of Representatives may certify 99762
to the Director of Budget and Management an amount up to the 99763
unexpended, unencumbered balance of the foregoing appropriation 99764
item 025321, Operating Expenses, at the end of fiscal year 2020 to 99765
be reappropriated to fiscal year 2021. The amount certified is 99766
hereby reappropriated to the same appropriation item for fiscal 99767
year 2021. 99768

HOUSE REIMBURSEMENT 99769

If it is determined by the Chief Administrative Officer of 99770
the House of Representatives that additional appropriations are 99771
necessary for the foregoing appropriation item 025601, House 99772
Reimbursement, the amounts are hereby appropriated. 99773

Section 301.10. HFA OHIO HOUSING FINANCE AGENCY 99774

Dedicated Purpose Fund Group				99775
5AZ0 997601 Housing Finance Agency	\$	12,267,196	\$	12,819,657
Personal Services				99776
TOTAL DPF Dedicated Purpose Fund Group	\$	12,267,196	\$	12,819,657
TOTAL ALL BUDGET FUND GROUPS	\$	12,267,196	\$	12,819,657

Section 303.10. IGO OFFICE OF THE INSPECTOR GENERAL 99780

General Revenue Fund				99781
GRF 965321 Operating Expenses	\$	1,512,881	\$	1,509,581
TOTAL GRF General Revenue Fund	\$	1,512,881	\$	1,509,581
Internal Service Activity Fund Group				99784
5FA0 965603 Deputy Inspector	\$	400,000	\$	400,000
General for ODOT				99785
5FT0 965604 Deputy Inspector	\$	425,000	\$	425,000
General for BWC/OIC				99786
TOTAL ISA Internal Service Activity Fund Group	\$	825,000	\$	825,000
TOTAL ALL BUDGET FUND GROUPS	\$	2,337,881	\$	2,334,581

Section 305.10. INS DEPARTMENT OF INSURANCE 99791

Dedicated Purpose Fund Group				99792
5540 820601 Operating Expenses - OSIIIP	\$	180,000	\$	180,000
5540 820606 Operating Expenses	\$	29,580,629	\$	30,661,244
5550 820605 Examination	\$	8,938,161	\$	9,179,766
5PT0 820613 Captive Insurance	\$	650,000	\$	650,000
Regulation and Supervision				99796
TOTAL DPF Dedicated Purpose Fund Group	\$	39,348,790	\$	40,671,010
Federal Fund Group				99799

3U50 820602	OSHIIP Operating	\$	2,793,150	\$	2,793,150	99800
	Grant					
TOTAL FED	Federal Fund Group	\$	2,793,150	\$	2,793,150	99801
TOTAL ALL BUDGET	FUND GROUPS	\$	42,141,940	\$	43,464,160	99802
	MARKET CONDUCT EXAMINATION					99803
	When conducting a market conduct examination of any insurer					99804
	doing business in this state, the Superintendent of Insurance may					99805
	assess the costs of the examination against the insurer. The					99806
	Superintendent may enter into consent agreements to impose					99807
	administrative assessments or fines for conduct discovered that					99808
	may be violations of statutes or rules administered by the					99809
	Superintendent. All costs, assessments, or fines collected shall					99810
	be deposited to the credit of the Department of Insurance					99811
	Operating Fund (Fund 5540).					99812
	EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES					99813
	The Director of Budget and Management, at the request of the					99814
	Superintendent of Insurance, may transfer cash from the Department					99815
	of Insurance Operating Fund (Fund 5540), established by section					99816
	3901.021 of the Revised Code, to the Superintendent's Examination					99817
	Fund (Fund 5550), established by section 3901.071 of the Revised					99818
	Code, only for expenses incurred in examining domestic fraternal					99819
	benefit societies as required by section 3921.28 of the Revised					99820
	Code.					99821
	TRANSFER OF FUNDS FOR CAPTIVE INSURANCE COMPANY REGULATION					99822
	AND SUPERVISION					99823
	When funds from captive insurance company application fees,					99824
	reimbursements from captive insurance companies for examinations,					99825
	and other sources have accrued to the Captive Insurance Regulation					99826
	and Supervision Fund (Fund 5PT0) in such amounts as are deemed					99827
	sufficient to sustain operations, the Director of Budget and					99828
	Management, in consultation with the Superintendent of Insurance,					99829

shall establish a schedule for repaying the amounts previously 99830
transferred during fiscal years 2016 and 2017 from Fund 5PT0 to 99831
Fund 5540. 99832

Section 307.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES 99833

General Revenue Fund 99834

GRF 600410 TANF State Maintenance \$ 144,267,326 \$ 144,267,326 99835
of Effort

GRF 600413 Child Care \$ 83,461,739 \$ 83,461,739 99836
State/Maintenance of
Effort

GRF 600450 Program Operations \$ 148,394,043 \$ 148,439,778 99837

GRF 600502 Child Support - Local \$ 23,456,891 \$ 23,456,891 99838

GRF 600521 Family Assistance - \$ 44,748,768 \$ 44,748,768 99839
Local

GRF 600523 Family and Children \$ 181,107,628 \$ 181,107,628 99840
Services

GRF 600528 Adoption Services \$ 28,922,517 \$ 28,922,517 99841

GRF 600533 Child, Family, and \$ 13,500,000 \$ 13,500,000 99842
Community Protection
Services

GRF 600534 Adult Protective \$ 4,230,000 \$ 4,230,000 99843
Services

GRF 600535 Early Care and \$ 141,285,241 \$ 141,285,241 99844
Education

GRF 600541 Kinship Permanency \$ 1,000,000 \$ 1,000,000 99845
Incentive Program

GRF 600546 Healthy Food Financing \$ 150,000 \$ 150,000 99846
Initiative

GRF 600551 Job and Family Services \$ 105,000 \$ 105,000 99847
Program Support

GRF 600552 Gracehaven Pilot \$ 259,685 \$ 259,685 99848

		Program				
GRF 655425	Medicaid Program		\$ 13,971,461	\$ 14,084,154		99849
	Support					
GRF 655522	Medicaid Program		\$ 37,119,931	\$ 37,119,931		99850
	Support - Local					
GRF 655523	Medicaid Program		\$ 38,750,000	\$ 38,750,000		99851
	Support - Local					
	Transportation					
TOTAL GRF	General Revenue Fund		\$ 904,730,230	\$ 904,888,658		99852
	Dedicated Purpose Fund Group					99853
1980 600647	Children's Trust Fund		\$ 7,992,060	\$ 6,000,000		99854
4A80 600658	Public Assistance		\$ 32,000,000	\$ 32,000,000		99855
	Activities					
4A90 600607	Unemployment		\$ 13,900,000	\$ 12,900,000		99856
	Compensation					
	Administration Fund					
4E70 600604	Family and Children		\$ 650,000	\$ 650,000		99857
	Services Collections					
4F10 600609	Family and Children		\$ 708,000	\$ 708,000		99858
	Activities					
5DM0 600633	Audit Settlements and		\$ 1,000,000	\$ 1,000,000		99859
	Contingency					
5ES0 600630	Food Bank Assistance		\$ 500,000	\$ 500,000		99860
5HC0 600695	Unemployment		\$ 1,000,000	\$ 1,000,000		99861
	Compensation Interest					
5KT0 600696	Early Childhood		\$ 20,000,000	\$ 20,000,000		99862
	Education					
5NG0 600660	Victims of Human		\$ 100,000	\$ 100,000		99863
	Trafficking					
5RX0 600699	Workforce Development		\$ 300,000	\$ 300,000		99864
	Projects					
5RY0 600698	Human Services		\$ 14,887,449	\$ 15,000,000		99865
	Project					

5TZ0	600674	Children's Crisis Care	\$	150,000	\$	150,000	99866
5U60	600663	Family and Children Support	\$	5,000,000	\$	5,000,000	99867
5VJ0	600600	Books from Birth	\$	5,000,000	\$	0	99868
TOTAL DPF Dedicated Purpose Fund Group			\$	103,187,509	\$	95,308,000	99869
Internal Service Activity Fund Group							99870
5HL0	600602	State and County Shared Services	\$	1,500,000	\$	1,500,000	99871
TOTAL ISA Internal Service Activity Fund Group			\$	1,500,000	\$	1,500,000	99872
Fiduciary Fund Group							99873
1920	600646	Child Support Intercept - Federal	\$	100,000,000	\$	100,000,000	99874
5830	600642	Child Support Intercept - State	\$	13,000,000	\$	13,000,000	99875
5B60	600601	Food Assistance Intercept	\$	4,000,000	\$	4,000,000	99876
TOTAL FID Fiduciary Fund Group			\$	117,000,000	\$	117,000,000	99877
Holding Account Fund Group							99878
R012	600643	Refunds and Audit Settlements	\$	500,000	\$	500,000	99879
TOTAL HLD Holding Account Fund Group			\$	500,000	\$	500,000	99880
Federal Fund Group							99881
3270	600606	Child Welfare	\$	28,950,337	\$	29,000,000	99882
3310	600615	Veterans Programs	\$	7,000,000	\$	7,000,000	99883
3310	600624	Employment Services	\$	26,000,000	\$	26,000,000	99884
3310	600686	Workforce Programs	\$	3,912,923	\$	4,000,000	99885
3840	600610	Food Assistance Programs	\$	165,544,356	\$	165,544,356	99886

3850	600614	Refugee Services	\$	12,000,000	\$	12,000,000	99887
3950	600616	Federal Discretionary Grants	\$	1,500,000	\$	1,500,000	99888
3960	600620	Social Services Block Grant	\$	42,000,000	\$	42,000,000	99889
3970	600626	Child Support - Federal	\$	197,479,829	\$	198,000,000	99890
3980	600627	Adoption Program - Federal	\$	175,000,000	\$	175,000,000	99891
3A20	600641	Emergency Food Distribution	\$	7,000,000	\$	7,000,000	99892
3D30	600648	Children's Trust Fund Federal	\$	2,000,000	\$	2,000,000	99893
3F01	655624	Medicaid Program Support - Federal	\$	179,231,495	\$	179,500,000	99894
3H70	600617	Child Care Federal	\$	331,249,291	\$	331,980,000	99895
3N00	600628	Foster Care Program - Federal	\$	280,732,702	\$	281,000,000	99896
3S50	600622	Child Support Projects	\$	534,050	\$	534,050	99897
3V00	600688	Workforce Innovation and Opportunity Act Programs	\$	142,092,211	\$	142,450,000	99898
3V40	600632	Trade Programs	\$	19,755,884	\$	20,000,000	99899
3V40	600678	Federal Unemployment Programs	\$	73,436,024	\$	73,436,024	99900
3V40	600679	Unemployment Compensation Review Commission - Federal	\$	4,800,000	\$	4,800,000	99901
3V60	600689	TANF Block Grant	\$	873,602,794	\$	935,000,000	99902
TOTAL FED	FEDERAL FUND GROUP		\$	2,573,821,896	\$	2,637,744,430	99903
TOTAL ALL BUDGET FUND GROUPS			\$	3,700,739,635	\$	3,756,941,088	99904

Section 307.16. MARRIAGE WORKS

99906

Of the foregoing appropriation item 600410, TANF State 99907
Maintenance of Effort, \$200,000 in each fiscal year shall be 99908
provided to Marriage Works! Ohio in Dayton. 99909

Section 307.17. STAR HOUSE DROP-IN CENTER 99910

Of the foregoing appropriation item 600410, TANF State 99911
Maintenance of Effort, \$750,000 in each fiscal year shall be used 99912
to support the Star House Drop-In Center to provide services for 99913
homeless youth. 99914

Section 307.18. YMCA OF GREATER CLEVELAND 99915

Of the foregoing appropriation item 600410, TANF State 99916
Maintenance of Effort, \$200,000 in each fiscal year shall be used 99917
to support the YMCA of Greater Cleveland's Early Learning Center 99918
Trauma informed pre-school for homeless, low income, and at-risk 99919
pre-school children. 99920

Section 307.19. UNIVERSITY SETTLEMENT 99921

Of the foregoing appropriation item 600410, TANF State 99922
Maintenance of Effort, \$100,000 in each fiscal year shall be used 99923
to support University Settlement family assistance programs in the 99924
Broadway-Slavic Village neighborhood of Cleveland. 99925

Section 307.20. COUNTY ADMINISTRATIVE FUNDS 99926

(A) The foregoing appropriation item 600521, Family 99927
Assistance - Local, may be provided to county departments of job 99928
and family services to administer food assistance and disability 99929
assistance programs. 99930

(B) The foregoing appropriation item 655522, Medicaid Program 99931
Support - Local, may be provided to county departments of job and 99932
family services to administer the Medicaid program and the State 99933
Children's Health Insurance program. 99934

(C) At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between the following appropriation items to ensure county administrative funds are expended from the proper appropriation item:

(1) Appropriation item 600521, Family Assistance - Local, and appropriation item 655522, Medicaid Program Support - Local; and

(2) Appropriation item 655523, Medicaid Program Support - Local Transportation, and appropriation item 655522, Medicaid Program Support - Local.

(D) If receipts credited to the Medicaid Program Support Fund (Fund 3F01) and the Supplemental Nutrition Assistance Program Fund (Fund 3840) exceed the amounts appropriated, the Director of Job and Family Services shall request the Director of Budget and Management to authorize expenditures from those funds in excess of the amounts appropriated. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 307.30. NAME OF FOOD STAMP PROGRAM

The Director of Job and Family Services is not required to amend rules regarding the Food Stamp Program to change the name of the program to the Supplemental Nutrition Assistance Program. The Director may refer to the program as the Food Stamp Program, the Supplemental Nutrition Assistance Program, or the Food Assistance Program in rules and documents of the Department of Job and Family Services.

Section 307.40. OHIO ASSOCIATION OF FOOD BANKS

Of the foregoing appropriation items 600410, TANF State Maintenance of Effort, 600658, Public Assistance Activities, and 600689, TANF Block Grant, a total of \$17,050,000 in each fiscal year shall be used to provide funds to the Ohio Association of

Food Banks to purchase and distribute food products. 99965

Notwithstanding section 5101.46 of the Revised Code and any 99966
other provision in this bill, including funds designated for the 99967
Ohio Association of Food Banks in this section, in fiscal year 99968
2020 and fiscal year 2021, the Director of Job and Family Services 99969
shall provide assistance from eligible funds to the Ohio 99970
Association of Food Banks in an amount not less than \$19,550,000 99971
in each fiscal year. 99972

Eligible nonfederal expenditures made by member food banks of 99973
the Association shall be counted by the Department of Job and 99974
Family Services toward the TANF maintenance of effort requirements 99975
of 42 U.S.C. 609(a)(7). The Director of Job and Family Services 99976
shall enter into an agreement with the Ohio Association of Food 99977
Banks, in accordance with sections 5101.80 and 5101.801 of the 99978
Revised Code, to carry out the requirements under this section. 99979

Section 307.45. FOOD STAMPS TRANSFER 99980

On July 1, 2019, or as soon as possible thereafter, and upon 99981
request of the Director of Job and Family Services, the Director 99982
of Budget and Management may transfer up to \$1,000,000 cash from 99983
the Supplemental Nutrition Assistance Program Fund (Fund 3840), to 99984
the Food Assistance Fund (Fund 5ES0). 99985

Section 307.50. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE 99986

The foregoing appropriation item 600658, Public Assistance 99987
Activities, shall be used by the Department of Job and Family 99988
Services to meet the TANF maintenance of effort requirements of 42 99989
U.S.C. 609(a)(7). When the state is assured that it will meet the 99990
maintenance of effort requirement, the Department of Job and 99991
Family Services may use funds from appropriation item 600658, 99992
Public Assistance Activities, to support public assistance 99993
activities. 99994

Section 307.70. GOVERNOR'S OFFICE OF FAITH-BASED AND 99995
COMMUNITY INITIATIVES 99996

Of the foregoing appropriation item 600689, TANF Block Grant, 99997
up to \$13,285,000 in each fiscal year shall be used, in accordance 99998
with sections 5101.80 and 5101.801 of the Revised Code, to provide 99999
support to programs or organizations that provide services that 100000
align with the mission and goals of the Governor's Office of 100001
Faith-Based and Community Initiatives, as outlined in section 100002
107.12 of the Revised Code, and that further at least one of the 100003
four purposes of the TANF program, as specified in 42 U.S.C. 601. 100004

Of the amount earmarked for the Governor's Office of 100005
Faith-Based and Community Initiatives, \$250,000 in each fiscal 100006
year shall be provided to Think Tank, Inc. to support a project 100007
that provides a sustainable, scalable system to support and keep 100008
families together. 100009

Section 307.80. INDEPENDENT LIVING INITIATIVE 100010

Of the foregoing appropriation item 600689, TANF Block Grant, 100011
up to \$2,000,000 in each fiscal year shall be used, in accordance 100012
with sections 5101.80 and 5101.801 of the Revised Code, to support 100013
the Independent Living Initiative, including life skills training 100014
and work supports for older children in foster care and those who 100015
have recently aged out of foster care. 100016

Section 307.90. OHIO COMMISSION ON FATHERHOOD 100017

Of the foregoing appropriation item 600689, TANF Block Grant, 100018
\$2,200,000 in each fiscal year shall be provided to the Ohio 100019
Commission on Fatherhood. 100020

Section 307.95. OHIO ALLIANCE OF BOYS AND GIRLS CLUBS 100021

Of the foregoing appropriation item 600689, TANF Block Grant, 100022

\$1,000,000 in each fiscal year shall be provided, in accordance 100023
with sections 5101.80 and 5101.801 of the Revised Code, to the 100024
Ohio Alliance of Boys and Girls Clubs to provide after-school and 100025
summer programs that protect at-risk children and enable youth to 100026
become responsible adults. Not less than \$75,000 in each fiscal 100027
year shall be provided to the Boys and Girls Club of Massillon. 100028

Section 307.98. WATERFORD INSTITUTE PILOT PROGRAM 100029

Of the foregoing appropriation item 600689, TANF Block Grant, 100030
\$2,000,000 in each fiscal year shall be provided, in accordance 100031
with sections 5101.80 and 5101.801 of the Revised Code, to the 100032
Waterford Institute to implement a pilot program for 100033
pre-kindergarten children. 100034

Section 307.105. BIG BROTHERS BIG SISTERS 100035

Of the foregoing appropriation item 600689, TANF Block Grant, 100036
\$500,000 in each fiscal year shall be provided, in accordance with 100037
sections 5101.80 and 5101.801 of the Revised Code, to Big Brothers 100038
Big Sisters of Central Ohio to provide mentoring services to 100039
children throughout the state who have experienced trauma in their 100040
lives, including parental incarceration. 100041

Section 307.107. OPEN DOORS ACADEMY 100042

Of the foregoing appropriation item 600689, TANF Block Grant, 100043
\$2,200,000 in each fiscal year shall be used, in accordance with 100044
sections 5101.80 and 5101.801 of the Revised Code, to support the 100045
Seven Year Promise Program, operated by the Open Doors Academy. 100046
Funding shall be used for a program in Northeast Ohio and four 100047
additional sites in the state. 100048

Section 307.109. CHILDREN'S HUNGER ALLIANCE 100049

Of the foregoing appropriation item 600689, TANF Block Grant, 100050

\$470,000 in each fiscal year shall be provided, in accordance with 100051
sections 5101.80 and 5101.801 of the Revised Code, to the 100052
Children's Hunger Alliance to assist with meal sponsorship, early 100053
child care programs, and summer nutrition programs. 100054

Of the foregoing appropriation item 600410, TANF State 100055
Maintenance of Effort, \$705,000 in each fiscal year shall be 100056
provided to the Children's Hunger Alliance to assist with child 100057
care, meal sponsorship, consultations and nutrition education, 100058
school district nutrition programs, afterschool nutrition 100059
programs, and summer nutrition programs. 100060

Section 307.110. FAMILY AND CHILDREN SERVICES 100061

Of the foregoing appropriation item 600523, Family and 100062
Children Services, up to \$3,200,000 shall be used to match 100063
eligible federal Title IV-B ESSA funds and federal Title IV-E 100064
Chafee funds allocated to public children services agencies. 100065

Of the foregoing appropriation item 600523, Family and 100066
Children Services, up to \$25,000,000 in each fiscal year shall be 100067
provided to assist with the expense of providing services to youth 100068
requiring support from multiple systems. These funds may be used 100069
for youth currently in the custody of a public children services 100070
agency or to prevent children from entering into the custody of a 100071
public children services agency by custody relinquishment or 100072
another mechanism. The Director of Job and Family Services shall 100073
adopt rules in accordance with section 111.15 of the Revised Code 100074
to administer the funding. 100075

Of the foregoing appropriation item, 600523, Family and 100076
Children Services, not less than \$125,040,010 in each fiscal year 100077
shall be provided to public children services agencies. Of that 100078
amount, \$17,600,000 in each fiscal year shall be used to provide 100079
an initial allocation of \$200,000 to each county; up to \$5,000,000 100080
in each fiscal year shall be provided using the formula in section 100081

5101.14 of the Revised Code for staffing for foster parent 100082
recruitment, engagement, and support; up to \$10,000,000 in each 100083
fiscal year shall be provided using the formula in section 5101.14 100084
of the Revised Code to strengthen best practices identified in 100085
partnership with the Department of Job and Family Services; and 100086
the remainder shall be provided using the formula in section 100087
5101.14 of the Revised Code. 100088

Section 307.120. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 100089

In collaboration with the county family and children first 100090
council, a county department of job and family services or public 100091
children services agency that receives an allocation from the 100092
Department of Job and Family Services from the foregoing 100093
appropriation item 600523, Family and Children Services, or 100094
600533, Child, Family, and Community Protection Services, may 100095
transfer a portion of either or both allocations to a flexible 100096
funding pool as authorized by the section of this act titled 100097
"FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 100098

Section 307.130. CHILD, FAMILY, AND COMMUNITY PROTECTION 100099
SERVICES 100100

(A) The foregoing appropriation item 600533, Child, Family, 100101
and Community Protection Services, shall be distributed to county 100102
departments of job and family services. County departments shall 100103
use the funds distributed to them under this section as follows, 100104
in accordance with the written plan of cooperation entered into 100105
under section 307.983 of the Revised Code: 100106

(1) To assist individuals in achieving or maintaining 100107
self-sufficiency, including by reducing or preventing dependency 100108
among individuals with family income not exceeding two hundred per 100109
cent of the federal poverty guidelines; 100110

(2) Subject to division (B) of this section, to respond to 100111

reports of abuse, neglect, or exploitation of children and adults, 100112
including through the differential response approach program; 100113

(3) To provide outreach and referral services regarding home 100114
and community-based services to individuals at risk of placement 100115
in a group home or institution, regardless of the individuals' 100116
family income and without need for a written application; 100117

(4) To provide outreach, referral, application assistance, 100118
and other services to assist individuals receive assistance, 100119
benefits, or services under Medicaid; Title IV-A programs, as 100120
defined in section 5101.80 of the Revised Code; the Supplemental 100121
Nutrition Assistance Program; and other public assistance 100122
programs. 100123

(B) Protective services may be provided to a child or adult 100124
as part of a response, under division (A)(2) of this section, to a 100125
report of abuse, neglect, or exploitation without regard to a 100126
child or adult's family income and without need for a written 100127
application. The protective services may be provided if the case 100128
record documents circumstances of actual or potential abuse, 100129
neglect, or exploitation. 100130

Section 307.133. ADULT PROTECTIVE SERVICES 100131

The foregoing appropriation item 600534, Adult Protective 100132
Services, shall be divided equally among the counties. 100133

Section 307.135. HEALTHY FOOD FINANCING INITIATIVE 100134

The foregoing appropriation item 600546, Healthy Food 100135
Financing Initiative, shall be used by the Director of Job and 100136
Family Services to support healthy food access in underserved 100137
communities in urban and rural Low and Moderate Income Areas, as 100138
defined by either the United States Department of Agriculture 100139
(USDA), as identified in the USDA's Food Access Research Atlas, or 100140
through a methodology that has been adopted for use by another 100141

governmental or philanthropic healthy food initiative, or an 100142
alternative methodology approved by the Director of Job and Family 100143
Services. 100144

The Director of Job and Family Services, in cooperation with 100145
the Director of Health, shall contract with the Finance Fund 100146
Capital Corporation to administer a Healthy Food Financing 100147
Initiative. The Finance Fund Capital Corporation shall demonstrate 100148
a capacity to administer grant and loan programs in accordance 100149
with state and federal rules and accounting principles, and shall 100150
partner with one or more entities with demonstrable experience in 100151
healthy food access-related policy matters. 100152

The Finance Fund Capital Corporation shall report to the Ohio 100153
Department of Job and Family Services the amount of funds granted 100154
or loaned, the number of new or retained jobs associated with 100155
related projects, the health impact of the initiative, and the 100156
number and location of healthy food access projects established or 100157
in development. 100158

Section 307.138. JOB AND FAMILY SERVICES PROGRAM SUPPORT 100159

Of the foregoing appropriation item 600551, Job and Family 100160
Services Program Support, \$75,000 in each fiscal year shall be 100161
provided to the Mayerson Jewish Community Center to support summer 100162
camps, senior citizen socialization for Alzheimer's patients, and 100163
security services. 100164

Of the foregoing appropriation item 600551, Job and Family 100165
Services Program Support, \$30,000 in each fiscal year shall be 100166
used to support Jewish Family Services, which shall use the funds 100167
to provide aging and caregiver services, post-adoption counseling, 100168
domestic abuse counseling, and assistance with food pantry 100169
expansion. 100170

Section 307.139. GRACEHAVEN PILOT PROGRAM 100171

The foregoing appropriation item 600552, Gracehaven Pilot Program, shall be used to finance the creation of Gracehaven centers to provide community-based services to women under eighteen years of age that have been victims of human trafficking.

Section 307.140. FAMILY AND CHILDREN ACTIVITIES 100176

The foregoing appropriation item 600609, Family and Children Activities, shall be used to expend miscellaneous foundation funds and grants to support family and children services activities.

Section 307.145. BOOKS FROM BIRTH 100180

The foregoing appropriation item 600600, Books from Birth, shall be used to support childhood literacy efforts in the state. The Director of Job and Family Services may work with nonprofit entities or foundations established to support childhood literacy efforts in this state.

On July 1, 2020, or as soon as possible thereafter, the Director of Job and Family Services may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 600600, Books from Birth, at the end of fiscal year 2020 to be reappropriated in fiscal year 2021. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2021.

Section 307.150. ODJFS AUDIT SETTLEMENTS AND CONTINGENCY FUND 100193

Notwithstanding section 5101.073 of the Revised Code, the ODJFS Audit Settlements and Contingency Fund (Fund 5DM0) may also consist of earned federal revenue the final disposition of which is unknown.

On July 1 of each fiscal year, or as soon as possible thereafter, and upon request of the Director of Job and Family Services, the Director of Budget and Management may transfer up to

\$16,000,000 cash from the ODJFS Audit Settlements and Contingency Fund (Fund 5DM0), to the Human Services Projects Fund (Fund 5RY0). 100201
100202

Section 307.160. ADOPTION ASSISTANCE LOAN 100203

The Department of Job and Family Services may use the State Adoption Assistance Loan Fund (Fund 5DP0) for the administration of adoption assistance loans pursuant to section 3107.018 of the Revised Code. The amounts of any adoption assistance loans are hereby appropriated. 100204
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Section 307.170. EARLY CHILDHOOD EDUCATION 100209

Of the foregoing appropriation item 600696, Early Childhood Education, up to \$20,000,000 in each fiscal year shall be used to achieve the goals described in division (C) of section 5104.29 of the Revised Code. The funds shall be used to support early learning and development programs operating in smaller communities, early learning and development programs that are rated in the Step Up to Quality program at the third highest tier or higher, or both. 100210
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Section 307.190. VICTIMS OF HUMAN TRAFFICKING 100218

The foregoing appropriation item 600660, Victims of Human Trafficking, shall be used to provide treatment, care, rehabilitation, education, housing, and assistance for victims of trafficking in persons as specified in section 5101.87 of the Revised Code. 100219
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If receipts credited to the Victims of Human Trafficking Fund (Fund 5NG0) exceed the amounts appropriated to the fund, the Director of Job and Family Services may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are 100224
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hereby appropriated. 100230

Section 307.195. CHILDREN'S CRISIS CARE 100231

The foregoing appropriation item 600674, Children's Crisis 100232
Care, shall be allocated by the Department of Job and Family 100233
Services in each fiscal year to children's crisis care facilities 100234
as defined in section 5103.13 of the Revised Code. A children's 100235
crisis care facility may decline to receive funds provided under 100236
this section. A children's crisis care facility that accepts funds 100237
provided under this section shall use the funds in accordance with 100238
section 5103.13 of the Revised Code and the rules as defined in 100239
rule 5101:2-9-36 of the Administrative Code. 100240

Section 307.200. FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS 100241

The Fiduciary Fund Group and Holding Account Fund Group shall 100242
be used to hold revenues until the appropriate fund is determined 100243
or until the revenues are directed to the appropriate governmental 100244
agency other than the Department of Job and Family Services. Any 100245
Department of Job and Family Services refunds or reconciliations 100246
received or held by the Department of Medicaid shall be 100247
transferred or credited to the Refunds and Audit Settlement Fund 100248
(Fund R012). If receipts credited to the Support Intercept - 100249
Federal Fund (Fund 1920), the Support Intercept - State Fund (Fund 100250
5830), the Food Stamp Offset Fund (Fund 5B60), the Refunds and 100251
Audit Settlements Fund (Fund R012), or the Forgery Collections 100252
Fund (Fund R013) exceed the amounts appropriated from the fund, 100253
the Director of Job and Family Services may request the Director 100254
of Budget and Management to authorize expenditures from the fund 100255
in excess of the amounts appropriated. Upon the approval of the 100256
Director of Budget and Management, the additional amounts are 100257
hereby appropriated. 100258

Section 309.10. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW 100259

General Revenue Fund				100260
GRF 029321 Operating Expenses	\$	570,000	\$ 570,000	100261
TOTAL GRF General Revenue Fund	\$	570,000	\$ 570,000	100262
TOTAL ALL BUDGET FUND GROUPS	\$	570,000	\$ 570,000	100263

OPERATING GUIDANCE 100264

The Legislative Service Commission shall act as fiscal agent 100265
for the Joint Committee on Agency Rule Review. Members of the 100266
Committee shall be paid in accordance with section 101.35 of the 100267
Revised Code. 100268

OPERATING EXPENSES 100269

On July 1, 2019, or as soon as possible thereafter, the 100270
Executive Director of the Joint Committee on Agency Rule Review 100271
may certify to the Director of Budget and Management an amount up 100272
to the unexpended, unencumbered balance of the foregoing 100273
appropriation item 029321, Operating Expenses, at the end of 100274
fiscal year 2019 to be reappropriated to fiscal year 2020. The 100275
amount certified is hereby reappropriated to the same 100276
appropriation item for fiscal year 2020. 100277

On July 1, 2020, or as soon as possible thereafter, the 100278
Executive Director of the Joint Committee on Agency Rule Review 100279
may certify to the Director of Budget and Management an amount up 100280
to the unexpended, unencumbered balance of the foregoing 100281
appropriation item 029321, Operating Expenses, at the end of 100282
fiscal year 2020 to be reappropriated to fiscal year 2021. The 100283
amount certified is hereby reappropriated to the same 100284
appropriation item for fiscal year 2021. 100285

Section 311.10. JEO JOINT EDUCATION OVERSIGHT COMMITTEE 100286

General Revenue Fund				100287
GRF 047321 Operating Expenses	\$	376,663	\$ 378,668	100288
TOTAL GRF General Revenue Fund	\$	376,663	\$ 378,668	100289

TOTAL ALL BUDGET FUND GROUPS	\$	376,663	\$	378,668	100290
OPERATING EXPENSES					100291
The foregoing appropriation item 047321, Operating Expenses,					100292
shall be used to support expenses related to the Joint Education					100293
Oversight Committee under section 103.45 to 103.50 of the Revised					100294
Code.					100295
On July 1, 2019, or as soon as possible thereafter, the Joint					100296
Education Oversight Committee may certify to the Director of					100297
Budget and Management an amount up to the unexpended, unencumbered					100298
balance of the foregoing appropriation item 047321, Operating					100299
Expenses, at the end of fiscal year 2019 to be reappropriated to					100300
fiscal year 2020. The amount certified is hereby reappropriated to					100301
the same appropriation item for fiscal year 2020.					100302
On July 1, 2020, or as soon as possible thereafter, the Joint					100303
Education Oversight Committee may certify to the Director of					100304
Budget and Management an amount up to the unexpended, unencumbered					100305
balance of the foregoing appropriation item 047321, Operating					100306
Expenses, at the end of fiscal year 2020 to be reappropriated to					100307
fiscal year 2021. The amount certified is hereby reappropriated to					100308
the same appropriation item for fiscal year 2021.					100309
Section 313.10. JMO JOINT MEDICAID OVERSIGHT COMMITTEE					100310
General Revenue Fund					100311
GRF 048321 Operating Expenses	\$	361,365	\$	528,681	100312
TOTAL GRF General Revenue Fund	\$	361,365	\$	528,681	100313
TOTAL ALL BUDGET FUND GROUPS	\$	361,365	\$	528,681	100314
OPERATING EXPENSES					100315
The foregoing appropriation item 048321, Operating Expenses,					100316
shall be used to support expenses related to the Joint Medicaid					100317
Oversight Committee created by section 103.41 of the Revised Code.					100318
On July 1, 2019, or as soon as possible thereafter, the					100319

Executive Director of the Joint Medicaid Oversight Committee may 100320
certify to the Director of Budget and Management an amount up to 100321
the unexpended, unencumbered balance of the foregoing 100322
appropriation item 048321, Operating Expenses, at the end of 100323
fiscal year 2019 to be reappropriated to fiscal year 2020. The 100324
amount certified is hereby reappropriated to the same 100325
appropriation item for fiscal year 2020. 100326

On July 1, 2020, or as soon as possible thereafter, the 100327
Executive Director of the Joint Medicaid Oversight Committee may 100328
certify to the Director of Budget and Management an amount up to 100329
the unexpended, unencumbered balance of the foregoing 100330
appropriation item 048321, Operating Expenses, at the end of 100331
fiscal year 2020 to be reappropriated to fiscal year 2021. The 100332
amount certified is hereby reappropriated to the same 100333
appropriation item for fiscal year 2021. 100334

The Legislative Service Commission shall act as fiscal agent 100335
for the Joint Medicaid Oversight Committee. 100336

Section 315.10. JCO JUDICIAL CONFERENCE OF OHIO 100337

General Revenue Fund 100338

GRF 018321 Operating Expenses \$ 963,500 \$ 911,305 100339

TOTAL GRF General Revenue Fund \$ 963,500 \$ 911,305 100340

Dedicated Purpose Fund Group 100341

4030 018601 Ohio Jury \$ 480,850 \$ 480,000 100342

Instructions

TOTAL DPF Dedicated Purpose Fund \$ 480,850 \$ 480,000 100343

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,444,350 \$ 1,391,305 100344

STATE COUNCIL OF UNIFORM STATE LAWS 100345

Notwithstanding section 105.26 of the Revised Code, of the 100346
foregoing appropriation item 018321, Operating Expenses, up to 100347

\$93,500 in fiscal year 2020 and up to \$96,305 in fiscal year 2021 100348
 shall be used to pay the expenses of the State Council of Uniform 100349
 State Laws, including membership dues to the National Conference 100350
 of Commissioners on Uniform State Laws. 100351

OHIO JURY INSTRUCTIONS FUND 100352

The Ohio Jury Instructions Fund (Fund 4030) shall consist of 100353
 grants, royalties, dues, conference fees, bequests, devises, and 100354
 other gifts received for the purpose of supporting costs incurred 100355
 by the Judicial Conference of Ohio in its activities as a part of 100356
 the judicial system of the state as determined by the Judicial 100357
 Conference Executive Committee. Fund 4030 shall be used by the 100358
 Judicial Conference of Ohio to pay expenses incurred in its 100359
 activities as a part of the judicial system of the state as 100360
 determined by the Judicial Conference Executive Committee. All 100361
 moneys accruing to Fund 4030 in excess of the amount appropriated 100362
 for the current fiscal year are hereby appropriated for the 100363
 purposes authorized. No money in Fund 4030 shall be transferred to 100364
 any other fund by the Director of Budget and Management or the 100365
 Controlling Board. 100366

Section 317.10. JSC THE JUDICIARY/SUPREME COURT 100367

General Revenue Fund 100368

GRF 005321 Operating Expenses - \$ 181,708,720 \$ 185,018,785 100369
 Judiciary/Supreme
 Court

GRF 005401 State Criminal \$ 599,970 \$ 614,970 100370
 Sentencing Council

GRF 005406 Law-Related Education \$ 200,000 \$ 200,000 100371

GRF 005409 Ohio Courts \$ 5,391,025 \$ 5,435,625 100372
 Technology Initiative

TOTAL GRF General Revenue Fund \$ 187,899,715 \$ 191,269,380 100373

Dedicated Purpose Fund Group 100374

4C80	005605	Attorney Services	\$	10,805,858	\$	10,553,340	100375
5HT0	005617	Court Interpreter Certification	\$	12,459	\$	14,327	100376
5SP0	005626	Civil Justice Grant Program	\$	350,000	\$	350,000	100377
5T80	005609	Grants and Awards	\$	8,224	\$	8,224	100378
6720	005601	Judiciary/Supreme Court Education	\$	151,000	\$	151,000	100379
TOTAL DPF		Dedicated Purpose Fund Group	\$	11,327,541	\$	11,076,891	100380
Fiduciary Fund Group							100381
5JY0	005620	County Law Library Resources Boards	\$	303,500	\$	313,500	100382
TOTAL FID		Fiduciary Fund Group	\$	303,500	\$	313,500	100383
Federal Fund Group							100384
3J00	005603	Federal Grants	\$	1,118,471	\$	1,073,190	100385
TOTAL FED		Federal Fund Group	\$	1,118,471	\$	1,073,190	100386
TOTAL ALL BUDGET FUND GROUPS			\$	200,649,227	\$	203,732,961	100387

Section 317.20. STATE CRIMINAL SENTENCING COUNCIL 100389

The foregoing appropriation item 005401, State Criminal Sentencing Council, shall be used for the operation of the State Criminal Sentencing Commission established by section 181.21 of the Revised Code. 100390
100391
100392
100393

LAW-RELATED EDUCATION 100394

The foregoing appropriation item 005406, Law-Related Education, shall be distributed directly to the Ohio Center for Law-Related Education for the purposes of providing continuing citizenship education activities to primary and secondary students, expanding delinquency prevention programs, increasing activities for at-risk youth, and accessing additional public and private money for new programs. 100395
100396
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100401

OHIO COURTS TECHNOLOGY INITIATIVE 100402

The foregoing appropriation item 005409, Ohio Courts 100403
Technology Initiative, shall be used to fund an initiative by the 100404
Supreme Court to facilitate the exchange of information and 100405
warehousing of data by and between Ohio courts and other justice 100406
system partners through the creation of an Ohio Courts Network, 100407
the delivery of technology services to courts throughout the 100408
state, including the provision of hardware, software, and the 100409
development and implementation of educational and training 100410
programs for judges and court personnel, and operation of the 100411
Commission on Technology and the Courts by the Supreme Court for 100412
the promulgation of statewide rules, policies, and uniform 100413
standards, and to aid in the orderly adoption and comprehensive 100414
use of technology in Ohio courts. 100415

ATTORNEY SERVICES 100416

The Attorney Registration Fund (Fund 4C80) shall consist of 100417
money received by the Supreme Court (The Judiciary) pursuant to 100418
the Rules for the Government of the Bar of Ohio. In addition to 100419
funding other activities considered appropriate by the Supreme 100420
Court, the foregoing appropriation item 005605, Attorney Services, 100421
may be used to compensate employees and to fund appropriate 100422
activities of the following offices established by the Supreme 100423
Court: the Office of Disciplinary Counsel, the Board of 100424
Commissioners on Grievances and Discipline, the Clients' Security 100425
Fund, and the Attorney Services Division which include the Office 100426
of Bar Admissions. If it is determined by the Administrative 100427
Director of the Supreme Court that changes to the appropriation 100428
are necessary, the amounts are hereby appropriated. 100429

No money in Fund 4C80 shall be transferred to any other fund 100430
by the Director of Budget and Management or the Controlling Board. 100431
Interest earned on money in Fund 4C80 shall be credited to the 100432
fund. 100433

COURT INTERPRETER CERTIFICATION 100434

The Court Interpreter Certification Fund (Fund 5HT0) shall 100435
consist of money received by the Supreme Court (The Judiciary) 100436
pursuant to Rules 80 through 87 of the Rules of Superintendence 100437
for the Courts of Ohio. The foregoing appropriation item 005617, 100438
Court Interpreter Certification, shall be used to provide 100439
training, to provide the written examination, and to pay language 100440
experts to rate, or grade, the oral examinations of those applying 100441
to become certified court interpreters. If it is determined by the 100442
Administrative Director of the Supreme Court that changes to the 100443
appropriation are necessary, the amounts are hereby appropriated. 100444

No money in Fund 5HT0 shall be transferred to any other fund 100445
by the Director of Budget and Management or the Controlling Board. 100446
Interest earned on money in Fund 5HT0 shall be credited to the 100447
fund. 100448

CIVIL JUSTICE GRANT PROGRAM 100449

The Civil Justice Program Fund (Fund 5SP0) shall consist of 100450
(1) \$50 voluntary donations made as part of the biennium attorney 100451
registration process and (2) \$150 increase in the *pro hac vice* 100452
fees for out-of-state attorneys pursuant to Government of the Bar 100453
Rule amendments. The foregoing appropriation item 005626, Civil 100454
Justice Grant Program, shall be used by the Supreme Court of Ohio 100455
for grants to not-for-profit organizations and agencies dedicated 100456
to providing civil legal aid to underserved populations, to fund 100457
innovative programs directed at this purpose, and to increase 100458
access to judicial service to that population. 100459

No money in Fund 5SP0 shall be transferred to any other fund 100460
by the Director of Budget and Management or the Controlling Board. 100461
Interest earned on money in Fund 5SP0 shall be credited to the 100462
fund. 100463

GRANTS AND AWARDS 100464

The Grants and Awards Fund (Fund 5T80) shall consist of 100465
grants and other money awarded to the Supreme Court (The 100466
Judiciary) by the State Justice Institute, the Division of 100467
Criminal Justice Services, or other entities. The foregoing 100468
appropriation item 005609, Grants and Awards, shall be used in a 100469
manner consistent with the purpose of the grant or award. If it is 100470
determined by the Administrative Director of the Supreme Court 100471
that changes to the appropriation are necessary, the amounts are 100472
hereby appropriated. 100473

No money in Fund 5T80 shall be transferred to any other fund 100474
by the Director of Budget and Management or the Controlling Board. 100475
Interest earned on money in Fund 5T80 shall be credited or 100476
transferred to the General Revenue Fund. 100477

JUDICIARY/SUPREME COURT EDUCATION 100478

The Judiciary/Supreme Court Education Fund (Fund 6720) shall 100479
consist of fees paid for attending judicial and public education 100480
on the law, reimbursement of costs for judicial and public 100481
education on the law, and other gifts and grants received for the 100482
purpose of judicial and public education on the law. The foregoing 100483
appropriation item 005601, Judiciary/Supreme Court Education, 100484
shall be used to pay expenses for judicial education courses for 100485
judges, court personnel, and those who serve the courts, and for 100486
public education on the law. If it is determined by the 100487
Administrative Director of the Supreme Court that changes to the 100488
appropriation are necessary, the amounts are hereby appropriated. 100489

No money in Fund 6720 shall be transferred to any other fund 100490
by the Director of Budget and Management or the Controlling Board. 100491
Interest earned on money in Fund 6720 shall be credited to the 100492
fund. 100493

COUNTY LAW LIBRARY RESOURCES BOARDS 100494

The Statewide Consortium of County Law Library Resources 100495

Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant 100496
to section 307.515 of the Revised Code into a county's law library 100497
resources fund and forwarded by that county's treasurer for 100498
deposit in the state treasury pursuant to division (E)(1) of 100499
section 3375.481 of the Revised Code. The foregoing appropriation 100500
item 005620, County Law Library Resources Boards, shall be used 100501
for the operation of the Statewide Consortium of County Law 100502
Library Resources Boards. If it is determined by the 100503
Administrative Director of the Supreme Court that changes to the 100504
appropriation are necessary, the amounts are hereby appropriated. 100505

No money in Fund 5JY0 shall be transferred to any other fund 100506
by the Director of Budget and Management or the Controlling Board. 100507
Interest earned on money in Fund 5JY0 shall be credited to the 100508
fund. 100509

FEDERAL GRANTS 100510

The Federal Grants Fund (Fund 3J00) shall consist of grants 100511
and other moneys awarded to the Supreme Court (The Judiciary) by 100512
the United States Government or other entities that receive the 100513
moneys directly from the United States Government and distribute 100514
those moneys to the Supreme Court (The Judiciary). The foregoing 100515
appropriation item 005603, Federal Grants, shall be used in a 100516
manner consistent with the purpose of the grant or award. If it is 100517
determined by the Administrative Director of the Supreme Court 100518
that changes to the appropriation are necessary, the amounts are 100519
hereby appropriated. 100520

No money in Fund 3J00 shall be transferred to any other fund 100521
by the Director of Budget and Management or the Controlling Board. 100522
However, interest earned on money in Fund 3J00 shall be credited 100523
or transferred to the General Revenue Fund. 100524

Section 319.10. LEC LAKE ERIE COMMISSION 100525

Dedicated Purpose Fund Group					100526
4C00 780601 Lake Erie Protection	\$	694,000	\$	699,000	100527
TOTAL DPF Dedicated Purpose					100528
Fund Group	\$	694,000	\$	699,000	100529
Federal Fund Group					100530
3EP0 780603 LEC Federal Grants	\$	50,000	\$	50,000	100531
TOTAL FED Federal Fund Group	\$	50,000	\$	50,000	100532
TOTAL ALL BUDGET FUND GROUPS	\$	744,000	\$	749,000	100533

CASH TRANSFERS TO THE LAKE ERIE PROTECTION FUND 100534

On July 1 of each fiscal year, or as soon as possible 100535
thereafter, the Director of Budget and Management, with the 100536
approval of the Controlling Board, may transfer cash from the 100537
funds specified below, up to the amounts specified below, to the 100538
Lake Erie Protection Fund (Fund 4C00). Fund 4C00 may accept 100539
contributions and transfers made to the fund. 100540

Fund	Fund Name	User	FY 2020	FY 2021	
5BC0	Environmental	Environmental	\$25,000	\$25,000	100541
	Protection	Protection Agency			100542
6690	Pesticide,	Department of	\$25,000	\$25,000	100543
	Fertilizer and Lime	Agriculture			
4700	General Operations	Department of	\$25,000	\$25,000	100544
		Health			
1570	Central Support	Department of	\$25,000	\$25,000	100545
	Indirect	Natural Resources			

On July 1, 2019, or as soon as possible thereafter, the 100546
Director of Budget and Management, with the approval of the 100547
Controlling Board, may transfer \$25,000 cash from a fund used by 100548
the Development Services Agency, as specified by the Director of 100549
Development Services, to Fund 4C00. 100550

On July 1, 2020, or as soon as possible thereafter, the 100551
Director of Budget and Management, with the approval of the 100552

Controlling Board, may transfer \$25,000 cash from a fund used by 100553
the Development Services Agency, as specified by the Director of 100554
Development Services, to Fund 4C00. 100555

Section 321.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE 100556

General Revenue Fund 100557

GRF 028321	Legislative Ethics	\$	550,000	\$	550,000	100558
	Committee					

TOTAL GRF	General Revenue Fund	\$	550,000	\$	550,000	100559
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Dedicated Purpose Fund Group 100560

4G70 028601	Joint Legislative	\$	150,000	\$	150,000	100561
	Ethics Committee					

5HN0 028602	Investigations and	\$	10,000	\$	10,000	100562
	Financial Disclosure					

TOTAL DPF	Dedicated Purpose Fund	\$	160,000	\$	160,000	100563
Group						

TOTAL ALL BUDGET FUND GROUPS		\$	710,000	\$	710,000	100564
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LEGISLATIVE ETHICS COMMITTEE 100565

On July 1, 2019, or as soon as possible thereafter, the 100566
Legislative Inspector General of the Joint Legislative Ethics 100567
Committee may certify to the Director of Budget and Management an 100568
amount up to the unexpended, unencumbered balance of the foregoing 100569
appropriation item 028321, Legislative Ethics Committee, at the 100570
end of fiscal year 2019 to be reappropriated to fiscal year 2020. 100571
The amount certified is hereby reappropriated to the same 100572
appropriation item for fiscal year 2020. 100573

On July 1, 2020, or as soon as possible thereafter, the 100574
Legislative Inspector General of the Joint Legislative Ethics 100575
Committee may certify to the Director of Budget and Management an 100576
amount up to the unexpended, unencumbered balance of the foregoing 100577
appropriation item 028321, Legislative Ethics Committee, at the 100578

end of fiscal year 2020 to be reappropriated to fiscal year 2021. 100579
The amount certified is hereby reappropriated to the same 100580
appropriation item for fiscal year 2021. 100581

Section 323.10. LSC LEGISLATIVE SERVICE COMMISSION 100582

General Revenue Fund 100583

GRF 035321 Operating Expenses \$ 18,600,000 \$ 19,158,000 100584

GRF 035402 Legislative Fellows \$ 1,080,000 \$ 1,080,000 100585

GRF 035405 Correctional \$ 447,020 \$ 447,020 100586

Institution Inspection
Committee

GRF 035407 Legislative Task Force \$ 1,000,000 \$ 1,000,000 100587

on Redistricting

GRF 035409 National Associations \$ 600,000 \$ 600,000 100588

GRF 035410 Legislative \$ 9,000,000 \$ 9,270,000 100589

Information Systems

GRF 035501 Litigation \$ 1,500,000 \$ 1,500,000 100590

TOTAL GRF General Revenue Fund \$ 32,227,020 \$ 33,055,020 100591

Dedicated Purpose Fund Group 100592

4100 035601 Sale of Publications \$ 10,000 \$ 10,000 100593

TOTAL DPF Dedicated Purpose Fund \$ 10,000 \$ 10,000 100594

Group

TOTAL ALL BUDGET FUND GROUPS \$ 32,237,020 \$ 33,065,020 100595

Section 323.20. OPERATING EXPENSES 100597

On July 1, 2019, or as soon as possible thereafter, the 100598

Director of the Legislative Service Commission may certify to the 100599

Director of Budget and Management an amount up to the unexpended, 100600

unencumbered balance of the foregoing appropriation item 035321, 100601

Operating Expenses, at the end of fiscal year 2019 to be 100602

reappropriated to fiscal year 2020. The amount certified is hereby 100603

reappropriated to the same appropriation item for fiscal year 100604

2020. 100605

On July 1, 2020, or as soon as possible thereafter, the 100606
Director of the Legislative Service Commission may certify to the 100607
Director of Budget and Management an amount up to the unexpended, 100608
unencumbered balance of the foregoing appropriation item 035321, 100609
Operating Expenses, at the end of fiscal year 2020 to be 100610
reappropriated to fiscal year 2021. The amount certified is hereby 100611
reappropriated to the same appropriation item for fiscal year 100612
2021. 100613

LEGISLATIVE TASK FORCE ON REDISTRICTING 100614

An amount equal to the unexpended, unencumbered balance of 100615
the foregoing appropriation item 035407, Legislative Task Force on 100616
Redistricting, at the end of fiscal year 2019 is hereby 100617
reappropriated to the Legislative Service Commission for the same 100618
purpose for fiscal year 2020. 100619

An amount equal to the unexpended, unencumbered balance of 100620
the foregoing appropriation item 035407, Legislative Task Force on 100621
Redistricting, at the end of fiscal year 2020 is hereby 100622
reappropriated to the Legislative Service Commission for the same 100623
purpose for fiscal year 2021. 100624

LEGISLATIVE INFORMATION SYSTEMS 100625

On July 1, 2019, or as soon as possible thereafter, the 100626
Director of the Legislative Service Commission may certify to the 100627
Director of Budget and Management an amount up to the unexpended, 100628
unencumbered balance of the foregoing appropriation item 035410, 100629
Legislative Information Systems, at the end of fiscal year 2019 to 100630
be reappropriated to fiscal year 2020. The amount certified is 100631
hereby reappropriated to the same appropriation item for fiscal 100632
year 2020. 100633

On July 1, 2020, or as soon as possible thereafter, the 100634
Director of the Legislative Service Commission may certify to the 100635

Director of Budget and Management an amount up to the unexpended, 100636
unencumbered balance of the foregoing appropriation item 035410, 100637
Legislative Information Systems, at the end of fiscal year 2020 to 100638
be reappropriated to fiscal year 2021. The amount certified is 100639
hereby reappropriated to the same appropriation item for fiscal 100640
year 2021. 100641

LITIGATION 100642

The foregoing appropriation item 035501, Litigation, shall be 100643
used for any lawsuit in which the General Assembly is a party 100644
because a legal or constitutional challenge is made against the 100645
Ohio Constitution or an act of the General Assembly. The 100646
chairperson and vice-chairperson of the Legislative Service 100647
Commission shall both approve the use of the appropriated moneys. 100648

An amount equal to the unexpended, unencumbered balance of 100649
the appropriation item 035501, Litigation, at the end of fiscal 100650
year 2019 is hereby reappropriated to the Legislative Service 100651
Commission for the same purpose for fiscal year 2020. 100652

An amount equal to the unexpended, unencumbered balance of 100653
the appropriation item 035501, Litigation, at the end of fiscal 100654
year 2020 is hereby reappropriated to the Legislative Service 100655
Commission for the same purpose for fiscal year 2021. 100656

Section 325.10. LIB STATE LIBRARY BOARD 100657

General Revenue Fund 100658

GRF 350321 Operating Expenses \$ 4,543,122 \$ 4,543,122 100659

GRF 350401 Ohioana Library \$ 300,114 \$ 300,114 100660

Association

GRF 350502 Regional Library \$ 500,000 \$ 500,000 100661

Systems

TOTAL GRF General Revenue Fund \$ 5,343,236 \$ 5,343,236 100662

Dedicated Purpose Fund Group 100663

4590	350603	Services for Libraries	\$	4,202,887	\$	4,202,887	100664
4S40	350604	Ohio Public Library Information Network	\$	5,696,898	\$	5,696,898	100665
5GB0	350605	Library for the Blind	\$	1,274,194	\$	1,274,194	100666
TOTAL DPF Dedicated Purpose							100667
Fund Group			\$	11,173,979	\$	11,173,979	100668
Internal Service Activity Fund							100669
1390	350602	Services for State Agencies	\$	8,000	\$	8,000	100670
TOTAL ISA Internal Service Activity							100671
Fund Group			\$	8,000	\$	8,000	100672
Federal Fund Group							100673
3130	350601	LSTA Federal	\$	5,366,565	\$	5,366,565	100674
TOTAL FED Federal Fund Group			\$	5,366,565	\$	5,366,565	100675
TOTAL ALL BUDGET FUND GROUPS			\$	21,891,780	\$	21,891,780	100676

Section 325.20. OHIOANA LIBRARY ASSOCIATION 100678

The foregoing appropriation item 350401, Ohioana Library 100679
 Association, shall be used to support the operating expenses of 100680
 the Martha Kinney Cooper Ohioana Library Association under section 100681
 3375.61 of the Revised Code. 100682

REGIONAL LIBRARY SYSTEMS 100683

The foregoing appropriation item 350502, Regional Library 100684
 Systems, shall be used to support regional library systems 100685
 eligible for funding under sections 3375.83 and 3375.90 of the 100686
 Revised Code. 100687

OHIO PUBLIC LIBRARY INFORMATION NETWORK 100688

(A) The foregoing appropriation item 350604, Ohio Public 100689
 Library Information Network, shall be used for an information 100690
 telecommunications network linking public libraries in the state 100691

and such others as may participate in the Ohio Public Library
Information Network (OPLIN). 100692
100693

The Ohio Public Library Information Network Board of Trustees 100694
created under section 3375.65 of the Revised Code may make 100695
decisions regarding use of the foregoing appropriation item 100696
350604, Ohio Public Library Information Network. 100697

(B) The OPLIN Board shall research and assist or advise local 100698
libraries with regard to emerging technologies and methods that 100699
may be effective means to control access to obscene and illegal 100700
materials. The OPLIN Director shall provide written reports upon 100701
request within ten days to the Governor, the Speaker and Minority 100702
Leader of the House of Representatives, and the President and 100703
Minority Leader of the Senate on any steps being taken by OPLIN 100704
and public libraries in the state to limit and control such 100705
improper usage as well as information on technological, legal, and 100706
law enforcement trends nationally and internationally affecting 100707
this area of public access and service. 100708

(C) The Ohio Public Library Information Network, INFOhio, and 100709
OhioLINK shall, to the extent feasible, coordinate and cooperate 100710
in their purchase or other acquisition of the use of electronic 100711
databases for their respective users and shall contribute funds in 100712
an equitable manner to such effort. 100713

LIBRARY FOR THE BLIND 100714

The foregoing appropriation item 350605, Library for the 100715
Blind, shall be used for the statewide Talking Book Program to 100716
assist the blind and disabled. 100717

TRANSFER TO OPLIN TECHNOLOGY FUND 100718

Notwithstanding sections 5747.03 and 5747.47 of the Revised 100719
Code and any other provision of law to the contrary, in accordance 100720
with a schedule established by the Director of Budget and 100721
Management, the Director of Budget and Management shall transfer 100722

\$3,689,788 cash in each fiscal year from the Public Library Fund				100723
(Fund 7065) to the OPLIN Technology Fund (Fund 4S40).				100724
TRANSFER TO LIBRARY FOR THE BLIND FUND				100725
Notwithstanding sections 5747.03 and 5747.47 of the Revised				100726
Code and any other provision of law to the contrary, in accordance				100727
with a schedule established by the Director of Budget and				100728
Management, the Director of Budget and Management shall transfer				100729
\$1,274,194 cash in each fiscal year from the Public Library Fund				100730
(Fund 7065) to the Library for the Blind Fund (Fund 5GB0).				100731
Section 327.10. LCO LIQUOR CONTROL COMMISSION				100732
Dedicated Purpose Fund Group				100733
5LP0 970601 Commission Operating	\$	873,607	\$ 905,916	100734
Expenses				
TOTAL DPF Dedicated Purpose Fund	\$	873,607	\$ 905,916	100735
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	873,607	\$ 905,916	100736
Section 329.10. LOT STATE LOTTERY COMMISSION				100738
State Lottery Fund Group				100739
7044 950321 Operating Expenses	\$	59,850,383	\$ 60,544,470	100740
7044 950402 Advertising Contracts	\$	26,750,000	\$ 26,750,000	100741
7044 950403 Gaming Contracts	\$	70,019,071	\$ 71,239,582	100742
7044 950601 Direct Prize Payments	\$	154,333,000	\$ 157,440,000	100743
7044 950605 Problem Gambling	\$	3,400,000	\$ 3,400,000	100744
8710 950602 Annuity Prizes	\$	59,873,000	\$ 60,279,000	100745
TOTAL SLF State Lottery Fund				100746
Group	\$	374,225,454	\$ 379,653,052	100747
TOTAL ALL BUDGET FUND GROUPS	\$	374,225,454	\$ 379,653,052	100748
OPERATING EXPENSES				100749
Notwithstanding sections 127.14 and 131.35 of the Revised				100750

Code, the Controlling Board may, at the request of the State 100751
Lottery Commission, authorize expenditures from the State Lottery 100752
Fund in excess of the amounts appropriated, up to a maximum of 10 100753
per cent of anticipated total revenue accruing from the sale of 100754
lottery products. Upon the approval of the Controlling Board, the 100755
additional amounts are hereby appropriated. 100756

DIRECT PRIZE PAYMENTS 100757

Any amounts, in addition to the amounts appropriated in 100758
appropriation item 950601, Direct Prize Payments, that the 100759
Director of the State Lottery Commission determines to be 100760
necessary to fund prizes are hereby appropriated. 100761

ANNUITY PRIZES 100762

Upon request of the State Lottery Commission, the Director of 100763
Budget and Management may transfer cash from the State Lottery 100764
Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in 100765
an amount sufficient to fund deferred prizes. The Treasurer of 100766
State, from time to time, shall credit the Deferred Prizes Trust 100767
Fund (Fund 8710) the pro rata share of interest earned by the 100768
Treasurer of State on invested balances. 100769

Any amounts, in addition to the amounts appropriated in 100770
appropriation item 950602, Annuity Prizes, that the Director of 100771
the State Lottery Commission determines to be necessary to fund 100772
deferred prizes and interest are hereby appropriated. 100773

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND 100774

Estimated transfers from the State Lottery Fund (Fund 7044) 100775
to the Lottery Profits Education Fund (Fund 7017) are to be 100776
\$1,126,000,000 in fiscal year 2020 and \$1,177,000,000 in fiscal 100777
year 2021. Transfers by the Director of Budget and Management to 100778
the Lottery Profits Education Fund shall be administered as the 100779
statutes direct. 100780

	Section 333.10.	MCD DEPARTMENT OF MEDICAID				100781
	General Revenue Fund					100782
GRF	651425	Medicaid Program	\$ 184,688,131	\$ 190,406,760		100783
		Support - State				
GRF	651525	Medicaid Health Care				100784
		Services				
		State	\$ 4,099,481,989	\$ 4,634,834,471		100785
		Federal	\$ 9,745,411,345	\$ 10,506,642,648		100786
		Medicaid Health Care	\$ 13,844,893,334	\$ 15,141,477,119		100787
		Services Total				
GRF	651526	Medicare Part D	\$ 500,325,646	\$ 554,214,667		100788
GRF	651529	Brigid's Path Pilot	\$ 500,000	\$ 500,000		100789
GRF	651533	Food Pharmacy Pilot	\$ 250,000	\$ 250,000		100790
		Project				
TOTAL GRF	General Revenue Fund					100791
		State	\$ 4,785,245,766	\$ 5,380,205,898		100792
		Federal	\$ 9,745,411,345	\$ 10,506,642,648		100793
		GRF Total	\$ 14,530,657,111	\$ 15,886,848,546		100794
	Dedicated Purpose Fund Group					100795
4E30	651605	Resident Protection	\$ 3,910,338	\$ 4,013,000		100796
		Fund				
5AN0	651686	Care Innovation and	\$ 53,435,797	\$ 53,406,291		100797
		Community Improvement				
		Program				
5DL0	651639	Medicaid Services -	\$ 741,454,299	\$ 724,170,233		100798
		Recoveries				
5DL0	651685	Medicaid Recoveries -	\$ 40,351,245	\$ 44,375,000		100799
		Program Support				
5DL0	651690	Multi-system Youth	\$ 10,000,000	\$ 10,000,000		100800
		Innovation and				
		Support				

5FX0	651638	Medicaid Services - Payment Withholding	\$	12,000,000	\$	12,000,000	100801
5GF0	651656	Medicaid Services - Hospital Upper Payment Limit	\$	822,016,219	\$	887,150,856	100802
5R20	651608	Medicaid Services - Long Term	\$	420,154,000	\$	420,286,000	100803
5SC0	651683	Medicaid Services - Physician UPL	\$	7,520,000	\$	7,645,000	100804
5TN0	651684	Medicaid Services - HIC Fee	\$	820,564,060	\$	791,187,400	100805
6510	651649	Medicaid Services - Hospital Care Assurance Program	\$	249,167,065	\$	168,310,123	100806
TOTAL DPF		Dedicated Purpose Fund Group	\$	3,180,573,023	\$	3,122,543,903	100807
		Holding Account Fund Group					100808
R055	651644	Refunds and Reconciliation	\$	1,000,000	\$	1,000,000	100809
TOTAL HLD		Holding Account Fund Group	\$	1,000,000	\$	1,000,000	100810
		Federal Fund Group					100811
3ER0	651603	Medicaid and Health Transformation Technology	\$	48,031,056	\$	48,340,000	100812
3F00	651623	Medicaid Services - Federal	\$	6,466,974,325	\$	6,274,675,986	100813
3F00	651624	Medicaid Program Support - Federal	\$	516,667,497	\$	527,369,363	100814
3FA0	651680	Health Care Grants - Federal	\$	11,988,670	\$	12,000,000	100815
3G50	651655	Medicaid Interagency	\$	225,701,597	\$	225,701,597	100816

Pass Through

TOTAL FED Federal Fund Group	\$ 7,269,363,145	\$ 7,088,220,460	100817
TOTAL ALL BUDGET FUND GROUPS	\$24,981,593,279	\$26,098,479,395	100818

Section 333.20. TEMPORARY AUTHORITY REGARDING EMPLOYEES 100820

(A) Until July 1, 2021, the Medicaid Director has the 100821
authority to establish, change, and abolish positions for the 100822
Department of Medicaid, and to assign, reassign, classify, 100823
reclassify, transfer, reduce, promote, or demote all employees of 100824
the Department of Medicaid who are not subject to Chapter 4117. of 100825
the Revised Code. 100826

(B) The authority granted under division (A) of this section 100827
includes assigning or reassigning an exempt employee, as defined 100828
in section 124.152 of the Revised Code, to a bargaining unit 100829
classification if the Medicaid Director determines that the 100830
bargaining unit classification is the proper classification for 100831
that employee. The actions of the Medicaid Director shall be 100832
consistent with the requirements of 5 C.F.R. 900.603 for those 100833
employees subject to such requirements. If an employee in the E-1 100834
pay range is to be assigned, reassigned, classified, reclassified, 100835
transferred, reduced, or demoted to a position in a lower 100836
classification under this section, the Medicaid Director, or in 100837
the case of a transfer outside the Department of Medicaid, the 100838
Director of Administrative Services, shall assign the employee to 100839
the appropriate classification and place the employee in Step X. 100840
The employee shall not receive any increase in compensation until 100841
the maximum rate of pay for that classification exceeds the 100842
employee's compensation. 100843

(C) Actions taken by the Medicaid Director and Director of 100844
Administrative Services pursuant to this section are not subject 100845
to appeal to the State Personnel Board of Review. 100846

(D) A portion of the foregoing appropriation items 651425, 100847

Medicaid Program Support - State, 651603, Medicaid and Health Transformation Technology, 651624, Medicaid Program Support - Federal, 651680, Health Care Grants - Federal, 651655, Medicaid Interagency Pass-Through, 651605, Resident Protection Fund, and 651682, Health Care Grants - State, may be used to pay for costs associated with the administration of the Medicaid program, including the assignment, reassignment, classification, reclassification, transfer, reduction, promotion, or demotion of employees authorized by this section.

Section 333.40. MEDICAID HEALTH CARE SERVICES

The foregoing appropriation item 651525, Medicaid Health Care Services, shall not be limited by section 131.33 of the Revised Code.

Section 333.50. LEAD ABATEMENT AND RELATED ACTIVITIES

Upon the request of the Medicaid Director, the Director of Budget and Management may transfer state share appropriations from General Revenue Fund appropriation item 651525, Medicaid Health Care Services, to appropriation items in other state agencies for the purpose of lead abatement and related activities. If such a transfer occurs, the Director of Budget and Management may adjust, using the federal reimbursement rate, the federal share of General Revenue Fund appropriation item 651525, Medicaid Health Care Services, accordingly. The Director of Medicaid may transfer federal funds as the state's single state agency for Medicaid reimbursements, as drawn for these transactions.

Section 333.55. PASSPORT ENHANCED COMMUNITY LIVING SERVICES

Of the foregoing appropriation item 651525, Medicaid Health Care Services, \$27,027 in each fiscal year shall be used to increase the payment rates for enhanced community living services

covered by the PASSPORT Program.	100877
Section 333.60. PERFORMANCE PAYMENTS FOR MEDICAID MANAGED CARE	100878
	100879
(A) As used in this section:	100880
(1) "ICDS participant" has the same meaning as in section 5164.01 of the Revised Code.	100881
	100882
(2) "Integrated Care Delivery System" and "ICDS" have the same meaning as section 5164.01 of the Revised Code.	100883
	100884
(3) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.	100885
	100886
(B) For fiscal year 2020 and fiscal year 2021, the Department of Medicaid shall provide performance payments as provided under this section to Medicaid managed care organizations providing care under the Integrated Care Delivery System.	100887
	100888
	100889
	100890
(C) If ICDS participants receive care through Medicaid managed care organizations under ICDS, the Department shall, in consultation with the United States Centers for Medicare and Medicaid Services, do both of the following:	100891
	100892
	100893
	100894
(1) Develop quality measures designed specifically to determine the effectiveness of the health care and other services provided to ICDS participants by Medicaid managed care organizations;	100895
	100896
	100897
	100898
(2) Determine an amount to be withheld from the Medicaid premium payments paid to Medicaid managed care organizations for ICDS participants.	100899
	100900
	100901
(D)(1) For the purposes of division (C)(2) of this section, the Department shall establish an amount that is to be withheld each time a premium payment is made to a Medicaid managed care organization for an ICDS participant. The amount shall be	100902
	100903
	100904
	100905

established as a percentage of each premium payment. The 100906
percentage shall be the same for all Medicaid managed care 100907
organizations providing care to ICDS participants. 100908

(2) Each Medicaid managed care organization shall agree to 100909
the withholding as a condition of receiving or maintaining its 100910
Medicaid provider agreement with the Department. 100911

(3) When the amount is established and each time the amount 100912
is modified thereafter, the Department shall certify the amount to 100913
the Director of Budget and Management and begin withholding the 100914
amount from each premium the Department pays to a Medicaid managed 100915
care organization for an ICDS participant. 100916

(E) A Medicaid managed care organization subject to this 100917
section is not subject to section 5167.30 of the Revised Code for 100918
premium payments attributed to ICDS participants during fiscal 100919
year 2020 and fiscal year 2021. 100920

Section 333.65. FINANCIAL HEALTH OF MEDICAID MANAGED CARE 100921
ORGANIZATIONS 100922

Not later than January 1, 2020, the Department of Medicaid 100923
shall do all of the following: 100924

(A) Evaluate the financial health, including solvency, of 100925
Medicaid managed care organizations; 100926

(B) Benchmark the financial health, including solvency, of 100927
Medicaid managed care organizations against other managed care 100928
organizations providing services under the Medicaid programs of 100929
other states in the Midwest; 100930

(C) Publish the findings of the evaluation and benchmarking 100931
of Medicaid managed care organizations on the Department's 100932
internet web site; 100933

(D) Adopt rules under section 5167.02 of the Revised Code 100934
addressing the financial health of Medicaid managed care 100935

organizations, as evaluated under division (A) of this section. 100936

Section 333.70. HOSPITAL FRANCHISE FEE PROGRAM 100937

The Director of Budget and Management may authorize 100938
additional expenditures from appropriation item 651623, Medicaid 100939
Services - Federal, appropriation item 651525, Medicaid Health 100940
Care Services, and appropriation item 651656, Medicaid Services - 100941
Hospital Upper Payment Limit, in order to implement the programs 100942
authorized by sections 5168.20 through 5168.28 of the Revised 100943
Code. Any amounts authorized are hereby appropriated. 100944

Section 333.80. MEDICARE PART D 100945

The foregoing appropriation item 651526, Medicare Part D, may 100946
be used by the Department of Medicaid for the implementation and 100947
operation of the Medicare Part D requirements contained in the 100948
"Medicare Prescription Drug, Improvement, and Modernization Act of 100949
2003," Pub. L. No. 108-173, as amended. Upon the request of the 100950
Department of Medicaid, the Director of Budget and Management may 100951
transfer the state share of appropriations between appropriation 100952
item 651525, Medicaid Health Care Services, and appropriation item 100953
651526, Medicare Part D. If the state share of appropriation item 100954
651525, Medicaid Health Care Services, is adjusted, the Director 100955
of Budget and Management shall adjust the federal share 100956
accordingly. The Department of Medicaid shall provide notification 100957
to the Controlling Board of any transfers at the next scheduled 100958
Controlling Board meeting. 100959

Section 333.82. BRIGID'S PATH PROGRAM 100960

The foregoing appropriation item 651529, Brigid's Path 100961
Program, shall be distributed to the Brigid's Path Program in 100962
Montgomery County. 100963

Section 333.83. FOOD FARMACY PILOT PROJECT 100964

The foregoing appropriation item 651533, Food Farmacy Pilot 100965
Project, shall be distributed to a hospital system in a county 100966
with a charter form of government and with a total population 100967
between 500,000 persons and 1,000,000 persons to provide 100968
comprehensive medical, nutrition, and lifestyle support for 100969
food-insecure patients with type 2 diabetes and their families. 100970

Section 333.90. HEALTH CARE SERVICES SUPPORT AND RECOVERIES 100971
FUND 100972

Of the amount received by the Department of Medicaid during 100973
fiscal year 2020 and fiscal year 2021 from the first installment 100974
of assessments paid under section 5168.06 of the Revised Code and 100975
intergovernmental transfers made under section 5168.07 of the 100976
Revised Code, the Medicaid Director shall deposit \$350,000 in each 100977
fiscal year into the state treasury to the credit of the Health 100978
Care Services Support and Recoveries Fund (Fund 5DL0). 100979

Section 333.95. MULTI-SYSTEM YOUTH INNOVATION AND SUPPORT 100980

The foregoing appropriation item 651690, Multi-System Youth 100981
Innovation and Support, may be used by the Department of Medicaid 100982
for the purposes specified in divisions (B)(3) and (4) of section 100983
5162.52 of the Revised Code. 100984

Section 333.100. HOSPITAL CARE ASSURANCE MATCH 100985

If receipts credited to the Health Care Federal Fund (Fund 100986
3F00) exceed the amounts appropriated from the fund for making the 100987
hospital care assurance program distribution, the Medicaid 100988
Director may request the Director of Budget and Management to 100989
authorize expenditures from the fund in excess of the amounts 100990
appropriated. Upon the approval of the Director of Budget and 100991

Management, the additional amounts are hereby appropriated. 100992

The foregoing appropriation item 651649, Medicaid Services - 100993
Health Care Assurance Program, shall be used by the Department of 100994
Medicaid for distributing the state share of all hospital care 100995
assurance program funds to hospitals under section 5168.09 of the 100996
Revised Code. If receipts credited to the Hospital Care Assurance 100997
Program Fund (Fund 6510) exceed the amounts appropriated from the 100998
fund for making the hospital care assurance program distribution, 100999
the Medicaid Director may request the Director of Budget and 101000
Management to authorize expenditures from the fund in excess of 101001
the amounts appropriated. Upon the approval of the Director of 101002
Budget and Management, the additional amounts are hereby 101003
appropriated. 101004

Section 333.110. REFUNDS AND RECONCILIATION FUND 101005

If receipts credited to the Refunds and Reconciliation Fund 101006
exceed the amounts appropriated from the fund, the Medicaid 101007
Director may request the Director of Budget and Management to 101008
authorize expenditures from the fund in excess of the amounts 101009
appropriated. Upon approval of the Director of Budget and 101010
Management, the additional amounts are hereby appropriated. 101011

Section 333.120. MEDICAID INTERAGENCY PASS-THROUGH 101012

The Medicaid Director may request the Director of Budget and 101013
Management to increase appropriation item 651655, Medicaid 101014
Interagency Pass-Through. Upon the approval of the Director of 101015
Budget and Management, the additional amounts are hereby 101016
appropriated. 101017

Section 333.130. NON-EMERGENCY MEDICAL TRANSPORTATION 101018

In order to ensure access to a non-emergency medical 101019
transportation brokerage program established pursuant to section 101020

1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)(70), 101021
upon the request of the Medicaid Director, the Director of Budget 101022
and Management may transfer the state share appropriations between 101023
General Revenue Fund appropriation item 651525, Medicaid Health 101024
Care Services, within the Department of Medicaid and 655523, 101025
Medicaid Program Support - Local Transportation, within the 101026
Department of Job and Family Services. If such a transfer occurs, 101027
the Director of Budget and Management shall adjust, using the 101028
federal reimbursement rate, the federal share appropriations of 101029
General Revenue Fund appropriation item 651525, Medicaid Health 101030
Care Services, within the Department of Medicaid, and the Medicaid 101031
Program Support Fund (Fund 3F01) appropriation item 655624, 101032
Medicaid Program Support - Federal, within the Department of Job 101033
and Family Services. The Director of Medicaid shall transmit to 101034
the Medicaid Program Support Fund (Fund 3F01) the federal funds 101035
which the Department of Medicaid, as the state's sole point of 101036
contact with the federal government for Medicaid reimbursements, 101037
has drawn for this transaction. 101038

Section 333.140. PUBLIC ASSISTANCE ELIGIBILITY DETERMINATION 101039
AND LOCAL PROGRAM SUPPORT 101040

Upon the request of the Medicaid Director, the Director of 101041
Budget and Management may transfer up to \$5,000,000 of state share 101042
appropriations in each fiscal year between General Revenue Fund 101043
appropriation item 651525, Medicaid Health Care Services, within 101044
the Department of Medicaid, and 655522, Medicaid Program Support - 101045
Local, within the Department of Job and Family Services. If such a 101046
transfer occurs, the Director of Budget and Management shall 101047
adjust, using the federal reimbursement rate, the federal share 101048
appropriations of General Revenue Fund appropriation item 651525, 101049
Medicaid Health Care Services, within the Department of Medicaid, 101050
and the Medicaid Program Support Fund (Fund 3F01) appropriation 101051
item 655624, Medicaid Program Support - Federal, within the 101052

Department of Job and Family Services. The Director of Medicaid 101053
shall transmit to the Medicaid Program Support Fund (Fund 3F01) 101054
the federal funds which the Department of Medicaid, as the state's 101055
sole point of contact with the federal government for Medicaid 101056
reimbursements, has drawn for this transaction. 101057

The Medicaid Director shall establish criteria for 101058
distributing these funds and for county departments of job and 101059
family services to submit allowable expenses. 101060

County departments of job and family services shall comply 101061
with new roles, processes, and responsibilities related to the new 101062
eligibility determination system. County departments of job and 101063
family services shall report to the Ohio Department of Job and 101064
Family Services and the Ohio Department of Medicaid, on a schedule 101065
determined by the Medicaid Director, how the funds were used. 101066

Section 333.160. ICDS AND OHIO HOME CARE WAIVERS PAYMENT 101067
RATES FOR HOME-DELIVERED MEALS 101068

(A) As used in this section: 101069

(1) "ICDS waiver" means the home and community-based services 101070
Medicaid waiver component for the Integrated Care Delivery System 101071
authorized by section 5166.16 of the Revised Code. 101072

(2) "Ohio Home Care waiver" means the home and 101073
community-based services Medicaid waiver component that is known 101074
as Ohio Home Care and was created pursuant to section 5166.11 of 101075
the Revised Code. 101076

(B) The payment rates for home-delivered meals provided under 101077
the ICDS waiver and the Ohio Home Care waiver during the period 101078
beginning July 1, 2019, and ending July 1, 2021, shall be the 101079
following: 101080

(1) For each meal delivered daily on a per-meal delivery 101081
basis by a volunteer or employee of the provider, \$7.19; 101082

(2) For each meal delivered in a chilled or frozen format on a weekly basis by a volunteer or employee of the provider, \$6.99;	101083 101084
(3) For each meal delivered in a chilled or frozen format on a weekly basis by a common carrier used by the provider, \$6.50.	101085 101086
Section 333.180. MEDICAID PAYMENT RATES FOR COMMUNITY BEHAVIORAL HEALTH SERVICES	101087 101088
(A) As used in this section:	101089
(1) "Community behavioral health services" has the same meaning as in section 5164.01 of the Revised Code.	101090 101091
(2) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	101092 101093
(3) "Intermediate care facility for individuals with intellectual disabilities" has the same meaning as in section 5124.01 of the Revised Code.	101094 101095 101096
(4) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.	101097 101098
(B) Subject to division (C) of this section, the Department of Medicaid may establish Medicaid payment rates for community behavioral health services provided during fiscal year 2020 and fiscal year 2021 that exceed the authorized rates paid for the services under the Medicare program.	101099 101100 101101 101102 101103
(C) This section does not apply to community behavioral health services provided by any of the following:	101104 101105
(1) Hospitals on an inpatient basis;	101106
(2) Nursing facilities;	101107
(3) Intermediate care facilities for individuals with intellectual disabilities.	101108 101109
Section 333.185. MEDICAID PAYMENT RATE FOR VAGUS NERVE	101110

STIMULATION	101111
(A) The Medicaid payment rate for the Vagus Nerve Stimulation service provided under the outpatient hospital services benefit during the period beginning July 1, 2019, and ending July 1, 2021, shall equal seventy-five per cent of the Medicare payment rate for the service in effect on the date the service is provided.	101112 101113 101114 101115 101116
(B) The Medicaid payment rates for other services provided during the period beginning July 1, 2019, and ending July 1, 2021, and selected by the Medicaid Director shall be less than the amount of the rates in effect on June 30, 2019, so that the cost of the rate set pursuant to division (A) of this section does not increase Medicaid expenditures. The Director may not select any Medicaid service for which the Medicaid payment rate is determined in accordance with state statutes.	101117 101118 101119 101120 101121 101122 101123 101124
Section 333.190. AREA AGENCIES ON AGING AND MEDICAID MANAGED CARE	101125 101126
(A) As used in this section:	101127
(1) "Care management system" means the system established under section 5167.03 of the Revised Code.	101128 101129
(2) "Dual eligible individuals" has the same meaning as in section 5160.01 of the Revised Code.	101130 101131
(3) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.	101132 101133
(4) "Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.	101134 101135
(B) If the Department of Medicaid expands the inclusion of the aged, blind, and disabled Medicaid eligibility group or dual eligible individuals in the care management system during the 2020-2021 fiscal biennium, the Department shall do both of the	101136 101137 101138 101139

following for the remainder of the fiscal biennium: 101140

(1) Require area agencies on aging to be the coordinators of 101141
home and community-based services available under Medicaid waiver 101142
components that those individuals and that eligibility group 101143
receive and permit Medicaid managed care organizations to delegate 101144
to the agencies full-care coordination functions for those 101145
services and other health-care services those individuals and that 101146
eligibility group receive; 101147

(2) In selecting managed care organizations with which to 101148
contract under section 5167.10 of the Revised Code, give 101149
preference to those organizations that will enter into 101150
subcapitation arrangements with area agencies on aging under which 101151
the agencies are to perform, in addition to other functions, 101152
network management and payment functions for home and 101153
community-based services available under Medicaid waiver 101154
components that those individuals and that eligibility group 101155
receive. 101156

Section 333.195. SHARED SAVINGS BONUS AND QUALITY INCENTIVE 101157
PROGRAMS 101158

Each contract that the Department of Medicaid enters into 101159
with a managed care organization under section 5167.10 of the 101160
Revised Code during the periods that the Shared Savings Bonus 101161
Program and Quality Incentive Program are operated under sections 101162
5167.35 and 5167.36 of the Revised Code shall include terms about 101163
the programs that are consistent with those sections. 101164

Section 333.200. WORK REQUIREMENT - OHIOMEANSJOBS COSTS 101165

Upon the request of the Medicaid Director, the Director of 101166
Budget and Management may transfer up to \$500,000 of state share 101167
appropriations in each fiscal year between appropriation item 101168
651685, Medicaid Recoveries - Program Support, within the 101169

Department of Medicaid, and 655425, Medicaid Program Support, 101170
within the Department of Job and Family Services. If such a 101171
transfer occurs, the Director of Budget and Management shall 101172
adjust, using the federal reimbursement rate, the federal share 101173
appropriations of appropriation item 651624, Medicaid Program 101174
Support - Federal, within the Department of Medicaid, and 101175
appropriation item 655624, Medicaid Program Support - Federal, 101176
within the Department of Job and Family Services. Any transfer of 101177
funds shall be provided to the Department of Job and Family 101178
Services and shall only be used for costs related to transitioning 101179
to a new work requirement for the Medicaid program as prescribed 101180
by the Medicaid Director. 101181

Section 333.210. WORK REQUIREMENT - COUNTY COSTS 101182

Upon the request of the Medicaid Director, the Director of 101183
Budget and Management may transfer up to \$10,000,000 of state 101184
share appropriations in each fiscal year between appropriation 101185
item 651525, Medicaid Health Care Services, within the Department 101186
of Medicaid, and 655522, Medicaid Program Support - Local, within 101187
the Department of Job and Family Services. If such a transfer 101188
occurs, the Director of Budget and Management shall adjust, using 101189
the federal reimbursement rate, the federal share appropriations 101190
of appropriation item 651525, Medicaid Health Care Services, 101191
within the Department of Medicaid, and appropriation item 655624, 101192
Medicaid Program Support - Federal, within the Department of Job 101193
and Family Services. Any increase in funding shall be provided to 101194
county departments of job and family services and shall only be 101195
used for costs related to transitioning to a new work requirement 101196
under the Medicaid program as prescribed by the Medicaid Director. 101197
These funds shall not be used for existing and ongoing operating 101198
expenses. The Medicaid Director shall establish criteria for 101199
distributing these funds and for county departments of job and 101200
family services to submit allowable expenses. 101201

Section 333.220. CARE INNOVATION AND COMMUNITY IMPROVEMENT	101202
PROGRAM	101203
(A) As used in this section:	101204
(1) "Nonprofit hospital agency" means a nonprofit hospital	101205
agency, as defined in section 140.01 of the Revised Code, that is	101206
affiliated with a state university as defined in section 3345.011	101207
of the Revised Code.	101208
(2) "Participating agency" means a nonprofit hospital agency	101209
or public hospital agency participating in the Care Innovation and	101210
Community Improvement Program.	101211
(3) "Public hospital agency" has the same meaning as in	101212
section 140.01 of the Revised Code.	101213
(B) The Medicaid Director shall continue the Care Innovation	101214
and Community Improvement Program for the 2020-2021 fiscal	101215
biennium. Any nonprofit hospital agency or public hospital agency	101216
may volunteer to participate in the program if the agency operates	101217
a hospital that has a Medicaid provider agreement.	101218
(C) Participating agencies are responsible for the state	101219
share of the program's costs and shall make or request the	101220
appropriate government entity to make intergovernmental transfers	101221
to pay for those costs. The Medicaid Director shall establish a	101222
schedule for making the intergovernmental transfers.	101223
(D)(1) Each participating agency shall do at least one of the	101224
following tasks in accordance with strategies, and for the purpose	101225
of meeting goals, that the Medicaid Director shall establish for	101226
the Care Innovation and Community Improvement Program:	101227
(a) Sustain and expand community-based patient centered	101228
medical home models;	101229
(b) Expand access to community-based dental services;	101230

(c) Improve the quality of community care by creating and sharing best practice models for emergency department diversions, care coordination at discharge and during transitions of care, and other matters related to community care;

(d) Align community health improvement strategies and goals with the State Health Improvement Plan and local health improvement plans;

(e) Subject to division (D)(2) of this section, expand access to ambulatory drug detoxification and withdrawal management services;

(f) Train medical professionals on evidence-based protocols for opioid prescribing and drug addiction risk assessments;

(g) Subject to division (D)(2) of this section and in collaboration with all other participating agencies that are also doing this task, create and implement a plan to assist rural areas of the state do both of the following:

(i) Expand access to cost-effective detoxification, withdrawal management, and prevention services for opioid addiction;

(ii) Disseminate evidence-based protocols for opioid prescribing and drug addiction risk assessment.

(2) In expanding access to ambulatory drug detoxification and withdrawal management services under division (D)(1)(e) of this section and creating and implementing the plan specified in division (D)(1)(g) of this section, each participating agency shall give priority to the areas of the community served by the agency with the greatest concentration of opioid overdoses and deaths.

(3) Each participating agency shall submit annual reports to the Joint Medicaid Oversight Committee summarizing the agency's

work under division (D)(1) of this section and progress in meeting 101261
the goals of the Care Innovation and Community Improvement 101262
Program. 101263

(4) The goals that the Medicaid Director establishes for the 101264
Care Innovation and Community Improvement Program shall be 101265
designed to benefit Medicaid recipients. 101266

(E) Each participating agency shall receive supplemental 101267
payments under the Medicaid program for physician and other 101268
professional services that are covered by the Medicaid program and 101269
provided to Medicaid recipients. The amount of the supplemental 101270
payments shall equal the difference between the Medicaid payment 101271
rates for the services and the average commercial payment rates 101272
for the services. The Director may terminate, or adjust the amount 101273
of, the supplemental payments if the amount of the funds available 101274
for the Care Innovation and Community Improvement Program is 101275
inadequate. 101276

(F) Not later than January 1, 2020, the Medicaid Director 101277
shall establish a process to evaluate the work done by 101278
participating agencies under division (D)(1) of this section and 101279
the agencies' progress in meeting the goals of the Care Innovation 101280
and Community Improvement Program. The Director may terminate an 101281
agency's participation in the program if the Director determines 101282
that the agency is not doing at least one of the tasks specified 101283
in division (D)(1) of this section or making progress in meeting 101284
the program's goals. 101285

(G) All intergovernmental transfers made under division (C) 101286
of this section shall be deposited into the Care Innovation and 101287
Community Improvement Program Fund created by Section 333.320 of 101288
Am. Sub. H.B. 49 of the 132nd General Assembly. Money in the fund 101289
and the corresponding federal financial participation in the 101290
Health Care - Federal Fund created under section 5162.50 of the 101291
Revised Code shall be used to make supplemental payments under 101292

division (E) of this section. 101293

(H) If the amount of the foregoing appropriation item 651686, 101294
Care Innovation and Community Improvement Program, and the 101295
corresponding federal financial participation in appropriation 101296
item 651623, Medicaid Services - Federal, are inadequate to make 101297
the supplemental payments required by division (E) of this 101298
section, the Medicaid Director may request that the Director of 101299
Budget and Management authorize additional expenditures from the 101300
Care Innovation and Community Improvement Program Fund and the 101301
Health Care - Federal Fund as needed to make the supplemental 101302
payments. If the Director of Budget and Management authorizes the 101303
additional expenditures, the additional amounts are hereby 101304
appropriated. 101305

Section 333.230. RE-PROCUREMENT OF MEDICAID MCO CONTRACTS 101306

(A) As used in this section, "care management system" and 101307
"Medicaid managed care organization" have the same meanings as in 101308
section 5167.01 of the Revised Code. 101309

(B) Not later than July 1, 2020, the Medicaid Director shall 101310
complete a procurement process for Medicaid managed care 101311
organizations under the care management system. During the 101312
procurement process, the Director shall accept applications from 101313
entities seeking to contract as Medicaid managed care 101314
organizations and shall enter into new Medicaid managed care 101315
organization contracts with the selected entities. 101316

(C) As part of the procurement process, the Director shall 101317
establish eligibility criteria an entity must meet in order to 101318
become a Medicaid managed care organization. Any entity that meets 101319
the eligibility criteria may enter into a contract with the 101320
Department to become a Medicaid managed care organization. 101321

(D) There is no limit on the number of Medicaid managed care 101322

organizations the Department may contract with through the 101323
procurement process. 101324

Section 333.240. REVIEW OF PRESCRIBED DRUG REFORM SAVINGS 101325

Not later than January 1, 2021, the Department of Medicaid 101326
shall conduct a review of all of the savings to the state from 101327
prescribed drug reforms included in this act. The Department shall 101328
complete a report detailing its findings not later than sixty days 101329
after its review. The report shall be submitted to the Governor 101330
and to the General Assembly in accordance with section 101.68 of 101331
the Revised Code. The Department shall testify about its findings 101332
before the Joint Medicaid Oversight Committee. Upon request, the 101333
Department also shall testify about its findings before the 101334
General Assembly as requested by the Speaker of the House of 101335
Representatives, the President of the Senate, or both. 101336

Section 333.260. 340B STUDY COMMITTEE 101337

(A) As used in this section: 101338

(1) "340B covered entity" means an entity described in 101339
section 340B(a)(4) of the "Public Health Service Act," 42 U.S.C. 101340
256(b)(a)(4). 101341

(2) "340B Drug Pricing Program" means the program enacted 101342
under section 602 of the "Veterans Health Care Act of 1992," 101343
Public Law 102 - 585, codified in section 340B of the "Public 101344
Health Service Act," 42 U.S.C. 256b. 101345

(3) "Medicaid provider" and "prescribed drug" have the same 101346
meanings as in section 5164.01 of the Revised Code. 101347

(B) There is hereby created within the Department of Medicaid 101348
the 340B Study Committee. The Study Committee shall consist of 101349
members appointed by the Governor not later than ninety days after 101350
the effective date of this section. 101351

(C) Members shall serve without compensation, except to the extent that serving on the Study Committee is considered part of the member's regular duties of employment, but shall be reimbursed for actual and necessary expenses incurred in the performance of official duties.

(D) The Study Committee shall collect the following data from 340B covered entities that are hospitals and Medicaid providers:

(1) The cost of the prescribed drug to the 340B covered entity;

(2) The amount the patient was billed by the 340B covered entity for the prescribed drug.

(E) The Study Committee shall study the data provided under division (D) of this section and prepare a report outlining its findings related to all of the following:

(1) Whether the 340B Drug Pricing Program federal regulations and the Program's intent are being followed by the hospitals;

(2) Whether the hospitals are passing along to patients the drug discounts under the Program;

(3) Ways this state can control prescription drug costs under the Program and ensure that the discounts under the Program are used for their intended purpose.

(F) Not later than January 1, 2021, the Study Committee shall submit the report detailing its findings to the General Assembly in accordance with section 101.68 of the Revised Code. On submission of the report, the Study Committee shall cease to exist.

Section 333.270. BUDGET REDUCTION ADJUSTMENT FACTOR

As used in this section, "budget reduction adjustment factor" and "Medicare skilled nursing facility market basket index" have

the same meanings as in section 5165.01 of the Revised Code. 101381

For the purpose of sections 5165.15, 5165.16, 5165.17, 101382
 5165.19, and 5165.21 of the Revised Code, the budget reduction 101383
 adjustment factor shall be the following: 101384

(A) For the second half of state fiscal year 2020, two and 101385
 four-tenths per cent; 101386

(B) For all of state fiscal year 2021, an amount equal to the 101387
 Medicare skilled nursing facility market basket index determined 101388
 for all of federal fiscal year 2020. 101389

Section 335.10. MED STATE MEDICAL BOARD 101390

Dedicated Purpose Fund Group 101391

5C60 883609 Operating Expenses \$ 10,862,471 \$ 11,302,171 101392

TOTAL DPF Dedicated Purpose Fund \$ 10,862,471 \$ 11,302,171 101393

Group

TOTAL ALL BUDGET FUND GROUPS \$ 10,862,471 \$ 11,302,171 101394

Section 337.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION 101396

SERVICES 101397

General Revenue Fund 101398

GRF 336321 Central \$ 16,606,612 \$ 16,932,239 101399

Administration

GRF 336402 Resident Trainees \$ 450,000 \$ 450,000 101400

GRF 336405 Family and Children \$ 1,386,000 \$ 1,386,000 101401

First

GRF 336406 Prevention and \$ 2,620,996 \$ 2,620,996 101402

Wellness

GRF 336412 Hospital Services \$ 231,002,089 \$ 240,172,285 101403

GRF 336415 Mental Health \$ 19,695,400 \$ 20,369,000 101404

Facilities Lease

Rental Bond Payments

GRF	336421	Continuum of Care Services	\$	82,839,846	\$	82,839,846	101405
GRF	336422	Criminal Justice Services	\$	17,113,780	\$	17,117,915	101406
GRF	336423	Addiction Services Partnership with Corrections	\$	26,528,872	\$	28,989,946	101407
GRF	336424	Recovery Housing	\$	2,500,000	\$	2,500,000	101408
GRF	336425	Specialized Docket Support	\$	7,500,000	\$	10,000,000	101409
GRF	336504	Community Innovations	\$	13,950,000	\$	13,350,000	101410
GRF	336506	Court Costs	\$	1,000,000	\$	1,000,000	101411
GRF	336510	Residential State Supplement	\$	16,000,000	\$	16,000,000	101412
GRF	336511	Early Childhood Mental Health Counselors and Consultation	\$	2,500,000	\$	2,500,000	101413
GRF	652321	Medicaid Support	\$	1,213,792	\$	1,251,713	101414
TOTAL GRF		General Revenue Fund	\$	442,907,387	\$	457,479,940	101415
		Dedicated Purpose Fund Group					101416
2320	336621	Family and Children First	\$	600,000	\$	600,000	101417
4750	336623	Statewide Treatment and Prevention	\$	51,550,000	\$	20,550,000	101418
4850	336632	Mental Health Operating	\$	7,760,000	\$	8,000,000	101419
5AU0	336615	Behavioral Health Care	\$	7,850,000	\$	7,850,000	101420
5JL0	336629	Problem Gambling and Casino Addiction	\$	6,085,000	\$	6,085,000	101421
5T90	336641	Problem Gambling Services	\$	1,870,000	\$	1,820,000	101422

5TZ0	336600	Substance Abuse Stabilization Centers	\$	6,000,000	\$	6,000,000	101423
5TZ0	336643	ADAMHS Boards	\$	21,000,000	\$	11,000,000	101424
6320	336616	Community Capital Replacement	\$	350,000	\$	350,000	101425
6890	336640	Education and Conferences	\$	150,000	\$	150,000	101426
TOTAL DPF		Dedicated Purpose Fund Group	\$	103,215,000	\$	62,405,000	101427
		Internal Service Activity Fund Group					101428
1490	336609	Hospital Operating Expenses	\$	20,000,000	\$	20,000,000	101429
1490	336610	Operating Expenses	\$	5,500,000	\$	5,500,000	101430
1510	336601	Ohio Pharmacy Services	\$	80,170,822	\$	80,170,822	101431
4P90	336604	Community Mental Health Projects	\$	250,000	\$	250,000	101432
TOTAL ISA		Internal Service Activity Fund Group	\$	105,920,822	\$	105,920,822	101433
		Federal Fund Group					101434
3240	336605	Medicaid/Medicare	\$	20,000,000	\$	20,000,000	101435
3A60	336608	Federal Miscellaneous	\$	1,010,000	\$	1,010,000	101436
3A70	336612	Social Services Block Grant	\$	8,450,000	\$	8,450,000	101437
3A80	336613	Federal Grants	\$	5,500,000	\$	5,500,000	101438
3A90	336614	Mental Health Block Grant	\$	22,020,790	\$	22,058,470	101439
3B10	652636	Community Medicaid Legacy Support	\$	10,878,084	\$	11,000,000	101440
3G40	336618	Substance Abuse Block Grant	\$	65,865,756	\$	65,865,756	101441
3H80	336606	Demonstration Grants	\$	15,000,000	\$	15,000,000	101442

3HB0	336503	Cures Opioid State Targeted Response	\$	33,084,837	\$	32,634,837	101443
3HB1	336644	State Opioid Response	\$	59,400,213	\$	16,800,000	101444
3N80	336639	Administrative Reimbursement	\$	1,000,000	\$	1,000,000	101445
TOTAL FED	Federal Fund Group		\$	242,209,680	\$	199,319,063	101446
TOTAL ALL BUDGET FUND GROUPS			\$	894,252,889	\$	825,124,825	101447

Section 337.30. PREVENTION AND WELLNESS 101449

The foregoing appropriation item 336406, Prevention and 101450
Wellness, shall be used as follows: 101451

(A) Up to \$1,250,000 in each fiscal year shall be distributed 101452
to boards of alcohol, drug addiction, and mental health services 101453
to purchase the provision of evidence-based prevention services 101454
from providers certified by the Department of Mental Health and 101455
Addiction Services. 101456

(B) Up to \$500,000 in each fiscal year shall be used to: 101457

(1) Conduct a study in coordination with the Department of 101458
Veterans Services on the rates of suicide in this state for the 101459
previous ten calendar years. The study shall examine suicide rates 101460
for the general population as a whole and suicide rates for 101461
veterans of the United States armed forces as a subgroup. Not 101462
later than one year after the effective date of this section, the 101463
Departments shall complete a report on the study. The report shall 101464
include the Departments' conclusions regarding the causes of 101465
suicides and recommendations for reducing the rates of suicide in 101466
this state. The Departments shall submit the report to the General 101467
Assembly in accordance with section 101.68 of the Revised Code and 101468
make it available to the public on their web sites. 101469

(2) Support suicide prevention efforts. 101470

(C) \$120,000 in each fiscal year shall be allocated to 101471

Northeast Ohio Medical University's statewide campus safety and 101472
mental health programs, including suicide prevention. 101473

Section 337.40. MENTAL HEALTH FACILITIES LEASE RENTAL BOND 101474
PAYMENTS 101475

The foregoing appropriation item 336415, Mental Health 101476
Facilities Lease Rental Bond Payments, shall be used to meet all 101477
payments during the period from July 1, 2019, through June 30, 101478
2021, by the Department of Mental Health and Addiction Services 101479
pursuant to leases and agreements made under section 154.20 of the 101480
Revised Code. These appropriations are the source of funds pledged 101481
for bond service charges on obligations issued pursuant to Chapter 101482
154. of the Revised Code. 101483

Section 337.50. CONTINUUM OF CARE SERVICES 101484

The foregoing appropriation item 336421, Continuum of Care 101485
Services, shall be used as follows: 101486

(A) A portion of this appropriation shall be allocated to 101487
boards of alcohol, drug addiction, and mental health services in 101488
accordance with a distribution methodology determined by the 101489
Director of Mental Health and Addiction Services for the boards to 101490
purchase mental health and addiction services permitted under 101491
Chapter 340. of the Revised Code. Boards may use a portion of the 101492
funds allocated: 101493

(1) To provide subsidized support for psychotropic medication 101494
needs of indigent citizens in the community to reduce unnecessary 101495
hospitalization due to lack of medication; and 101496

(2) To provide subsidized support for medication-assisted 101497
treatment costs. 101498

(B) A portion of this appropriation may be distributed to 101499
boards of alcohol, drug addiction, and mental health services, 101500

community addiction and/or mental health services providers, 101501
courts, or other governmental entities to provide specific grants 101502
in support of initiatives concerning mental health and addiction 101503
services. 101504

(C) Of the foregoing appropriation item 336421, Continuum of 101505
Care Services, \$1,500,000 in each fiscal year shall be allocated 101506
by the Department of Mental Health and Addiction Services to 101507
boards of alcohol, drug addiction, and mental health services. The 101508
boards shall use their allocations to establish and administer, in 101509
collaboration with the other boards that serve the same state 101510
psychiatric hospital region, six mental health crisis 101511
stabilization centers. There shall be one center located in each 101512
state psychiatric hospital region. 101513

Boards of alcohol, drug addiction, and mental health services 101514
shall ensure that each mental health crisis stabilization center 101515
established and administered under division (C) of this section 101516
complies with all of the following: 101517

(1) It admits individuals before and after the individuals 101518
receive treatment and care at hospital emergency departments or 101519
freestanding emergency departments. 101520

(2) It admits individuals before and after the individuals 101521
are confined in state or local correctional facilities. 101522

(3) It has a Medicaid provider agreement. 101523

(4) It is located in a building constructed for another 101524
purpose before the effective date of this section. 101525

(5) It admits individuals who have been identified as needing 101526
the stabilization services provided by the center. 101527

(6) It connects individuals when they are discharged from the 101528
center with community-based continuum of care services and 101529
supports as described in section 340.032 of the Revised Code. 101530

(D) As used in division (C) of this section:	101531
(1) "State or local correctional facility" means any of the following:	101532
	101533
(a) A "state correctional institution," as defined in section 2967.01 of the Revised Code;	101534
	101535
(b) A "local correctional facility," as defined in section 2903.13 of the Revised Code;	101536
	101537
(c) A correctional facility that is privately operated and managed pursuant to section 9.06 of the Revised Code.	101538
	101539
(2) "State psychiatric hospital regions" means the six districts into which the Department of Mental Health and Addiction Services has divided the state pursuant to division (B)(2) of section 5119.14 of the Revised Code.	101540
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(E) Of the foregoing appropriation item 336421, Continuum of Care Services, \$375,000 in each fiscal year shall be allocated to the Bellefaire Jewish Children's Home to be used for start-up costs associated with the operations of its pediatric psychiatric hospital and affiliated medical and dental clinic. These start-up costs may include recruiting, onboarding, and training staff, as well as costs associated with the gradual ramp-up to full client capacity and the development of a reimbursement structure.	101544
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(F) Of the foregoing appropriation item 336421, Continuum of Care Services, \$125,000 in each fiscal year shall be allocated to the Chardon School District to be used for program-related activities.	101552
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(G) Of the foregoing appropriation item 336421, Continuum of Care Services, \$100,000 in each fiscal year shall be distributed to the Applewood Centers Inc. to be used for the continuation and expansion of existing programs to support the health clinic and community-based health care operations and to help meet the needs	101556
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	101560

of youth served in addressing the opioid crisis. 101561

Section 337.60. CRIMINAL JUSTICE SERVICES 101562

Except as otherwise provided in this act, the foregoing 101563
appropriation item 336422, Criminal Justice Services, shall be 101564
used to provide forensic psychiatric evaluations to courts of 101565
common pleas and to conduct evaluations of patients of forensic 101566
status in facilities operated or designated by the Department of 101567
Mental Health and Addiction Services prior to conditional release 101568
to the community. A portion of this appropriation may be allocated 101569
through boards of alcohol, drug addiction, and mental health 101570
services to community addiction and/or mental health services 101571
providers in accordance with a distribution methodology as 101572
determined by the Director of Mental Health and Addiction 101573
Services. 101574

The foregoing appropriation item 336422, Criminal Justice 101575
Services, may also be used to: 101576

(A) Provide forensic monitoring and tracking of individuals 101577
on conditional release; 101578

(B) Provide forensic training; 101579

(C) Support projects that assist courts and law enforcement 101580
to identify and develop appropriate alternative services to 101581
incarceration for nonviolent mentally ill offenders; 101582

(D) Provide specialized re-entry services to offenders 101583
leaving prisons and jails; 101584

(E) Provide specific grants in support of addiction services 101585
alternatives to incarceration; 101586

(F) Support therapeutic communities; and 101587

(G) Support specialty dockets and expand or create new 101588
certified court programs. 101589

Section 337.70. SUBSTANCE USE DISORDER TREATMENT IN	101590
SPECIALIZED DOCKET PROGRAMS	101591
(A) As used in this section:	101592
(1) "Community addiction services provider" has the same	101593
meaning as in section 5119.01 of the Revised Code.	101594
(2) "Community control sanction" has the same meaning as in	101595
section 2929.01 of the Revised Code.	101596
(3) "Medication-assisted treatment drug court program" and	101597
"MAT drug court program" mean a session of any of the following	101598
that holds initial or final certification from the Supreme Court	101599
of Ohio as a specialized docket program for drugs and that uses	101600
medication-assisted treatment as part of its specialized docket	101601
program: a common pleas court, municipal court, or county court,	101602
or a division of any of those courts.	101603
(4) "Prescriber" has the same meaning as in section 4729.01	101604
of the Revised Code.	101605
(5) "Recovery supports" has the same meaning as in section	101606
5119.01 of the Revised Code.	101607
(6) "Substance use disorder treatment" has the same meaning	101608
as "alcohol and drug addiction services" as defined in section	101609
5119.01 of the Revised Code.	101610
(B)(1) The Department of Mental Health and Addiction Services	101611
shall conduct a program to provide substance use disorder	101612
treatment, which may include medication-assisted treatment and	101613
recovery supports, to persons who are eligible to participate in a	101614
medication-assisted treatment drug court program and are selected	101615
under this section to be participants in a MAT drug court program	101616
because of a substance use disorder.	101617
(2) The Department shall conduct its program in collaboration	101618
with any counties in Ohio that are conducting MAT drug court	101619

programs. 101620

(3) In addition to conducting its program in accordance with 101621
division (B)(2) of this section, the Department may conduct its 101622
program in collaboration with any other court that is conducting a 101623
MAT drug court program. 101624

(C) In conducting its program, the Department shall 101625
collaborate with the Supreme Court, the Department of 101626
Rehabilitation and Correction, and any agency of the state that 101627
the Department of Mental Health and Addiction Services determines 101628
may be of assistance in accomplishing the objectives of the 101629
Department's program. The Department may collaborate with the 101630
boards of alcohol, drug addiction, and mental health services and 101631
with local law enforcement agencies that serve the counties in 101632
which a court participating in the Department's program is 101633
located. 101634

(D)(1) A MAT drug court program participating in the 101635
Department's program shall select the persons who are to be its 101636
participants for purposes of the Department's program. To be 101637
selected, a person must be a criminal offender, including an 101638
offender under a community control sanction, or be involved in a 101639
family drug or dependency court. A person shall not be selected to 101640
be a participant unless the person meets the legal and clinical 101641
eligibility criteria for the MAT drug court program and is an 101642
active participant in the MAT drug court program. 101643

(2) The total number of persons participating in the 101644
Department's program at any time shall not exceed one thousand 101645
five hundred, subject to available funding, except that the 101646
Department may authorize the maximum number to be exceeded in 101647
circumstances that the Department considers to be appropriate. 101648

(3) After a MAT drug court program enrolls a person as a 101649
participant for purposes of the Department's program, the 101650

participant shall comply with all requirements of the MAT drug court program. 101651
101652

(E) The substance use disorder treatment and recovery supports provided under the Department's program in collaboration with a MAT drug court program shall be provided by a community addiction services provider. The provider shall do all of the following: 101653
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101657

(1) Provide treatment based on an integrated service delivery model that consists of the coordination of care between a prescriber and the community addiction services provider; 101658
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(2) Conduct professional, comprehensive substance abuse and mental health diagnostic assessments of a person under consideration for selection as a program participant to determine whether the person would benefit from substance use disorder treatment and monitoring; 101661
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(3) Determine, based on the assessment described in division (E)(2) of this section, the treatment needs of the program participants served by the community addiction services provider; 101666
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(4) Develop, for program participants served by the community addiction services provider, individualized goals and objectives; 101669
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(5) Provide access to the long-acting antagonist therapies, partial agonist therapies, or full agonist therapies, that are included in the program's medication-assisted treatment; 101671
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101673

(6) Provide other types of therapies, including psychosocial therapies, for both substance use disorder and any disorders that are considered by the community addiction services provider to be co-occurring disorders; 101674
101675
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101677

(7) Monitor program compliance through the use of regular drug testing, including urinalysis, of the program participants served by the community addiction services provider; 101678
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101680

(8) Provide access to time-limited recovery supports that help eliminate barriers to treatment and are specific to the participant's needs, including assistance with housing, transportation, child care, job training, obtaining a driver's license or state identification card, and any other matter considered relevant by the provider.

(F) In the case of medication-assisted treatment provided under the Department's program, all of the following conditions apply:

(1) A drug may be used only if the drug has been approved by the United States Food and Drug Administration for use in treating dependence on opioids, alcohol, or both, or for preventing relapse into the use of opioids, alcohol, or both.

(2) One or more drugs may be used, but each drug that is used must constitute long-acting antagonist therapy, partial agonist therapy, or full agonist therapy.

(3) If a drug constituting partial or full agonist therapy is used, the program shall provide safeguards to minimize abuse and diversion of the drug, including such safeguards as routine drug testing of program participants.

(G) It is anticipated and expected that MAT drug court programs will expand their ability to serve more drug court participants as a result of increased access to commercial or publicly funded health insurance. In order to ensure that funds appropriated to support the Department's program are used in the most efficient manner with a goal of enrolling the maximum number of participants, the Medicaid Director, in collaboration with major Ohio health care plans, shall develop plans consistent with this division. There shall be no prior authorizations or step therapy for medication-assisted treatment for program participants. The plans developed under this division shall ensure

all of the following:	101712
(1) The development of an efficient and timely process for review of eligibility for health benefits for all persons selected to participate in the program;	101713 101714 101715
(2) A rapid conversion to reimbursement for all health care services by the participant's health care plan following approval for coverage of health care benefits;	101716 101717 101718
(3) The development of a consistent benefit package that provides ready access to and reimbursement for essential health care services including, but not limited to, primary health care services, alcohol and opioid detoxification services, appropriate psychosocial services, and medication for long-acting injectable antagonist therapies, partial agonist therapies, and full agonist therapies;	101719 101720 101721 101722 101723 101724 101725
(4) The development of guidelines that require the provision of all treatment services, including medication, with minimal administrative barriers and within a time frame that meets the requirements of individual patient care plans.	101726 101727 101728 101729
(H) Of the foregoing appropriation item 336422, Criminal Justice Services, up to \$6,000,000 in each fiscal year shall be used to support substance use disorder treatment, including medication-assisted treatment and recovery supports for drug court specialized docket programs and to support the administrative expenses of courts and community addiction services providers participating in the program.	101730 101731 101732 101733 101734 101735 101736
Section 337.75. MEDICATION-ASSISTED TREATMENT DRUG REIMBURSEMENT PROGRAM	101737 101738
Of the foregoing appropriation item 336422, Criminal Justice Services, \$1,000,000 in each fiscal year shall be used to support the Medication-Assisted Treatment Drug Reimbursement Program	101739 101740 101741

established in section 5119.39 of the Revised Code. 101742

Section 337.80. ADDICTION SERVICES PARTNERSHIP WITH 101743
CORRECTIONS 101744

Any business commenced but not completed by July 1, 2015, by 101745
the Department of Rehabilitation and Correction regarding recovery 101746
services shall be completed by the Department of Mental Health and 101747
Addiction Services. No validation, cure, right, privilege, remedy, 101748
obligation, or liability is lost or impaired by reason of the 101749
transfer required by this section and shall be administered by the 101750
Department of Mental Health and Addiction Services. Any rules, 101751
orders, and determinations pertaining to the Bureau of Recovery 101752
Services continue in effect as rules, orders, and determinations 101753
of the Department of Mental Health and Addiction Services until 101754
modified or rescinded by the Department of Mental Health and 101755
Addiction Services. If necessary to ensure the integrity of the 101756
numbering of the Administrative Code, the Director of the 101757
Legislative Service Commission shall renumber the numbers to 101758
reflect their transfer to the Department of Mental Health and 101759
Addiction Services. 101760

Subject to the lay-off provisions of sections 124.321 to 101761
124.382 of the Revised Code, all employees of the Bureau of 101762
Recovery Services are hereby transferred to the Department of 101763
Mental Health and Addiction Services and retain their positions 101764
and all of their benefits. 101765

Wherever the Bureau of Recovery Services is referred to in 101766
any law, contract, or other document, the reference shall be 101767
deemed to refer to the Department of Mental Health and Addiction 101768
Services or its director, as appropriate. 101769

Any business commenced but not completed under appropriation 101770
item 505321, Institution Medical Services, pertaining to the 101771
Bureau of Recovery Services, shall be completed under 101772

appropriation item 336423, Addiction Services Partnership with
Corrections, in the same manner, and with the same effect, as if
completed with regard to appropriation item 505321, Institution
Medical Services.

Section 337.90. RECOVERY HOUSING

The foregoing appropriation item 336424, Recovery Housing,
shall be used to expand and support access to recovery housing as
defined in section 340.01 of the Revised Code and in accordance
with section 340.034 of the Revised Code. For expenditures that
are capital in nature, the Department of Mental Health and
Addiction Services shall develop procedures to administer these
funds in a manner that is consistent with current community
capital assistance guidelines.

Section 337.100. SPECIALIZED DOCKET SUPPORT

(A) The foregoing appropriation item 336425, Specialized
Docket Support, shall be used to defray a portion of the annual
payroll costs associated with the specialized docket of a common
pleas court, municipal court, county court, juvenile court, or
family court that meets all of the eligibility requirements in
division (B) of this section, including a family dependency
treatment docket. The foregoing appropriation item 336425,
Specialized Docket Support, may also be used to defray costs
associated with treatment services and recovery supports for
participants.

(B) To be eligible, the specialized docket must have received
Supreme Court of Ohio final certification and include participants
with behavioral health needs in its target population.

(C) Of the foregoing appropriation item 336425, Specialized
Docket Support, the Department of Mental Health and Addiction
Services shall use up to one per cent of the funds appropriated in

each fiscal year to pay the cost it incurs in administering the 101803
duties established in this section. 101804

(D) The Department, in consultation with the Supreme Court of 101805
Ohio, may adopt funding distribution methodology, guidelines, and 101806
procedures as necessary to carry out the purposes of this section. 101807

Section 337.110. COMMUNITY INNOVATIONS 101808

The foregoing appropriation item 336504, Community 101809
Innovations, may be used by the Department of Mental Health and 101810
Addiction Services to make targeted investments in programs, 101811
projects, or systems operated by or under the authority of other 101812
state agencies, governmental entities, or private not-for-profit 101813
agencies that impact, or are impacted by, the operations and 101814
functions of the Department, with the goal of achieving a net 101815
reduction in expenditure of state general revenue funds and/or 101816
improved outcomes for Ohio citizens without a net increase in 101817
state general revenue fund spending. 101818

The Director shall identify and evaluate programs, projects, 101819
or systems proposed or operated, in whole or in part, outside of 101820
the authority of the Department, where targeted investment of 101821
these funds in the program, project, or system is expected to 101822
decrease demand for the Department or other resources funded with 101823
state general revenue funds, and/or to measurably improve outcomes 101824
for Ohio citizens with mental illness or with alcohol, drug, or 101825
gambling addictions. The Director shall have discretion to 101826
transfer money from the appropriation item to other state 101827
agencies, governmental entities, or private not-for-profit 101828
agencies in amounts, and subject to conditions, that the Director 101829
determines most likely to achieve state savings and/or improved 101830
outcomes. Distribution of moneys from this appropriation item 101831
shall not be subject to sections 9.23 to 9.239 or Chapter 125. of 101832
the Revised Code. 101833

The Department shall enter into an agreement with each recipient of community innovation funds, identifying: allowable expenditure of the funds; other commitment of funds or other resources to the program, project, or system; expected state savings and/or improved outcomes and proposed mechanisms for measurement of such savings or outcomes; and required reporting regarding expenditure of funds and savings or outcomes achieved.

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Of the foregoing appropriation item 336504, Community Innovations, up to \$4,000,000 in each fiscal year shall be used to provide funding for community projects across the state that focus on support for families, assisting families in avoiding crisis, and crisis intervention.

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Of the foregoing appropriation item 336504, Community Innovations, up to \$750,000 in each fiscal year shall be used to enhance access to naloxone across the state for county health departments to then disperse through a grant program to local law enforcement, emergency personnel, and first responders. If local law enforcement, emergency personnel, and first responders are not making use of the naloxone grant funds, the county health department may use grant funding to provide naloxone through a Project DAWN program within the county.

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Of the foregoing appropriation item 336504, Community Innovations, up to \$600,000 in each fiscal year shall be allocated to the Heartland High School Demonstration Project to educate and graduate teens and youth recovering from substance use disorders.

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Of the foregoing appropriation item 336504, Community Innovations, \$2,500,000 in each fiscal year shall be allocated to the Psychotropic Drug Reimbursement Program established in section 5119.19 of the Revised Code. On July 1, 2020, or as soon as possible thereafter, the Director of Mental Health and Addiction Services shall certify to the Director of Budget and Management the amount of the unexpended, unencumbered allocation for the

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program in fiscal year 2020. The amount certified is hereby 101866
reappropriated to appropriation item 336504, Community 101867
Innovations, in fiscal year 2021 for the same purpose. 101868

Section 337.120. RESIDENTIAL STATE SUPPLEMENT 101869

(A) The foregoing appropriation item 336510, Residential 101870
State Supplement, may be used by the Department of Mental Health 101871
and Addiction Services to provide training for residential 101872
facilities providing accommodations, supervision, and personal 101873
care services to three to sixteen unrelated adults with mental 101874
illness and to make payments to residential state supplement 101875
recipients. 101876

(B) The Department of Mental Health and Addiction Services 101877
shall adopt rules establishing eligibility criteria and payment 101878
amounts under section 5119.41 of the Revised Code. 101879

**Section 337.130. EARLY CHILDHOOD MENTAL HEALTH COUNSELORS AND 101880
CONSULTATION** 101881

The foregoing appropriation item 336511, Early Childhood 101882
Mental Health Counselors and Consultation, shall be used to 101883
promote identification and intervention for early childhood mental 101884
health and to enhance healthy social emotional development in 101885
order to reduce preschool to third grade classroom expulsions. 101886
Funds shall be used by the Department of Mental Health and 101887
Addiction Services to support early childhood mental health 101888
credentialed counselors and consultation services, as well as 101889
administration and workforce development for the program. 101890

Section 337.140. MEDICAID SUPPORT 101891

The foregoing appropriation item 652321, Medicaid Support, 101892
shall be used to fund specified Medicaid Services as delegated by 101893
the state's single agency responsible for the Medicaid Program. 101894

Section 337.150. SUBSTANCE ABUSE STABILIZATION CENTERS 101895

(A) The foregoing appropriation item 336600, Substance Abuse 101896
Stabilization Centers, shall be used to establish and administer, 101897
in collaboration with the other boards that serve the same state 101898
psychiatric hospital region, acute substance use disorder 101899
stabilization centers. There shall be one center located in each 101900
state psychiatric hospital region. 101901

(B) As used in this section, "state psychiatric hospital 101902
regions" means the six districts into which the Department of 101903
Mental Health and Addiction Services has divided the state 101904
pursuant to division (B)(2) of section 5119.14 of the Revised 101905
Code. 101906

Section 337.160. ADAMHS BOARDS 101907

(A) Of the foregoing appropriation item 336643, ADAMHS 101908
Boards, \$5,000,000 in each fiscal year shall be allocated as 101909
follows: 101910

(1) Each board shall receive \$50,000 in each fiscal year for 101911
each of the counties that are part of the board's district. 101912

(2) Each board shall receive a percentage of any remaining 101913
amount to be determined by a formula developed by the Director of 101914
Mental Health and Addiction Services using the population of the 101915
board's service district and the most recent drug overdose death 101916
information. 101917

(B) Of the foregoing appropriation item 336643, ADAMHS 101918
Boards, up to \$5,750,000 in each fiscal year shall be used to 101919
provide flexible resources to local communities to fund direct 101920
crisis stabilization and crisis prevention support. 101921

(C) Of the foregoing appropriation item 336643, ADAMHS 101922
Boards, up to \$9,250,000 in fiscal year 2020 shall be used to 101923

develop, evaluate, and expand crisis services infrastructure to 101924
provide support for adults, children, and families in a variety of 101925
settings. Any unexpended or unencumbered fund balance shall be 101926
used in fiscal year 2021 for the same purpose. 101927

(D) Of the foregoing appropriation item 336643, ADAMHS 101928
Boards, \$1,000,000 in fiscal year 2020 and \$250,000 in fiscal year 101929
2021 shall be dedicated to a public-private partnership for a 101930
crisis stabilization center in Lorain County. 101931

Section 337.170. PROBLEM GAMBLING AND CASINO ADDICTION 101932

A portion of appropriation item 336629, Problem Gambling and 101933
Casino Addiction, shall be allocated to boards of alcohol, drug 101934
addiction, and mental health services in accordance with a 101935
distribution methodology determined by the Director of Mental 101936
Health and Addiction Services. 101937

Section 337.180. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING 101938
POOL 101939

A county family and children first council may establish and 101940
operate a flexible funding pool in order to assure access to 101941
needed services by families, children, and older adults in need of 101942
protective services. The operation of the flexible funding pools 101943
shall be subject to the following restrictions: 101944

(A) The county council shall establish and operate the 101945
flexible funding pool in accordance with formal guidance issued by 101946
the Family and Children First Cabinet Council; 101947

(B) The county council shall produce an annual report on its 101948
use of the pooled funds. The annual report shall conform to a 101949
format prescribed in the formal guidance issued by the Family and 101950
Children First Cabinet Council; 101951

(C) Unless otherwise restricted, funds transferred to the 101952

flexible funding pool may include state general revenues allocated 101953
to local entities to support the provision of services to families 101954
and children; 101955

(D) The amounts transferred to the flexible funding pool 101956
shall be limited to amounts that can be redirected without 101957
impairing the achievement of the objectives for which the initial 101958
allocation is designated; and 101959

(E) Each amount transferred to the flexible funding pool from 101960
a specific allocation shall be approved for transfer by the 101961
director of the local agency that was the original recipient of 101962
the allocation. 101963

Section 337.190. ACCESS SUCCESS II PROGRAM 101964

To the extent cash is available, the Director of Budget and 101965
Management may transfer cash from a fund designated by the 101966
Medicaid Director, to the Sale of Goods and Services Fund (Fund 101967
1490), used by the Department of Mental Health and Addiction 101968
Services. The transferred cash is hereby appropriated. 101969

The Department of Mental Health and Addiction Services shall 101970
use the transferred funds to administer the Access Success II 101971
Program to help non-Medicaid patients in any hospital established, 101972
controlled, or supervised by the Department under Chapter 5119. of 101973
the Revised Code to transition from inpatient status to a 101974
community setting. 101975

Section 337.200. CASH TRANSFER FROM THE INDIGENT DRIVERS 101976
ALCOHOL TREATMENT FUND TO THE STATEWIDE TREATMENT AND PREVENTION 101977
FUND 101978

On a schedule determined by the Director of Budget and 101979
Management, the Director of Mental Health and Addiction Services 101980
shall certify to the Director of Budget and Management the amount 101981
of excess license reinstatement fees that are available pursuant 101982

to division (F)(2)(c) of section 4511.191 of the Revised Code to 101983
be transferred from the Indigent Drivers Alcohol Treatment Fund 101984
(Fund 7049) to the Statewide Treatment and Prevention Fund (Fund 101985
4750). Upon certification, the Director of Budget and Management 101986
may transfer cash from the Indigent Drivers Alcohol Treatment Fund 101987
to the Statewide Treatment and Prevention Fund. 101988

Section 337.210. CURES OPIOID STATE TARGETED RESPONSE 101989

The foregoing appropriation item 336503, Cures Opioid State 101990
Targeted Response, shall be used pursuant to the goals and 101991
requirements of the State Targeted Response to the Opioid Crisis 101992
Grant provision in the federal "21st Century Cures Act," Public 101993
Law 114-255. 101994

Section 337.220. STATEWIDE TREATMENT AND PREVENTION 101995

The foregoing appropriation item 336623, Statewide Treatment 101996
and Prevention, shall be used as follows: up to \$18,000,000 in 101997
fiscal year 2020 to support K-12 prevention education initiatives; 101998
up to \$13,000,000 in fiscal year 2020 and up to \$5,000,000 in 101999
fiscal year 2021 to support and expand statewide multi-media 102000
prevention, treatment, and stigma reduction campaigns; up to 102001
\$5,000,000 in fiscal year 2020 to expand the number of individuals 102002
trained in mental health first aid and to expand the number of law 102003
enforcement trained in approved de-escalation techniques and 102004
approaches specific to people experiencing mental health crisis. 102005

The remaining portion of appropriation item 336623, Statewide 102006
Treatment and Prevention, may be used for agency administrative 102007
support. 102008

Section 339.10. MIH COMMISSION ON MINORITY HEALTH 102009

General Revenue Fund 102010

GRF 149321 Operating Expenses \$ 721,681 \$ 741,928 102011

GRF 149501	Demonstration Grants	\$	852,606	\$	852,606	102012
GRF 149503	Infant Mortality	\$	3,000,000	\$	3,000,000	102013
	Health Grants					
TOTAL GRF	General Revenue Fund	\$	4,574,287	\$	4,594,534	102014
	Dedicated Purpose Fund Group					102015
4C20 149601	Minority Health	\$	50,000	\$	50,000	102016
	Conference					
TOTAL DPF	Dedicated Purpose Fund	\$	50,000	\$	50,000	102017
	Group					
TOTAL ALL BUDGET FUND GROUPS		\$	4,624,287	\$	4,644,534	102018

Section 339.20. INFANT MORTALITY HEALTH GRANTS 102020

Of the foregoing appropriation item 149503, Infant Mortality 102021
 Health Grants, \$2,685,000 in each fiscal year shall be distributed 102022
 to up to ten community-based agencies to support the continuation 102023
 or establishment of a pathways community HUB model that has the 102024
 primary purpose of reducing infant mortality in the urban and 102025
 rural communities with a targeted focus on disparities. The grant 102026
 recipients shall, at least quarterly, submit performance data, 102027
 evaluation data, and fiscal reports as specified by the Commission 102028
 on Minority Health. 102029

Of the foregoing appropriation item 149503, Infant Mortality 102030
 Health Grants, \$135,000 in each fiscal year shall be used to 102031
 provide evaluation and review of the service delivery of grant 102032
 recipients receiving funds from this appropriation item. The 102033
 Commission on Minority Health shall contract with entities to 102034
 provide statewide evaluation and technical assistance to analyze 102035
 the performance data submitted to the Commission. These entities 102036
 shall convene quarterly meetings with grant recipients, which may 102037
 be held by telephone, video conference, or other means of 102038
 electronic communication. The meetings shall include a discussion 102039
 on performance data, continuous quality improvement practices, 102040

implementation lessons, participant feedback, barriers to pathways 102041
closure, certification status, contract achievement, and any other 102042
topics the evaluation entities and the Commission deem 102043
appropriate. 102044

The remainder of appropriation item 149503, Infant Mortality 102045
Health Grants, shall be used by the Commission on Minority Health 102046
for administrative costs. 102047

Section 341.10. CRB MOTOR VEHICLE REPAIR BOARD 102048

Dedicated Purpose Fund Group 102049

4K90 865601 Operating Expenses \$ 623,948 \$ 636,389 102050

TOTAL DPF Dedicated Purpose Fund \$ 623,948 \$ 636,389 102051

Group

TOTAL ALL BUDGET FUND GROUPS \$ 623,948 \$ 636,389 102052

Section 343.10. DNR DEPARTMENT OF NATURAL RESOURCES 102054

General Revenue Fund 102055

GRF 725401 Division of \$ 1,773,000 \$ 1,773,000 102056

Wildlife-Operating
Subsidy

GRF 725413 Parks and Recreational \$ 50,771,500 \$ 57,556,700 102057

Facilities Lease
Rental Bond Payments

GRF 725456 Canal Lands \$ 130,950 \$ 130,950 102058

GRF 725505 Healthy Lake Erie \$ 1,000,000 \$ 1,000,000 102059

Program

GRF 725507 Coal and Mine Safety \$ 2,796,340 \$ 2,796,340 102060

Programs

GRF 725903 Natural Resources \$ 20,359,800 \$ 20,420,700 102061

General Obligation
Bond Debt Service

GRF 727321 Division of Forestry \$ 4,869,458 \$ 4,965,023 102062

GRF	729321	Office of Information Technology	\$	181,478	\$	181,478	102063
GRF	730321	Parks and Recreation	\$	38,652,560	\$	37,105,509	102064
GRF	736321	Division of Engineering	\$	2,035,650	\$	2,035,650	102065
GRF	737321	Division of Water Resources	\$	1,689,455	\$	1,692,044	102066
GRF	738321	Office of Real Estate and Land Management	\$	728,322	\$	728,322	102067
GRF	741321	Division of Natural Areas and Preserves	\$	2,744,428	\$	4,246,134	102068
TOTAL GRF	General Revenue Fund		\$	127,732,941	\$	134,631,850	102069
	Dedicated Purpose Fund Group						102070
2270	725406	Parks Projects Personnel	\$	1,629,465	\$	1,725,151	102071
4300	725671	Canal Lands	\$	927,128	\$	927,128	102072
4S90	725622	NatureWorks Personnel	\$	784,648	\$	800,000	102073
4U60	725668	Scenic Rivers Protection	\$	100,000	\$	100,000	102074
5090	725602	State Forest	\$	10,114,999	\$	10,312,871	102075
5110	725646	Ohio Geological Mapping	\$	4,691,486	\$	4,799,989	102076
5110	725679	Geographic Information System Centralized Services	\$	516,979	\$	518,024	102077
5120	725605	State Parks Operations	\$	60,073,839	\$	35,412,070	102078
5140	725606	Lake Erie Shoreline	\$	2,393,809	\$	2,446,910	102079
5160	725620	Water Management	\$	2,998,695	\$	3,006,996	102080
5180	725643	Oil and Gas Regulation and Safety	\$	25,079,252	\$	25,446,157	102081
5180	725677	Oil and Gas Well Plugging	\$	24,979,365	\$	28,177,215	102082
5210	725627	Off-Road Vehicle	\$	847,929	\$	851,587	102083

		Trails					
5220	725656	Natural Areas and Preserves	\$	546,973	\$	313,649	102084
5290	725639	Mining Regulation and Safety	\$	4,499,705	\$	4,689,552	102085
5310	725648	Reclamation Forfeiture	\$	2,171,668	\$	2,232,761	102086
5EL0	725612	Wildlife Law Enforcement	\$	12,000	\$	12,000	102087
5EM0	725613	Natural Resources Law Enforcement	\$	34,000	\$	34,000	102088
5HK0	725625	Ohio Nature Preserves	\$	50,000	\$	50,000	102089
5MW0	725604	Natural Resources Special Purposes	\$	261,293	\$	261,293	102090
5P20	725634	Wildlife Boater Angler Administration	\$	6,990,425	\$	7,000,000	102091
5TD0	725514	Park Maintenance	\$	1,481,150	\$	1,481,150	102092
6150	725661	Dam Safety	\$	1,166,902	\$	1,166,602	102093
6970	725670	Submerged Lands	\$	717,155	\$	717,155	102094
6H20	725681	H2Ohio	\$	46,200,000	\$	0	102095
7015	740401	Division of Wildlife Conservation	\$	63,701,662	\$	65,482,330	102096
7086	725414	Waterways Improvement	\$	6,193,671	\$	6,193,671	102097
7086	739401	Watercraft Operations	\$	20,897,471	\$	21,400,204	102098
8150	725636	Cooperative Management Projects	\$	650,000	\$	650,000	102099
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885	102100
8170	725655	Wildlife Conservation Checkoff	\$	2,000,000	\$	2,000,000	102101
8180	725629	Cooperative Fisheries Research	\$	1,500,000	\$	1,500,000	102102
8190	725685	Ohio River Management	\$	140,000	\$	140,000	102103
81B0	725688	Wildlife Habitats	\$	1,200,000	\$	1,200,000	102104
TOTAL	DPF	Dedicated Purpose Fund	\$	296,518,554	\$	232,015,350	102105

Group

Internal Service Activity Fund Group				102106
1550	725601	Departmental Projects	\$ 1,775,425 \$ 1,198,248	102107
1550	725676	Hocking Hills State Park Lodge	\$ 13,000,000 \$ 3,000,000	102108
1570	725651	Central Support Indirect	\$ 5,632,162 \$ 5,632,162	102109
2040	725687	Information Services	\$ 6,432,109 \$ 5,970,264	102110
2050	725696	Human Resource Direct Services	\$ 2,855,404 \$ 2,976,201	102111
2230	725665	Law Enforcement Administration	\$ 3,292,343 \$ 3,381,193	102112
5100	725631	Maintenance - State-owned Residences	\$ 249,611 \$ 249,611	102113
6350	725664	Fountain Square Facilities Management	\$ 4,094,099 \$ 4,170,445	102114
TOTAL ISA Internal Service Activity Fund Group				102115
				\$ 37,331,153 \$ 26,578,124 102116
Capital Projects Fund Group				102117
7061	725405	Clean Ohio Trail Operating	\$ 301,796 \$ 301,796	102118
TOTAL CPF Capital Projects Fund Group				102119
				\$ 301,796 \$ 301,796 102119
Fiduciary Fund Group				102120
4M80	725675	FOP Contract	\$ 18,799 \$ 20,219	102121
TOTAL FID Fiduciary Fund Group				102122
				\$ 18,799 \$ 20,219 102122
Holding Account Fund Group				102123
R017	725659	Performance Cash Bond Refunds	\$ 528,993 \$ 528,993	102124
R043	725624	Forestry	\$ 2,400,000 \$ 2,400,000	102125
TOTAL HLD Holding Account				102126

Fund Group		\$	2,928,993	\$	2,928,993	102127
Federal Fund Group						102128
3320 725669	Federal Mine Safety Grant	\$	335,000	\$	335,000	102129
3B30 725640	Federal Forest Pass-Thru	\$	350,000	\$	350,000	102130
3B40 725641	Federal Flood Pass-Thru	\$	350,000	\$	350,000	102131
3B50 725645	Federal Abandoned Mine Lands	\$	21,242,787	\$	8,046,252	102132
3B60 725653	Federal Land and Water Conservation Grants	\$	949,168	\$	952,256	102133
3B70 725654	Reclamation - Regulatory	\$	1,725,644	\$	1,769,696	102134
3P10 725632	Geological Survey - Federal	\$	160,000	\$	160,000	102135
3P20 725642	Oil and Gas - Federal	\$	147,000	\$	147,000	102136
3P30 725650	Coastal Management - Federal	\$	2,791,277	\$	2,820,185	102137
3P40 725660	Federal - Soil and Water Resources	\$	231,732	\$	281,000	102138
3R50 725673	Acid Mine Drainage Abatement/Treatment	\$	900,000	\$	900,000	102139
3Z50 725657	Federal Recreation and Trails	\$	1,846,840	\$	1,852,034	102140
TOTAL FED	Federal Fund Group	\$	31,029,448	\$	17,963,423	102141
TOTAL ALL BUDGET	FUND GROUPS	\$	495,861,684	\$	414,439,755	102142

Section 343.20. CENTRAL SUPPORT INDIRECT FUND 102144

The Department of Natural Resources, with approval of the 102145
 Director of Budget and Management, shall use a methodology for 102146
 determining each division's payments into the Central Support 102147

Indirect Fund (Fund 1570). The methodology used shall contain the 102148
characteristics of administrative ease and uniform application in 102149
compliance with federal grant requirements. It may include direct 102150
cost charges for specific services provided. Payments to Fund 1570 102151
shall be made using an intrastate transfer voucher. 102152

The foregoing appropriation item 725401, Division of 102153
Wildlife-Operating Subsidy, shall be used to pay the direct and 102154
indirect costs of the Division of Wildlife. 102155

PARKS AND RECREATIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 102156

The foregoing appropriation item 725413, Parks and 102157
Recreational Facilities Lease Rental Bond Payments, shall be used 102158
to meet all payments during the period from July 1, 2019, through 102159
June 30, 2021, by the Department of Natural Resources pursuant to 102160
leases and agreements made under section 154.22 of the Revised 102161
Code. These appropriations are the source of funds pledged for 102162
bond service charges on related obligations issued under Chapter 102163
154. of the Revised Code. 102164

HEALTHY LAKE ERIE PROGRAM 102165

The foregoing appropriation item 725505, Healthy Lake Erie 102166
Program, shall be used by the Director of Natural Resources, in 102167
support of the following: (1) conservation measures in the Western 102168
Lake Erie Basin as determined by the Director; (2) funding 102169
assistance for soil testing, winter cover crops, edge of field 102170
testing, tributary monitoring, animal waste abatement; and (3) any 102171
additional efforts to reduce nutrient runoff as the Director may 102172
decide. The Director shall give priority to recommendations that 102173
encourage farmers to adopt agricultural production guidelines 102174
commonly known as 4R nutrient stewardship practices. 102175

COAL AND MINE SAFETY PROGRAMS 102176

The foregoing appropriation item 725507, Coal and Mine Safety 102177
Programs, shall be used for the administration of the Mine Safety 102178

Program and the Coal Regulation Program.	102179
NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE	102180
The foregoing appropriation item 725903, Natural Resources	102181
General Obligation Bond Debt Service, shall be used to pay all	102182
debt service and related financing costs during the period July 1,	102183
2019, through June 30, 2021, on obligations issued under sections	102184
151.01 and 151.05 of the Revised Code.	102185
Section 343.30. OIL AND GAS WELL PLUGGING	102186
The foregoing appropriation item 725677, Oil and Gas Well	102187
Plugging, shall be used exclusively for the purposes of plugging	102188
wells and to properly restore the land surface of idle and orphan	102189
oil and gas wells pursuant to section 1509.071 of the Revised	102190
Code.	102191
WELL LOG FILING FEES	102192
The Chief of the Division of Water Resources shall deposit	102193
fees forwarded to the Division pursuant to section 1521.05 of the	102194
Revised Code into the Water Management Fund (Fund 5160) for the	102195
purposes described in that section.	102196
PARKS CAPITAL EXPENSES FUND	102197
The Director of Natural Resources shall submit to the	102198
Director of Budget and Management the estimated design,	102199
engineering, and planning costs of capital-related work to be done	102200
by Department of Natural Resources staff for parks projects within	102201
the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the	102202
Director of Budget and Management approves the estimated costs,	102203
the Director may release appropriations from Fund 7035	102204
appropriation item C725E6, Project Planning, for those purposes.	102205
Upon release of the appropriations, the Department of Natural	102206
Resources shall pay for these expenses from the Parks Capital	102207
Expenses Fund (Fund 2270). Expenses paid from Fund 2270 shall be	102208

reimbursed by Fund 7035 using an intrastate transfer voucher. 102209

NATUREWORKS CAPITAL EXPENSES FUND 102210

The Department of Natural Resources shall submit to the 102211
Director of Budget and Management the estimated design, planning, 102212
and engineering costs of capital-related work to be done by 102213
Department of Natural Resources staff for each capital improvement 102214
project within the Ohio Parks and Natural Resources Fund (Fund 102215
7031). If the Director of Budget and Management approves the 102216
estimated costs, the Director may release appropriations from Fund 102217
7031 appropriation item C725E5, Project Planning, for those 102218
purposes. Upon release of the appropriations, the Department of 102219
Natural Resources shall pay for these expenses from the Capital 102220
Expenses Fund (Fund 4S90). Expenses paid from Fund 4S90 shall be 102221
reimbursed by Fund 7031 using an intrastate transfer voucher. 102222

RECLAMATION FORFEITURE FUND 102223

On July 1 of each fiscal year, or as soon as possible 102224
thereafter, the Director of Budget and Management shall transfer 102225
\$2,000,000 cash from the General Revenue Fund to the Reclamation 102226
Forfeiture Fund (Fund 5310), which shall be used to reclaim areas 102227
of land affected by coal mining in accordance with section 1513.18 102228
of the Revised Code. 102229

PARK MAINTENANCE 102230

The foregoing appropriation item 725514, Park Maintenance, 102231
shall be used by the Department of Natural Resources to pay the 102232
costs of projects supported by the State Park Maintenance Fund 102233
(Fund 5TD0) under section 1501.08 of the Revised Code. 102234

On July 1 of each fiscal year or as soon as possible 102235
thereafter, the Director of Natural Resources shall certify the 102236
amount of five percent of the average of the previous five years 102237
of deposits in the State Park Fund (Fund 5120) to the Director of 102238
Budget and Management. The Director of Budget and Management may 102239

transfer up to \$1,600,000 from Fund 5120 to the State Park 102240
Maintenance Fund (Fund 5TD0). 102241

H2OHIO FUND 102242

The foregoing appropriation item 725681, H2Ohio, shall be 102243
used by the Department of Natural Resources to support, maintain, 102244
and create wetlands throughout the state including but not limited 102245
to coastal and upland wetlands in the Western Basin of Lake Erie. 102246
In addition, the foregoing appropriation item, 725681, H2Ohio, may 102247
be used to support improvement and protection of all waterways and 102248
to address water quality priorities including water protection and 102249
management in accordance with section 126.60 of the Revised Code. 102250

On July 1, 2020, or as soon as possible thereafter, the 102251
Director of Natural Resources may certify to the Director of 102252
Budget and Management an amount up to the unexpended, unencumbered 102253
balance of the foregoing appropriation item, 725681, H2Ohio, at 102254
the end of fiscal year 2020 to be reappropriated in fiscal year 102255
2021. The amount certified is hereby reappropriated to the same 102256
appropriation item for fiscal year 2021. 102257

Section 343.40. CASH TRANSFER FOR HOCKING HILLS LODGE 102258
RECONSTRUCTION 102259

During fiscal years 2020 and 2021, the Director of Budget and 102260
Management may, in consultation with the Director of Natural 102261
Resources, transfer cash as necessary from the General Revenue 102262
Fund to the Departmental Services - Interstate Fund (Fund 1550) to 102263
pay costs for the reconstruction of the Hocking Hills Dining Lodge 102264
that will occur before final insurance settlement proceeds are 102265
deposited into Fund 1550. Once insurance proceeds have been 102266
deposited into Fund 1550, the Director of Budget and Management, 102267
in consultation with the Director of Natural Resources, shall 102268
establish a schedule for repaying the General Revenue Fund from 102269
Fund 1550. The Director of Budget and Management shall transfer 102270

cash from Fund 1550 to the General Revenue Fund according to the 102271
established schedule. 102272

HUMAN RESOURCES DIRECT SERVICES 102273

The foregoing appropriation item 725696, Human Resources 102274
Direct Services, shall be used to cover the cost of support, 102275
coordination, and oversight of the Department of Natural 102276
Resources' human resources functions. The Human Resources 102277
Chargeback Fund (Fund 2050) shall consist of cash transferred to 102278
it via intrastate transfer voucher from other funds as determined 102279
by the Director of Natural Resources and the Director of Budget 102280
and Management. 102281

LAW ENFORCEMENT ADMINISTRATION 102282

The foregoing appropriation item 725665, Law Enforcement 102283
Administration, shall be used to cover the cost of support, 102284
coordination, and oversight of the Department of Natural 102285
Resources' law enforcement functions. The Law Enforcement 102286
Administration Fund (Fund 2230) shall consist of cash transferred 102287
to it via intrastate transfer voucher from other funds as 102288
determined by the Director of Natural Resources and the Director 102289
of Budget and Management. 102290

FOUNTAIN SQUARE AND ODNR GROUNDS AT THE OHIO EXPO CENTER 102291

The foregoing appropriation item 725664, Fountain Square 102292
Facilities Management, shall be used for payment of expenses 102293
related to the security of the Fountain Square complex and for the 102294
repairs, renovation, utilities, property management, and building 102295
maintenance expenses for the Fountain Square complex and the 102296
Department of Natural Resources grounds at the Ohio Expo Center. 102297
Cash transferred by intrastate transfer vouchers from various 102298
department funds and rental income received by the Department of 102299
Natural Resources shall be deposited into the Fountain Square 102300
Facilities Management Fund (Fund 6350). 102301

Section 343.50. CLEAN OHIO TRAIL OPERATING EXPENSES				102302
The foregoing appropriation item 725405, Clean Ohio Trail				102303
Operating, shall be used by the Department of Natural Resources in				102304
administering Clean Ohio Trail Fund (Fund 7061) projects pursuant				102305
to section 1519.05 of the Revised Code.				102306
Section 345.10. NUR STATE BOARD OF NURSING				102307
Dedicated Purpose Fund Group				102308
4K90	884609	Operating Expenses	\$ 9,842,225 \$ 10,285,032	102309
5AC0	884602	Nurse Education Grant	\$ 1,518,000 \$ 1,518,000	102310
Program				
5P80	884601	Nursing Special	\$ 2,000 \$ 2,000	102311
Issues				
TOTAL DPF Dedicated Purpose				102312
Fund Group				\$ 11,362,225 \$ 11,805,032 102313
TOTAL ALL BUDGET FUND GROUPS				\$ 11,362,225 \$ 11,805,032 102314
Section 347.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY,				102316
AND ATHLETIC TRAINERS BOARD				102317
Dedicated Purpose Fund Group				102318
4K90	890609	Operating Expenses	\$ 1,137,397 \$ 1,168,045	102319
TOTAL DPF Dedicated Purpose Fund				\$ 1,137,397 \$ 1,168,045 102320
Group				
TOTAL ALL BUDGET FUND GROUPS				\$ 1,137,397 \$ 1,168,045 102321
Section 353.10. OOD OPPORTUNITIES FOR OHIOANS WITH				102323
DISABILITIES AGENCY				102324
General Revenue Fund				102325
GRF	415402	Independent Living	\$ 252,000 \$ 252,000	102326
Council				
GRF	415406	Assistive Technology	\$ 25,819 \$ 25,819	102327

GRF	415431	Brain Injury	\$	126,567	\$	126,567	102328
GRF	415506	Services for Individuals with Disabilities	\$	16,999,344	\$	18,418,244	102329
GRF	415508	Services for the Deaf	\$	27,580	\$	27,580	102330
GRF	415511	Centers for Independent Living	\$	450,000	\$	450,000	102331
TOTAL GRF	General Revenue Fund		\$	17,881,310	\$	19,300,210	102332
Dedicated Purpose Fund Group							102333
4670	415609	Business Enterprise Operating Expenses	\$	1,543,616	\$	1,555,368	102334
4680	415618	Third Party Services Funding	\$	8,500,000	\$	8,750,000	102335
4L10	415619	Services for Rehabilitation	\$	3,000,000	\$	3,000,000	102336
TOTAL DPF	Dedicated Purpose Fund Group		\$	13,043,616	\$	13,305,368	102337 102338
Internal Service Activity Fund Group							102339
4W50	415606	Program Management	\$	15,192,965	\$	15,906,145	102340
TOTAL ISA	Internal Service Activity Fund Group		\$	15,192,965	\$	15,906,145	102341 102342
Federal Fund Group							102343
3170	415620	Disability Determination	\$	81,399,100	\$	82,932,645	102344
3790	415616	Federal - Vocational Rehabilitation	\$	121,788,087	\$	130,495,615	102345
3GH0	415602	Personal Care Assistance	\$	3,130,220	\$	3,139,040	102346
3GH0	415604	Community Centers for the Deaf	\$	1,022,000	\$	1,022,000	102347
3GH0	415613	Independent Living	\$	662,411	\$	662,411	102348
3L10	415608	Social Security	\$	10,500,000	\$	10,500,000	102349

	Vocational				
	Rehabilitation				
3L40 415615	Federal - Supported	\$	850,000	\$	850,000 102350
	Employment				
3L40 415617	Independent Living	\$	2,584,136	\$	1,808,721 102351
	Older Blind				
TOTAL FED	Federal Fund Group	\$	221,935,954	\$	231,410,432 102352
TOTAL ALL BUDGET FUND GROUPS		\$	268,053,845	\$	279,922,155 102353

Section 353.20. INDEPENDENT LIVING 102355

The foregoing appropriation item 415402, Independent Living 102356
 Council, shall be used to support the state independent living 102357
 programs and centers under Title VII of the Independent Living 102358
 Services and Centers for Independent Living of the Rehabilitation 102359
 Act Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d. 102360

Of the foregoing appropriation item 415402, Independent 102361
 Living Council, \$67,662 in each fiscal year shall be used as state 102362
 matching funds for vocational rehabilitation innovation and 102363
 expansion activities. 102364

The foregoing appropriation item 415511, Centers for 102365
 Independent Living, shall be used to support the operations of the 102366
 Centers for Independent Living in accordance with the State Plan 102367
 for Independent Living. 102368

ASSISTIVE TECHNOLOGY 102369

The foregoing appropriation item 415406, Assistive 102370
 Technology, shall be provided to Assistive Technology of Ohio to 102371
 provide grants and assistive technology services for people with 102372
 disabilities in the State of Ohio. 102373

BRAIN INJURY 102374

The foregoing appropriation item 415431, Brain Injury, shall 102375
 be provided to The Ohio State University College of Medicine to 102376

support the Brain Injury Program established under section 3335.60 102377
of the Revised Code. 102378

SERVICES FOR INDIVIDUALS WITH DISABILITIES 102379

Of the foregoing appropriation item 415506, Services for 102380
Individuals with Disabilities, \$654,975 in fiscal year 2020 and 102381
\$1,309,050 in fiscal year 2021 shall be used as state match for 102382
the federal vocational rehabilitation grant and used to create 102383
partnerships with certified drug courts to expand access to 102384
employment through vocational rehabilitation services and increase 102385
employment outcomes that promote recovery and rehabilitation. 102386

Of the foregoing appropriation item 415506, Services for 102387
Individuals with Disabilities, \$603,643 in fiscal year 2020 and 102388
\$1,207,285 in fiscal year 2021 shall be used as state match for 102389
the federal vocational rehabilitation grant and used to create 102390
partnerships with community colleges and state universities to 102391
ensure college students with disabilities can compete for 102392
in-demand jobs in tomorrow's labor market and increase the median 102393
earnings of individuals who obtain employment. 102394

Of the foregoing appropriation item 415506, Services for 102395
Individuals with Disabilities, \$85,733 in fiscal year 2020 and 102396
\$171,465 in fiscal year 2021 shall be used as state match for the 102397
federal vocational rehabilitation grant and used to create paid 102398
on-the-job work experiences for eligible candidates placed in 102399
state agencies to develop work skills needed to pursue permanent 102400
employment and increase the number of individuals with 102401
disabilities employed in state government. 102402

Of the foregoing appropriation item 415506, Services for 102403
Individuals with Disabilities, \$150,000 in each fiscal year shall 102404
be used as state match for the federal vocational rehabilitation 102405
grant and used to increase access to vocational rehabilitation 102406
services for eligible students enrolled at the Ohio State School 102407

for the Blind and the Ohio School for the Deaf that will prepare	102408
students who are blind or deaf for transition to college or	102409
employment.	102410
 SERVICES FOR THE DEAF	102411
 The foregoing appropriation item 415508, Services for the	102412
Deaf, shall be used to support community centers for the deaf.	102413
 SIGHT CENTERS	102414
 Of the foregoing appropriation item 415617, Independent	102415
Living Older Blind, \$30,000 in each fiscal year shall be used to	102416
contract in equal amounts with the Cleveland Sight Center, the	102417
Cincinnati Association for the Blind and Visually Impaired, and	102418
the Sight Center of Northwest Ohio to provide outreach and	102419
referral development to the community of individuals with	102420
blindness or low vision.	102421
 Section 361.10. PEN PENSION SUBSIDIES	102422
 General Revenue Fund	102423
GRF 090524 Police and Fire \$ 2,000 \$ 2,000	102424
Disability Pension Fund	
GRF 090534 Police and Fire Ad \$ 31,000 \$ 31,000	102425
Hoc Cost of Living	
GRF 090554 Police and Fire \$ 270,000 \$ 270,000	102426
Survivor Benefits	
GRF 090575 Police and Fire Death \$ 34,400,000 \$ 34,750,000	102427
Benefits	
TOTAL GRF General Revenue Fund \$ 34,703,000 \$ 35,053,000	102428
TOTAL ALL BUDGET FUND GROUPS \$ 34,703,000 \$ 35,053,000	102429
 POLICE AND FIRE DEATH BENEFIT FUND	102430
 The foregoing appropriation item 090575, Police and Fire	102431
Death Benefits, shall be disbursed quarterly by the Treasurer of	102432

State at the beginning of each quarter of each fiscal year to the Board of Trustees of the Ohio Police and Fire Pension Fund, which serves as trustees of the Ohio Public Safety Officers Death Benefit Fund pursuant to section 742.62 of the Revised Code. The Treasurer of State shall certify such amounts quarterly to the Director of Budget and Management. By the twentieth day of June of each fiscal year, the Board of Trustees shall certify to the Treasurer of State the amount disbursed in the current fiscal year to make the payments required by sections 124.824 and 742.63 of the Revised Code and shall return to the Treasurer of State moneys received from this appropriation item but not disbursed.

Notwithstanding any provision of section 124.824 of the Revised Code to the contrary, for each death benefit fund recipient who participates in health, medical, hospital, dental, surgical, or vision benefits under section 124.824 of the Revised Code, the Board of Trustees of the Ohio Police and Fire Pension Fund shall forward as a pass-through from the revenue received from the foregoing appropriation item 090575, Police and Fire Death Benefits, the percentage of the cost for the applicable benefits that would be paid by a state employer for a state employee who elects that coverage and any applicable administrative costs, which shall not exceed two per cent of the total cost of the benefits. The Board of Trustees shall also withhold from the benefits paid to a death benefit fund recipient under section 742.63 of the Revised Code the percentage of the cost for such benefits that would be paid by a state employee, and forward the withheld amounts to the Department of Administrative Services from the revenue received from the foregoing appropriation item 090575, Police and Fire Death Benefits.

In fiscal year 2020 or 2021, if it is determined by the Director of Administrative Services, in consultation with the Chairperson of the Board of Trustees of the Ohio Police and Fire

Pension Fund, or designee, that additional amounts are necessary 102465
to pay the cost of providing benefits under section 124.824 or 102466
742.63 of the Revised Code, the Director of Administrative 102467
Services may certify the additional amount necessary to the 102468
Director of Budget and Management. The amount certified is hereby 102469
appropriated. 102470

Section 363.10. UST PETROLEUM UNDERGROUND STORAGE TANK 102471

RELEASE COMPENSATION BOARD 102472

Dedicated Purpose Fund Group 102473

6910 810632	Petroleum Underground	\$	1,410,740	\$	1,469,195	102474
	Storage Tank Release					
	Compensation Board -					
	Operating					

TOTAL DPF Dedicated Purpose Fund	\$	1,410,740	\$	1,469,195	102475
Group					

TOTAL ALL BUDGET FUND GROUPS	\$	1,410,740	\$	1,469,195	102476
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Section 367.10. PRX STATE BOARD OF PHARMACY 102478

Dedicated Purpose Fund Group 102479

4A50 887605	Drug Law Enforcement	\$	150,000	\$	150,000	102480
4K90 658605	OARRS Integration -	\$	253,264	\$	255,000	102481
	STATE					

4K90 887609	Operating Expenses	\$	10,220,383	\$	10,646,387	102482
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5SG0 887612	Drug Database	\$	664,369	\$	670,000	102483
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5SY0 887613	Medical Marijuana	\$	3,084,072	\$	2,500,200	102484
	Control Program					

TOTAL DPF Dedicated Purpose Fund	\$	14,372,088	\$	14,221,587	102485
Group					

Federal Fund Group 102486

3HD0 887614	Pharmacy Federal	\$	612,433	\$	531,000	102487
	Grants					

3HH0 658601	OARRS Integration -	\$	2,363,583	\$	2,384,000	102488
	FED					
TOTAL FED	Federal Fund Group	\$	2,976,016	\$	2,915,000	102489
TOTAL ALL BUDGET	FUND GROUPS	\$	17,348,104	\$	17,136,587	102490
Section 369.10. PSY STATE BOARD OF PSYCHOLOGY						102492
Dedicated Purpose Fund Group						102493
4K90 882609	Operating Expenses	\$	665,390	\$	696,615	102494
TOTAL DPF	Dedicated Purpose					102495
Fund Group		\$	665,390	\$	696,615	102496
TOTAL ALL BUDGET	FUND GROUPS	\$	665,390	\$	696,615	102497
Section 371.10. PUB OHIO PUBLIC DEFENDER COMMISSION						102499
General Revenue Fund						102500
GRF 019401	State Legal Defense	\$	5,659,317	\$	6,534,523	102501
	Services					
GRF 019403	Multi-County: State	\$	3,607,498	\$	4,644,553	102502
	Share					
GRF 019404	Trumbull County -	\$	1,349,330	\$	2,036,064	102503
	State Share					
GRF 019405	Training Account	\$	50,000	\$	50,000	102504
GRF 019501	County Reimbursement	\$	89,020,000	\$	125,000,000	102505
TOTAL GRF	General Revenue Fund	\$	99,686,145	\$	138,265,240	102506
Dedicated Purpose Fund Group						102507
1010 019607	Juvenile Legal	\$	204,756	\$	204,756	102508
	Assistance					
4060 019603	Training and	\$	25,000	\$	25,000	102509
	Publications					
4070 019604	County Representation	\$	280,407	\$	285,000	102510
4080 019605	Client Payments	\$	715,831	\$	737,389	102511
4C70 019601	Multi-County: County	\$	1,352,812	\$	0	102512
	Share					

4N90	019613	Gifts and Grants	\$	19,440	\$	19,440	102513
4X70	019610	Trumbull County - County Share	\$	505,999	\$	0	102514
5740	019606	Civil Legal Aid	\$	25,000,000	\$	25,000,000	102515
5CX0	019617	Civil Case Filing Fee	\$	623,425	\$	642,904	102516
5DY0	019618	Indigent Defense Support - County Share	\$	31,872,000	\$	31,872,000	102517
5DY0	019619	Indigent Defense Support - State Office	\$	7,113,482	\$	7,216,852	102518
TOTAL DPF Dedicated Purpose							102519
Fund Group			\$	67,713,152	\$	66,003,341	102520
Federal Fund Group							102521
3S80	019608	Federal Representation	\$	38,315	\$	38,315	102522
TOTAL FED Federal Fund Group			\$	38,315	\$	38,315	102523
TOTAL ALL BUDGET FUND GROUPS			\$	167,437,612	\$	204,306,896	102524
INDIGENT DEFENSE TASK FORCE							102525
(A) There is hereby created a task force to study Ohio's							102526
indigent defense system and provide recommendations to the General							102527
Assembly regarding the delivery, structure, and funding of							102528
indigent defense.							102529
(B) The task force shall consist of the following voting							102530
members, appointed not later than October 15, 2019:							102531
(1) The State Public Defender;							102532
(2) The Chair of the Ohio Public Defender Commission;							102533
(3) The Governor or the Governor's designee;							102534
(4) The Chief Justice of the Ohio Supreme Court, or the Chief							102535
Justice's designee;							102536

(5) One judge appointed by the Ohio Judicial Conference;	102537
(6) One attorney appointed by the Ohio State Bar Association;	102538
(7) One public defender appointed by the Ohio Public Defender Commission;	102539 102540
(8) One attorney who participates in the assigned counsel system, appointed by the Ohio Public Defender Commission;	102541 102542
(9) One county commissioner appointed by the president of the County Commissioners' Association of Ohio;	102543 102544
(10) The Attorney General or a designee of the Attorney General;	102545 102546
(11) Six members of the General Assembly, including:	102547
(a) Three members of the Senate, including two from the majority party appointed by the Senate President, and one from the minority party appointed by the Senate Minority Leader;	102548 102549 102550
(b) Three members of the House of Representatives, including two from the majority party appointed by the Speaker of the House of Representatives, and one from the minority party appointed by the House Minority Leader.	102551 102552 102553 102554
(C) The task force shall be co-chaired by one member of the Senate and one member of the House of Representatives, both from the majority party and appointed by their respective leaders.	102555 102556 102557
(D) Not later than August 1, 2020, the task force shall report its recommendations to the General Assembly. The Legislative Service Commission shall assist the task force as needed.	102558 102559 102560 102561
(E) The task force may reimburse the travel expenses of any experts invited to present to the task force.	102562 102563
Of the foregoing appropriation item 109401, State Legal Defense Services, \$9,100 in fiscal year 2020 and \$900 in fiscal	102564 102565

year 2021 shall be used for the reimbursement of travel expenses 102566
of experts invited to present to the task force. 102567

INDIGENT DEFENSE OFFICE 102568

The foregoing appropriation items 019404, Trumbull County - 102569
State Share, and 019610, Trumbull County - County Share, shall be 102570
used to support an indigent defense office for Trumbull County. 102571

MULTI-COUNTY OFFICE 102572

The foregoing appropriation items 019403, Multi-County: State 102573
Share, and 019601, Multi-County: County Share, shall be used to 102574
support the Office of the Ohio Public Defender's Multi-County 102575
Branch Office Program. 102576

TRAINING ACCOUNT 102577

The foregoing appropriation item 019405, Training Account, 102578
shall be used by the Ohio Public Defender to provide legal 102579
training programs at no cost for private appointed counsel who 102580
represents at least one indigent defendant at no cost, state and 102581
county public defenders, and attorneys who contract with the Ohio 102582
Public Defender to provide indigent defense services. 102583

CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE LEGAL AID 102584
FUND 102585

On July 1 of each fiscal year, or as soon as possible 102586
thereafter, the Director of Budget and Management shall transfer 102587
\$250,000 cash from the General Revenue Fund to the Legal Aid Fund 102588
(Fund 5740). The transferred cash shall be distributed by the Ohio 102589
Access to Justice Foundation to Ohio's civil legal aid societies 102590
for the sole purpose of providing legal services for economically 102591
disadvantaged individuals and families seeking assistance with 102592
legal issues arising as a result of substance abuse disorders. 102593
None of the funds shall be used for administrative costs, 102594
including, but not limited to, salaries, benefits, or travel 102595

reimbursements.					102596
FEDERAL REPRESENTATION					102597
The foregoing appropriation item 019608, Federal					102598
Representation, shall be used to support representation provided					102599
by the Ohio Public Defender in federal court cases.					102600
Section 373.10. DPS DEPARTMENT OF PUBLIC SAFETY					102601
General Revenue Fund					102602
GRF 761403 Recovery Ohio Law	\$	9,750,000	\$	9,750,000	102603
Enforcement					
GRF 763403 EMA Operating	\$	5,099,118	\$	5,320,000	102604
GRF 763512 Ohio Task Force One	\$	250,000	\$	250,000	102605
GRF 763513 Security Grants	\$	2,750,000	\$	2,750,000	102606
GRF 767420 Investigative Unit	\$	13,776,113	\$	14,175,500	102607
Operating					
GRF 768425 Justice Program	\$	2,061,162	\$	2,084,200	102608
Services					
GRF 769406 Homeland Security -	\$	3,140,706	\$	3,228,200	102609
Operating					
GRF 769407 Youthful Driver	\$	500,000	\$	500,000	102610
Safety					
GRF 769501 School Safety	\$	300,000	\$	300,000	102611
TOTAL GRF General Revenue Fund	\$	37,627,099	\$	38,357,900	102612
Dedicated Purpose Fund Group					102613
4P60 768601 Justice Program	\$	220,000	\$	226,500	102614
Services					
4V30 763662 EMA Service and	\$	751,000	\$	751,000	102615
Reimbursements					
5B90 766632 Private Investigator	\$	1,986,152	\$	2,035,000	102616
and Security Guard					
Provider					

5BK0	768687	Criminal Justice Services - Operating	\$	533,771	\$	550,000	102617
5BK0	768689	Family Violence Shelter Programs	\$	1,550,000	\$	1,550,000	102618
5ET0	768625	Drug Law Enforcement	\$	8,000,000	\$	8,000,000	102619
5LM0	768698	Criminal Justice Services Law Enforcement Support	\$	850,946	\$	850,946	102620
5ML0	769635	Infrastructure Protection	\$	80,000	\$	80,000	102621
5RH0	767697	OIU Special Projects	\$	900,000	\$	900,000	102622
5RS0	768621	Community Police Relations	\$	1,569,445	\$	1,150,000	102623
5TJ0	763603	Security Grants	\$	470,000	\$	0	102624
5Y10	767696	Ohio Investigative Unit Continuing Professional Training	\$	10,000	\$	10,000	102625
6220	767615	Investigative, Contraband, and Forfeiture	\$	1,000,000	\$	1,000,000	102626
6570	763652	Utility Radiological Safety	\$	1,258,624	\$	1,258,624	102627
6810	763653	SARA Title III Hazmat Planning	\$	273,629	\$	273,629	102628
TOTAL	DPF	Dedicated Purpose Fund Group	\$	19,453,567	\$	18,635,699	102629
		Federal Fund Group					102630
3370	763609	Federal Disaster Relief	\$	69,779,199	\$	69,948,672	102631
3FP0	767620	Ohio Investigative Unit Justice Contraband	\$	30,000	\$	30,000	102632
3GL0	768619	Justice Assistance	\$	12,500,000	\$	12,500,000	102633

	Grants - FFY15				
3GT0 767691	Investigative Unit	\$	100,000	\$	100,000 102634
	Federal Equity Share				
3GU0 769610	Investigations Grants	\$	1,400,000	\$	1,400,000 102635
	- Food Stamps, Liquor and Tobacco Laws				
3GU0 769631	Homeland Security	\$	800,000	\$	800,000 102636
	Disaster Grants				
3L50 768604	Justice Program	\$	12,600,000	\$	12,600,000 102637
TOTAL FED	Federal Fund Group	\$	97,209,199	\$	97,378,672 102638
TOTAL ALL BUDGET FUND GROUPS		\$	154,289,865	\$	154,372,271 102639

Section 373.20. RECOVERY OHIO LAW ENFORCEMENT 102641

Of the foregoing appropriation item 761403, Recovery Ohio Law 102642
Enforcement, up to \$3,400,000 in each fiscal year may be used by 102643
the Office of Criminal Justice Services to provide funding to 102644
local law enforcement agencies to create narcotics task forces 102645
that will focus on cartel trafficking interdiction. The 102646
interdiction task forces shall be designated Ohio Organized Crime 102647
Commission task forces subject to approval and supervision of the 102648
Commission. 102649

Of the foregoing appropriation item 761403, Recovery Ohio Law 102650
Enforcement, up to \$3,250,000 in each fiscal year may be used to 102651
establish a highly specialized Narcotics Intelligence Center 102652
consisting of personnel assigned to intelligence and computer 102653
forensic analysis that will assist Ohio narcotics task forces. 102654

Of the foregoing appropriation item 761403, Recovery Ohio Law 102655
Enforcement, up to \$2,500,000 in each fiscal year may be used by 102656
the Office of Criminal Justice Services to provide funding to 102657
Ohio's narcotics task forces to build new and strengthen existing 102658
partnerships with local law enforcement. 102659

Of the foregoing appropriation item 761403, Recovery Ohio Law 102660

Enforcement, up to \$600,000 in each fiscal year may be used to 102661
partner with the Office of Information Technology in the 102662
Department of Administrative Services to develop, enhance, and 102663
maintain a uniform records management and data intelligence system 102664
for narcotics task forces. 102665

OHIO TASK FORCE ONE 102666

The foregoing appropriation item 763512, Ohio Task Force One, 102667
shall be distributed to the Ohio Task Force One - Urban Search and 102668
Rescue Unit for the purpose of paying for its operating expenses 102669
and developing new programs. 102670

JUSTICE PROGRAM SERVICES 102671

Of the foregoing appropriation item 768425, Justice Program 102672
Services, up to \$1,000,000 in each fiscal year shall be used by 102673
the Department of Public Safety to distribute grants to state 102674
and/or local law enforcement to conduct investigations on sexual 102675
assault kit testing results and related expenses. 102676

YOUTHFUL DRIVER SAFETY 102677

The foregoing appropriation item 769407, Youthful Driver 102678
Safety, shall be used to enhance driver training for a statewide 102679
youthful driver safety program. The program will use best 102680
practices and technology to focus on behind-the-wheel driver 102681
training for drivers aged sixteen to twenty-four in order to 102682
reduce the number of at-fault youthful fatal car crashes. 102683

SCHOOL SAFETY 102684

The foregoing appropriation item 769501, School Safety, shall 102685
be used by the Department of Public Safety to pay for the costs of 102686
the Ohio Homeland Security Safer Schools Tipline, promotional 102687
materials to enhance awareness of the Tipline, and analytic tools 102688
to proactively alert local officials to school security threats. 102689

LOCAL DISASTER ASSISTANCE 102690

Appropriation item 763511, Local Disaster Assistance, shall 102691
be used to assist eligible local governments in meeting the match 102692
requirement necessary to utilize federal disaster assistance funds 102693
released as a result of the Major Disaster Declaration issued by 102694
the President of the United States on April 17, 2018. 102695

An amount equal to the unexpended, unencumbered balance of 102696
appropriation item 763511, Local Disaster Assistance, at the end 102697
of fiscal year 2019 is hereby reappropriated for the same purpose 102698
for fiscal year 2020. 102699

An amount equal to the unexpended, unencumbered balance of 102700
appropriation item 763511, Local Disaster Assistance, at the end 102701
of fiscal year 2020 is hereby reappropriated for the same purpose 102702
for fiscal year 2021. 102703

STATE DISASTER RELIEF 102704

The State Disaster Relief Fund (Fund 5330) may accept 102705
transfers of cash or appropriations from Controlling Board 102706
appropriation items for the Ohio Emergency Management Agency 102707
disaster response costs and disaster program management costs, and 102708
may also be used for the following purposes: 102709

(A) To accept transfers of cash or appropriations from 102710
Controlling Board appropriation items for Ohio Emergency 102711
Management Agency public assistance and mitigation program match 102712
costs to reimburse eligible local governments and private 102713
nonprofit organizations for costs related to disasters; 102714

(B) To accept transfers of cash to reimburse the costs 102715
associated with Emergency Management Assistance Compact (EMAC) 102716
deployments; 102717

(C) To accept disaster related reimbursement from federal, 102718
state, and local governments. The Director of Budget and 102719
Management may transfer cash from reimbursements received by this 102720
fund to other funds of the state from which transfers were 102721

originally approved by the Controlling Board. 102722

(D) To accept transfers of cash or appropriations from 102723
Controlling Board appropriation items to fund the State Disaster 102724
Relief Program, for disasters that qualify for the program by 102725
written authorization of the Governor, and the State Individual 102726
Assistance Program for disasters that have been declared by the 102727
federal Small Business Administration and that qualify for the 102728
program by written authorization from the Governor. The Ohio 102729
Emergency Management Agency shall publish and make available 102730
application packets outlining procedures for the State Disaster 102731
Relief Program and the State Individual Assistance Program. 102732

Section 373.30. TRANSFER FROM STATE FIRE MARSHAL FUND TO 102733
EMERGENCY MANAGEMENT AGENCY SERVICE AND REIMBURSEMENT FUND 102734

On July 1 of each fiscal year, or as soon as possible 102735
thereafter, the Director of Budget and Management shall transfer 102736
\$200,000 cash from the State Fire Marshall Fund (Fund 5460) to the 102737
Emergency Management Agency Service and Reimbursement Fund (Fund 102738
4V30) to be distributed to the Ohio Task Force One - Urban Search 102739
and Rescue Unit, other similar urban search and rescue units 102740
around the state, and for maintenance of the statewide fire 102741
emergency response plan by an entity recognized by the Ohio 102742
Emergency Management Agency. 102743

DRUG LAW ENFORCEMENT FUND 102744

Notwithstanding division (D) of section 5502.68 of the 102745
Revised Code, in each of fiscal years 2020 and 2021, the 102746
cumulative amount of funding provided to any single drug task 102747
force out of the Drug Law Enforcement Fund (Fund 5ET0) may not 102748
exceed \$500,000 in any calendar year. 102749

COMMUNITY POLICE RELATIONS 102750

The foregoing appropriation item 768621, Community Police 102751

Relations, shall be used to implement key recommendations of the 102752
Ohio Task Force on Community-Police Relations, including a public 102753
awareness campaign, and state-provided assistance with 102754
policy-making and manuals. 102755

SARA TITLE III HAZMAT PLANNING 102756

The SARA Title III Hazmat Planning Fund (Fund 6810) is 102757
entitled to receive grant funds from the Emergency Response 102758
Commission to implement the Emergency Management Agency's 102759
responsibilities under Chapter 3750. of the Revised Code. 102760

SECURITY GRANTS 102761

(A) The foregoing appropriation items 763513, Security 102762
Grants, and 763603, Security Grants, shall be used to make 102763
competitive grants of up to \$100,000 to nonprofit organizations 102764
for eligible security improvements that assist the organization in 102765
preventing, preparing for, or responding to acts of terrorism. 102766

(B) The Emergency Management Agency shall administer and 102767
award the grants. The Agency shall establish procedures and forms 102768
by which applicants may apply for a grant, a competitive process 102769
for ranking applicants and awarding the grants, and procedures for 102770
distributing grants to recipients. The procedures shall require 102771
each applicant to do all of the following: 102772

(1) Identify and substantiate prior threats or attacks by a 102773
terrorist organization, network, or cell against the nonprofit 102774
organization; 102775

(2) Indicate the symbolic or strategic value of one or more 102776
sites that renders the site a possible target of terrorism; 102777

(3) Discuss potential consequences to the organization if the 102778
site is damaged, destroyed, or disrupted by a terrorist; 102779

(4) Describe how the grant will be used to integrate 102780
organizational preparedness with broader state and local 102781

preparedness efforts; 102782

(5) Submit a vulnerability assessment conducted by 102783
experienced security, law enforcement, or military personnel and a 102784
description of how the grant will be used to address the 102785
vulnerabilities identified in the assessment. 102786

The Agency shall consider all of the above factors in 102787
evaluating grant applications. 102788

(C) Any grant submission described in division (I) of section 102789
3313.536 of the Revised Code or section 149.433 of the Revised 102790
Code is not a public record under section 149.43 of the Revised 102791
Code and is not subject to mandatory release or disclosure under 102792
that section. 102793

(D) The Emergency Management Agency may use up to two and 102794
one-half per cent of the total amount appropriated to administer 102795
the program, a portion of which may be used to pay costs incurred 102796
by the Department of Public Safety to provide security-related or 102797
specialized assistance in reviewing vulnerability assessments and 102798
prioritizing grant applications. 102799

(E) As used in this section: 102800

(1) "Eligible security improvements" means any of the 102801
following: 102802

(a) Physical security enhancement equipment or inspection and 102803
screening equipment included on the Authorized Equipment List 102804
published by the United States Department of Homeland Security; 102805

(b) Attendance fees and associated materials, supplies, and 102806
equipment costs for security-related training courses and programs 102807
regarding the protection of critical infrastructure and key 102808
resources, physical and cyber security, target hardening, or 102809
terrorism awareness or preparedness. Personnel and travel costs 102810
associated with training shall not be considered an eligible 102811

expense of the grant. 102812

(2) "Nonprofit organization" means a corporation, 102813
association, group, institution, society, or other organization 102814
that is exempt from federal income taxation under section 102815
501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 102816
26 U.S.C. 501(c)(3), as amended. 102817

(F) An amount equal to the unexpended, unencumbered balance 102818
of the foregoing appropriation item 763603, Security Grants, at 102819
the end of fiscal year 2020 is hereby reappropriated for the same 102820
purpose in fiscal year 2021. 102821

Section 375.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO 102822

Dedicated Purpose Fund Group 102823

4A30	870614	Grade Crossing	\$	1,196,662	\$	1,200,000	102824
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Protection

Devices-State

4L80	870617	Pipeline Safety-State	\$	346,253	\$	346,253	102825
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5610	870606	Power Siting Board	\$	1,095,185	\$	1,095,185	102826
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5F60	870622	Utility and Railroad	\$	34,582,560	\$	35,415,760	102827
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Regulation

5F60	870624	NARUC/NRRI Subsidy	\$	85,000	\$	85,000	102828
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5LT0	870640	Intrastate	\$	195,000	\$	195,000	102829
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Registration

5LT0	870641	Unified Carrier	\$	450,000	\$	450,000	102830
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Registration

5LT0	870643	Non-hazardous	\$	299,942	\$	299,942	102831
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Materials Civil

Forfeiture

5LT0	870644	Hazardous Materials	\$	800,000	\$	800,000	102832
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Civil Forfeiture

5LT0	870645	Motor Carrier	\$	4,681,427	\$	4,719,696	102833
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Enforcement

5Q50	870626	Telecommunications Relay Service	\$	3,000,000	\$	3,000,000	102834
5QR0	870646	Underground Facilities Protection	\$	50,000	\$	50,000	102835
5QS0	870647	Underground Facilities Administration	\$	316,000	\$	316,000	102836
TOTAL DPF		Dedicated Purpose Fund Group	\$	47,098,029	\$	47,972,836	102837
Federal Fund		Group					102838
3330	870601	Gas Pipeline Safety	\$	1,397,959	\$	1,397,959	102839
3500	870608	Motor Carrier Safety	\$	10,058,083	\$	10,058,083	102840
3500	870648	Motor Carrier Administration High Priority Activities Grants and Cooperative Agreements	\$	450,000	\$	450,000	102841
3V30	870604	Commercial Vehicle Information Systems/Networks	\$	100,000	\$	100,000	102842
TOTAL FED		Federal Fund Group	\$	12,006,042	\$	12,006,042	102843
TOTAL ALL BUDGET		FUND GROUPS	\$	59,104,071	\$	59,978,878	102844
Section 377.10. PWC PUBLIC WORKS COMMISSION							102846
General Revenue Fund							102847
GRF	150904	Conservation General Obligation Bond Debt Service	\$	44,218,800	\$	44,394,800	102848
GRF	150907	Infrastructure Improvement General Obligation Bond Debt Service	\$	229,338,800	\$	231,754,500	102849

TOTAL GRF General Revenue Fund	\$	273,557,600	\$	276,149,300	102850
Capital Projects Fund Group					102851
7038 150321 State Capital	\$	1,085,834	\$	895,864	102852
Improvements Program					
- Operating Expenses					
7056 150403 Clean Ohio	\$	364,345	\$	301,022	102853
Conservation					
Operating					
TOTAL CPF Capital Projects Fund	\$	1,450,179	\$	1,196,886	102854
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	275,007,779	\$	277,346,186	102855

Section 377.20. CONSERVATION GENERAL OBLIGATION BOND DEBT 102857

SERVICE 102858

The foregoing appropriation item 150904, Conservation General 102859
Obligation Bond Debt Service, shall be used to pay all debt 102860
service and related financing costs during the period from July 1, 102861
2019, through June 30, 2021, on obligations issued under sections 102862
151.01 and 151.09 of the Revised Code. 102863

INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT 102864

SERVICE 102865

The foregoing appropriation item 150907, Infrastructure 102866
Improvement General Obligation Bond Debt Service, shall be used to 102867
pay all debt service and related financing costs during the period 102868
from July 1, 2019, through June 30, 2021, on obligations issued 102869
under sections 151.01 and 151.08 of the Revised Code. 102870

STATE CAPITAL IMPROVEMENTS PROGRAM - OPERATING EXPENSES 102871

The foregoing appropriation item 150321, State Capital 102872
Improvements Program - Operating Expenses, shall be used by the 102873
Ohio Public Works Commission to administer the State Capital 102874
Improvement Program under sections 164.01 to 164.16 of the Revised 102875

Code.	102876
CLEAN OHIO CONSERVATION OPERATING	102877
The foregoing appropriation item 150403, Clean Ohio	102878
Conservation Operating, shall be used by the Ohio Public Works	102879
Commission in administering Clean Ohio Conservation Fund (Fund	102880
7056) projects pursuant to sections 164.20 to 164.27 of the	102881
Revised Code.	102882
DISTRICT ADMINISTRATION COSTS	102883
The Director of the Public Works Commission is authorized to	102884
create a District Administration Costs Program from proceeds of	102885
the Capital Improvements Fund and Local Transportation Improvement	102886
Program Fund. The program shall be used to provide for the direct	102887
costs of district administration of the nineteen public works	102888
districts. Districts choosing to participate in the program shall	102889
only expend State Capital Improvements Fund moneys for State	102890
Capital Improvements Fund costs and Local Transportation	102891
Improvement Program Fund moneys for Local Transportation	102892
Improvement Program Fund costs. The District Administration Costs	102893
Program account shall not exceed \$1,235,000 per fiscal year. Each	102894
public works district may be eligible for up to \$65,000 per fiscal	102895
year from its district allocation as provided in sections 164.08	102896
and 164.14 of the Revised Code.	102897
The Director, by rule, shall define allowable and	102898
nonallowable costs for the purpose of the District Administration	102899
Costs Program. Nonallowable costs include indirect costs, elected	102900
official salaries and benefits, and project-specific costs. No	102901
district public works committee may participate in the District	102902
Administration Costs Program without the approval of those costs	102903
by the district public works committee under section 164.04 of the	102904
Revised Code.	102905
NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS	102906

The Director of the Public Works Commission is authorized to 102907
create a District Administration Costs Program for districts 102908
represented by natural resource assistance councils. This program 102909
shall be funded from proceeds of the Clean Ohio Conservation Fund. 102910
The program shall be used by natural resource assistance councils 102911
in order to provide for administration costs of the nineteen 102912
natural resource assistance councils for the direct costs of 102913
council administration. Councils choosing to participate in this 102914
program may be eligible for up to \$15,000 per fiscal year from its 102915
district allocation as provided in section 164.27 of the Revised 102916
Code. 102917

The Director shall define allowable and nonallowable costs 102918
for the purpose of the District Administration Costs Program. 102919
Nonallowable costs include indirect costs, elected official 102920
salaries and benefits, and project-specific costs. 102921

Section 379.10. RAC STATE RACING COMMISSION 102922

Dedicated Purpose Fund Group 102923

5620	875601	Thoroughbred	\$	1,400,000	\$	1,400,000	102924
		Development					

5630	875602	Standardbred	\$	1,550,000	\$	1,550,000	102925
		Development					

5650	875604	Racing Commission	\$	4,034,320	\$	4,070,948	102926
		Operating					

5JK0	875610	Horse Racing	\$	8,512,095	\$	8,512,095	102927
		Development-Casino					

5NL0	875611	Revenue	\$	8,000,000	\$	8,000,000	102928
		Redistribution					

TOTAL	DPF	Dedicated Purpose Fund	\$	23,496,415	\$	23,533,043	102929
		Group					

Fiduciary Fund Group 102930

5C40	875607	Simulcast Horse	\$	7,000,000	\$	7,000,000	102931
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GRF 235492	Campus Safety and Training	\$	750,000	\$	750,000	102951
GRF 235501	State Share of Instruction	\$	1,999,210,715	\$	2,019,202,822	102952
GRF 235504	War Orphans and Severely Disabled Veterans' Children Scholarships	\$	11,163,333	\$	12,502,933	102953
GRF 235507	OhioLINK	\$	6,024,682	\$	6,024,682	102954
GRF 235508	Air Force Institute of Technology	\$	1,566,723	\$	1,566,723	102955
GRF 235510	Ohio Supercomputer Center	\$	4,388,513	\$	4,388,513	102956
GRF 235511	Cooperative Extension Service	\$	24,110,186	\$	24,110,186	102957
GRF 235514	Central State Supplement	\$	11,685,516	\$	11,685,516	102958
GRF 235515	Case Western Reserve University School of Medicine	\$	2,038,940	\$	2,038,940	102959
GRF 235519	Family Practice	\$	3,007,876	\$	3,007,876	102960
GRF 235520	Shawnee State Supplement	\$	3,537,456	\$	3,537,456	102961
GRF 235525	Geriatric Medicine	\$	496,043	\$	496,043	102962
GRF 235526	Primary Care Residencies	\$	1,425,000	\$	1,425,000	102963
GRF 235533	Program and Project Support	\$	953,000	\$	453,000	102964
GRF 235535	Ohio Agricultural Research and Development Center	\$	36,361,470	\$	36,361,470	102965
GRF 235536	The Ohio State University Clinical	\$	9,185,494	\$	9,185,494	102966

	Teaching					
GRF 235537	University of Cincinnati Clinical Teaching	\$	7,554,944	\$	7,554,944	102967
GRF 235538	University of Toledo Clinical Teaching	\$	5,888,670	\$	5,888,670	102968
GRF 235539	Wright State University Clinical Teaching	\$	2,860,830	\$	2,860,830	102969
GRF 235540	Ohio University Clinical Teaching	\$	2,765,651	\$	2,765,651	102970
GRF 235541	Northeast Ohio Medical University Clinical Teaching	\$	2,844,469	\$	2,844,469	102971
GRF 235546	Central State Agricultural Research and Development	\$	3,492,485	\$	3,492,485	102972
GRF 235548	Central State Cooperative Extension Services	\$	3,004,367	\$	3,004,367	102973
GRF 235552	Capital Component	\$	1,584,491	\$	1,584,491	102974
GRF 235555	Library Depositories	\$	1,396,592	\$	1,396,592	102975
GRF 235556	Ohio Academic Resources Network	\$	3,077,343	\$	3,077,343	102976
GRF 235558	Long-term Care Research	\$	309,035	\$	309,035	102977
GRF 235563	Ohio College Opportunity Grant	\$	119,260,500	\$	145,200,000	102978
GRF 235572	The Ohio State University Clinic Support	\$	728,206	\$	728,206	102979
GRF 235591	Co-Op Internship Program	\$	1,287,500	\$	1,487,500	102980

GRF 235597	High School STEM Innovation and Ohio College Scholarship and Retention Program	\$ 1,000,000	\$ 1,000,000	102981
GRF 235598	Rural University Program	\$ 500,000	\$ 500,000	102982
GRF 235599	National Guard Scholarship Program	\$ 20,604,000	\$ 21,222,120	102983
GRF 235909	Higher Education General Obligation Bond Debt Service	\$ 323,545,500	\$ 348,550,200	102984
TOTAL GRF	General Revenue Fund	\$ 2,691,794,353	\$ 2,779,958,186	102985
	Dedicated Purpose Fund Group			102986
2200 235614	Program Approval and Reauthorization	\$ 800,485	\$ 744,562	102987
4560 235603	Sales and Services	\$ 199,250	\$ 199,250	102988
4E80 235602	Higher Educational Facility Commission Administration	\$ 53,239	\$ 60,000	102989
5D40 235675	Conference/Special Purposes	\$ 1,000,000	\$ 1,000,000	102990
5FR0 235650	State and Non-Federal Grants and Award	\$ 1,402,150	\$ 1,402,150	102991
5JC0 235654	Federal Research Network	\$ 4,450,000	\$ 4,450,000	102992
5NH0 235529	Jobs Challenge	\$ 5,000,000	\$ 5,000,000	102993
5NH0 235684	OhioMeansJobs Workforce Development Revolving Loan Program	\$ 245,163	\$ 250,000	102994
5P30 235663	Variable Savings Plan	\$ 7,743,050	\$ 7,915,343	102995
5VQ0 235671	Textbook and Instructional	\$ 3,000,000	\$ 3,000,000	102996

		Materials Grants					
6450	235664	Guaranteed Savings	\$	956,973	\$	1,001,626	102997
		Plan					
6820	235606	Nursing Loan Program	\$	889,611	\$	891,320	102998
TOTAL	DPF	Dedicated Purpose Fund	\$	25,739,921	\$	25,914,251	102999
		Group					
		Bond Research and Development Fund Group					103000
7011	235634	Research Incentive	\$	6,500,000	\$	6,500,000	103001
		Third Frontier					
7014	235639	Research Incentive	\$	1,500,000	\$	1,500,000	103002
		Third Frontier - Tax					
TOTAL	BRD	Bond Research and	\$	8,000,000	\$	8,000,000	103003
		Development Fund Group					
		Federal Fund Group					103004
3120	235611	Gear-up Grant	\$	1,995,808	\$	2,000,000	103005
3120	235612	Carl D. Perkins	\$	1,332,315	\$	1,350,000	103006
		Grant/Plan					
		Administration					
3120	235641	Adult Basic and	\$	17,579,996	\$	17,600,000	103007
		Literacy Education -					
		Federal					
3BG0	235651	Gear Up Grant	\$	1,750,000	\$	1,750,000	103008
		Scholarships					
3H20	235608	Human Services	\$	375,000	\$	375,000	103009
		Project					
3N60	235658	John R. Justice	\$	70,000	\$	70,000	103010
		Student Loan					
		Repayment Program					
TOTAL	FED	Federal Fund Group	\$	23,103,119	\$	23,145,000	103011
TOTAL	ALL	BUDGET FUND GROUPS	\$	2,748,637,393	\$	2,837,017,437	103012

Section 381.20. SEA GRANTS

103014

The foregoing appropriation item 235402, Sea Grants, shall be used to match federal dollars and leverage additional support by The Ohio State University's Sea Grant program, including Stone Laboratory, for research, education, and outreach to enhance the economic value, public utilization, and responsible management of Lake Erie and Ohio's coastal resources.

Section 381.30. ARTICULATION AND TRANSFER

The foregoing appropriation item 235406, Articulation and Transfer, shall be used by the Chancellor of Higher Education to maintain and expand the work of the Articulation and Transfer Council to develop a system of transfer policies to ensure that students at state institutions of higher education can transfer and have coursework apply to their majors and degrees at any other state institution of higher education without unnecessary duplication or institutional barriers under sections 3333.16, 3333.161, and 3333.162 of the Revised Code.

Section 381.40. MIDWEST HIGHER EDUCATION COMPACT

The foregoing appropriation item 235408, Midwest Higher Education Compact, shall be distributed by the Chancellor of Higher Education under section 3333.40 of the Revised Code.

Section 381.50. GRANTS AND SCHOLARSHIP ADMINISTRATION

The foregoing appropriation item 235414, Grants and Scholarship Administration, shall be used by the Chancellor of Higher Education to manage and administer student financial aid programs created by the General Assembly and grants for which the Department of Higher Education is responsible. The appropriation item also shall be used to support all state financial aid audits and student financial aid programs created by Congress, and to provide fiscal and administrative services for the Ohio National

Guard Scholarship Program. 103044

Section 381.60. TECHNOLOGY MAINTENANCE AND OPERATIONS 103045

The foregoing appropriation item 235417, Technology 103046
Maintenance and Operations, shall be used by the Chancellor of 103047
Higher Education to support the development and implementation of 103048
information technology solutions designed to improve the 103049
performance and capacity of the Department of Higher Education. 103050
The information technology solutions may be provided by the Ohio 103051
Technology Consortium (OH-TECH). 103052

Of the foregoing appropriation item 235417, Technology 103053
Maintenance and Operations, a portion in each fiscal year may be 103054
used by the Chancellor to support the continued implementation of 103055
eStudent Services, a consortium organized under division (T) of 103056
section 3333.04 of the Revised Code to expand access to dual 103057
enrollment opportunities for high school students, as well as 103058
adult and higher education opportunities through technology. The 103059
funds shall be used by eStudent Services to develop and promote 103060
learning and assessment through the use of technology, to test and 103061
provide advice on emerging learning-directed technologies, to 103062
facilitate cost-effectiveness through shared educational 103063
technology investments, and for any other priorities of the 103064
Chancellor of Higher Education. 103065

Of the foregoing appropriation item 235417, Technology 103066
Maintenance and Operations, a portion in each fiscal year shall be 103067
used by the Chancellor to implement a high priority data 103068
warehouse, advanced analytics, and visualization integration 103069
services associated with the Higher Education Information (HEI) 103070
system. The services may be facilitated by OH-TECH. 103071

Of the foregoing appropriation item 235417, Technology 103072
Maintenance and Operations, \$150,000 in each fiscal year shall be 103073
used to support Ohio Reach to provide mentoring and support 103074

services to former foster youth attending college. 103075

Section 381.70. APPALACHIAN NEW ECONOMY WORKFORCE PARTNERSHIP 103076

The foregoing appropriation item 235428, Appalachian New 103077
Economy Workforce Partnership, shall be distributed to Ohio 103078
University to continue a multi-campus and multi-agency coordinated 103079
effort to link Appalachia to the new economy. Ohio University 103080
shall use these funds to provide leadership in the development and 103081
implementation of initiatives in the areas of entrepreneurship, 103082
management, education, and technology. 103083

Section 381.80. CHOOSE OHIO FIRST SCHOLARSHIP 103084

The foregoing appropriation item 235438, Choose Ohio First 103085
Scholarship, shall be used to operate the program prescribed in 103086
sections 3333.60 to 3333.69 of the Revised Code. 103087

During each fiscal year, the Chancellor of Higher Education, 103088
as soon as possible after cancellation, may certify to the 103089
Director of Budget and Management the amount of canceled 103090
prior-year encumbrances in appropriation item 235438, Choose Ohio 103091
First Scholarship. Upon receipt of the certification, the Director 103092
of Budget and Management may transfer cash, up to the certified 103093
amount, from the General Revenue Fund to the Choose Ohio First 103094
Scholarship Reserve Fund (Fund 5PV0). 103095

Section 381.90. ADULT BASIC AND LITERACY EDUCATION 103096

The foregoing appropriation item 235443, Adult Basic and 103097
Literacy Education - State, shall be used to support the adult 103098
basic and literacy education instructional grant program and state 103099
leadership program. The supported programs shall satisfy the state 103100
match and maintenance of effort requirements for the 103101
state-administered grant program. 103102

Section 381.100. OHIO TECHNICAL CENTERS FUNDING 103103

The foregoing appropriation item 235444, Ohio Technical 103104
Centers, shall be used by the Chancellor of Higher Education to 103105
support post-secondary adult career-technical education. The 103106
Chancellor shall provide coordination for Ohio Technical Centers 103107
through program approval processes, data collection of program and 103108
student outcomes, and subsidy disbursements from the foregoing 103109
appropriation item 235444, Ohio Technical Centers. 103110

(A)(1) As soon as possible in each fiscal year, in accordance 103111
with instructions of the Chancellor, each Ohio Technical Center 103112
shall report its actual data, consistent with the definitions in 103113
the Higher Education Information (HEI) system's files, to the 103114
Chancellor. 103115

(a) In defining the number of full-time equivalent students 103116
for state subsidy purposes, the Chancellor shall exclude all 103117
students who are not residents of Ohio. 103118

(b) A full-time equivalent student shall be defined as a 103119
student who completes 450 hours. Those students that complete some 103120
portion of 450 hours shall be counted as a partial full-time 103121
equivalent for funding purposes, while students that complete more 103122
than 450 hours shall be counted as proportionally greater than one 103123
full-time equivalent. 103124

(c) In calculating each Ohio Technical Center's full-time 103125
equivalent students, the Chancellor shall use a three-year 103126
average. 103127

(d) After June 30, 2019, Ohio Technical Centers shall operate 103128
with, or be an active candidate for, accreditation by an 103129
accreditor authorized by the United States Department of Education 103130
to be eligible to receive subsidies from the foregoing 103131
appropriation item 235444, Ohio Technical Centers. 103132

(2) In each fiscal year, twenty-five per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who complete a post-secondary technical workforce training program approved by the Chancellor with a grade of C or better or a grade of pass if the program is evaluated on a pass/fail basis.

(3) In each fiscal year, twenty per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who complete 50 per cent of a program of study as a measure of student retention.

(4) In each fiscal year, fifty per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who have found employment, entered military service, or enrolled in additional post-secondary education and training in accordance with the placement definitions of the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins). The calculation for eligible full-time equivalent students shall be based on the per cent of Perkins placements for students who have completed at least 50 per cent of a program of study.

(5) In each fiscal year, five per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who have earned a credential from an industry-recognized third party.

(B) Of the foregoing appropriation item 235444, Ohio Technical Centers, up to 2.38 per cent in each fiscal year may be distributed by the Chancellor to the Ohio Central School System, up to \$48,000 in each fiscal year may be utilized for assistance

for Ohio Technical Centers, and up to \$3,000,000 in each fiscal year may be distributed by the Chancellor to Ohio Technical Centers that provide business consultation with matching local dollars, with preference to industries on the in-demand jobs list created under section 6301.11 of the Revised Code or in regionally emerging fields. Each center meeting this requirement shall receive at least \$25,000 but not more than a maximum amount determined by the Chancellor.

(C) The remainder of the foregoing appropriation item 235444, Ohio Technical Centers, in each fiscal year shall be distributed in accordance with division (A) of this section.

(D) PHASE-IN OF PERFORMANCE FUNDING FOR OHIO TECHNICAL CENTERS

(1) In fiscal year 2020, no Ohio Technical Center shall receive performance funding calculated under division (A) of this section, excluding funding for third party credentials calculated under division (A)(5) of this section, that is less than 75 per cent of the average allocation the Center received, excluding funding for third party credentials, in the three prior fiscal years.

In fiscal year 2021, no Ohio Technical Center shall receive performance funding calculated under division (A) of this section, excluding funding for third party credentials calculated under division (A)(5) of this section, that is less than 65 per cent of the average allocation the Center received, excluding funding for third party credentials, in the three prior fiscal years.

(2) In order to ensure that no Center receives less than the amounts identified for each fiscal year in accordance with division (D)(1) of this section, funds shall be made available to support the phase-in allocation by proportionally reducing formula earnings from each Center not receiving phase-in funding.

Section 381.110. AREA HEALTH EDUCATION CENTERS PROGRAM 103196
SUPPORT 103197

The foregoing appropriation item 235474, Area Health 103198
Education Centers Program Support, shall be used by the Chancellor 103199
of Higher Education to support the medical school regional area 103200
health education centers' educational programs for the continued 103201
support of medical and other health professions education and for 103202
support of the Area Health Education Center Program. 103203

Section 381.120. CAMPUS SAFETY AND TRAINING 103204

The foregoing appropriation item 235492, Campus Safety and 103205
Training, shall be used by the Chancellor of Higher Education for 103206
the purpose of developing model best practices for preventing and 103207
responding to sexual violence on campus. The Chancellor, in 103208
consultation with state institutions of higher education as 103209
defined in section 3345.011 of the Revised Code and private 103210
nonprofit institutions of higher education holding certificates of 103211
authorization under Chapter 1713. of the Revised Code, shall 103212
continue to develop model best practices in line with emerging 103213
trends, research, and evidence-based training for preventing and 103214
responding to sexual violence and protecting students and staff 103215
who are victims of sexual violence on campus. The Chancellor shall 103216
convene state institutions of higher education and private 103217
nonprofit institutions of higher education in the training and 103218
implementation of best practices regarding campus sexual violence. 103219

Section 381.140. STATE SHARE OF INSTRUCTION FORMULAS 103220

The Chancellor of Higher Education shall establish procedures 103221
to allocate the foregoing appropriation item 235501, State Share 103222
of Instruction, based on the formulas detailed in this section 103223
that utilize the enrollment, course completion, degree attainment, 103224
and student achievement factors reported annually by each state 103225

institution of higher education participating in the Higher Education Information (HEI) system. 103226
103227

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE COMPLETIONS 103228
103229

(1) As soon as possible during each fiscal year of the biennium ending June 30, 2021, in accordance with instructions of the Department of Higher Education, each state institution of higher education shall report its actual data, consistent with the definitions in the Higher Education Information (HEI) system's enrollment files, to the Chancellor of Higher Education. 103230
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(2) In defining the number of full-time equivalent students for state subsidy instructional cost purposes, the Chancellor shall exclude all undergraduate students who are not residents of Ohio or who do not meet the definition of residency for state subsidy and tuition surcharge purposes, except those charged in-state fees in accordance with reciprocity agreements made under section 3333.17 of the Revised Code or employer contracts entered into under section 3333.32 of the Revised Code. 103236
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(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 103244

For purposes of calculating state share of instruction allocations, the total instructional costs per full-time equivalent student shall be: 103245
103246
103247

Model	Fiscal Year 2020	Fiscal Year 2021	
ARTS AND HUMANITIES 1	\$9,115	\$9,285	103248 103249
ARTS AND HUMANITIES 2	\$12,986	\$13,227	103250
ARTS AND HUMANITIES 3	\$16,155	\$16,455	103251
ARTS AND HUMANITIES 4	\$24,740	\$25,200	103252
ARTS AND HUMANITIES 5	\$41,648	\$42,421	103253
ARTS AND HUMANITIES 6	\$41,449	\$42,219	103254
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$8,820	\$8,984	103255

BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$9,681	\$9,861	103256
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$12,351	\$12,580	103257
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	\$14,388	\$14,655	103258
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	\$22,995	\$23,422	103259
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	\$24,140	\$24,588	103260
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	\$36,758	\$37,440	103261
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	\$8,441	\$8,598	103262
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	\$11,326	\$11,536	103263
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	\$13,054	\$13,296	103264
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	\$15,314	\$15,599	103265
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	\$19,665	\$20,030	103266
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	\$20,452	\$20,832	103267
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	\$24,577	\$25,033	103268

SCIENCE, TECHNOLOGY, \$39,870 \$40,610 103269
ENGINEERING, MATHEMATICS,
MEDICINE 8

SCIENCE, TECHNOLOGY, \$56,741 \$57,795 103270
ENGINEERING, MATHEMATICS,
MEDICINE 9

Doctoral I and Doctoral II models shall be allocated in 103271
accordance with division (D)(2) of this section. 103272

Medical I and Medical II models shall be allocated in 103273
accordance with divisions (D)(3) and (D)(4) of this section. 103274

(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, 103275
AND GRADUATE WEIGHTS 103276

For the purpose of implementing the recommendations of the 103277
2006 State Share of Instruction Consultation and the Higher 103278
Education Funding Study Council that priority be given to 103279
maintaining state support for science, technology, engineering, 103280
mathematics, medicine, and graduate programs, the costs in 103281
division (B) of this section shall be weighted by the amounts 103282
provided below: 103283

Model	Fiscal Year 2020	Fiscal Year 2021	
ARTS AND HUMANITIES 1	1.0000	1.0000	103285
ARTS AND HUMANITIES 2	1.0000	1.0000	103286
ARTS AND HUMANITIES 3	1.0000	1.0000	103287
ARTS AND HUMANITIES 4	1.0000	1.0000	103288
ARTS AND HUMANITIES 5	1.0425	1.0425	103289
ARTS AND HUMANITIES 6	1.0425	1.0425	103290
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000	103291
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000	103292
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000	103293

BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0000	1.0000	103294
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.0425	1.0425	103295
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.0425	1.0425	103296
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.0425	1.0425	103297
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0000	1.0000	103298
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.0017	1.0017	103299
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.6150	1.6150	103300
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.6920	1.6920	103301
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	1.4222	1.4222	103302
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	1.8798	1.8798	103303
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	1.4380	1.4380	103304
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	1.5675	1.5675	103305
SCIENCE, TECHNOLOGY,	1.1361	1.1361	103306

ENGINEERING, MATHEMATICS,
MEDICINE 9

(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 103307
ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES 103308

(1) Of the foregoing appropriation item 235501, State Share 103309
of Instruction, 50 per cent of the appropriation for universities, 103310
as established in division (A)(2) of the section of this act 103311
entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2020 AND 103312
2021," in each fiscal year shall be reserved for support of 103313
associate, baccalaureate, master's, and professional level degree 103314
attainment. 103315

The degree attainment funding shall be allocated to 103316
universities in proportion to each campus's share of the total 103317
statewide degrees granted, weighted by the cost of the degree 103318
programs. The degree cost calculations shall include the model 103319
cost weights for the science, technology, engineering, 103320
mathematics, and medicine models as established in division (C) of 103321
this section. 103322

For degrees including credits earned at multiple 103323
institutions, degree attainment funding shall be allocated to 103324
universities in proportion to each campus's share of the 103325
student-specific cost of earned credits for the degree. Each 103326
institution shall receive its prorated share of degree funding for 103327
credits earned at that institution. Cost of credits not earned at 103328
a university main or regional campus shall be credited to the 103329
degree-granting institution for the first degree earned by a 103330
student at each degree level. The cost credited to the 103331
degree-granting institution shall not be eligible for at-risk 103332
weights and shall be limited to 12.5 per cent of the 103333
student-specific degree costs. However, the 12.5 per cent 103334
limitation shall not apply if the student transferred 12 or fewer 103335
credits into the degree granting institution. 103336

In calculating the subsidy entitlements for degree attainment 103337
for universities, the Chancellor shall use the following count of 103338
degrees and degree costs: 103339

(a) The subsidy eligible undergraduate degrees shall be 103340
defined as follows: 103341

(i) The subsidy eligible degrees conferred to students 103342
identified as residents of the state of Ohio in any term of their 103343
studies, as reported through the Higher Education Information 103344
(HEI) system student enrollment file, shall be weighted by a 103345
factor of 1. 103346

(ii) The subsidy eligible degrees conferred to students 103347
identified as out-of-state residents during all terms of their 103348
studies, as reported through the Higher Education Information 103349
(HEI) system student enrollment file, who remain in the state of 103350
Ohio at least one year after graduation, as calculated based on 103351
the three-year average in-state residency rate using the 103352
Unemployment Wage data for out-of-state graduates at each 103353
institution, shall be weighted by a factor of 50 per cent. 103354

(iii) Subsidy eligible associate degrees are defined as those 103355
earned by students attending any state-supported university main 103356
or regional campus. 103357

(b) In calculating each campus's count of degrees, the 103358
Chancellor shall use the three-year average associate, 103359
baccalaureate, master's, and professional degrees awarded for the 103360
three-year period ending in the prior year. 103361

(i) If a student is awarded an associate degree and, 103362
subsequently, is awarded a baccalaureate degree, the amount funded 103363
for the baccalaureate degree shall be limited to either the 103364
difference in cost between the cost of the baccalaureate degree 103365
and the cost of the associate degree paid previously, or if the 103366
associate degree has a higher cost than the baccalaureate degree, 103367

the cost of the credits earned by the student after the associate degree was awarded. 103368
103369

(ii) If a student earns an associate degree then, 103370
subsequently, earns a baccalaureate degree, the associate degree 103371
granting institution shall only receive the prorated share of the 103372
baccalaureate degree funding for the credits earned at that 103373
institution after the associate degree is awarded. 103374

(iii) If a student earns more than one degree at the same 103375
institution at the same degree level in the same fiscal year, the 103376
funding for the highest cost degree shall be prorated among 103377
institutions based on where the credits were earned and additional 103378
degrees shall be funded at 25 per cent of the cost of the degrees. 103379

(c) Associate degrees and baccalaureate degrees earned by a 103380
student defined as at-risk based on academic underpreparation, 103381
age, minority status, financial status, or first generation 103382
post-secondary status based on neither parent completing any 103383
education beyond high school, shall be defined as degrees earned 103384
by an at-risk student and shall be weighted by the following: 103385

A student-specific degree completion weight, where the weight 103386
is calculated based on the at-risk factors of the individual 103387
student, determined by calculating the difference between the 103388
percentage of students with each risk factor who earned a degree 103389
and the percentage of non-at-risk students who earned a degree. 103390

(2) Of the foregoing appropriation item 235501, State Share 103391
of Instruction, up to 11.78 per cent of the appropriation for 103392
universities, as established in division (A)(2) of the section of 103393
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 103394
2020 and 2021," in each fiscal year shall be reserved for support 103395
of doctoral programs to implement the funding recommendations made 103396
by representatives of the universities. The amount so reserved 103397
shall be referred to as the doctoral set-aside. 103398

In each fiscal year, the doctoral set-aside funding 103399
allocation shall be allocated to universities as follows: 103400

(a) 25 per cent of the doctoral set-aside shall be allocated 103401
to universities in proportion to their share of the statewide 103402
total earnings of each state institution's three-year average 103403
course completions. The subsidy eligible enrollments by model 103404
shall equal only those FTE students who successfully complete the 103405
course as defined and reported through the Higher Education 103406
Information (HEI) system course enrollment file. Course completion 103407
earnings shall be determined by multiplying the amounts listed 103408
above in divisions (B) and (C) of this section by the 103409
subsidy-eligible FTEs for the three-year period ending in the 103410
prior year for all doctoral enrollments in graduate-level models. 103411

(b) 50 per cent of the doctoral set-aside shall be allocated 103412
to universities in proportion to each campus's share of the total 103413
statewide doctoral degrees, weighted by the cost of the doctoral 103414
discipline. In calculating each campus's doctoral degrees the 103415
Chancellor shall use the three-year average doctoral degrees 103416
awarded for the three-year period ending in the prior year. 103417

(c) 25 per cent of the doctoral set-aside shall be allocated 103418
to universities in proportion to their share of research grant 103419
activity. Funding for this component shall be allocated to 103420
eligible universities in proportion to their share of research 103421
grant activity published by the National Science Foundation. Grant 103422
awards from the Department of Health and Human Services shall be 103423
weighted at 50 per cent. 103424

(3) Of the foregoing appropriation item 235501, State Share 103425
of Instruction, 6.41 per cent of the appropriation for 103426
universities, as established in division (A)(2) of the section of 103427
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 103428
2020 AND 2021," in each fiscal year shall be reserved for support 103429
of Medical II FTEs. The amount so reserved shall be referred to as 103430

the medical II set-aside. 103431

The medical II set-aside shall be allocated to universities 103432
in proportion to their share of the statewide total of each state 103433
institution's three-year average Medical II FTEs as calculated in 103434
division (A) of this section. 103435

In calculating the core subsidy entitlements for Medical II 103436
models only, students repeating terms may be no more than five per 103437
cent of current year enrollment. 103438

(4) Of the foregoing appropriation item 235501, State Share 103439
of Instruction, 1.48 per cent of the appropriation for 103440
universities, as established in division (A)(2) of the section of 103441
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 103442
2020 AND 2021," in each fiscal year shall be reserved for support 103443
of Medical I FTEs. The amount so reserved shall be referred to as 103444
the medical I set-aside. 103445

The medical I set-aside shall be allocated to universities in 103446
proportion to their share of the statewide total of each state 103447
institution's three-year average Medical I FTEs as calculated in 103448
division (A) of this section. 103449

(5) In calculating the course completion funding for 103450
universities, the Chancellor shall use the following count of FTE 103451
students: 103452

(a) The subsidy eligible enrollments by model shall equal 103453
only those FTE students who successfully complete the course as 103454
defined and reported through the Higher Education Information 103455
(HEI) system course enrollment file; 103456

(b) Those undergraduate FTE students with successful course 103457
completions, identified in division (D)(5)(a) of this section, 103458
that are defined as at-risk based on academic under-preparation or 103459
financial status shall have their eligible completions weighted by 103460
the following: 103461

(i) Institution-specific course completion indexes, where the indexes are calculated based upon the number of at-risk students enrolled during the 2016-2018 academic years; and

(ii) A statewide average at-risk course completion weight determined for each subsidy model. The statewide average at-risk course completion weight shall be determined by calculating the difference between the percentage of traditional students who complete a course and the percentage of at-risk students who complete the same course.

(c) The course completion earnings shall be determined by multiplying the amounts listed above in divisions (B) and (C) of this section by the subsidy-eligible FTEs for the three-year period ending in the prior year for all models except Medical I, Medical II, Doctoral I, and Doctoral II.

(d) For universities, the Chancellor shall compute the course completion earnings by dividing the appropriation for universities, established in division (A)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2020 AND 2021," less the degree attainment funding as calculated in division (D)(1) of this section, less the doctoral set-aside, less the medical I set-aside, and less the medical II set-aside, by the sum of all campuses' instructional costs as calculated in division (D)(5) of this section.

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES

(1) Of the foregoing appropriation item 235501, State Share of Instruction, 50 per cent of the appropriation for state-supported community colleges, state community colleges, and technical colleges as established in division (A)(1) of the section of the act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2020 AND 2021," in each fiscal year shall be reserved for

course completion FTEs as aggregated by the subsidy models defined 103493
in division (B) of this section. 103494

The course completion funding shall be allocated to campuses 103495
in proportion to each campus's share of the total sector's course 103496
completions, weighted by the instructional cost of the subsidy 103497
models. 103498

To calculate the subsidy entitlements for course completions 103499
at community colleges, state community colleges, and technical 103500
colleges, the Chancellor shall use the following calculations: 103501

(a) In calculating each campus's count of FTE course 103502
completions, the Chancellor shall use a three-year average for 103503
course completions for the three year period ending in the prior 103504
year. 103505

(b) The subsidy eligible enrollments by model shall equal 103506
only those FTE students who successfully complete the course as 103507
defined and reported through the Higher Education Information 103508
(HEI) system course enrollment file. 103509

(c) Those students with successful course completions, that 103510
are defined as access students based on financial status, minority 103511
status, age, or academic under-preparation shall have their 103512
eligible course completions weighted by a statewide access weight. 103513
The weight given to any student that meets any access factor shall 103514
be 15 per cent for all course completions. 103515

(d) The model costs as used in the calculation shall be 103516
augmented by the model weights for science, technology, 103517
engineering, mathematics, and medicine models as established in 103518
division (C) of this section. 103519

(2) Of the foregoing appropriation item 235501, State Share 103520
of Instruction, 25 per cent of the appropriation for 103521
state-supported community colleges, state community colleges, and 103522
technical colleges as established in division (A)(1) of the 103523

section of this act entitled "STATE SHARE OF INSTRUCTION FOR 103524
FISCAL YEARS 2020 AND 2021," in each fiscal year shall be reserved 103525
for colleges in proportion to their share of college student 103526
success factors. 103527

Student success factors shall be awarded at the institutional 103528
level for each student that successfully: 103529

(a) Completes a developmental math course and, within the 103530
next year, enrolls in a college-level math course. 103531

(b) Completes a developmental English course and, within the 103532
next year, enrolls in a college-level English course. 103533

(c) Completes 12 semester credit hours of college-level 103534
coursework. 103535

(d) Completes 24 semester credit hours of college-level 103536
coursework. 103537

(e) Completes 36 semester credit hours of college-level 103538
coursework. 103539

(3) Of the foregoing appropriation item 235501, State Share 103540
of Instruction, 25 per cent of the appropriation for 103541
state-supported community colleges, state community colleges, and 103542
technical colleges as established in division (A)(1) of the 103543
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 103544
FISCAL YEARS 2020 AND 2021," in each fiscal year shall be reserved 103545
for completion milestones. 103546

Completion milestones shall include associate degrees, 103547
technical certificates over 30 credit hours as designated by the 103548
Department of Higher Education, and students transferring to any 103549
four-year institution with at least 12 credit hours of 103550
college-level coursework earned at that community college, state 103551
community college, or technical college. 103552

The completion milestone funding shall be allocated to 103553

colleges in proportion to each institution's share of the sector's total completion milestones, weighted by the instructional cost of the associate degree, certificate, or transfer models. Costs for technical certificates over 30 hours shall be weighted at one-half of the associate degree model costs and transfers with at least 12 credit hours of college-level coursework shall be weighted at one-fourth of the average cost for all associate degree model costs.

(4) To calculate the subsidy entitlements for completions at community colleges, state community colleges, and technical colleges, the Chancellor shall use the following calculations:

(a) In calculating each campus's count of completions, the Chancellor shall use a three-year average for completion metrics.

(b) The subsidy eligible completion milestones by model shall equal only those students who successfully complete an associate degree or technical certificate over 30 credit hours, or transfer to any four-year institution with at least 12 credit hours of college-level coursework as defined and reported in the Higher Education Information (HEI) system. Student completions reported in HEI shall have an accompanying course enrollment record in order to be subsidy eligible.

(c) Those students with successful completions for associate degrees, technical certificates over 30 credit hours, or transfer to any four-year institution with at least 12 credit hours of college-level coursework, identified in division (E)(3) of this section, that are defined as access students based on financial status, minority status, age, or academic under-preparation shall have their eligible completions weighted by a statewide access weight. The weight shall be 25 per cent for students with one access factor, 66 per cent for students with two access factors, 150 per cent for students with three access factors, and 200 per cent for students with four access factors.

(d) For those students who complete more than one completion 103586
milestone, funding for each additional associate degree or 103587
technical certificate over 30 credit hours designated as such by 103588
the Department of Higher Education shall be funded at 50 per cent 103589
of the model costs as defined in division (3) of this section. 103590

(F) CAPITAL COMPONENT DEDUCTION 103591

After all other adjustments have been made, state share of 103592
instruction earnings shall be reduced for each campus by the 103593
amount, if any, by which debt service charged in Am. H.B. 748 of 103594
the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General 103595
Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 103596
675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th 103597
General Assembly, Am. Sub. H.B. 699 of the 126th General Assembly, 103598
Am. Sub. H.B. 496 of the 127th General Assembly, and Am. Sub. H.B. 103599
562 of the 127th General Assembly for that campus exceeds that 103600
campus's capital component earnings. The sum of the amounts 103601
deducted shall be transferred to appropriation item 235552, 103602
Capital Component, in each fiscal year. 103603

(G) EXCEPTIONAL CIRCUMSTANCES 103604

Adjustments may be made to the state share of instruction 103605
payments and other subsidies distributed by the Chancellor of 103606
Higher Education to state colleges and universities for 103607
exceptional circumstances. No adjustments for exceptional 103608
circumstances may be made without the recommendation of the 103609
Chancellor and the approval of the Controlling Board. 103610

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 103611
INSTRUCTION 103612

The standard provisions of the state share of instruction 103613
calculation as described in the preceding sections of temporary 103614
law shall apply to any reductions made to appropriation item 103615
235501, State Share of Instruction, before the Chancellor has 103616

formally approved the final allocation of the state share of 103617
instruction funds for any fiscal year. 103618

Any reductions made to appropriation item 235501, State Share 103619
of Instruction, after the Chancellor has formally approved the 103620
final allocation of the state share of instruction funds for any 103621
fiscal year, shall be uniformly applied to each campus in 103622
proportion to its share of the final allocation. 103623

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 103624

The state share of instruction payments to the institutions 103625
shall be in substantially equal monthly amounts during the fiscal 103626
year, unless otherwise determined by the Director of Budget and 103627
Management pursuant to section 126.09 of the Revised Code. 103628
Payments during the first six months of the fiscal year shall be 103629
based upon the state share of instruction appropriation estimates 103630
made for the various institutions of higher education and payments 103631
during the last six months of the fiscal year shall be based on 103632
the final data from the Chancellor. 103633

(J) STUDY ON THE USE OF EMPLOYMENT METRICS FOR THE STATE 103634
SHARE OF INSTRUCTION FORMULAS 103635

The Inter-University Council and Ohio Association of 103636
Community Colleges shall each recommend eight members representing 103637
their institutions to serve on the Employment Metrics 103638
Consultation, which shall assist the Chancellor of Higher 103639
Education to study the most appropriate formula weights for 103640
post-graduation employment measures that may be used in the 103641
distribution to universities and community colleges from the 103642
foregoing appropriation item 235501, State Share of Instruction, 103643
beginning in fiscal year 2022. The Chancellor, or the Chancellor's 103644
designee, shall lead the Consultation and call its first meeting. 103645
The Consultation shall research the most appropriate data sources 103646
available to measure employment outcomes and evaluate the public 103647

policy benefits of adding such measures to the current State Share 103648
of Instruction allocation formulas to reward institutional 103649
performance of job placement. The Consultation shall also identify 103650
and evaluate the most critical factors that should be considered 103651
as possible enhancements to the formula, such as the relevance of 103652
graduates' degrees to job placement, employment in Ohio versus out 103653
of state, placement in high demand fields, and other qualitative 103654
factors. Separate allocation factors may be considered within each 103655
sector's share of the foregoing appropriation item 235501, State 103656
Share of Instruction. The study shall be completed by June 30, 103657
2020. 103658

Section 381.150. STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 103659
2020 AND 2021 103660

(A) The foregoing appropriation item 235501, State Share of 103661
Instruction, shall be distributed according to the section of this 103662
act entitled "STATE SHARE OF INSTRUCTION FORMULAS." 103663

(1) Of the foregoing appropriation item 235501, State Share 103664
of Instruction, \$460,818,566 in fiscal year 2020 and \$465,426,752 103665
in fiscal year 2021 shall be distributed to state-supported 103666
community colleges, state community colleges, and technical 103667
colleges. 103668

(2) Of the foregoing appropriation item 235501, State Share 103669
of Instruction, \$1,538,392,149 in fiscal year 2020 and 103670
\$1,553,776,070 in fiscal year 2021 shall be distributed to 103671
state-supported university main and regional campuses. 103672

Any increases in the amount distributed to an institution 103673
from appropriation item 235501, State Share of Instruction, above 103674
the prior year shall be used by the institution to provide 103675
need-based aid and to provide counseling, support services, and 103676
workforce preparation services to students. 103677

Section 381.160. RESTRICTION ON FEE INCREASES 103678

(A) In fiscal years 2020 and 2021, the boards of trustees of 103679
state institutions of higher education shall restrain increases in 103680
in-state undergraduate instructional and general fees. 103681

(1) For the 2019-2020 and 2020-2021 academic years, all of 103682
the following shall apply: 103683

(a) Each state university or college, as defined in section 103684
3345.12 and university branch established under Chapter 3355. of 103685
the Revised Code shall not increase its in-state undergraduate 103686
instructional and general fees by more than two per cent over what 103687
the institution charged for the previous academic year. 103688

(b) Each community college established under Chapter 3354., 103689
state community college established under Chapter 3358., or 103690
technical college established under Chapter 3357. of the Revised 103691
Code may increase its in-state undergraduate instructional and 103692
general fees by not more than \$5 per credit hour over what the 103693
institution charged for the 2018-2019 academic year. 103694

(c) For state institutions of higher education, as defined in 103695
section 3345.011 of the Revised Code, increases for all other 103696
special fees, including the creation of new special fees, shall be 103697
subject to the approval of the Chancellor of Higher Education. 103698

(2) The limitations under division (A)(1) of this section do 103699
not apply to room and board, student health insurance, fees for 103700
auxiliary goods or services provided to students at the cost 103701
incurred to the institution, fees assessed to students as a 103702
pass-through for licensure and certification examinations, fees in 103703
elective courses associated with travel experiences, elective 103704
service charges, fines, voluntary sales transactions, fees, which 103705
may appear directly on a student's tuition bill as assessed by the 103706
institution's bursar, to offset the cost of providing textbooks to 103707

students, and, subject to approval of the chancellor, fees for 103708
student mental health and substance abuse services. 103709

(B) The limitations under this section shall not apply to 103710
increases required to comply with institutional covenants related 103711
to their obligations or to meet unfunded legal mandates or legally 103712
binding obligations incurred or commitments made prior to the 103713
effective date of this section with respect to which the 103714
institution had identified such fee increases as the source of 103715
funds. Any increase required by such covenants and any such 103716
mandates, obligations, or commitments shall be reported by the 103717
Chancellor of Higher Education to the Controlling Board. These 103718
limitations may also be modified by the Chancellor, with the 103719
approval of the Controlling Board, to respond to exceptional 103720
circumstances as identified by the Chancellor. 103721

(C) Institutions offering an undergraduate tuition guarantee 103722
pursuant to section 3345.48 of the Revised Code may increase 103723
instructional and general fees pursuant to that section. 103724

(D) The Chancellor may establish a differential tuition 103725
program for undergraduate students. If the Chancellor establishes 103726
such a program, eligible institutions may offer the program to 103727
eligible students. The Chancellor shall develop criteria for 103728
participation in the program that may include, but not be limited 103729
to, requirements that revenues generated by the program shall 103730
support student services and need-based financial aid. 103731

Section 381.165. STUDY REGARDING PAST-DUE FEES 103732

(A) As used in this section, "state institution of higher 103733
education" has the same meaning as in section 3345.011 of the 103734
Revised Code. 103735

(B) The Chancellor of Higher Education, in consultation with 103736
state institutions of higher education, shall conduct a study 103737

regarding general and special fees incurred by students that are 103738
past-due and the best practices to collect those fees before they 103739
are certified to the Attorney General for debt collection. In 103740
conducting the study, the Chancellor shall review the June 2017 103741
Report of the Attorney General's Student Debt Advisory Group. The 103742
Chancellor also shall investigate, among other things, all of the 103743
following: 103744

(1) State institutions' obtaining express prior consent from 103745
students to allow institutions, and third parties collecting debts 103746
on behalf of institutions, to contact students using the most 103747
effective forms of communication available; 103748

(2) The adoption of statewide uniform standards for fees and 103749
penalties and certification practices for student debts; 103750

(3) State institutions' notifying students that past-due 103751
debts will be transferred to the Attorney General for debt 103752
collection; 103753

(4) An amnesty program for past-due fees, including the 103754
feasibility of the program, the criteria under which a student may 103755
qualify, and any other program component determined appropriate by 103756
the Chancellor. 103757

(C) Not later than December 31, 2019, the Chancellor, in 103758
consultation with state institutions of higher education, shall 103759
submit a report based on the study to the General Assembly in 103760
accordance with section 101.68 of the Revised Code. The report 103761
shall include recommendations regarding the following: 103762

(1) The best practices to collect past-due general and 103763
special fees before the fees must be certified to the Attorney 103764
General; 103765

(2) Any changes to the Revised Code and the Administrative 103766
Code that may be needed for a uniform statewide policy regarding 103767
the collection of past-due general and special fees. 103768

Section 381.170. HIGHER EDUCATION - BOARD OF TRUSTEES 103769

(A) Funds appropriated for instructional subsidies at 103770
colleges and universities may be used to provide such branch or 103771
other off-campus undergraduate courses of study and such master's 103772
degree courses of study as may be approved by the Chancellor of 103773
Higher Education. 103774

(B) In providing instructional and other services to 103775
students, boards of trustees of state institutions of higher 103776
education shall supplement state subsidies with income from 103777
charges to students. Except as otherwise provided in this act, 103778
each board shall establish the fees to be charged to all students, 103779
including an instructional fee for educational and associated 103780
operational support of the institution and a general fee for 103781
noninstructional services, including locally financed student 103782
services facilities used for the benefit of enrolled students. The 103783
instructional fee and the general fee shall encompass all charges 103784
for services assessed uniformly to all enrolled students. Each 103785
board may also establish special purpose fees, service charges, 103786
and fines as required; such special purpose fees and service 103787
charges shall be for services or benefits furnished individual 103788
students or specific categories of students and shall not be 103789
applied uniformly to all enrolled students. A tuition surcharge 103790
shall be paid by all students who are not residents of Ohio. 103791

The board of trustees of a state institution of higher 103792
education shall not authorize a waiver or nonpayment of 103793
instructional fees or general fees for any particular student or 103794
any class of students other than waivers specifically authorized 103795
by law or approved by the Chancellor. This prohibition is not 103796
intended to limit the authority of boards of trustees to provide 103797
for payments to students for services rendered the institution, 103798
nor to prohibit the budgeting of income for staff benefits or for 103799

student assistance in the form of payment of such instructional 103800
and general fees. 103801

Each state institution of higher education in its statement 103802
of charges to students shall separately identify the instructional 103803
fee, the general fee, the tuition charge, and the tuition 103804
surcharge. Fee charges to students for instruction shall not be 103805
considered to be a price of service but shall be considered to be 103806
an integral part of the state government financing program in 103807
support of higher educational opportunity for students. 103808

(C) The boards of trustees of state institutions of higher 103809
education shall ensure that faculty members devote a proper and 103810
judicious part of their work week to the actual instruction of 103811
students. Total class credit hours of production per academic term 103812
per full-time faculty member is expected to meet the standards set 103813
forth in the budget data submitted by the Chancellor of Higher 103814
Education. 103815

(D) The authority of government vested by law in the boards 103816
of trustees of state institutions of higher education shall in 103817
fact be exercised by those boards. Boards of trustees may consult 103818
extensively with appropriate student and faculty groups. 103819
Administrative decisions about the utilization of available 103820
resources, about organizational structure, about disciplinary 103821
procedure, about the operation and staffing of all auxiliary 103822
facilities, and about administrative personnel shall be the 103823
exclusive prerogative of boards of trustees. Any delegation of 103824
authority by a board of trustees in other areas of responsibility 103825
shall be accompanied by appropriate standards of guidance 103826
concerning expected objectives in the exercise of such delegated 103827
authority and shall be accompanied by periodic review of the 103828
exercise of this delegated authority to the end that the public 103829
interest, in contrast to any institutional or special interest, 103830
shall be served. 103831

Section 381.180. WAR ORPHANS AND SEVERELY DISABLED VETERANS' 103832
CHILDREN SCHOLARSHIPS 103833

The foregoing appropriation item 235504, War Orphans and 103834
Severely Disabled Veterans' Children Scholarships, shall be used 103835
to reimburse state institutions of higher education for waivers of 103836
instructional fees and general fees provided by them, to provide 103837
grants to institutions that have received a certificate of 103838
authorization from the Chancellor of Higher Education under 103839
Chapter 1713. of the Revised Code, in accordance with the 103840
provisions of section 5910.04 of the Revised Code, and to fund 103841
additional scholarship benefits provided by section 5910.032 of 103842
the Revised Code. 103843

During each fiscal year, the Chancellor, as soon as possible 103844
after cancellation, may certify to the Director of Budget and 103845
Management the amount of canceled prior-year encumbrances in 103846
appropriation item 235504, War Orphans and Severely Disabled 103847
Veterans' Children Scholarships. Upon receipt of the 103848
certification, the Director of Budget and Management may transfer 103849
cash, up to the certified amount, from the General Revenue Fund to 103850
the War Orphans and Severely Disabled Veterans' Children 103851
Scholarship Reserve Fund (Fund 5PW0). 103852

Section 381.200. OHIOLINK 103853

The foregoing appropriation item 235507, OhioLINK, shall be 103854
used by the Chancellor of Higher Education to support OhioLINK, a 103855
consortium organized under division (T) of section 3333.04 of the 103856
Revised Code to serve as the state's electronic library 103857
information and retrieval system, which provides access statewide 103858
to an extensive set of electronic databases and resources, the 103859
library holdings of Ohio's public and participating private 103860
nonprofit colleges and universities, and the State Library of 103861

Ohio. 103862

Section 381.210. AIR FORCE INSTITUTE OF TECHNOLOGY 103863

The foregoing appropriation item 235508, Air Force Institute 103864
of Technology, shall be used to: (A) strengthen the research and 103865
educational linkages between the Wright Patterson Air Force Base 103866
and institutions of higher education in Ohio; and (B) support the 103867
Defense Associated Graduate Student Innovators, an engineering 103868
graduate consortium of Wright State University, the University of 103869
Dayton, and the Air Force Institute of Technology, with the 103870
participation of the University of Cincinnati and The Ohio State 103871
University. 103872

Section 381.220. OHIO SUPERCOMPUTER CENTER 103873

The foregoing appropriation item 235510, Ohio Supercomputer 103874
Center, shall be used by the Chancellor of Higher Education to 103875
support the operation of the Ohio Supercomputer Center, a 103876
consortium organized under division (T) of section 3333.04 of the 103877
Revised Code, located at The Ohio State University. The Ohio 103878
Supercomputer Center is a statewide resource available to Ohio 103879
research universities both public and private. It is also intended 103880
that the center be made accessible to private industry as 103881
appropriate. 103882

The Ohio Supercomputer Center's services shall support Ohio's 103883
colleges, universities, and businesses to make Ohio a leader in 103884
using computational science, modeling, and simulation to promote 103885
higher education, research, and economic competitiveness. 103886

Section 381.230. COOPERATIVE EXTENSION SERVICE 103887

The foregoing appropriation item 235511, Cooperative 103888
Extension Service, shall be disbursed through the Chancellor of 103889
Higher Education to The Ohio State University in monthly payments, 103890

unless otherwise determined by the Director of Budget and 103891
Management under section 126.09 of the Revised Code. 103892

Section 381.240. CENTRAL STATE SUPPLEMENT 103893

The foregoing appropriation item 235514, Central State 103894
Supplement, shall be disbursed by the Chancellor of Higher 103895
Education to Central State University in accordance with the plan 103896
developed by the Chancellor and submitted to the Governor and the 103897
General Assembly as directed by Am. Sub. H.B. 153 of the 129th 103898
General Assembly. Funds shall be used in a manner consistent with 103899
the goals of increasing enrollment, improving course completion, 103900
and increasing the number of degrees conferred. 103901

**Section 381.250. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 103902
MEDICINE** 103903

The foregoing appropriation item 235515, Case Western Reserve 103904
University School of Medicine, shall be disbursed to Case Western 103905
Reserve University through the Chancellor of Higher Education in 103906
accordance with agreements entered into under section 3333.10 of 103907
the Revised Code, provided that the state support per full-time 103908
medical student shall not exceed that provided to full-time 103909
medical students at state universities. 103910

Section 381.260. FAMILY PRACTICE 103911

The foregoing appropriation item 235519, Family Practice, 103912
shall be distributed in each fiscal year, based on each medical 103913
school's share of residents placed in a family practice and 103914
graduates practicing in a family practice. 103915

Section 381.270. SHAWNEE STATE SUPPLEMENT 103916

The foregoing appropriation item 235520, Shawnee State 103917
Supplement, shall be disbursed by the Chancellor of Higher 103918

Education to Shawnee State University in accordance with the plan 103919
developed by the Chancellor and submitted to the Governor and the 103920
General Assembly as directed by Am. Sub. H.B. 153 of the 129th 103921
General Assembly. Funds shall be used in a manner consistent with 103922
the goals of improving course completion, increasing the number of 103923
degrees conferred, and furthering the university's mission of 103924
service to the Appalachian region. 103925

Section 381.280. GERIATRIC MEDICINE 103926

The Chancellor of Higher Education shall distribute 103927
appropriation item 235525, Geriatric Medicine, consistent with 103928
existing criteria and guidelines. 103929

Section 381.285. PRIMARY CARE RESIDENCIES 103930

The foregoing appropriation item 235526, Primary Care 103931
Residencies, shall be distributed in each fiscal year, based on 103932
each medical school's share of residents placed in a primary care 103933
field and graduates practicing in a primary care field. 103934

Section 381.288. PROGRAM AND PROJECT SUPPORT 103935

Of the foregoing appropriation item 235533, Program and 103936
Project Support, \$500,000 in fiscal year 2020 shall be allocated 103937
to the Levin College of Urban Affairs at Cleveland State 103938
University. 103939

Of the foregoing appropriation item, 235533, Program and 103940
Project Support, \$125,000 in each fiscal year shall be used by the 103941
Chancellor of Higher Education to support the expansion of an 103942
unmanned aviation STEM pilot program for public and nonpublic 103943
schools in Clark County. 103944

Of the foregoing appropriation item 235533, Program and 103945
Project Support, \$100,000 in each fiscal year shall be allocated 103946
to support the Kent State University Rising Scholars Program. 103947

Of the foregoing appropriation item 235533, Program and 103948
Project Support, \$28,000 in each fiscal year shall be allocated to 103949
support Cincinnati Hillel at the University of Cincinnati. 103950

Of the foregoing appropriation item 235533, Program and 103951
Project Support, \$200,000 in each fiscal year shall be used by the 103952
Chancellor of Higher Education to support the development and 103953
implementation of an apprenticeship program administered through 103954
the Manufacturing Advocacy and Growth Network's (MAGNET) Early 103955
College Early Career Program. The apprenticeship program shall 103956
place high school students in a participating local private 103957
business that will employ the student and provide the training 103958
necessary for the student to earn a technical certification in 103959
Computer Integrated Manufacturing (CIM), machining, or welding. 103960

Section 381.290. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT 103961
CENTER 103962

The foregoing appropriation item 235535, Ohio Agricultural 103963
Research and Development Center, shall be disbursed through the 103964
Chancellor of Higher Education to The Ohio State University in 103965
monthly payments, unless otherwise determined by the Director of 103966
Budget and Management under section 126.09 of the Revised Code. 103967

The Ohio Agricultural Research and Development Center, an 103968
entity of the College of Food, Agricultural, and Environmental 103969
Sciences of The Ohio State University, shall further its mission 103970
of enhancing Ohio's economic development and job creation by 103971
continuing to internally allocate on a competitive basis 103972
appropriated funding of programs based on demonstrated 103973
performance. Academic units, faculty, and faculty-driven programs 103974
shall be evaluated and rewarded consistent with agreed-upon 103975
performance expectations as called for in the College's 103976
Expectations and Criteria for Performance Assessment. 103977

Section 381.300. STATE UNIVERSITY CLINICAL TEACHING 103978

The foregoing appropriation items 235536, The Ohio State 103979
University Clinical Teaching; 235537, University of Cincinnati 103980
Clinical Teaching; 235538, University of Toledo Clinical Teaching; 103981
235539, Wright State University Clinical Teaching; 235540, Ohio 103982
University Clinical Teaching; and 235541, Northeast Ohio Medical 103983
University Clinical Teaching, shall be distributed through the 103984
Chancellor of Higher Education. 103985

Section 381.310. CENTRAL STATE AGRICULTURAL RESEARCH AND 103986
DEVELOPMENT 103987

The foregoing appropriation item 235546, Central State 103988
Agricultural Research and Development, shall be used in 103989
conjunction with appropriation item 235548, Central State 103990
Cooperative Extension Services, by Central State University for 103991
its state match requirement as an 1890 land grant university. 103992

Section 381.320. CAPITAL COMPONENT 103993

The foregoing appropriation item 235552, Capital Component, 103994
shall be used by the Chancellor of Higher Education to provide 103995
funding for prior commitments made pursuant to the state's former 103996
capital funding policy for state colleges and universities that 103997
was originally established in Am. H.B. 748 of the 121st General 103998
Assembly. Appropriations from this item shall be distributed to 103999
all campuses for which the estimated campus debt service 104000
attributable to qualifying capital projects was less than the 104001
campus's formula-determined capital component allocation. Campus 104002
allocations shall be determined by subtracting the estimated 104003
campus debt service attributable to qualifying capital projects 104004
from the campus's formula-determined capital component allocation. 104005
Moneys distributed from this appropriation item shall be 104006
restricted to capital-related purposes. 104007

Any campus for which the estimated campus debt service 104008
attributable to qualifying capital projects is greater than the 104009
campus's formula-determined capital component allocation shall 104010
have the difference subtracted from its State Share of Instruction 104011
allocation in each fiscal year. Appropriation equal to the sum of 104012
all such amounts shall be transferred from appropriation item 104013
235501, State Share of Instruction, to appropriation item 235552, 104014
Capital Component. 104015

Section 381.330. LIBRARY DEPOSITORIES 104016

The foregoing appropriation item 235555, Library 104017
Depositories, shall be distributed to the state's five regional 104018
depository libraries for the cost-effective storage of and access 104019
to lesser-used materials in university library collections. The 104020
depositories shall be administrated by the Chancellor of Higher 104021
Education, or by OhioLINK at the discretion of the Chancellor. 104022

Section 381.340. OHIO ACADEMIC RESOURCES NETWORK (OARNET) 104023

The foregoing appropriation item 235556, Ohio Academic 104024
Resources Network, shall be used by the Chancellor of Higher 104025
Education to support the operations of the Ohio Academic Resources 104026
Network, a consortium organized under division (T) of section 104027
3333.04 of the Revised Code, which shall include support for 104028
Ohio's colleges and universities in maintaining and enhancing 104029
network connections, using new network technologies to improve 104030
research, education, and economic development programs, and 104031
sharing information technology services. To the extent network 104032
capacity is available, OARnet shall support allocating bandwidth 104033
to eligible programs directly supporting Ohio's economic 104034
development. 104035

Section 381.350. LONG-TERM CARE RESEARCH 104036

The foregoing appropriation item 235558, Long-term Care
Research, shall be disbursed to Miami University for long-term
care research.

Section 381.360. OHIO COLLEGE OPPORTUNITY GRANT

(A) Except as provided in division (C) of this section:

Of the foregoing appropriation item 235563, Ohio College
Opportunity Grant, at least \$113,700,000 in fiscal year 2020 and
at least \$139,700,000 in fiscal year 2021 shall be used by the
Chancellor of Higher Education to award need-based financial aid
to students enrolled in eligible public and private nonprofit
institutions of higher education, excluding early college high
school and post-secondary enrollment option participants.

The remainder of the foregoing appropriation item 235563,
Ohio College Opportunity Grant, shall be used by the Chancellor to
award needs-based financial aid to students enrolled in eligible
private for-profit career colleges and schools.

(B)(1) As used in this section:

(a) "Eligible institution" means any institution described in
divisions (B)(2)(a) to (c) of section 3333.122 of the Revised
Code.

(b) The three "sectors" of institutions of higher education
consist of the following:

(i) State colleges and universities, community colleges,
state community colleges, university branches, and technical
colleges;

(ii) Eligible private nonprofit institutions of higher
education;

(iii) Eligible private for-profit career colleges and
schools.

(2) Awards for students attending eligible state colleges and universities shall be \$1,900 in fiscal year 2020 and \$2,400 in fiscal year 2021, and for students attending eligible private nonprofit institutions of higher education shall be \$3,400 in fiscal year 2020 and \$3,900 in fiscal year 2021.

For students attending an eligible institution year-round, awards may be distributed on an annual basis, once Pell grants have been exhausted.

(3) If the Chancellor determines that the amounts appropriated for support of the Ohio College Opportunity Grant program are inadequate to provide grants to all eligible students as calculated under division (D) of section 3333.122 of the Revised Code, the Chancellor may create a distribution formula for fiscal year 2020 and fiscal year 2021 based on the formula used in fiscal year 2019, or may follow methods established in division (C)(1)(a) or (b) of section 3333.122 of the Revised Code. The Chancellor shall notify the Controlling Board of the distribution method. Any formula calculated under this division shall be complete and established to coincide with the start of the 2019-2020 academic year.

(C) Prior to determining the amount of funds available to award under this section and section 3333.122 of the Revised Code, the Chancellor shall use the foregoing appropriation item 235563, Ohio College Opportunity Grant, to pay for waivers of tuition and student fees for eligible students under the Ohio Safety Officer's College Memorial Fund Program under sections 3333.26 of the Revised Code. In paying for waivers under this division, the Chancellor shall deduct funds from the allocations made under division (A) of this section. Deductions shall be proportionate to the amounts allocated to each sector from the total amounts appropriated for each sector under the foregoing appropriation item 235563, Ohio College Opportunity Grant.

In each fiscal year, with the exception of sections 3333.121 104098
and 3333.124 of the Revised Code and the section of this act 104099
entitled "STATE FINANCIAL AID RECONCILIATION," the Chancellor 104100
shall not distribute or obligate or commit to be distributed an 104101
amount greater than what is appropriated under the foregoing 104102
appropriation item 235563, Ohio College Opportunity Grant. 104103

(D) The Chancellor shall establish, and post on the 104104
Department of Higher Education's web site, award tables based on 104105
any formulas created under division (B) of this section. The 104106
Chancellor shall notify students and institutions of any 104107
reductions in awards under this section. 104108

(E) Notwithstanding section 3333.122 of the Revised Code, no 104109
student shall be eligible to receive an Ohio College Opportunity 104110
Grant for more than ten semesters, fifteen quarters, or the 104111
equivalent of five academic years, less the number of semesters or 104112
quarters in which the student received an Ohio Instructional 104113
Grant. 104114

(F) During each fiscal year, the Chancellor, as soon as 104115
possible after cancellation, may certify to the Director of Budget 104116
and Management the amount of canceled prior-year encumbrances in 104117
appropriation item 235563, Ohio College Opportunity Grant. Upon 104118
receipt of the certification, the Director of Budget and 104119
Management may transfer cash, up to the certified amount, from the 104120
General Revenue Fund to the Ohio College Opportunity Grant Program 104121
Reserve Fund (Fund 5PU0). 104122

Section 381.370. THE OHIO STATE UNIVERSITY CLINIC SUPPORT 104123

The foregoing appropriation item 235572, The Ohio State 104124
University Clinic Support, shall be distributed through the 104125
Chancellor of Higher Education to The Ohio State University for 104126
support of dental and veterinary medicine clinics. 104127

Section 381.373. CO-OP INTERNSHIP PROGRAM 104128

Of the foregoing appropriation item 235591, Co-op Internship 104129
Program, \$612,500 in fiscal year 2020 and \$812,500 in fiscal year 104130
2021 shall be used to support the operations of Ohio University's 104131
Voinovich School. 104132

Of the foregoing appropriation item 235591, Co-op Internship 104133
Program, \$62,500 in each fiscal year shall be used to support the 104134
operations of The Ohio State University's John Glenn College of 104135
Public Affairs. 104136

Of the foregoing appropriation item 235591, Co-op Internship 104137
Program, \$62,500 in each fiscal year shall be used to support the 104138
Bliss Institute of Applied Politics at the University of Akron. 104139

Of the foregoing appropriation item 235591, Co-op Internship 104140
Program, \$25,000 in each fiscal year shall be used to support the 104141
Center for Public Management and Regional Affairs at Miami 104142
University. 104143

Of the foregoing appropriation item 235591, Co-op Internship 104144
Program, \$100,000 in each fiscal year shall be used to support 104145
students who attend institutions of higher education in Ohio and 104146
are participating in the Washington Center Internship Program. 104147

Of the foregoing appropriation item 235591, Co-op Internship 104148
Program, \$25,000 in each fiscal year shall be used to support the 104149
Ohio Center for the Advancement of Women in Public Service at the 104150
Maxine Goodman Levin College of Urban Affairs at Cleveland State 104151
University. 104152

Of the foregoing appropriation item 235591, Co-op Internship 104153
Program, \$25,000 in each fiscal year shall be used to support the 104154
University of Cincinnati Internship Program. 104155

Of the foregoing appropriation item 235591, Co-op Internship 104156
Program, \$25,000 in each fiscal year shall be used to support the 104157

operations of the Center for Regional Development at Bowling Green State University. 104158
104159

Of the foregoing appropriation item 235591, Co-op Internship Program, \$25,000 in each fiscal year shall be used to support the operations of the Center for Liberal Arts Student Success at Wright State University. 104160
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Of the foregoing appropriation item 235591, Co-op Internship Program, \$25,000 in each fiscal year shall be used to support the Kent State University Columbus Program. 104164
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104166

Of the foregoing appropriation item 235591, Co-op Internship Program, \$25,000 in each fiscal year shall be used to support the University of Toledo Urban Affairs Center. 104167
104168
104169

Of the foregoing appropriation item 235591, Co-op Internship Program, \$25,000 in each fiscal year shall be used to support the Center for Urban and Regional Studies at Youngstown State University. 104170
104171
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Of the foregoing appropriation item 235591, Co-Op Internship Program, \$50,000 in each fiscal year shall be used to support the operations of the Model United Nations Program at Wright State University. 104174
104175
104176
104177

Of the foregoing appropriation item 235591, Co-Op Internship Program, \$200,000 in each fiscal year shall be allocated to support the Museum of Contemporary Art Cleveland Fellowship Program in collaboration with Cleveland State University. 104178
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104181

Section 381.375. HIGH SCHOOL STEM INNOVATION AND OHIO COLLEGE SCHOLARSHIP AND RETENTION PROGRAM 104182
104183

(A) The foregoing appropriation item 235597, High School STEM Innovation and Ohio College Scholarship and Retention Program, shall be distributed by the Chancellor of Higher Education to the Ohio Academy of Science, in collaboration with Entrepreneurial 104184
104185
104186
104187

Engagement Ohio, for the continuing development and implementation 104188
of recommendations of the Ohio Board of Regents that seek to 104189
create an innovation pathway between Ohio's K-12 education system 104190
and Ohio's colleges and universities and post-secondary career 104191
centers and vocational schools. The purpose of this program is to 104192
create a "Culture of Innovation" in Ohio high schools, promote 104193
Ohio as a great place for high school students to continue their 104194
educations and careers, and to provide college scholarships to 104195
encourage Ohio's most innovative and entrepreneurial high school 104196
students to remain in Ohio by focusing on the practical 104197
application of science, technology, engineering, and mathematics, 104198
including related medicine, health and arts fields, and the 104199
development of an entrepreneurial mindset and critical thinking 104200
skills that will be needed by today's students in Ohio's 104201
innovation economy. 104202

(B) The High School STEM Innovation and Ohio College 104203
Scholarship and Retention Program shall: 104204

(1) Conduct STEM Innovation and Entrepreneurship forums at 104205
Ohio's universities and colleges for high school students and 104206
educators; 104207

(2) Develop an in-school STEM Innovation and Entrepreneurship 104208
Program and STEM Commercialization Plan and STEM Business Plan 104209
competitions that include student incentive awards for competition 104210
winners and related curriculum, content and other program support 104211
to teachers and students; 104212

(3) Conduct a statewide STEM Commercialization Plan and STEM 104213
Business Plan competition, open to the winners of related local 104214
high school competition award winners, that includes scholarships 104215
to attend any Ohio college, university, or post-secondary career 104216
center; 104217

(4) Conduct a statewide Innovation and Entrepreneurship 104218

Scholarship program that awards at least one scholarship to attend 104219
any Ohio college in each Ohio Senate and House District. Ohio high 104220
school students who have distinguished themselves in a significant 104221
STEM, entrepreneurship, or innovation program competition or 104222
accomplishment shall be eligible to apply for this scholarship 104223
program. 104224

(C) All aspects of the High School STEM Innovation and Ohio 104225
College Scholarship and Retention Program shall be open to any 104226
Ohio high school student, with an emphasis on minority, rural and 104227
economically disadvantaged students. 104228

(D) The High School STEM Innovation and Ohio College 104229
Scholarship and Retention Program shall collaborate with Ohio's 104230
colleges and universities, and existing STEM, innovation, and 104231
entrepreneurship programs to implement these provisions and 104232
encourage enrollment at Ohio institutions of post-secondary and 104233
higher education. 104234

Section 381.376. RURAL UNIVERSITY PROGRAM 104235

The foregoing appropriation item 235598, Rural University 104236
Program, shall be used for the Rural University Program, a 104237
collaboration of Bowling Green State University, Kent State 104238
University, Miami University, and Ohio University that provides 104239
rural communities with economic development, public 104240
administration, and public health services. Each of the four 104241
participating universities shall receive \$125,000 in each fiscal 104242
year to support their respective programs. 104243

Section 381.380. NATIONAL GUARD SCHOLARSHIP PROGRAM 104244

The Chancellor of Higher Education shall disburse funds from 104245
appropriation item 235599, National Guard Scholarship Program. 104246
During each fiscal year, the Chancellor, as soon as possible after 104247
cancellation, may certify to the Director of Budget and Management 104248

the amount of canceled prior-year encumbrances in appropriation 104249
item 235599, National Guard Scholarship Program. Upon receipt of 104250
the certification, the Director of Budget and Management may 104251
transfer cash, up to the certified amount, from the General 104252
Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 104253
5BM0). 104254

Section 381.390. PLEDGE OF FEES 104255

Any new pledge of fees, or new agreement for adjustment of 104256
fees, made in the biennium ending June 30, 2021, to secure bonds 104257
or notes of a state institution of higher education for a project 104258
for which bonds or notes were not outstanding on the effective 104259
date of this section or to secure a refund of prior debt that is 104260
anticipated to increase the total cost of retiring the original 104261
debt shall be effective only after approval by the Chancellor of 104262
Higher Education, unless approved in a previous biennium. 104263

Section 381.400. HIGHER EDUCATION GENERAL OBLIGATION BOND 104264
DEBT SERVICE 104265

The foregoing appropriation item 235909, Higher Education 104266
General Obligation Bond Debt Service, shall be used to pay all 104267
debt service and related financing costs during the period from 104268
July 1, 2019, through June 30, 2021, for obligations issued under 104269
sections 151.01 and 151.04 of the Revised Code. 104270

Section 381.410. SALES AND SERVICES 104271

The Chancellor of Higher Education is authorized to charge 104272
and accept payment for the provision of goods and services. Such 104273
charges shall be reasonably related to the cost of producing the 104274
goods and services. Except as otherwise provided by law, no 104275
charges may be levied for goods or services that are produced as 104276
part of the routine responsibilities or duties of the Chancellor. 104277

All revenues received by the Chancellor shall be deposited into 104278
Fund 4560, and may be used by the Chancellor to pay for the costs 104279
of producing the goods and services. 104280

Section 381.420. HIGHER EDUCATIONAL FACILITY COMMISSION 104281
ADMINISTRATION 104282

The foregoing appropriation item 235602, Higher Educational 104283
Facility Commission Administration, shall be used by the 104284
Chancellor of Higher Education for operating expenses related to 104285
the Chancellor's support of the activities of the Ohio Higher 104286
Educational Facility Commission. Upon the request of the 104287
Chancellor, the Director of Budget and Management may transfer up 104288
to \$50,000 cash in each fiscal year from the HEFC Operating 104289
Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 104290
4E80). 104291

Section 381.440. FEDERAL RESEARCH NETWORK 104292

The foregoing appropriation item 235654, Federal Research 104293
Network, shall be allocated to The Ohio State University to 104294
collaborate with federal installations in Ohio, state institutions 104295
of higher education as defined in section 3345.011 of the Revised 104296
Code, private nonprofit institutions of higher education holding 104297
certificates of authorization under Chapter 1713. of the Revised 104298
Code, and the private sector to align the state's research assets 104299
with emerging missions and job growth opportunities emanating from 104300
federal installations, strengthen related workforce development 104301
and technology commercialization programs, and better position the 104302
state's university system to directly impact new job creation in 104303
Ohio. A portion of the foregoing appropriation item 235654, 104304
Federal Research Network, shall be used to support the growth of 104305
small business federal contractors in the state and to expand the 104306
participation of Ohio businesses in the federal Small Business 104307

Innovation Research Program and related federal programs. 104308

Section 381.450. JOBS CHALLENGE 104309

The foregoing appropriation item 235529, Jobs Challenge, 104310
shall be distributed by the Chancellor of Higher Education to 104311
community colleges, state community colleges, and technical 104312
colleges and Ohio Technical Centers, as recognized by the 104313
Chancellor, to support noncredit job related workforce training 104314
programs. The funds shall be used to provide assistance to 104315
eligible community, state community, and technical colleges and 104316
Ohio Technical Centers with initial expenses to develop the 104317
programs. The funds may also be used by community, state 104318
community, and technical colleges and Ohio Technical Centers to 104319
establish noncredit job training partnerships with businesses and 104320
industries to train employees in in-demand fields. The Chancellor, 104321
in consultation with the Governor's Office of Workforce 104322
Transformation, the Ohio Association of Community Colleges, and 104323
the Ohio Technical Centers, shall develop rules for distribution 104324
of funds provided under the program. 104325

OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING LOAN PROGRAM 104326

The foregoing appropriation item 235684, OhioMeansJobs 104327
Workforce Development Revolving Loan Program, shall be used by the 104328
Chancellor of Higher Education to provide administrative support 104329
for the OhioMeansJobs Workforce Development Revolving Loan 104330
Program. 104331

Section 381.460. OHIOCORPS PILOT PROGRAM 104332

Of the appropriation item 235594, OhioCorps Pilot Program, up 104333
to \$50,000 in each fiscal year shall be used by the Chancellor of 104334
Higher Education to implement and administer the OhioCorps Pilot 104335
Program pursuant to sections 3333.80 to 3333.802 of the Revised 104336
Code. 104337

The remainder of the appropriation item 235594, OhioCorps Pilot Program, shall be used by the Chancellor of Higher Education to assist eligible state institutions of higher education, as defined in division (A)(4) of section 3333.80 of the Revised Code, in establishing and administering OhioCorps mentorship programs under section 3333.80 of the Revised Code.

On July 1, 2019, or as soon as possible thereafter, the Chancellor of Higher Education may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the appropriation item, 235594, OhioCorps Pilot Program, at the end of fiscal year 2019 to be reappropriated to fiscal year 2020. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2020 for purposes of providing funds to support mentorship programs under the OhioCorps Pilot Program.

On July 1, 2020, or as soon as possible thereafter, the Chancellor of Higher Education may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the appropriation item, 235594, OhioCorps Pilot Program, at the end of fiscal year 2020 to be reappropriated to fiscal year 2021. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2021 for purposes of providing funds to support mentorship programs under the OhioCorps Pilot Program.

TEXTBOOK AND INSTRUCTIONAL MATERIALS GRANTS

The foregoing appropriation item 235671, Textbook and Instructional Materials Grants, shall be used by the Chancellor of Higher Education to award grants to students enrolled in eligible community colleges, state community colleges, technical colleges, and university branches for the purchase of textbooks and instructional materials. Annual grants may be awarded to students meeting eligibility requirements determined by the Chancellor of

Higher Education. 104370

Section 381.470. STATE FINANCIAL AID RECONCILIATION 104371

By the first day of September in each fiscal year, or as soon 104372
as possible thereafter, the Chancellor of Higher Education shall 104373
certify to the Director of Budget and Management the amount 104374
necessary to pay any outstanding prior year obligations to higher 104375
education institutions for the state's financial aid programs. The 104376
amounts certified are hereby appropriated to appropriation item 104377
235618, State Financial Aid Reconciliation, from revenues received 104378
in the State Financial Aid Reconciliation Fund (Fund 5Y50). 104379

Section 381.480. NURSING LOAN PROGRAM 104380

The foregoing appropriation item 235606, Nursing Loan 104381
Program, shall be used to administer the nurse education 104382
assistance program. 104383

Section 381.520. RESEARCH INCENTIVE THIRD FRONTIER 104384

The foregoing appropriation items 235634, Research Incentive 104385
Third Frontier, and 235639, Research Incentive Third Frontier-Tax, 104386
shall be used by the Chancellor of Higher Education to advance 104387
collaborative research at institutions of higher education. Of the 104388
foregoing appropriation items 235634, Research Incentive Third 104389
Frontier, and 235639, Research Incentive Third Frontier - Tax, up 104390
to \$2,000,000 in each fiscal year may be allocated toward research 104391
regarding the improvement of water quality, up to \$1,500,000 in 104392
each fiscal year may be allocated for spinal cord research, up to 104393
\$1,000,000 in each fiscal year may be allocated toward research 104394
regarding the reduction of infant mortality, up to \$1,000,000 in 104395
each fiscal year may be allocated toward research regarding opiate 104396
addiction issues in Ohio, up to \$750,000 in each fiscal year may 104397
be allocated toward research regarding cyber security initiatives, 104398

up to \$300,000 in each fiscal year may be allocated toward the 104399
I-Corps@Ohio program, and up to \$200,000 in each fiscal year may 104400
be allocated toward the Ohio Innovation Exchange program. 104401

Section 381.530. VETERANS PREFERENCES 104402

The Chancellor of Higher Education shall work with the 104403
Department of Veterans Services to develop specific veterans 104404
preference guidelines for higher education institutions. These 104405
guidelines shall ensure that the institutions' hiring practices 104406
are in accordance with the intent of Ohio's veterans preference 104407
laws. 104408

Section 381.540. (A) As used in this section: 104409

(1) "Board of trustees" includes the managing authority of a 104410
university branch district. 104411

(2) "State institution of higher education" has the same 104412
meaning as in section 3345.011 of the Revised Code. 104413

(B) The board of trustees of any state institution of higher 104414
education, notwithstanding any rule of the institution to the 104415
contrary, may adopt a policy providing for mandatory furloughs of 104416
employees, including faculty, to achieve spending reductions 104417
necessitated by institutional budget deficits. 104418

Section 381.550. EFFICIENCY REPORTS 104419

In each fiscal year, the board of trustees of each public 104420
institution of higher education shall approve the institution's 104421
efficiency report submitted to the Chancellor of Higher Education 104422
under section 3333.95 of the Revised Code. 104423

MEDICAL EDUCATION POST-GRADUATION RESIDENCY REPORTS 104424

For each fiscal year, each institution of higher education 104425
that receives funds from the foregoing appropriation items 235515, 104426

Case Western Reserve University School of Medicine, 235519, Family 104427
Practice, 235525, Geriatric Medicine, 235526, Primary Care 104428
Residencies, 235536, The Ohio State University Clinical Teaching, 104429
235537, University of Cincinnati Clinical Teaching, 235538, 104430
University of Toledo Clinical Teaching, 235539, Wright State 104431
University Clinical Teaching, 235540, Ohio University Clinical 104432
Teaching, 235541, Northeast Ohio Medical University Clinical 104433
Teaching, 235558, Long-term Care Research, and 235572, The Ohio 104434
State University Clinic Support, shall report to the Chancellor of 104435
Higher Education the residency status of graduates from the 104436
respective programs receiving support from those appropriation 104437
items one year and five years after graduating. 104438

Section 381.580. The Chancellor of Higher Education shall 104439
support the continued development of the Ohio Innovation Exchange 104440
for the purpose of showcasing the research expertise of Ohio's 104441
university and college faculty in a variety of fields, including, 104442
but not limited to, engineering, biomedicine, and information 104443
technology, and to identify institutional research equipment 104444
available in the state. 104445

Section 381.590. The Chancellor of Higher Education shall 104446
work with state institutions of higher education, as defined by 104447
section 3345.011 of the Revised Code, Ohio Technical Centers, as 104448
recognized by the Chancellor, and industry partners to develop 104449
program models that include project-based learning to increase 104450
continuing education and non-credit program offerings that lead to 104451
a credential in order to meet the state's in-demand job needs. 104452

Section 381.610. HEALTH CARE WORKFORCE PREPARATION 104453

The Chancellor of Higher Education shall establish the Ohio 104454
Physician and Allied Health Care Workforce Preparation Task Force 104455
to study, evaluate, and make recommendations with respect to 104456

health care workforce needs in Ohio. Topics considered by the task 104457
force may include, but not be limited to, physician, nursing, and 104458
allied health care education programs and health care workforce 104459
shortages in Ohio. The Chancellor shall appoint task force members 104460
with representation from the State Medical Board, medical school 104461
deans, hospital administrators, physician and nursing 104462
organizations, and other allied health personnel as the Chancellor 104463
may decide. The task force shall convene as soon as practicable 104464
and issue a report to the Governor, the Speaker and Minority 104465
Leader of the House of Representatives, and the President and 104466
Minority Leader of the Senate by March 1, 2020. 104467

Section 381.620. FUND NAME CHANGES 104468

On July 1, 2019, or as soon as possible thereafter, the 104469
Director of Budget and Management shall rename the SchoolNet Fees 104470
Fund (Fund 5D40) the Conference Administration Fund (Fund 5D40). 104471

Section 383.10. DRC DEPARTMENT OF REHABILITATION AND 104472
CORRECTION 104473

General Revenue Fund 104474

GRF 501321 Institutional \$ 1,126,589,266 \$ 1,167,132,362 104475
Operations

GRF 501405 Halfway House \$ 69,440,618 \$ 74,922,786 104476

GRF 501406 Adult Correctional \$ 64,797,700 \$ 72,940,500 104477
Facilities Lease

Rental Bond Payments

GRF 501407 Community \$ 59,410,711 \$ 61,966,863 104478
Nonresidential

Programs

GRF 501408 Community Misdemeanor \$ 9,356,800 \$ 9,356,800 104479
Programs

GRF 501501 Community Residential \$ 83,072,332 \$ 84,758,355 104480

		Programs - Community Based Correctional Facilities				
GRF	503321	Parole and Community Operations	\$	86,373,348	\$	88,673,763 104481
GRF	504321	Administrative Operations	\$	24,909,617	\$	24,800,000 104482
GRF	505321	Institution Medical Services	\$	283,935,623	\$	295,579,451 104483
GRF	506321	Institution Education Services	\$	34,795,550	\$	35,092,283 104484
TOTAL GRF	General Revenue Fund		\$	1,842,681,565	\$	1,915,223,163 104485
		Dedicated Purpose Fund Group				104486
4B00	501601	Sewer Treatment Services	\$	1,759,683	\$	1,800,000 104487
4D40	501603	Prisoner Programs	\$	400,000	\$	400,000 104488
4L40	501604	Transitional Control	\$	2,449,420	\$	2,450,000 104489
4S50	501608	Education Services	\$	4,546,081	\$	4,660,000 104490
5AF0	501609	State and Non-Federal Awards	\$	1,375,000	\$	2,375,000 104491
5H80	501617	Offender Financial Responsibility	\$	2,610,000	\$	1,860,000 104492
5TZ0	501610	Probation Improvement and Incentive Grants	\$	5,000,000	\$	5,000,000 104493
TOTAL DPF	Dedicated Purpose Fund Group		\$	18,140,184	\$	18,545,000 104494
		Internal Service Activity Fund Group				104495
1480	501602	Institutional Services	\$	2,925,000	\$	2,850,000 104496
2000	501607	Ohio Penal Industries	\$	47,053,957	\$	46,515,000 104497
4830	501605	Leased Property Maintenance and	\$	2,000,000	\$	2,000,000 104498

		Operating					
5710	501606	Corrections Training	\$	980,000	\$	980,000	104499
		Maintenance and					
		Operating					
5L60	501611	Information	\$	500,000	\$	500,000	104500
		Technology Services					
TOTAL ISA	Internal Activity						104501
Fund Group			\$	53,458,957	\$	52,845,000	104502
Federal Fund Group							104503
3230	501619	Federal Grants	\$	1,566,734	\$	1,540,000	104504
3CW0	501622	Federal Equitable	\$	450,000	\$	450,000	104505
		Sharing					
TOTAL FED	Federal						104506
Fund Group			\$	2,016,734	\$	1,990,000	104507
TOTAL ALL BUDGET FUND GROUPS			\$	1,916,297,440	\$	1,988,603,163	104508
		OSU MEDICAL CHARGES					104509
		Notwithstanding section 341.192 of the Revised Code, at the					104510
		request of the Department of Rehabilitation and Correction, the					104511
		Ohio State University Medical Center, including the Arthur G.					104512
		James Cancer Hospital and Richard J. Solove Research Institute and					104513
		the Richard M. Ross Heart Hospital, shall provide necessary care					104514
		to persons who are confined in state adult correctional					104515
		facilities. The provision of necessary inpatient care billed to					104516
		the Department shall be reimbursed at a rate not to exceed the					104517
		authorized reimbursement rate for the same service established by					104518
		the Department of Medicaid under the Medicaid Program.					104519
		ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS					104520
		The foregoing appropriation item 501406, Adult Correctional					104521
		Facilities Lease Rental Bond Payments, shall be used to meet all					104522
		payments during the period from July 1, 2019, through June 30,					104523
		2021, by the Department of Rehabilitation and Correction pursuant					104524
		to leases and agreements for facilities made under Chapters 152.					104525

and 154. of the Revised Code. These appropriations are the source 104526
of funds pledged for bond service charges on related obligations 104527
issued under Chapters 152. and 154. of the Revised Code. 104528

COMMUNITY BASED CORRECTIONAL FACILITIES 104529

Of the foregoing appropriation item 501501, Community 104530
Residential Programs - Community Based Correctional Facilities, 104531
\$2,970,000 in fiscal year 2020 and \$3,053,977 in fiscal year 2021 104532
shall be used to support staff retention for community based 104533
correctional facilities. 104534

INSTITUTION EDUCATION SERVICES 104535

Of the foregoing appropriation item 506321, Institution 104536
Education Services, \$1,450,000 in each fiscal year shall be used 104537
to pay for the costs associated with providing postsecondary 104538
education programs to eligible students. 104539

Of the foregoing appropriation item 506321, Institution 104540
Education Services, \$329,293 in each fiscal year shall be used to 104541
pay for the costs to expand the current certificate offering for 104542
students eligible for postsecondary education programs to attain 104543
degree credentials in employment fields of study. 104544

Of the foregoing appropriation item 506321, Institution 104545
Education Services, up to \$620,500 in each fiscal year shall be 104546
used to pay for the costs to expand postsecondary education 104547
programing to security level 3 and 4 correctional institutions. 104548
Notwithstanding any provision of law to the contrary, the Director 104549
of Rehabilitation and Correction shall have sole discretion on the 104550
allocation these funds based upon needs of the security level 3 104551
and 4 correctional institutions and those individuals classified 104552
as such. Any unused balance in each fiscal year may be used to 104553
cover the costs of postsecondary education programs other than 104554
security level 3 and 4 correctional institutions or individuals 104555
classified as such. 104556

Of the foregoing appropriation item 506321, Institution
Education Services, \$192,490 in each fiscal year shall be used to
pay for the costs associated with increasing tuition for
postsecondary education programming by 5 per cent.

PROBATION IMPROVEMENT AND INCENTIVE GRANTS

The foregoing appropriation item 501610, Probation
Improvement and Incentive Grants, shall be allocated by the
Department of Rehabilitation and Correction to municipalities as
Probation Improvement and Incentive Grants with an emphasis on:
(1) providing services to those addicted to opiates and other
illegal substances, and (2) supplementing the programs and
services funded by grants distributed from the foregoing
appropriation item 501407, Community Nonresidential Programs.

Section 387.10. RDF STATE REVENUE DISTRIBUTIONS

General Revenue Fund Group					104571
GRF 110908	Property Tax	\$ 645,785,000	\$ 652,242,850		104572
	Reimbursement - Local Government				
GRF 200903	Property Tax	\$ 1,199,315,000	\$ 1,211,308,150		104573
	Reimbursement - Education				
TOTAL GRF General Revenue Fund Group		\$ 1,845,100,000	\$ 1,863,551,000		104574
Revenue Distribution Fund Group					104575
5JG0 110633	Gross Casino Revenue	\$ 144,150,000	\$ 147,030,000		104576
	Payments-County				
5JH0 110634	Gross Casino Revenue	\$ 95,880,000	\$ 97,800,000		104577
	Payments- School Districts				
5JJ0 110636	Gross Casino Revenue	\$ 14,150,000	\$ 14,430,000		104578

		- Host City				
7047	200902	Property Tax	\$	135,105,080	\$	111,196,773 104579
		Replacement Phase				
		Out-Education				
7049	336900	Indigent Drivers	\$	2,250,000	\$	2,250,000 104580
		Alcohol Treatment				
7050	762900	International	\$	23,000,000	\$	23,000,000 104581
		Registration Plan				
		Distribution				
7051	762901	Auto Registration	\$	328,000,000	\$	328,000,000 104582
		Distribution				
7060	110960	Gasoline Excise Tax	\$	576,000,000	\$	576,000,000 104583
		Fund				
7065	110965	Public Library Fund	\$	417,300,000	\$	424,900,000 104584
7066	800966	Undivided Liquor	\$	14,600,000	\$	14,600,000 104585
		Permits				
7069	110969	Local Government Fund	\$	412,300,000	\$	419,900,000 104586
7081	110907	Property Tax	\$	11,804,000	\$	8,620,000 104587
		Replacement Phase				
		Out-Local Government				
7082	110982	Horse Racing Tax	\$	60,000	\$	60,000 104588
7083	700900	Ohio Fairs Fund	\$	1,000,000	\$	1,000,000 104589
		TOTAL RDF Revenue Distribution				104590
		Fund Group	\$	2,175,599,080	\$	2,168,786,773 104591
		Fiduciary Fund Group				104592
4P80	001698	Cash Management	\$	3,100,000	\$	3,100,000 104593
		Improvement Fund				
5VR0	110902	Municipal Net Profit	\$	30,000,000	\$	35,000,000 104594
		Tax				
6080	001699	Investment Earnings	\$	140,000,000	\$	160,000,000 104595
7001	110996	Horse Racing Tax	\$	240,000	\$	240,000 104596
		Local Government				
		Payments				

7062	110962	Resort Area Excise Tax Distribution	\$ 1,200,000	\$ 1,200,000	104597
7063	110963	Permissive Sales Tax Distribution	\$ 2,733,517,000	\$ 2,815,522,510	104598
7067	110967	School District Income Tax Distribution	\$ 469,248,000	\$ 488,017,920	104599
7085	800985	Volunteer Firemen's Dependents Fund	\$ 300,000	\$ 300,000	104600
7093	110640	Next Generation 9-1-1	\$ 1,000,000	\$ 1,000,000	104601
7094	110641	Wireless 9-1-1 Government Assistance	\$ 25,700,000	\$ 25,700,000	104602
7095	110995	Municipal Income Tax	\$ 15,000,000	\$ 15,000,000	104603
7099	762902	Permissive Tax Distribution - Auto Registration	\$ 213,100,000	\$ 222,700,000	104604
TOTAL FID Fiduciary Fund Group			\$ 3,632,405,000	\$ 3,767,780,430	104605
Holding Account Fund Group					104606
R045	110617	International Fuel Tax Distribution	\$ 56,100,000	\$ 56,100,000	104607
TOTAL HLD Holding Account Fund Group			\$ 56,100,000	\$ 56,100,000	104608
TOTAL ALL BUDGET FUND GROUPS			\$ 7,709,204,080	\$ 7,856,218,203	104609

Section 387.20. ADDITIONAL APPROPRIATIONS 104611

Appropriation items in Section 387.10 of this act shall be 104612
used for the purpose of administering and distributing the 104613
designated revenue distribution funds according to the Revised 104614
Code. If it is determined that additional appropriations are 104615
necessary for this purpose in any appropriation items in Section 104616
387.10 of this act, such amounts are hereby appropriated. 104617

GENERAL REVENUE FUND TRANSFERS 104618

Notwithstanding any provision of law to the contrary, in 104619
fiscal year 2020 and fiscal year 2021, the Director of Budget and 104620
Management may transfer from the General Revenue Fund to the Local 104621
Government Tangible Property Tax Replacement Fund (Fund 7081) and 104622
the School District Tangible Property Tax Replacement Fund (Fund 104623
7047) in the Revenue Distribution Fund Group, those amounts 104624
necessary to reimburse local taxing units and school districts 104625
under sections 5709.92 and 5709.93 of the Revised Code. Also, in 104626
fiscal year 2020 and fiscal year 2021, the Director of Budget and 104627
Management may make temporary transfers from the General Revenue 104628
Fund to ensure sufficient balances in the Local Government 104629
Tangible Property Tax Replacement Fund (Fund 7081) and the School 104630
District Tangible Property Tax Replacement Fund (Fund 7047) and to 104631
replenish the General Revenue Fund for such transfers. 104632

PROPERTY TAX REIMBURSEMENT - EDUCATION 104633

The foregoing appropriation item 200903, Property Tax 104634
Reimbursement - Education, is appropriated to pay for the state's 104635
costs incurred because of the homestead exemption, the property 104636
tax rollback, and payments required under division (C) of section 104637
5705.2110 of the Revised Code. In cooperation with the Department 104638
of Taxation, the Department of Education shall distribute these 104639
funds directly to the appropriate school districts of the state, 104640
notwithstanding sections 321.24 and 323.156 of the Revised Code, 104641
which provide for payment of the homestead exemption and property 104642
tax rollback by the Tax Commissioner to the appropriate county 104643
treasurer and the subsequent redistribution of these funds to the 104644
appropriate local taxing districts by the county auditor. 104645

Upon receipt of these amounts, each school district shall 104646
distribute the amount among the proper funds as if it had been 104647
paid as real or tangible personal property taxes. Payments for the 104648
costs of administration shall continue to be paid to the county 104649
treasurer and county auditor as provided for in sections 319.54, 104650

321.26, and 323.156 of the Revised Code. 104651

Any sums, in addition to the amount specifically appropriated 104652
in appropriation item 200903, Property Tax Reimbursement - 104653
Education, for the homestead exemption and the property tax 104654
rollback payments, and payments required under division (C) of 104655
section 5705.2110 of the Revised Code, which are determined to be 104656
necessary for these purposes, are hereby appropriated. 104657

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 104658

The foregoing appropriation item 110908, Property Tax 104659
Reimbursement-Local Government, is hereby appropriated to pay for 104660
the state's costs incurred due to the Homestead Exemption, the 104661
Manufactured Home Property Tax Rollback, and the Property Tax 104662
Rollback. The Tax Commissioner shall distribute these funds 104663
directly to the appropriate local taxing districts, except for 104664
school districts, notwithstanding the provisions in sections 104665
321.24 and 323.156 of the Revised Code, which provide for payment 104666
of the Homestead Exemption, the Manufactured Home Property Tax 104667
Rollback, and Property Tax Rollback by the Tax Commissioner to the 104668
appropriate county treasurer and the subsequent redistribution of 104669
these funds to the appropriate local taxing districts by the 104670
county auditor. 104671

Upon receipt of these amounts, each local taxing district 104672
shall distribute the amount among the proper funds as if it had 104673
been paid as real property taxes. Payments for the costs of 104674
administration shall continue to be paid to the county treasurer 104675
and county auditor as provided for in sections 319.54, 321.26, and 104676
323.156 of the Revised Code. 104677

Any sums, in addition to the amounts specifically 104678
appropriated in appropriation item 110908, Property Tax Allocation 104679
- Local Government, for the Homestead Exemption, the Manufactured 104680
Home Property Tax Rollback, and the Property Tax Rollback 104681

payments, which are determined to be necessary for these purposes, 104682
are hereby appropriated. 104683

PUBLIC LIBRARY FUND 104684

Notwithstanding the requirement in division (B) of section 104685
131.51 of the Revised Code that the Director of Budget and 104686
Management shall credit to the Public Library Fund one and 104687
sixty-six one-hundredths per cent of the total tax revenue 104688
credited to the General Revenue Fund during the preceding month, 104689
the Director shall instead calculate these amounts during fiscal 104690
year 2020 and fiscal year 2021 using one and sixty-eight 104691
one-hundredths as the percentage. 104692

TANGIBLE PERSONAL PROPERTY TAX REIMBURSEMENTS 104693

Notwithstanding any provision of law to the contrary, in 104694
fiscal years 2020 and 2021, any city, local, or exempted village 104695
school district that has a nuclear power plant located within its 104696
territory shall receive the same payment amount under section 104697
5709.92 of the Revised Code as in fiscal year 2017. 104698

MUNICIPAL INCOME TAX 104699

The foregoing appropriation item 110995, Municipal Income 104700
Tax, shall be used to make payments to municipal corporations 104701
under section 5745.05 of the Revised Code. If it is determined 104702
that additional appropriations are necessary to make such 104703
payments, such amounts are hereby appropriated. 104704

MUNICIPAL NET PROFIT TAX 104705

The foregoing appropriation item 110902, Municipal Net Profit 104706
Tax, shall be used to make payments to municipal corporations 104707
under section 718.83 of the Revised Code. If it is determined that 104708
additional amounts are necessary to make such payments, such 104709
amounts are hereby appropriated. 104710

During fiscal year 2020 and fiscal year 2021, if the Tax 104711

Commissioner determines that there is insufficient cash in the 104712
Municipal Net Profit Tax Fund (Fund 5VR0) to meet monthly 104713
distribution obligations under section 718.83 of the Revised Code, 104714
the Tax Commissioner shall certify to the Director of Budget and 104715
Management the amount of additional cash necessary to satisfy 104716
those obligations. In addition, the Commissioner shall submit a 104717
plan to the Director requesting the necessary cash be transferred 104718
from one or a combination of the following funds: the Municipal 104719
Income Tax Administrative Fund, the Local Sales Tax Administrative 104720
Fund, the General School District Income Tax Administrative Fund, 104721
the Motor Fuel Tax Administrative Fund, the Property Tax 104722
Administrative Fund, or the General Revenue Fund. This plan shall 104723
include a proposed repayment schedule to reimburse those funds for 104724
any cash transferred in accordance with this section. After 104725
receiving the certification and funding plan from the Tax 104726
Commissioner and if the Director determines that sufficient cash 104727
is available, the Director may transfer the cash to the Municipal 104728
Net Profit Tax Fund in accordance with the plan submitted by the 104729
Tax Commissioner or as otherwise determined by the Director of 104730
Budget and Management. The Director of Budget and Management may 104731
transfer cash from the Municipal Net Profit Tax Fund to reimburse 104732
the funds from which cash was transferred for the purpose outlined 104733
in this section. 104734

Section 391.10. OSB OHIO STATE SCHOOL FOR THE BLIND 104735

General Revenue Fund				104736
GRF 226321 Operations	\$	12,440,519	\$ 12,576,088	104737
TOTAL GRF General Revenue Fund	\$	12,440,519	\$ 12,576,088	104738
Dedicated Purpose Fund Group				104739
4H80 226602 Education Reform	\$	200,000	\$ 200,000	104740
Grants				
4M50 226601 Work Study and	\$	299,645	\$ 300,000	104741

		Technology Investment				
5NJ0	226622	Food Service Program	\$	10,162	\$	10,500 104742
TOTAL DPF Dedicated Purpose						104743
Fund Group			\$	509,807	\$	510,500 104744
Federal Fund Group						104745
3100	226626	Federal Grants	\$	773,386	\$	778,500 104746
3DT0	226621	Ohio Transition	\$	260,369	\$	265,000 104747
		Collaborative				
3P50	226643	Medicaid Professional	\$	100,000	\$	100,000 104748
		Services				
		Reimbursement				
TOTAL FED Federal Fund Group			\$	1,133,755	\$	1,143,500 104749
TOTAL ALL BUDGET FUND GROUPS			\$	14,084,081	\$	14,230,088 104750
Section 393.10.		OSD OHIO SCHOOL FOR THE DEAF				104752
General Revenue Fund						104753
GRF	221321	Operations	\$	13,082,919	\$	13,594,347 104754
TOTAL GRF General Revenue Fund			\$	13,082,919	\$	13,594,347 104755
Dedicated Purpose Fund Group						104756
4M00	221601	Educational Program	\$	99,025	\$	101,000 104757
		Expenses				
4M10	221602	Education Reform	\$	200,000	\$	200,000 104758
		Grants				
5H60	221609	Even Start Fees and	\$	60,941	\$	63,000 104759
		Gifts				
5NK0	221610	Food Service Program	\$	10,244	\$	10,500 104760
TOTAL DPF Dedicated Purpose						104761
Fund Group			\$	370,210	\$	374,500 104762
Federal Fund Group						104763
3110	221625	Federal Grants	\$	279,550	\$	281,000 104764
3R00	221684	Medicaid Professional	\$	206,000	\$	206,000 104765
		Services				

Reimbursement

TOTAL FED Federal Fund Group	\$	485,550	\$	487,000	104766
TOTAL ALL BUDGET FUND GROUPS	\$	13,938,679	\$	14,455,847	104767

Section 395.10. SOS SECRETARY OF STATE 104769

General Revenue Fund 104770

GRF 050321 Operating Expenses	\$	1,750,000	\$	1,750,000	104771
GRF 050407 Poll Workers Training	\$	234,196	\$	234,196	104772
GRF 050509 County Voting Systems	\$	10,116,000	\$	12,279,200	104773

Lease Rental Payments

TOTAL GRF General Revenue Fund	\$	12,100,196	\$	14,263,396	104774
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Dedicated Purpose Fund Group 104775

4120 050609 Notary Commission	\$	475,000	\$	475,000	104776
4S80 050610 Board of Voting	\$	7,200	\$	7,200	104777

Machine Examiners

5990 050603 Business Services	\$	13,961,351	\$	14,310,430	104778
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Operating Expenses

5990 050629 Statewide Voter	\$	700,000	\$	700,000	104779
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Registration Database

5990 050630 Elections Support	\$	2,209,204	\$	2,288,196	104780
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Supplement

5FG0 050620 BOE Reimbursement and	\$	200,000	\$	200,000	104781
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Education

5SN0 050626 Address	\$	100,000	\$	100,000	104782
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Confidentiality

TOTAL DPF Dedicated Purpose Fund	\$	17,652,755	\$	18,080,826	104783
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Group

Holding Account Fund Group 104784

R002 050606 Corporate/Business	\$	85,000	\$	85,000	104785
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Filing Refunds

TOTAL HLD Holding Account Fund	\$	85,000	\$	85,000	104786
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Group

Federal Fund Group				104787	
3AS0 050616 Help America Vote Act	\$	2,740,000	\$	1,750,000	104788
(HAVA)					
TOTAL FED Federal Fund Group	\$	2,740,000	\$	1,750,000	104789
TOTAL ALL BUDGET FUND GROUPS	\$	32,577,951	\$	34,179,222	104790

Section 395.20. POLL WORKERS TRAINING 104792

The foregoing appropriation item 050407, Poll Workers Training, shall be used to reimburse county boards of elections for precinct election official (PEO) training pursuant to section 3501.27 of the Revised Code. An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 050407, Poll Workers Training at the end of fiscal year 2020 is hereby reappropriated to fiscal year 2021 for the same purpose.

STATEWIDE VOTING AND TABULATION EQUIPMENT 104800

An amount equal to the unexpended, unencumbered portion of appropriation item 050508, Statewide Voting and Tabulation Equipment, at the end of fiscal year 2019 is hereby reappropriated to the same appropriation item for fiscal year 2020. The reappropriated amounts shall be used to reimburse counties in an amount up to but not exceeding the county's allocated funding amount for expenditures related to the acquisition or lease of voting systems that were made on or after January 1, 2014, and prior to July 30, 2018.

COUNTY VOTING SYSTEMS LEASE RENTAL PAYMENTS 104810

The foregoing appropriation item 050509, County Voting Systems Lease Rental Payments, shall be used to make payments during the period from July 1, 2019, through June 30, 2021, pursuant to leases and agreements entered into under Section 4 of S.B. 135 of the 132nd General Assembly with respect to financing the costs associated with the acquisition, development,

installation, and implementation of county voting systems. 104817

BOARD OF VOTING MACHINE EXAMINERS 104818

The foregoing appropriation item 050610, Board of Voting 104819
Machine Examiners, shall be used to pay for the services and 104820
expenses of the members of the Board of Voting Machine Examiners, 104821
and for other expenses that are authorized to be paid from the 104822
Board of Voting Machine Examiners Fund (Fund 4S80) created in 104823
section 3506.05 of the Revised Code. Moneys not used shall be 104824
returned to the person or entity submitting equipment for 104825
examination. If it is determined by the Secretary of State that 104826
additional appropriation amounts are necessary, the Secretary of 104827
State may request that the Director of Budget and Management 104828
approve such amounts. Upon approval of the Director of Budget and 104829
Management, such amounts are hereby appropriated. 104830

BALLOT ADVERTISING COSTS 104831

Notwithstanding division (G) of section 3501.17 of the 104832
Revised Code, upon requests submitted by the Secretary of State, 104833
the Controlling Board may approve transfers from the Controlling 104834
Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the 104835
Statewide Ballot Advertising Fund (Fund 5FH0) in order to pay for 104836
the cost of public notices associated with statewide ballot 104837
initiatives. 104838

ABSENT VOTER'S BALLOT APPLICATION MAILING 104839

Notwithstanding division (B) of section 111.31 of the Revised 104840
Code, upon the request of the Secretary of State, the Controlling 104841
Board shall approve cash and appropriation transfers from the 104842
Controlling Board Emergency Purposes/Contingencies Fund (Fund 104843
5KM0) to the Absent Voter's Ballot Application Mailing Fund (Fund 104844
5RG0) to be used by the Secretary of State to pay the costs of 104845
printing and mailing unsolicited applications for absent voters' 104846
ballots for the general election to be held in November 2020. 104847

ADDRESS CONFIDENTIALITY PROGRAM				104848
Upon the request of the Secretary of State, the Director of				104849
Budget and Management may transfer up to \$50,000 per fiscal year				104850
in cash from the Business Services Operating Expenses Fund (Fund				104851
5990) to the Address Confidentiality Program Fund (Fund 5SN0).				104852
CORPORATE/BUSINESS FILING REFUNDS				104853
The foregoing appropriation item 050606, Corporate/Business				104854
Filing Refunds, shall be used to hold revenues until they are				104855
directed to the appropriate accounts or until they are refunded.				104856
If it is determined by the Secretary of State that additional				104857
appropriation amounts are necessary, the Secretary of State may				104858
request that the Director of Budget and Management approve such				104859
amounts. Upon approval of the Director of Budget and Management,				104860
such amounts are hereby appropriated.				104861
HAVA FUNDS				104862
An amount equal to the unexpended, unencumbered portion of				104863
appropriation item 050616, Help America Vote Act (HAVA), at the				104864
end of fiscal year 2019 is hereby reappropriated for the same				104865
purpose in fiscal year 2020.				104866
An amount equal to the unexpended, unencumbered portion of				104867
appropriation item 050616, Help America Vote Act (HAVA), at the				104868
end of fiscal year 2020 is hereby reappropriated for the same				104869
purpose in fiscal year 2021.				104870
Section 397.10. SEN THE OHIO SENATE				104871
General Revenue Fund				104872
GRF 020321 Operating Expenses	\$	15,902,029	\$	15,902,029
TOTAL GRF General Revenue Fund	\$	15,902,029	\$	15,902,029
Internal Service Activity Fund Group				104875
1020 020602 Senate Reimbursement	\$	425,800	\$	425,800

4090 020601	Miscellaneous Sales	\$	34,497	\$	34,497	104877
TOTAL ISA Internal Service Activity						104878
Fund Group		\$	460,297	\$	460,297	104879
TOTAL ALL BUDGET FUND GROUPS						104880

OPERATING EXPENSES 104881

On July 1, 2019, or as soon as possible thereafter, the Clerk 104882
of the Senate may certify to the Director of Budget and Management 104883
an amount up to the unexpended, unencumbered balance of the 104884
foregoing appropriation item 020321, Operating Expenses, at the 104885
end of fiscal year 2019 to be reappropriated to fiscal year 2020. 104886
The amount certified is hereby reappropriated to the same 104887
appropriation item for fiscal year 2020. 104888

On July 1, 2020, or as soon as possible thereafter, the Clerk 104889
of the Senate may certify to the Director of Budget and Management 104890
an amount up to the unexpended, unencumbered balance of the 104891
foregoing appropriation item 020321, Operating Expenses, at the 104892
end of fiscal year 2020 to be reappropriated to fiscal year 2021. 104893
The amount certified is hereby reappropriated to the same 104894
appropriation item for fiscal year 2021. 104895

Section 399.10. CSV COMMISSION ON SERVICE AND VOLUNTEERISM 104896

General Revenue Fund 104897

GRF 866321	CSV Operations	\$	557,176	\$	555,971	104898
TOTAL GRF General Revenue Fund						104899

Dedicated Purpose Fund Group 104900

5GN0 866605	Serve Ohio Support	\$	30,000	\$	30,000	104901
TOTAL DPF Dedicated Purpose Fund						104902

Group

Federal Fund Group 104903

3R70 866617	AmeriCorps Programs	\$	9,649,635	\$	9,671,749	104904
TOTAL FED Federal Fund Group						104905

TOTAL ALL BUDGET FUND GROUPS		\$	10,236,811	\$	10,257,720	104906	
Section 401.10. CSF COMMISSIONERS OF THE SINKING FUND						104908	
Debt Service Fund Group						104909	
7070	155905	Third Frontier	\$	84,181,400	\$	87,403,000	104910
		Research and Development Bond Retirement Fund					
7072	155902	Highway Capital	\$	152,796,000	\$	164,693,700	104911
		Improvement Bond Retirement Fund					
7073	155903	Natural Resources Bond	\$	20,359,800	\$	20,420,700	104912
		Retirement Fund					
7074	155904	Conservation Projects	\$	44,218,800	\$	44,394,800	104913
		Bond Retirement Fund					
7076	155906	Coal Research and	\$	8,123,100	\$	7,682,600	104914
		Development Bond Retirement Fund					
7077	155907	State Capital	\$	229,338,800	\$	231,754,500	104915
		Improvement Bond Retirement Fund					
7078	155908	Common Schools Bond	\$	410,259,800	\$	424,825,900	104916
		Retirement Fund					
7079	155909	Higher Education Bond	\$	323,545,500	\$	348,550,200	104917
		Retirement Fund					
7080	155901	Persian Gulf,	\$	5,092,400	\$	5,586,600	104918
		Afghanistan, and Iraq Conflict Bond Retirement Fund					
7090	155912	Job Ready Site	\$	15,516,000	\$	9,879,900	104919
		Development Bond Retirement Fund					
TOTAL DSF Debt Service Fund Group			\$	1,293,431,600	\$	1,345,191,900	104920

TOTAL ALL BUDGET FUND GROUPS	\$ 1,293,431,600	\$ 1,345,191,900	104921
ADDITIONAL APPROPRIATIONS			104922
Appropriation items in this section are for the purpose of			104923
paying debt service and financing costs during the period from			104924
July 1, 2019, through June 30, 2021, on bonds or notes of the			104925
state issued under the Ohio Constitution, Revised Code, and acts			104926
of the General Assembly. If it is determined that additional			104927
amounts are necessary for this purpose, such amounts are hereby			104928
appropriated.			104929
Section 403.10. SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY			104930
DEVELOPMENT FOUNDATION			104931
Dedicated Purpose Fund Group			104932
5M90 945601 Operating Expenses	\$ 294,906	\$ 300,910	104933
TOTAL DPF Dedicated Purpose Fund	\$ 294,906	\$ 300,910	104934
Group			
TOTAL ALL BUDGET FUND GROUPS	\$ 294,906	\$ 300,910	104935
Section 404.10. SHP STATE SPEECH AND HEARING PROFESSIONALS			104937
BOARD			104938
Dedicated Purpose Fund Group			104939
4K90 123609 Operating Expenses	\$ 620,000	\$ 636,709	104940
TOTAL DPF Dedicated Purpose Fund	\$ 620,000	\$ 636,709	104941
Group			
TOTAL ALL BUDGET FUND GROUPS	\$ 620,000	\$ 636,709	104942
Section 407.10. BTA BOARD OF TAX APPEALS			104944
General Revenue Fund			104945
GRF 116321 Operating Expenses	\$ 1,845,494	\$ 1,857,751	104946
TOTAL GRF General Revenue Fund	\$ 1,845,494	\$ 1,857,751	104947
TOTAL ALL BUDGET FUND GROUPS	\$ 1,845,494	\$ 1,857,751	104948

Section 409.10. TAX DEPARTMENT OF TAXATION				104950
General Revenue Fund				104951
GRF 110321	Operating Expenses	\$ 61,292,238	\$ 62,378,576	104952
GRF 110404	Tobacco Settlement	\$ 145,479	\$ 150,810	104953
Enforcement				
TOTAL GRF	General Revenue Fund	\$ 61,437,717	\$ 62,529,386	104954
Dedicated Purpose Fund Group				104955
2280 110628	CAT Administration	\$ 13,872,268	\$ 14,254,131	104956
4350 110607	Local Tax Administration	\$ 30,409,575	\$ 31,020,628	104957
4360 110608	Motor Vehicle Audit Administration	\$ 1,982,731	\$ 2,000,000	104958
4380 110609	School District Income Tax Administration	\$ 9,027,264	\$ 9,200,001	104959
4C60 110616	International Registration Plan Administration	\$ 683,494	\$ 705,869	104960
4R60 110610	Tire Tax Administration	\$ 177,706	\$ 180,000	104961
5BP0 110639	Wireless 9-1-1 Administration	\$ 296,210	\$ 298,794	104962
5JM0 110637	Casino Tax Administration	\$ 125,000	\$ 125,000	104963
5N50 110605	Municipal Income Tax Administration	\$ 400,000	\$ 400,000	104964
5N60 110618	Kilowatt Hour Tax Administration	\$ 96,954	\$ 100,000	104965
5NY0 110643	Petroleum Activity Tax Administration	\$ 992,581	\$ 1,000,000	104966
5V70 110622	Motor Fuel Tax	\$ 5,899,525	\$ 6,000,000	104967

		Administration				
5V80	110623	Property Tax	\$	5,872,025	\$	6,000,000 104968
		Administration				
6390	110614	Cigarette Tax	\$	1,548,152	\$	1,599,999 104969
		Enforcement				
6880	110615	Local Excise Tax	\$	588,213	\$	600,000 104970
		Administration				
TOTAL DPF		Dedicated Purpose Fund	\$	71,971,698	\$	73,484,422 104971
		Group				
		Fiduciary Fund Group				104972
4250	110635	Tax Refunds	\$	2,205,303,300	\$	2,179,769,300 104973
5CZ0	110631	Vendor's License	\$	380,000	\$	380,000 104974
		Application				
6420	110613	Ohio Political Party	\$	180,000	\$	180,000 104975
		Distributions				
TOTAL FID		Fiduciary Fund Group	\$	2,205,863,300	\$	2,180,329,300 104976
		Holding Account Fund Group				104977
R010	110611	Tax Distributions	\$	25,000	\$	25,000 104978
R011	110612	Miscellaneous Income	\$	500	\$	500 104979
		Tax Receipts				
TOTAL HLD		Holding Account Fund	\$	25,500	\$	25,500 104980
		Group				
TOTAL ALL BUDGET FUND GROUPS			\$	2,339,298,215	\$	2,316,368,608 104981

Section 409.20. TAX REFUNDS 104983

The foregoing appropriation item 110635, Tax Refunds, shall 104984
 be used to pay refunds under section 5703.052 of the Revised Code. 104985
 If it is determined that additional appropriations are necessary 104986
 for this purpose, such amounts are hereby appropriated. 104987

VENDOR'S LICENSE PAYMENTS 104988

The foregoing appropriation item 110631, Vendor's License 104989
 Application, shall be used to make payments to county auditors 104990

under section 5739.17 of the Revised Code. If it is determined 104991
that additional appropriations are necessary to make such 104992
payments, such amounts are hereby appropriated. 104993

INTERNATIONAL REGISTRATION PLAN ADMINISTRATION 104994

The foregoing appropriation item 110616, International 104995
Registration Plan Administration, shall be used under section 104996
5703.12 of the Revised Code for audits of persons with vehicles 104997
registered under the International Registration Plan. 104998

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 104999

Of the foregoing appropriation item 110607, Local Tax 105000
Administration, the Tax Commissioner may disburse funds, if 105001
available, for the purposes of paying travel expenses incurred by 105002
members of Ohio's delegation to the Streamlined Sales Tax Project, 105003
as appointed under section 5740.02 of the Revised Code. Any travel 105004
expense reimbursement paid for by the Department of Taxation shall 105005
be done in accordance with applicable state laws and guidelines. 105006

TOBACCO SETTLEMENT ENFORCEMENT 105007

The foregoing appropriation item 110404, Tobacco Settlement 105008
Enforcement, shall be used by the Tax Commissioner to pay costs 105009
incurred in the enforcement of divisions (F) and (G) of section 105010
5743.03 of the Revised Code. 105011

PROPERTY TAX ADMINISTRATION 105012

Notwithstanding section 5703.80 or division (F) of section 105013
321.24 of the Revised Code, in fiscal years 2020 and 2021, the Tax 105014
Commissioner shall not compute or certify the amounts calculated 105015
under divisions (A) and (B) of that section as amended by this 105016
act. The Director of Budget and Management shall not transfer any 105017
amounts from the General Revenue Fund to the Property Tax 105018
Administration Fund in fiscal year 2020 or fiscal year 2021. In 105019
fiscal years 2020 and 2021, the Tax Commissioner shall not 105020

subtract any amounts computed under section 5703.80 of the Revised Code, as amended by this act, from the payments made from the General Revenue Fund to county treasurers under division (F) of section 321.24 of the Revised Code.

Section 411.10. DOT DEPARTMENT OF TRANSPORTATION				105025
General Revenue Fund				105026
GRF	775451	Public Transportation	\$ 6,505,199 \$ 6,505,199	105027
- State				
GRF	776465	Rail Development	\$ 2,000,000 \$ 2,000,000	105028
GRF	777471	Airport Improvements	\$ 5,919,687 \$ 5,919,687	105029
- State				
TOTAL GRF	General Revenue Fund		\$ 14,424,886 \$ 14,424,886	105030
Dedicated Purpose Fund Group				105031
5QT0	776670	Ohio Maritime Assistance Program	\$ 10,000,000 \$ 10,000,000	105032
TOTAL DPF	Dedicated Purpose Fund Group		\$ 10,000,000 \$ 10,000,000	105033
TOTAL ALL BUDGET FUND GROUPS				\$ 24,424,886 \$ 24,424,886 105034

Section 411.20. OHIO MARITIME ASSISTANCE PROGRAM 105036

The foregoing appropriation item 776670, Ohio Maritime Assistance Program, shall be used for the Ohio Maritime Assistance Program established in section 5501.91 of the Revised Code.

Notwithstanding anything to the contrary in Chapter 166. of the Revised Code, the Director of Budget and Management shall transfer \$10,000,000 cash in each fiscal year from the Facilities Establishment Fund (Fund 7037) to the Ohio Maritime Assistance Fund (Fund 5QT0), which is hereby created.

Section 413.10. TOS TREASURER OF STATE 105045

General Revenue Fund 105046

GRF 090321	Operating Expenses	\$	8,037,839	\$	8,037,839	105047
GRF 090401	Office of the Sinking Fund	\$	476,836	\$	476,836	105048
GRF 090402	Continuing Education	\$	175,000	\$	175,000	105049
GRF 090406	Treasury Management System Lease Rental Payments	\$	1,113,400	\$	1,115,000	105050
GRF 090613	STABLE Account Administration	\$	1,660,000	\$	1,660,000	105051
TOTAL GRF General Revenue Fund		\$	11,463,075	\$	11,464,675	105052
Dedicated Purpose Fund Group						105053
4E90 090603	Securities Lending Income	\$	7,480,675	\$	7,843,565	105054
4X90 090614	Political Subdivision Obligation	\$	45,000	\$	45,000	105055
5770 090605	Investment Pool Reimbursement	\$	1,050,000	\$	1,050,000	105056
5C50 090602	County Treasurer Education	\$	240,057	\$	240,057	105057
5NH0 090610	OhioMeansJobs Workforce Development	\$	3,107,584	\$	0	105058
6050 090609	Treasurer of State Administrative Fund	\$	700,000	\$	700,000	105059
TOTAL DPF Dedicated Purpose Fund Group		\$	12,623,316	\$	9,878,622	105060 105061
Fiduciary Fund Group						105062
4250 090635	Tax Refunds	\$	12,000,000	\$	12,000,000	105063
TOTAL FID Fiduciary Fund Group		\$	12,000,000	\$	12,000,000	105064
TOTAL ALL BUDGET FUND GROUPS		\$	36,086,391	\$	33,343,297	105065

Section 413.20. OFFICE OF THE SINKING FUND 105067

The foregoing appropriation item 090401, Office of the 105068

Sinking Fund, shall be used for costs incurred by or on behalf of 105069
the Commissioners of the Sinking Fund and the Ohio Public 105070
Facilities Commission with respect to State of Ohio general 105071
obligation bonds or notes, and the Treasurer of State with respect 105072
to State of Ohio general obligation and special obligation bonds 105073
or notes, including, but not limited to, printing, advertising, 105074
delivery, rating fees and the procurement of ratings, professional 105075
publications, membership in professional organizations, and other 105076
services referred to in division (D) of section 151.01 of the 105077
Revised Code. The General Revenue Fund shall be reimbursed for 105078
such costs relating to the issuance and administration of Highway 105079
Capital Improvement bonds or notes authorized under Ohio 105080
Constitution, Article VIII, Section 2m and Chapter 151. of the 105081
Revised Code. That reimbursement shall be made from appropriation 105082
item 155902, Highway Capital Improvement Bond Retirement Fund, by 105083
intrastate transfer voucher pursuant to a certification by the 105084
Office of the Sinking Fund of the actual amounts used. The amounts 105085
necessary to make such a reimbursement are hereby appropriated 105086
from the Highway Capital Improvement Bond Retirement Fund created 105087
in section 151.06 of the Revised Code. 105088

STABLE ACCOUNT ADMINISTRATION 105089

The foregoing appropriation item 090613, STABLE Account 105090
Administration, shall be used for administration of an Achieve a 105091
Better Living Experience (ABLE) account program. 105092

TAX REFUNDS 105093

The foregoing appropriation item 090635, Tax Refunds, shall 105094
be used to pay refunds under section 5703.052 of the Revised Code. 105095
If the Director of Budget and Management determines that 105096
additional amounts are necessary for this purpose, such amounts 105097
are hereby appropriated. 105098

Section 413.30. TREASURY MANAGEMENT SYSTEM LEASE RENTAL 105099

PAYMENTS	105100
The foregoing appropriation item 090406, Treasury Management	105101
System Lease Rental Payments, shall be used to make payments	105102
during the period from July 1, 2019, through June 30, 2021,	105103
pursuant to leases and agreements entered into under Section	105104
701.20 of Am. Sub. H.B. 497 of the 130th General Assembly and	105105
other prior acts of the General Assembly with respect to financing	105106
the costs associated with the acquisition, development,	105107
implementation, and integration of the Treasury Management System.	105108
Section 413.40. OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING	105109
LOAN PROGRAM	105110
The foregoing appropriation item 090610, OhioMeansJobs	105111
Workforce Development, shall be used for the OhioMeansJobs	105112
Workforce Development Revolving Loan Program to provide loans to	105113
individuals for workforce training.	105114
Of the foregoing appropriation item 090610, OhioMeansJobs	105115
Workforce Development, up to \$250,000 in fiscal year 2020 may be	105116
used by the Treasurer of State to administer the program.	105117
Any unexpended and unencumbered portion of the foregoing	105118
appropriation item 090610, OhioMeansJobs Workforce Development, at	105119
the end of fiscal year 2020 is hereby reappropriated for the same	105120
purpose in fiscal year 2021. To the extent that reappropriated	105121
funds are available, of the foregoing appropriation item 090610,	105122
OhioMeansJobs Workforce Development, up to \$250,000 in fiscal year	105123
2021 may be used by the Treasurer of State to administer the	105124
program.	105125
Section 414.10. VTO VETERANS' ORGANIZATIONS	105126
General Revenue Fund	105127
VAP AMERICAN EX-PRISONERS OF WAR	105128

GRF	743501	State Support	\$	30,066	\$	31,269	105129
		VAN ARMY AND NAVY UNION, USA, INC.					105130
GRF	746501	State Support	\$	66,081	\$	68,724	105131
		VKW KOREAN WAR VETERANS					105132
GRF	747501	State Support	\$	59,403	\$	61,779	105133
		VJW JEWISH WAR VETERANS					105134
GRF	748501	State Support	\$	35,694	\$	37,122	105135
		VCW CATHOLIC WAR VETERANS					105136
GRF	749501	State Support	\$	69,657	\$	72,443	105137
		VPH MILITARY ORDER OF THE PURPLE HEART					105138
GRF	750501	State Support	\$	67,721	\$	70,429	105139
		VVV VIETNAM VETERANS OF AMERICA					105140
GRF	751501	State Support	\$	223,367	\$	232,302	105141
		VAL AMERICAN LEGION OF OHIO					105142
GRF	752501	State Support	\$	363,157	\$	377,683	105143
		VII AMVETS					105144
GRF	753501	State Support	\$	345,849	\$	359,683	105145
		VAV DISABLED AMERICAN VETERANS					105146
GRF	754501	State Support	\$	259,829	\$	270,223	105147
		VMC MARINE CORPS LEAGUE					105148
GRF	756501	State Support	\$	139,305	\$	144,877	105149
		V37 37TH DIVISION VETERANS' ASSOCIATION					105150
GRF	757501	State Support	\$	7,143	\$	7,428	105151
		VFW VETERANS OF FOREIGN WARS					105152
GRF	758501	State Support	\$	296,235	\$	308,084	105153
TOTAL GRF	General Revenue Fund		\$	1,963,507	\$	2,042,046	105154
TOTAL ALL BUDGET FUND GROUPS			\$	1,963,507	\$	2,042,046	105155
Section 415.10. DVS DEPARTMENT OF VETERANS SERVICES							105157
General Revenue Fund							105158
GRF	900321	Veterans' Homes	\$	41,442,419	\$	45,402,392	105159
GRF	900402	Hall of Fame	\$	124,400	\$	135,638	105160
GRF	900408	Department of	\$	4,348,745	\$	4,505,661	105161

		Veterans Services					
GRF	900901	Veterans Compensation	\$	5,092,400	\$	5,586,600	105162
		General Obligation					
		Bond Debt Service					
TOTAL GRF	General Revenue Fund		\$	51,007,964	\$	55,630,291	105163
	Dedicated Purpose Fund Group						105164
4840	900603	Veterans' Homes	\$	995,000	\$	995,000	105165
		Services					
4E20	900602	Veterans' Homes	\$	11,672,589	\$	11,672,589	105166
		Operating					
5DB0	900643	Military Injury	\$	1,000,000	\$	1,000,000	105167
		Relief Program					
5PH0	900642	Veterans Initiatives	\$	70,000	\$	70,000	105168
6040	900604	Veterans' Homes	\$	500,000	\$	500,000	105169
		Improvement					
TOTAL DPF	Dedicated Purpose Fund		\$	14,237,589	\$	14,237,589	105170
	Group						
	Debt Service Fund Group						105171
7041	900615	Veteran Bonus Program	\$	311,497	\$	260,856	105172
		- Administration					
7041	900641	Persian Gulf,	\$	722,832	\$	552,706	105173
		Afghanistan, and Iraq					
		Compensation					
TOTAL DSF	Debt Service						105174
	Fund Group		\$	1,034,329	\$	813,562	105175
	Federal Fund Group						105176
3680	900614	Veterans Training	\$	864,932	\$	930,262	105177
3BX0	900609	Medicare Services	\$	3,578,278	\$	3,578,278	105178
3L20	900601	Veterans' Homes	\$	33,838,615	\$	34,986,679	105179
		Operations - Federal					
TOTAL FED	Federal Fund Group		\$	38,281,825	\$	39,495,219	105180
TOTAL ALL	BUDGET FUND GROUPS		\$	104,561,707	\$	110,176,661	105181

VETERANS ORGANIZATIONS' RENT				105182
The foregoing appropriation item 900408, Department of Veterans Services, shall be used to pay veterans organizations' rent in buildings managed by the Department of Administrative Services.				105183 105184 105185 105186
VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE				105187
The foregoing appropriation item 900901, Veterans Compensation General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2019, through June 30, 2021, on obligations issued under Section 2r of Article VIII, Ohio Constitution.				105188 105189 105190 105191 105192
Section 417.10. DVM STATE VETERINARY MEDICAL LICENSING BOARD				105193
Dedicated Purpose Fund Group				105194
4K90 888609 Operating Expenses	\$	433,150	\$ 435,046	105195
TOTAL DPF Dedicated Purpose Fund Group	\$	433,150	\$ 435,046	105196 105197
Internal Service Activity Fund Group				105198
5BU0 888602 Veterinary Student Loan Program	\$	30,000	\$ 30,000	105199
TOTAL ISA Internal Service Activity Fund Group	\$	30,000	\$ 30,000	105200 105201
TOTAL ALL BUDGET FUND GROUPS	\$	463,150	\$ 465,046	105202
Section 419.10. VPB STATE VISION PROFESSIONALS BOARD				105204
Dedicated Purpose Fund Group				105205
4K90 129609 Operating Expenses	\$	640,756	\$ 654,140	105206
TOTAL DPF Dedicated Purpose Fund Group	\$	640,756	\$ 654,140	105207 105208
TOTAL ALL BUDGET FUND GROUPS	\$	640,756	\$ 654,140	105208

Section 421.10. DYS DEPARTMENT OF YOUTH SERVICES				105210
General Revenue Fund				105211
GRF	470401	RECLAIM Ohio	\$ 171,784,391 \$	177,765,001 105212
GRF	470412	Juvenile Correctional	\$ 14,990,500 \$	17,441,300 105213
Facilities Lease				
Rental Bond Payments				
GRF	470510	Youth Services	\$ 16,702,727 \$	16,702,728 105214
GRF	472321	Parole Operations	\$ 10,481,781 \$	10,661,690 105215
GRF	477321	Administrative	\$ 12,505,577 \$	12,936,832 105216
Operations				
TOTAL GRF	General Revenue Fund		\$ 226,464,976 \$	235,507,551 105217
Dedicated Purpose Fund Group				105218
1470	470612	Vocational Education	\$ 1,463,162 \$	1,463,162 105219
1750	470613	Education Services	\$ 3,204,678 \$	3,292,983 105220
4790	470609	Employee Food Service	\$ 40,000 \$	40,000 105221
4A20	470602	Child Support	\$ 153,968 \$	153,968 105222
4G60	470605	Juvenile Special	\$ 115,000 \$	115,000 105223
Revenue - Non-Federal				
5BN0	470629	E-Rate Program	\$ 59,000 \$	59,000 105224
TOTAL DPF	Dedicated Purpose			105225
Fund Group			\$ 5,035,808 \$	5,124,113 105226
Federal Fund Group				105227
3210	470601	Education	\$ 1,003,161 \$	1,019,832 105228
3210	470603	Juvenile Justice	\$ 2,486,393 \$	2,499,486 105229
Prevention				
3210	470606	Nutrition	\$ 930,000 \$	930,000 105230
3210	470614	Title IV-E	\$ 800,000 \$	700,000 105231
Reimbursements				
3V50	470604	Juvenile	\$ 1,720,000 \$	1,720,000 105232
Justice/Delinquency				
Prevention				

TOTAL FED Federal				105233	
Fund Group	\$	6,939,554	\$	6,869,318	105234
TOTAL ALL BUDGET FUND GROUPS	\$	238,440,338	\$	247,500,982	105235

COMMUNITY PROGRAMS 105236

For purposes of implementing juvenile sentencing reforms, and 105237
notwithstanding any provision of law to the contrary, the 105238
Department of Youth Services may use up to \$1,375,000 of the 105239
unexpended, unencumbered balance of the portion of appropriation 105240
item 470401, RECLAIM Ohio, that is allocated to juvenile 105241
correctional facilities in each fiscal year to expand Targeted 105242
RECLAIM, the Behavioral Health Juvenile Justice Initiative, and 105243
other evidence-based community programs. 105244

JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 105245

The foregoing appropriation item 470412, Juvenile 105246
Correctional Facilities Lease Rental Bond Payments, shall be used 105247
to meet all payments during the period from July 1, 2019, through 105248
June 30, 2021, by the Department of Youth Services under the 105249
leases and agreements for facilities made under Chapters 152. and 105250
154. of the Revised Code. These appropriations are the source of 105251
funds pledged for bond service charges on related obligations 105252
issued under Chapters 152. and 154. of the Revised Code. 105253

EDUCATION SERVICES 105254

The foregoing appropriation item 470613, Education Services, 105255
shall be used to fund the operating expenses of providing 105256
educational services to youth supervised by the Department of 105257
Youth Services. Operating expenses include, but are not limited 105258
to, teachers' salaries, maintenance costs, and educational 105259
equipment. 105260

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES 105261

In collaboration with the county family and children first 105262
council, the juvenile court of that county that receives 105263

allocations from one or both of the foregoing appropriation items 105264
470401, RECLAIM Ohio, and 470510, Youth Services, may transfer 105265
portions of those allocations to a flexible funding pool as 105266
authorized by the section of this act titled "FAMILY AND CHILDREN 105267
FIRST FLEXIBLE FUNDING POOL." 105268

Section 501.10. All appropriation items in this section are 105269
hereby appropriated as designated out of any moneys in the state 105270
treasury to the credit of the designated fund. The appropriations 105271
made in this section are in addition to any other appropriations 105272
made for the fiscal year 2019-2020 capital biennium. 105273

DPS DEPARTMENT OF PUBLIC SAFETY 105274

Administrative Building Fund (Fund 7026) 105275
C76067 Radiological Calibration Laboratory \$ 2,250,000 105276
Relocation
TOTAL Administrative Building Fund \$ 2,250,000 105277
TOTAL ALL FUNDS \$ 2,250,000 105278

Section 501.11. The appropriations made in Section 501.10 of 105280
this act are subject to all provisions of H.B. 529 of the 132nd 105281
General Assembly that are generally applicable to such 105282
appropriations. Expenditures from appropriations contained in 105283
Section 501.10 of this act shall be accounted for as though made 105284
in H.B. 529 of the 132nd General Assembly. 105285

Section 501.12. The Treasurer of State is hereby authorized 105286
to issue and sell, in accordance with Section 2i of Article VIII, 105287
Ohio Constitution, Chapter 154. of the Revised Code, and other 105288
applicable sections of the Revised Code, original obligations in 105289
an aggregate principal amount not to exceed \$3,000,000 in addition 105290
to the original issuance of obligations heretofore authorized by 105291
prior acts of the General Assembly. These authorized obligations 105292
shall be issued, subject to applicable constitutional and 105293

statutory limitations, as needed to provide sufficient moneys to 105294
the credit of the Administrative Building Fund (Fund 7026) to pay 105295
costs associated with previously authorized capital facilities for 105296
the housing of branches and agencies of state government or their 105297
functions. 105298

Section 503.10. PERSONAL SERVICE EXPENSES 105299

Unless otherwise prohibited by law, any appropriation from 105300
which personal service expenses are paid shall bear the employer's 105301
share of public employees' retirement, workers' compensation, 105302
disabled workers' relief, and insurance programs; the costs of 105303
centralized financial services, centralized payroll processing, 105304
and related reports and services; centralized human resources 105305
services, including affirmative action and equal employment 105306
opportunity programs; the Office of Collective Bargaining; 105307
centralized information technology management services; 105308
administering the enterprise resource planning system; and 105309
administering the state employee merit system as required by 105310
section 124.07 of the Revised Code. These costs shall be 105311
determined in conformity with the appropriate sections of law and 105312
paid in accordance with procedures specified by the Office of 105313
Budget and Management. Expenditures from appropriation item 105314
070601, Public Audit Expense - Intra-State, may be exempted from 105315
the requirements of this section. 105316

Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 105317
AGAINST THE STATE 105318

Except as otherwise provided in this section, an 105319
appropriation in this act or any other act may be used for the 105320
purpose of satisfying judgments, settlements, or administrative 105321
awards ordered or approved by the Court of Claims or by any other 105322
court of competent jurisdiction in connection with civil actions 105323

against the state. This authorization does not apply to 105324
appropriations to be applied to or used for payment of guarantees 105325
by or on behalf of the state, or for payments under lease 105326
agreements relating to, or debt service on, bonds, notes, or other 105327
obligations of the state. Notwithstanding any other statute to the 105328
contrary, this authorization includes appropriations from funds 105329
into which proceeds of direct obligations of the state are 105330
deposited only to the extent that the judgment, settlement, or 105331
administrative award is for, or represents, capital costs for 105332
which the appropriation may otherwise be used and is consistent 105333
with the purpose for which any related obligations were issued or 105334
entered into. Nothing contained in this section is intended to 105335
subject the state to suit in any forum in which it is not 105336
otherwise subject to suit, and is not intended to waive or 105337
compromise any defense or right available to the state in any suit 105338
against it. 105339

Section 503.30. CAPITAL PROJECT SETTLEMENTS 105340

This section specifies an additional and supplemental 105341
procedure to provide for payments of judgments and settlements if 105342
the Director of Budget and Management determines, pursuant to 105343
division (C)(4) of section 2743.19 of the Revised Code, that 105344
sufficient unencumbered moneys do not exist in the fund to support 105345
a particular appropriation to pay the amount of a final judgment 105346
rendered against the state or a state agency, including the 105347
settlement of a claim approved by a court, in an action upon and 105348
arising out of a contractual obligation for the construction or 105349
improvement of a capital facility if the costs under the contract 105350
were payable in whole or in part from a state capital projects 105351
appropriation. In such a case, the Director may either proceed 105352
pursuant to division (C)(4) of section 2743.19 of the Revised Code 105353
or apply to the Controlling Board to increase an appropriation or 105354
create an appropriation out of any unencumbered moneys in the 105355

state treasury to the credit of the capital projects fund from 105356
which the initial state appropriation was made. The amount of an 105357
increase in appropriation or new appropriation approved by the 105358
Controlling Board is hereby appropriated from the applicable 105359
capital projects fund and made available for the payment of the 105360
judgment or settlement. 105361

If the Director does not make the application authorized by 105362
this section or the Controlling Board disapproves the application, 105363
and the Director does not make application under division (C)(4) 105364
of section 2743.19 of the Revised Code, the Director shall for the 105365
purpose of making that payment make a request to the General 105366
Assembly as provided for in division (C)(5) of that section. 105367

Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS 105368

In order to provide funds for the reissuance of voided 105369
warrants under section 126.37 of the Revised Code, there is hereby 105370
appropriated, out of moneys in the state treasury from the fund 105371
credited as provided in section 126.37 of the Revised Code, that 105372
amount sufficient to pay such warrants when approved by the Office 105373
of Budget and Management. 105374

Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 105375
BALANCES OF OPERATING APPROPRIATIONS 105376

(A) Notwithstanding the original year of appropriation or 105377
encumbrance, the unexpended balance of an operating appropriation 105378
or reappropriation that a state agency lawfully encumbered prior 105379
to the close of fiscal year 2019 or fiscal year 2020 is hereby 105380
reappropriated on the first day of July of the following fiscal 105381
year from the fund from which it was originally appropriated or 105382
reappropriated for the period of time listed in this section and 105383
shall remain available only for the purpose of discharging the 105384
encumbrance: 105385

(1) For an encumbrance for personal services, maintenance, equipment, or items for resale not otherwise identified in this section, for a period of not more than five months from the end of the fiscal year;

(2) For an encumbrance for an item of special order manufacture not available on state contract or in the open market, for a period of not more than five months from the end of the fiscal year or, with the written approval of the Director of Budget and Management, for a period of not more than twelve months from the end of the fiscal year;

(3) For an encumbrance for reclamation of land or oil and gas wells, for a period ending when the encumbered appropriation is expended provided such period does not extend beyond the FY 2020 - FY 2021 biennium;

(4) For an encumbrance for any other type of expense not otherwise identified in division (A)(1), (2), or (3) of this section, for such period as the Director approves, provided such period does not extend beyond the FY 2020 - FY 2021 biennium.

(B) Any operating appropriations for which unexpended balances are reappropriated in fiscal year 2020 or fiscal year 2021 pursuant to division (A)(2) of this section shall be reported to the Controlling Board by the Director of Budget and Management by the thirty-first day of December of each year. The report shall include the item, the cost of the item, and the name of the vendor. The report shall be updated on a quarterly basis for encumbrances remaining open.

(C) Upon the expiration of the reappropriation period set out in division (A) of this section, a reappropriation made by this section lapses and the Director of Budget and Management shall cancel the encumbrance of the unexpended reappropriation not later than the end of the weekend following the expiration of the

reappropriation period. 105417

(D) If the Controlling Board approved a purchase, that 105418
approval remains in effect so long as the appropriation used to 105419
make that purchase remains encumbered. 105420

Section 503.60. CORRECTION OF ACCOUNTING ERRORS 105421

(A) The Director of Budget and Management may correct 105422
accounting errors committed by the staff of the Office of Budget 105423
and Management, such as reestablishing encumbrances or 105424
appropriations canceled in error, during the cancellation of 105425
operating encumbrances in November and of non-operating 105426
encumbrances in December. 105427

(B) The Director of Budget and Management may at any time 105428
correct accounting errors committed by staff or a state agency or 105429
state institution of higher education, as defined in section 105430
3345.011 of the Revised Code, such as reestablishing prior year 105431
non-operating encumbrances canceled or modified in error. The 105432
reestablished encumbrance amounts are hereby appropriated. 105433

Section 503.70. TEMPORARY REVENUE HOLDING 105434

The Director of Budget and Management may create funds in the 105435
state treasury solely for the purpose of temporarily holding 105436
revenue required to be credited to a fund in the state treasury, 105437
whose disposition is not immediately known at the time of receipt. 105438
Once identified, the Director shall credit the revenue to the 105439
appropriate fund in the state treasury. 105440

Section 503.80. APPROPRIATIONS RELATED TO CASH TRANSFERS AND 105441
RE-ESTABLISHMENT OF ENCUMBRANCES 105442

Any cash transferred by the Director of Budget and Management 105443
under section 126.15 of the Revised Code is hereby appropriated. 105444
Any amounts necessary to re-establish appropriations or 105445

encumbrances under section 126.15 of the Revised Code are hereby 105446
appropriated. 105447

Section 503.90. TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 105448

The Director of Budget and Management may transfer 105449
appropriations between the Third Frontier Research and Development 105450
Fund (Fund 7011) and the Third Frontier Research and Development 105451
Taxable Bond Fund (Fund 7014) as necessary to maintain the 105452
exclusion from the calculation of gross income for federal income 105453
taxation purposes under the Internal Revenue Code with respect to 105454
obligations issued to fund projects appropriated from the Third 105455
Frontier Research and Development Fund (Fund 7011). 105456

The Director may also create new appropriation items within 105457
the Third Frontier Research and Development Taxable Bond Fund 105458
(Fund 7014) and make transfers of appropriations to them for 105459
projects originally funded from appropriations made from the Third 105460
Frontier Research and Development Fund (Fund 7011). 105461

Section 503.100. INCOME TAX DISTRIBUTION TO COUNTIES 105462

There are hereby appropriated out of any moneys in the state 105463
treasury to the credit of the General Revenue Fund, which are not 105464
otherwise appropriated, funds sufficient to make any payment 105465
required by division (B)(2) of section 5747.03 of the Revised 105466
Code. 105467

Section 503.110. EXPENDITURES AND APPROPRIATION INCREASES 105468
APPROVED BY THE CONTROLLING BOARD 105469

Any money that the Controlling Board approves for expenditure 105470
or any increase in appropriation that the Controlling Board 105471
approves under sections 127.14, 131.35, and 131.39 of the Revised 105472
Code or any other provision of law is hereby appropriated for the 105473
period ending June 30, 2021. 105474

Section 503.120. FUNDS RECEIVED FOR USE OF GOVERNOR'S	105475
RESIDENCE	105476
If the Governor's Residence Fund (Fund 4H20) receives payment	105477
for use of the residence pursuant to section 107.40 of the Revised	105478
Code, the amounts so received are hereby appropriated to	105479
appropriation item 100604, Governor's Residence Gift.	105480
Section 504.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS	105481
Certain appropriations are in this act for the purpose of	105482
paying debt service and financing costs on general obligation	105483
bonds or notes of the state issued pursuant to the Ohio	105484
Constitution, Revised Code, and acts of the General Assembly. If	105485
it is determined that additional appropriations are necessary for	105486
this purpose, such amounts are hereby appropriated.	105487
Section 504.20. LEASE RENTAL PAYMENTS FOR DEBT SERVICE	105488
Certain appropriations are in this act for the purpose of	105489
making lease rental payments pursuant to leases and agreements	105490
relating to bonds, notes, or other obligations issued by or on	105491
behalf of the state pursuant to the Ohio Constitution, Revised	105492
Code, and acts of the General Assembly. If it is determined that	105493
additional appropriations are necessary for this purpose, such	105494
amounts are hereby appropriated.	105495
Section 504.30. AUTHORIZATION FOR TREASURER OF STATE AND OBM	105496
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS	105497
The Office of Budget and Management shall process payments	105498
from general obligation and lease rental payment appropriation	105499
items during the period from July 1, 2019, through June 30, 2021,	105500
relating to bonds, notes, or other obligations issued by or on	105501
behalf of the state pursuant to the Ohio Constitution, Revised	105502

Code, and acts of the General Assembly. Payments shall be made 105503
upon certification by the Treasurer of State of the dates and the 105504
amounts due on those dates. 105505

Section 505.10. ARBITRAGE REBATE AUTHORIZATION 105506

If it is determined that a payment is necessary in the amount 105507
computed at the time to represent the portion of investment income 105508
to be rebated or amounts in lieu of or in addition to any rebate 105509
amount to be paid to the federal government in order to maintain 105510
the exclusion from gross income for federal income tax purposes of 105511
interest on those state obligations under section 148(f) of the 105512
Internal Revenue Code, such an amount is hereby appropriated from 105513
those funds designated by or pursuant to the applicable 105514
proceedings authorizing the issuance of state obligations. 105515

Payments for this purpose shall be approved and vouchered by 105516
the Office of Budget and Management. 105517

Section 505.20. STATEWIDE INDIRECT COST RECOVERY 105518

Whenever the Director of Budget and Management determines 105519
that an appropriation made to a state agency from a fund of the 105520
state is insufficient to provide for the recovery of statewide 105521
indirect costs under section 126.12 of the Revised Code, the 105522
amount required for such purpose is hereby appropriated from the 105523
available receipts of such fund. 105524

Section 505.30. TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT 105525
COST ALLOCATION PLAN 105526

The total transfers made from the General Revenue Fund by the 105527
Director of Budget and Management under this section shall not 105528
exceed the amounts transferred into the General Revenue Fund under 105529
section 126.12 of the Revised Code. 105530

The director of an agency may certify to the Director of 105531

Budget and Management the amount of expenses not allowed to be 105532
included in the Statewide Indirect Cost Allocation Plan under 105533
federal regulations, from any fund included in the Statewide 105534
Indirect Cost Allocation Plan, prepared as required by section 105535
126.12 of the Revised Code. 105536

Upon determining that no alternative source of funding is 105537
available to pay for such expenses, the Director of Budget and 105538
Management may transfer cash from the General Revenue Fund into 105539
the fund for which the certification is made, up to the amount of 105540
the certification. The director of the agency receiving such funds 105541
shall include, as part of the next budget submission prepared 105542
under section 126.02 of the Revised Code, a request for funding 105543
for such activities from an alternative source such that further 105544
federal disallowances would not be required. 105545

The director of an agency may certify to the Director of 105546
Budget and Management the amount of expenses paid in error from a 105547
fund included in the Statewide Indirect Cost Allocation Plan. The 105548
Director of Budget and Management may transfer cash from the fund 105549
from which the expenditure should have been made into the fund 105550
from which the expenses were erroneously paid, up to the amount of 105551
the certification. 105552

The director of an agency may certify to the Director of 105553
Budget and Management the amount of expenses or revenues not 105554
allowed to be included in the Statewide Indirect Cost Allocation 105555
Plan under federal regulations, for any fund included in the 105556
Statewide Indirect Cost Allocation Plan, for which the federal 105557
government requires payment. If the Director of Budget and 105558
Management determines that an appropriation made to a state agency 105559
from a fund of the state is insufficient to pay the amount 105560
required by the federal government, the amount required for such 105561
purpose is hereby appropriated from the available receipts of such 105562
fund, up to the amount of the certification. 105563

Section 505.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS 105564

Notwithstanding any provision of law to the contrary, on or 105565
before the first day of September of each fiscal year, the 105566
Director of Budget and Management, in order to reduce the payment 105567
of adjustments to the federal government, as determined by the 105568
plan prepared under division (A) of section 126.12 of the Revised 105569
Code, may designate such funds as the Director considers necessary 105570
to retain their own interest earnings. 105571

Section 505.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 105572

Pursuant to the plan for compliance with the Federal Cash 105573
Management Improvement Act required by section 131.36 of the 105574
Revised Code, the Director of Budget and Management may cancel and 105575
re-establish all or part of encumbrances in like amounts within 105576
the funds identified by the plan. The amounts necessary to 105577
re-establish all or part of encumbrances are hereby appropriated. 105578

Section 509.10. TRANSFERS TO THE GENERAL REVENUE FUND OF 105579
INTEREST EARNED 105580

Notwithstanding any provision of law to the contrary, the 105581
Director of Budget and Management, through June 30, 2021, may 105582
transfer interest earned by any state fund to the General Revenue 105583
Fund. This section does not apply to funds whose source of revenue 105584
is restricted or protected by the Ohio Constitution, federal tax 105585
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 105586
1058 (1990), 31 U.S.C. 6501 et seq., as amended. 105587

Section 509.20. CASH TRANSFERS TO THE GENERAL REVENUE FUND 105588
FROM NON-GRF FUNDS 105589

Notwithstanding any provision of law to the contrary, the 105590
Director of Budget and Management may transfer up to \$100,000,000 105591

cash, during the biennium ending June 30, 2021, from non-General 105592
Revenue Funds that are not constitutionally restricted to the 105593
General Revenue Fund. 105594

Section 509.50. MEDICAL MARIJUANA CONTROL PROGRAM REPAYMENTS 105595

On October 1, 2019, or as soon as possible thereafter, the 105596
Director of Commerce and the Executive Director of the Board of 105597
Pharmacy shall consult with the Director of Budget and Management 105598
to determine a repayment schedule for the biennium ending June 30, 105599
2021, to fully repay transfers on behalf of each agency from the 105600
Emergency Purposes/Contingency Fund (Fund 5KM0) to the Medical 105601
Marijuana Control Program Fund (Fund 5YS0). Payments made by the 105602
Department of Commerce and the Board of Pharmacy in accordance 105603
with this repayment schedule shall be credited to the General 105604
Revenue Fund. 105605

Section 512.10. GENERAL REVENUE FUND TRANSFER TO TOURISM OHIO 105606
FUND 105607

Notwithstanding any provision of law to the contrary, in each 105608
fiscal year of the biennium ending June 30, 2021, the Director of 105609
Budget and Management may transfer up to \$10,400,000 cash from the 105610
General Revenue Fund to the Tourism Ohio Fund (Fund 5MJ0). 105611

Section 512.20. GENERAL REVENUE FUND TRANSFER TO STATEWIDE 105612
TREATMENT AND PREVENTION FUND 105613

Notwithstanding any provision of law to the contrary, in each 105614
fiscal year of the biennium ending June 30, 2021, the Director of 105615
Budget and Management may transfer up to \$5,000,000 cash from the 105616
General Revenue Fund to the Statewide Treatment and Prevention 105617
Fund (Fund 4750). 105618

Section 512.30. GENERAL REVENUE FUND TRANSFER TO STATEWIDE 105619

COMMUNITY POLICE RELATIONS FUND	105620
Notwithstanding any provision of law to the contrary, in	105621
fiscal year 2020, the Director of Budget and Management may	105622
transfer up to \$2,200,000 cash from the General Revenue Fund to	105623
the Statewide Community Police Relations Fund (Fund 5RS0).	105624
Section 512.40. GENERAL REVENUE FUND TRANSFER TO TARGETED	105625
ADDICTION PROGRAM FUND	105626
Notwithstanding any provision of law to the contrary, in each	105627
fiscal year of the biennium ending June 30, 2021, the Director of	105628
Budget and Management may transfer up to \$23,150,000 cash from the	105629
General Revenue Fund to the Targeted Addiction Program Fund (Fund	105630
5TZ0).	105631
Section 512.50. GENERAL REVENUE FUND TRANSFER TO PERSIAN	105632
GULF, AFGHANISTAN, IRAQ COMPENSATION FUND	105633
During fiscal year 2021, upon request of the Director of	105634
Veterans Services, the Director of Budget and Management may	105635
transfer up to \$500,000 cash from the General Revenue Fund to the	105636
Persian Gulf, Afghanistan, Iraq Compensation Fund (Fund 7041).	105637
Section 512.65. GENERAL REVENUE FUND TRANSFER TO TEXTBOOK AND	105638
INSTRUCTIONAL MATERIALS GRANTS FUND	105639
Notwithstanding any provision of law to the contrary, in each	105640
fiscal year of the biennium ending June 30, 2021, the Director of	105641
Budget and Management may transfer up to \$3,000,000 cash from the	105642
General Revenue Fund to the Textbook and Instructional Materials	105643
Grants Fund (Fund 5VQ0), which is hereby created in the state	105644
treasury.	105645
Section 512.70. GENERAL REVENUE FUND TRANSFER TO STUDENT	105646

WELLNESS AND SUCCESS FUND 105647

Notwithstanding any provision of law to the contrary, the 105648
Director of Budget and Management may transfer up to \$250,000,000 105649
cash in fiscal year 2020 and up to \$300,000,000 cash in fiscal 105650
year 2021 from the General Revenue Fund to the Student Wellness 105651
and Success Fund (Fund 5VS0), which is hereby created in the state 105652
treasury. 105653

Section 513.10. FISCAL YEAR 2019 GENERAL REVENUE FUND ENDING 105654
BALANCE 105655

Notwithstanding section 131.44 of the Revised Code, the 105656
Director of Budget and Management shall determine the surplus 105657
General Revenue Fund revenue that existed on June 30, 2019. 105658
Notwithstanding any provision of law to the contrary, \$470,000,000 105659
of the surplus shall remain in the General Revenue Fund through 105660
the end of the biennium ending June 30, 2021. The Director shall 105661
transfer cash, not to exceed the amount of the remaining surplus 105662
revenue from the General Revenue Fund in the following order: 105663

(A) Up to \$10,000,000 cash to the Targeted Addiction Program 105664
Fund (Fund 5TZ0); 105665

(B) Up to \$31,000,000 cash to the Statewide Treatment and 105666
Prevention Fund (Fund 4750); 105667

(C) Up to \$86,000,000 cash to the H2Ohio Fund (Fund 6H20); 105668

(D) Up to \$20,000,000 cash to the School Bus Purchase Fund 105669
(Fund 5VU0), which is hereby created in the state treasury; 105670

(E) Up to \$5,000,000 cash to the Books From Birth Fund (Fund 105671
5VJ0), which is hereby created in the state treasury; 105672

(F) Up to \$25,000,000 cash, subject to Controlling Board 105673
approval, to the State Park Fund (Fund 5120); 105674

(G) Up to \$25,000,000 cash to the Emergency Purposes Fund 105675

(Fund 5KM0);				105676
(H) Up to \$25,000,000 cash to the Disaster Services Fund				105677
(Fund 5E20);				105678
(I) Up to \$2,000,000 cash to the Ohio Public Health				105679
Priorities Fund (Fund L087);				105680
(J) Up to \$19,000,000 cash to the Tobacco Use Prevention Fund				105681
(Fund 5BX0);				105682
(K) Up to \$8,900,000 cash to the Economic Development				105683
Programs Fund (Fund 5JC0);				105684
(L) An amount of cash to the Budget Stabilization Fund (Fund				105685
7013) sufficient for the balance in Fund 7013 to equal 8.5% of the				105686
General Revenue Fund revenues of fiscal year 2019;				105687
(M) Any remaining cash surplus to the H2Ohio Fund (Fund				105688
6H20).				105689
Section 513.20. FISCAL YEAR 2020 GENERAL REVENUE FUND ENDING				105690
BALANCE				105691
Notwithstanding section 131.44 of the Revised Code, the cash				105692
balance of the General Revenue Fund on June 30, 2020, shall remain				105693
in the General Revenue Fund.				105694
Section 514.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS				105695
Unless the agency and nuclear electric utility mutually agree				105696
to a higher amount by contract, the maximum amounts that may be				105697
assessed against nuclear electric utilities under division (B)(2)				105698
of section 4937.05 of the Revised Code and deposited into the				105699
specified funds are as follows:				105700
<u>Fund</u>	<u>User</u>	<u>FY 2020</u>	<u>FY 2021</u>	105701
Utility	Department of	\$ 97,610	\$ 101,130	105702
Radiological	Agriculture			

Safety Fund					
(Fund 4E40)					
Radiation	Department of	\$ 1,300,000	\$	1,300,000	105703
Emergency	Health				
Response Fund					
(Fund 6100)					
ER Radiological	Environmental	\$ 276,500	\$	278,500	105704
Safety Fund	Protection Agency				
(Fund 6440)					
Emergency	Department of	\$ 1,258,624	\$	1,258,624	105705
Response Plan	Public Safety				
Fund (Fund 6570)					

Section 516.10. CASH TRANSFERS AND ABOLISHMENT OF FUNDS 105706

(A) On July 1, 2019, or as soon as possible thereafter, the 105707
Director of Budget and Management shall transfer the cash balance 105708
from each of the funds as indicated in the table below to the fund 105709
also indicated in the table below. Upon completion of each 105710
transfer and on the effective date of its repeal by this act, 105711
where applicable, the fund from which the cash balance was 105712
transferred is hereby abolished. 105713

User	Transfer from:		Transfer to:		
Agency	Fund	Fund Name	Fund	Fund Name	
AGR	5HP0	Livestock Care	4C90	Commercial Feed	105716
		Standards Board		Inspection/Lab	
AIR	7004	Advanced Energy	5M50	Advanced Energy Fund	105717
		Research and			
		Development Taxable			
		Fund			
AIR	7005	Advanced Energy	5M50	Advanced Energy Fund	105718
		Research and			
		Development			
BWC	8290	Long Term Care Loan	8260	Safety and Hygiene	105719

		Fund		Fund	
COM	5PA0	BUSTR Revolving Loan	6530	Underground Storage	105720
		Fund		Tank Administration	
DAS	4P30	DAS Information	1330	Information	105721
		Services		Technology	
DAS	5D70	Workforce	5EB0	OAKS Support	105722
		Development		Organization	
DEV	3DB0	Federal Stimulus	GRF	General Revenue Fund	105723
		Energy Efficiency			
		and Conservation			
DEV	5AD0	Job Development	5430	Unclaimed Funds	105724
		Initiatives		Trust	
DEV	5CG0	Alternative Fuel	5M50	Advanced Energy Fund	105725
		Transportation			
DEV	5MB0	Economic Development	5LN0	Liquor Operating	105726
		Support		Services Fund	
DEV	5NS0	Career Exploration	5JC0	Economic Development	105727
		Internship		Projects	
DNR	5CU0	Mine Safety	5290	Mining Regulation	105728
				and Safety	
DNR	5MF0	Ohio Geology License	5110	Geological Mapping	105729
		Plate			
DOH	6830	Employee Assistance	1250	Human Resources	105730
		Program		Services Fund	
DOT	5CF0	Rail Transload	4N40	Rail Development	105731
		Facilities			
DPS	8500	Public Safety	5RH0	Ohio Investigative	105732
		Investigative Unit		Unit Fund	
		Salvage and Exchange			
DRC	5UB0	Institution	GRF	General Revenue Fund	105733
		Addiction Treatment			
		Services			
DYS	3BH0	Federal Juvenile	3V50	Juvenile	105734

		Justice Program FFY06		Justice/Delinquency Prevention Fund	
DYS	3BT0	Federal Juvenile Justice Program FFY07	3V50	Juvenile Justice/Delinquency Prevention Fund	105735
DYS	3BY0	Federal Juvenile Justice Program SFY07	3V50	Juvenile Justice/Delinquency Prevention Fund	105736
DYS	3BZ0	Federal Juvenile Justice Program SFY08	3V50	Juvenile Justice/Delinquency Prevention Fund	105737
DYS	3CR0	Federal Juvenile Justice Program FFY10	3V50	Juvenile Justice/Delinquency Prevention Fund	105738
DYS	3FB0	Federal Juvenile Justice Program FFY11	3V50	Juvenile Justice/Delinquency Prevention Fund	105739
DYS	3FC0	Federal Juvenile Justice Program FFY12	3V50	Juvenile Justice/Delinquency Prevention Fund	105740
DYS	3GB0	Federal Juvenile Justice Program FFY13	3V50	Juvenile Justice/Delinquency Prevention Fund	105741
DYS	3V90	Federal Juvenile Justice Program FFY01	3V50	Juvenile Justice/Delinquency Prevention Fund	105742
DYS	3W00	Federal Juvenile Justice Program FFY02	3V50	Juvenile Justice/Delinquency Prevention Fund	105743
DYS	3Z80	Federal Juvenile Justice Program FFY04	3V50	Juvenile Justice/Delinquency Prevention Fund	105744
DYS	3Z90	Federal Juvenile	3V50	Juvenile	105745

		Justice Program		Justice/Delinquency	
		FFY05		Prevention Fund	
EDU	3DL0	Idea Preschool -	GRF	General Revenue Fund	105746
		Federal Stimulus			
EDU	4D10	Ohio	6200	Education Grants	105747
		Prevention/Education			
		Resource Center			
EDU	5B10	Child Nutrition	GRF	General Revenue Fund	105748
		Services			
EDU	5KY0	Community Schools	5KX0	Ohio School	105749
		Temporary		Sponsorship Program	
		Sponsorship			
EDU	5RB0	Straight A Fund	6200	Educational Grants	105750
EDU	5T30	Gates Foundation	6200	Educational Grants	105751
		Grants			
EDU	5UC0	Accountability/Report	4L20	Teacher	105752
		Cards		Certification	
EDU	5W20	Head Start Plus/Head	GRF	General Revenue	105753
		Start		Funds	
EDU	5X90	NGA Stem	6200	Educational Grants	105754
EDU	6210	Pre-School Foreign	6200	Educational Grants	105755
		Language			
EPA	3560	Indirect Costs	GRF	General Revenue Fund	105756
EPA	3580	205-J Federal	3BU0	Water Quality	105757
		Planning		Protection	
EPA	3M50	HazMat	GRF	General Revenue Fund	105758
		Transportation			
		Uniform Safety			
INS	3EV0	Health Insurance	5540	Department of	105759
		Premium Rev		Insurance Operating	
INS	3EW0	Health Exchange	5540	Department of	105760
		Planning		Insurance Operating	
INS	3EX0	Consumer Assistance	5540	Department of	105761

		Grant		Insurance Operating	
INS	5AG0	Medical Liability	GRF	General Revenue Fund	105762
INS	5FZ0	Claims Processing	5540	Department of	105763
		Education		Insurance Operating	
JFS	5GC0	GOFBI/Family	5RY0	Human Services	105764
		Stability		Projects	
JFS	5HA0	Health Care Services	5RY0	Human Services	105765
		Other		Projects	
JFS	5S30	JFS Administration	GRF	General Revenue Fund	105766
		and Oversight			
JSC	6A80	Supreme Court	4C80	Attorney	105767
		Admissions		Registration	
MCD	5AJ0	Money Follows the	5DL0	Medicaid Support and	105768
		Person		Recoveries	
MCD	5HA0	Health Care Services	GRF	General Revenue Fund	105769
		- Other			
MCD	5KC0	Health Care Special	5DL0	Medicaid Support and	105770
		Activities		Recoveries	
OBM	3CM0	Medicaid Agency	3B10	Community Medicaid	105771
		Transition		Expansion	
OBM	7087	Settlement Agreement	GRF	General Revenue Fund	105772
		Fund			
PUB	3FF0	Capital Case	4070	County	105773
		Litigation		Representation	
PUB	3FX0	Wrongful Conviction	4070	County	105774
		Program		Representation	
PUB	3GJ0	Byrne Memorial Grant	4070	County	105775
				Representation	
TAX	7054	Loc Govt Prop Tax	GRF	General Revenue Fund	105776
		Replacement			
TAX	4K00	Beverage Tax	GRF	General Revenue Fund	105777
		Administrative			
TAX	5BQ0	Revenue Enhancement	2280	Revenue Enhancement	105778

TAX	5BW0	Tax Amnesty Promotion and Administration	GRF	General Revenue Fund	105779
TAX	QD20	OBG-Assessment Payments	GRF	General Revenue Fund	105780
TOS	4N00	Treasury Education	6050	Treasurer of State's Administration	105781
TOS	R044	Tax Holding	6050	Treasurer of State's Administration	105782

(B) On July 1, 2019, or as soon as possible thereafter, the
Director of Budget and Management shall cancel existing
encumbrances against each appropriation item indicated in the
table below and reestablish them against the appropriation item
also indicated in the table below. The Director may cancel and
reestablish other encumbrances as needed to properly close out the
funds identified in division (A) of this section. The encumbrances
reestablished under this section are hereby appropriated.
Cancel existing encumbrances Reestablish encumbrances against:
against:

Fund	Appropriation Item	Fund	Appropriation Item	
5CU0	725647 - Mine Safety	5290	725639 - Mining Regulation and Safety	105792 105793
5MF0	725635 - Ohio Geology License Plate	5110	725646 - Ohio Geological Mapping	105794
5CF0	776667 - Rail Transload Facilities	4N40	776664 - Rail Transportation - Other	105795
3EVO	820610 - Health Insurance Premium Review	5540	820606 - Operating Expenses	105796
3EW0	820611 - Health Exchange Planning	5540	820606 - Operating Expenses	105797
3EX0	820612 - Consumer Assistance Grant	5540	820606 - Operating Expenses	105798
5AG0	820603 - Health	5540	820606 - Operating	105799

	Information Technology and Health Care Coverage and Quality Council		Expenses	
3FF0	019620 - Capital Case Litigation	4070	019604 - County Representation	105800
3FX0	019621 - Wrongful Conviction Program	4070	019604 - County Representation	105801
3GJ0	019622 - Byrne Memorial Grant	4070	019604 - County Representation	105802
6A80	005606 - Supreme Court Admissions	4C80	005605 - Attorney Services	105803
5AJ0	651631 - Money Follows the Person	5DL0	651639 - Medicaid Services - Recoveries	105804

(C) The following funds are hereby abolished on the effective date of their repeal by this act:

User	Fund	Fund Name	
DNR	5260	Coal Mining Administration and Reclamation Reserve	105808
DOH	5QH0	Dental Hygiene Resource Shortage Area	105809
DVS	A041	Veterans Compensation Series 2011	105810
DVS	B041	Veterans Compensation Series 2013	105811
EDU	3090	Neglected & Delinquent Education	105812
EDU	3660	Adult Basic Education	105813
EDU	3690	Vocational Education	105814
EDU	3720	Federal Drivers' Education Projects	105815
EDU	3730	Pupil Transportation Safety Program	105816
EDU	3760	Job Training Partnership Act	105817
EDU	3780	Math/Science Tech Investments	105818
EDU	5960	Ohio Career Information System	105819
EDU	7006	Education Improvement	105820
EDU	3E20	AIDS Education Project	105821
EDU	3AK0	State Homeland Security	105822
EDU	3AX0	Improving Health and Education Outcomes of Young	105823

People

EDU	3BK0	Longitudinal Data Systems	105824
EDU	3BV0	Character Education	105825
EDU	3CF0	Foreign Language Assistance	105826
EDU	3CG0	Teacher Incentive	105827
EDU	3DC0	Federal Stimulus School Cafeteria Equipment	105828
EDU	3DJ0	Idea Part B - Federal Stimulus	105829
EDU	3DK0	Title I A - Federal Stimulus	105830
EDU	3EC0	Teacher Incentive - Federal Stimulus	105831
EDU	3EF0	National School Lunch Program Equipment	105832
EDU	3EK0	Advanced Placement	105833
EDU	3EL0	Even Start	105834
EDU	3EM0	Byrd Scholarship	105835
EDU	3EN0	State Data System - Federal Stimulus	105836
EDU	3ES0	Special Education Research	105837
EDU	3ET0	Ed Jobs	105838
EDU	3FD0	Race to the Top	105839
EDU	3FN0	Race to the Top - Early Learning Challenge Grant	105840
EDU	3GP0	School Climate Transformation	105841
EDU	3GQ0	Project Aware	105842
EDU	3GZ0	JAVITS Gifted and Talented Students Education	105843
EDU	3M10	ESEA Chapter Two	105844
EDU	3N70	School-to-Work	105845
EDU	3P90	SRRC/FRC Evaluation Project	105846
EDU	3R30	Goals 2000	105847
EDU	3S20	Tech Literacy Transfer	105848
EDU	3S70	Child Care School Age	105849
EDU	3T50	Coordinated School Health	105850
EDU	3T60	Class Size Reduction	105851
EDU	3U60	Provision 2&3 Grant	105852
EDU	3W60	TANF Education	105853
EDU	3X50	School Renovation Idea & Tech Program	105854
EDU	3Y40	Reading First	105855

EDU	3Z70	General Supervision Enhancement	105856
EDU	4M40	Emergency Svc Telecommunicator Training	105857
EDU	4Y50	Supplemental School Assistance	105858
EDU	4Z40	School District 1987 Reimburse	105859
EDU	5BB0	State Action for Education Leadership	105860
EDU	5F80	Instructional Materials Education	105861
EDU	5JA0	ARRA Compliance	105862
EDU	5X80	Jobs for Ohio Graduates	105863
EPA	3520	Wastewater Pollution	105864
EPA	3630	Construction Grant	105865
EPA	4910	Moving Expenses	105866
EPA	4990	Emergency Village Capital Improvements	105867
EPA	6020	Motor Vehicle Inspection/Maintenance	105868
EPA	6600	Infectious Waste Management	105869
EPA	6800	Emergency Plan & Community Right-to-Know Reserve	105870
EPA	3F40	Water Quality Management	105871
EPA	3J10	Urban Stormwater	105872
EPA	3J50	Maumee AOC Assessment	105873
EPA	3K20	Clean Water Act 106	105874
EPA	3K30	DOE Agreement in Principle	105875
EPA	3K40	DOD Base Realign/Closure Grant	105876
EPA	3K60	Remedial Action Plans	105877
EPA	3N10	Pollution Prevention Grants	105878
EPA	3S40	Performance Partnership Grants	105879
EPA	3T10	Rural Hardship Grant	105880
EPA	4C30	State Special Revenue Indirect	105881
EPA	4U70	Construction/Demolition Debris	105882
EPA	5DW0	Automotive Mercury Switch Program	105883
EPA	5N20	Dredge and Fill	105884
EPA	6A90	Construction/Demolition Debris Facility Oversight	105885
JFS	3W30	Adult Special Needs	105886
JFS	4J50	Home/Community Based Services/Aged	105887

JFS	4Z10	Health Care Compliance	105888
JFS	5BG0	Managed Care Assessment	105889
JFS	5KU0	Unemployment Insurance Support - Other Sources	105890
JFS	5Q90	Supplemental Inpatient Hospital	105891
JFS	R013	Forgery Collections	105892
MED	5LE0	Education and Patient Safety	105893
OOD	5L90	TANF/PCA Maintenance of Effort	105894
OOD	5QL0	Disability Determination Reimbursement	105895
PRX	3CT0	2008 Developing/Enhancing PMP	105896
PRX	3EB0	NASPER	105897
PRX	3EY0	Administration of the PMIX Hub	105898
PRX	3EZ0	NASPER 10	105899
SOS	3AH0	Election Reform/Health and Human Services	105900

Section 601.03. That Section 261.168 of Am. Sub. H.B. 49 of 105901
the 132nd General Assembly, as amended by Sub. H.B. 24 of the 105902
132nd General Assembly, be amended to read as follows: 105903

Sec. 261.168. MODIFICATIONS AND CAP FOR FISCAL YEARS ~~2019,~~ 105904
~~2020,~~ AND 2021 ICF/IID MEDICAID RATES UNDER THE FORMULA BEING 105905
PHASED OUT 105906

(A) As used in this section: 105907

(1) "Change of operator," "cost report year," "entering 105908
operator," "exiting operator," "ICF/IID," "ICF/IID services," 105909
"Medicaid days," "peer group 1-B," "peer group 2-B," "peer group 105910
3-B," "provider," and "provider agreement" have the same meanings 105911
as in section 5124.01 of the Revised Code. 105912

(2) "Formula being phased out" means the formula specified in 105913
division (C) of section 5124.15 of the Revised Code. 105914

(3) "Franchise permit fee" means the fee imposed by sections 105915
5168.60 to 5168.71 of the Revised Code. 105916

(B)(1) This section applies to each ICF/IID that is in peer 105917

group 1-B or peer group 2-B and to which either of the following, 105918
as applicable to a fiscal year, applies: 105919

~~(a) In the context of determining an ICF/IID's total Medicaid 105920
payment rate for fiscal year 2019 under the formula being phased 105921
out, either of the following is the case: 105922~~

~~(i) The provider of the ICF/IID has a valid Medicaid provider 105923
agreement for the ICF/IID on June 30, 2018, and a valid Medicaid 105924
provider agreement for the ICF/IID during fiscal year 2019; 105925~~

~~(ii) The ICF/IID undergoes a change of operator that takes 105926
effect during fiscal year 2019, the exiting operator has a valid 105927
Medicaid provider agreement for the ICF/IID on the day immediately 105928
preceding the effective date of the change of operator, and the 105929
entering operator has a valid Medicaid provider agreement for the 105930
ICF/IID during fiscal year 2019. 105931~~

~~(b) In the context of determining an ICF/IID's total Medicaid 105932
payment rate for fiscal year 2020, either of the following is the 105933
case: 105934~~

~~(i) The provider of the ICF/IID has a valid Medicaid provider 105935
agreement for the ICF/IID on June 30, 2019, and a valid Medicaid 105936
provider agreement for the ICF/IID during fiscal year 2020; 105937~~

~~(ii) The ICF/IID undergoes a change of operator that takes 105938
effect during fiscal year 2020, the exiting operator has a valid 105939
Medicaid provider agreement for the ICF/IID on the day immediately 105940
preceding the effective date of the change of operator, and the 105941
entering operator has a valid Medicaid provider agreement for the 105942
ICF/IID during fiscal year 2020. 105943~~

~~(c)(b) In the context of determining an ICF/IID's total 105944
Medicaid payment rate for fiscal year 2021, either of the 105945
following is the case: 105946~~

~~(i) The provider of the ICF/IID has a valid Medicaid provider 105947~~

agreement for the ICF/IID on June 30, 2020, and a valid Medicaid 105948
provider agreement for the ICF/IID during fiscal year 2021; 105949

(ii) The ICF/IID undergoes a change of operator that takes 105950
effect during fiscal year 2021, the exiting operator has a valid 105951
Medicaid provider agreement for the ICF/IID on the day immediately 105952
preceding the effective date of the change of operator, and the 105953
entering operator has a valid Medicaid provider agreement for the 105954
ICF/IID during fiscal year 2021. 105955

(2) This section does not apply to either of the following: 105956

(a) An ICF/IID in peer group 3-B; 105957

(b) An ICF/IID for which the provider obtains an initial 105958
provider agreement during a fiscal year for which modifications to 105959
the formula being phased out are made under this section. 105960

(C) Notwithstanding Chapter 5124. of the Revised Code, the 105961
following modifications shall be made when determining under the 105962
formula being phased out the fiscal years ~~2019~~, ~~2020~~, and 2021 105963
total per Medicaid day payment rates for an ICF/IID to which this 105964
section applies: 105965

(1) The ICF/IID's efficiency incentive for capital costs, as 105966
determined under division (F) of section 5124.171 of the Revised 105967
Code, shall be reduced by 50%. 105968

(2) In place of the maximum cost per case-mix unit 105969
established for the ICF/IID's peer group under division (C) of 105970
section 5124.195 of the Revised Code, the ICF/IID's maximum costs 105971
per case-mix unit shall be the amount the Department determined 105972
for the ICF/IID's peer group for fiscal year 2016 in accordance 105973
with division (E) of Section 259.160 of Am. Sub. H.B. 64 of the 105974
131st General Assembly. 105975

(3) In place of the inflation adjustment otherwise calculated 105976
under division (D) of section 5124.195 of the Revised Code for the 105977

purpose of division (A)(1)(b) of that section, an inflation 105978
adjustment of 1.014 shall be used. 105979

(4) In place of the efficiency incentive otherwise calculated 105980
under division (B)(2) of section 5124.211 of the Revised Code, the 105981
ICF/IID's efficiency incentive for indirect care costs shall be 105982
the following: 105983

(a) In the case of an ICF/IID in peer group 1-B, not more 105984
than \$3.69; 105985

(b) In the case of an ICF/IID in peer group 2-B, not more 105986
than \$3.19. 105987

(5) In place of the maximum rate for indirect care costs 105988
established for the ICF/IID's peer group under division (C) of 105989
section 5124.211 of the Revised Code, the maximum rate for 105990
indirect care costs for the ICF/IID's peer group shall be an 105991
amount the Department shall determine in accordance with division 105992
(D) of this section. 105993

(6) In place of the inflation adjustment otherwise calculated 105994
under division ~~(D)~~(E)(1) of section 5124.211 of the Revised Code 105995
for the purpose of division (B)(1) of that section only, an 105996
inflation adjustment of 1.014 shall be used. 105997

(7) In place of the inflation adjustment otherwise made under 105998
section 5124.231 of the Revised Code, the ICF/IID's desk-reviewed, 105999
actual, allowable, per Medicaid day other protected costs, 106000
excluding the franchise permit fee, from the applicable cost 106001
report year shall be multiplied by 1.014. 106002

(D) In determining the amount of the maximum rate for 106003
indirect costs for the purpose of division (C)(5) of this section, 106004
the Department shall strive to the greatest extent possible to do 106005
both of the following: 106006

(1) Avoid rate reductions under division (E)~~(1)~~ of this 106007

section; 106008

(2) Have the amount so determined result in payment of all 106009
desk-reviewed, actual, allowable indirect care costs for the same 106010
percentage of Medicaid days for ICFs/IID in peer group 1-B as for 106011
ICFs/IID in peer group 2-B as of the first day of the fiscal year 106012
for which the determination is made, based on May Medicaid days 106013
from the calendar year in which the fiscal year begins. 106014

(E)~~(1)~~ If the mean total per Medicaid day rate for all 106015
ICFs/IID to which this section applies, as determined under 106016
division (C) of this section as of the first day of a fiscal year 106017
for which a rate is determined under this section and weighted by 106018
May Medicaid days from the calendar year in which the fiscal year 106019
begins, is either greater than the amount determined under division 106020
~~(E)(2) of this section \$290.10~~, the Department shall adjust, for 106021
the fiscal year for which the rate is determined, the total per 106022
Medicaid day rate for each ICF/IID to which this section applies 106023
by a percentage that is equal to the percentage by which the mean 106024
total per Medicaid day rate is greater ~~or less~~ than the amount 106025
~~determined under division (E)(2) of this section \$290.10~~. 106026

~~(2) The amount to be used for the purpose of division (E)(1)~~ 106027
~~of this section shall be not less than \$290.10. The Department, in~~ 106028
~~its sole discretion, may use a larger amount for the purpose of~~ 106029
~~that division. In determining whether to use a larger amount, the~~ 106030
~~Department may consider any of the following:~~ 106031

~~(a) The reduction in the total Medicaid certified capacity of~~ 106032
~~all ICFs/IID that occurs in the fiscal year immediately preceding~~ 106033
~~the fiscal year for which the determination is made, and the~~ 106034
~~reduction that is projected to occur in the fiscal year for which~~ 106035
~~the determination is made, as a result of either of the following:~~ 106036

~~(i) A downsizing pursuant to a plan approved by the~~ 106037
~~Department under section 5123.042 of the Revised Code;~~ 106038

~~(ii) A conversion of beds to providing home and community based services under the Individual Options waiver pursuant to section 5124.60 or 5124.61 of the Revised Code.~~

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~~(b) The increase in Medicaid payments made for ICF/IID services provided during the fiscal year immediately preceding the fiscal year for which the determination is made, and the increase that is projected to occur in the fiscal year for which the determination is made, as a result of the modifications to the payment rates made under section 5124.101 of the Revised Code;~~

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~~(c) The total reduction in the number of ICF/IID beds that occurs pursuant to section 5124.67 of the Revised Code;~~

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106049

~~(d) Other factors the Department determines to be relevant.~~

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(F) If the United States Centers for Medicare and Medicaid Services requires that the franchise permit fee be reduced or eliminated, the Department shall reduce the rate determined under this section as necessary to reflect the loss to the state of the revenue and federal financial participation generated from the franchise permit fee.

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Section 601.04. That existing Section 261.168 of Am. Sub. H.B. 49 of the 132nd General Assembly, as amended by Sub. H.B. 24 of the 132nd General Assembly, is hereby repealed.

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Section 601.05. Sections 601.03 and 601.04 of this act are exempt from the referendum under section 1d of Article II, Ohio Constitution, and take effect July 1, 2019.

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106062

Section 601.10. That Sections 207.10, 217.10, 225.10, and 701.10 of H.B. 529 of the 132nd General Assembly be amended to read as follows:

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106065

Sec. 207.10. DEPARTMENT OF HIGHER EDUCATION AND STATE

106066

INSTITUTIONS OF HIGHER EDUCATION			106067
BOR DEPARTMENT OF HIGHER EDUCATION			106068
Higher Education Improvement Fund (Fund 7034)			106069
C23501	Ohio Supercomputer Center	\$ 6,105,076	106070
C23516	Ohio Library and Information Network	\$ 13,844,808	106071
C23524	Supplemental Renovations - Library Depositories	\$ 447,000	106072
C23529	Workforce Based Training and Equipment	\$ 8,000,000 <u>16,000,000</u>	106073
C23530	Technology Initiatives	\$ 2,500,000	106074
C23532	OARnet	\$ 10,203,116	106075
C23551	Ohio Innovation Exchange	\$ 400,000	106076
C23560	HEI Critical Maintenance and Upgrades	\$ 2,500,000	106077
C23563	Ohio Cyber Range	\$ 1,000,000	106078
C23564	Ohio Aerospace Institute Improvements	\$ 150,000	106079
TOTAL Higher Education Improvement Fund		\$ 45,150,000 <u>53,150,000</u>	106080
TOTAL ALL FUNDS		\$ 45,150,000 <u>53,150,000</u>	106081
RESEARCH FACILITY ACTION AND INVESTMENT FUNDS			106082
Capital appropriations or reappropriations in this act made			106083
from appropriation item C23502, Research Facility Action and			106084
Investment Funds, shall be used for a program of grants to be			106085
administered by the Department of Higher Education to provide			106086
timely availability of capital facilities for research programs			106087
and research-oriented instructional programs at or involving			106088
state-supported and state-assisted institutions of higher			106089
education.			106090
WORKFORCE BASED TRAINING AND EQUIPMENT			106091
(A) Capital appropriations or reappropriations in this act			106092
made from appropriation item C23529, Workforce Based Training and			106093

Equipment, shall be used to support the Regionally Aligned 106094
Priorities in Developing Skills (RAPIDS) program in the Department 106095
of Higher Education. The purpose of the RAPIDS program is to 106096
support collaborative projects among higher education institutions 106097
to strengthen education and training opportunities that maximize 106098
workforce development efforts in defined areas of the state. 106099

(B) Capital funds appropriated or reappropriated for this 106100
purpose by the General Assembly shall be distributed by the 106101
Chancellor of Higher Education to Ohio regions or subsets of 106102
regions. Regions or subsets of regions may be defined by the 106103
state's economic development strategy. 106104

(C) The Chancellor shall award capital funds within the 106105
program using an application and review process, as developed by 106106
the Chancellor. In reviewing applications and making awards, 106107
priority shall be given to proposals that demonstrate: 106108

(1) Collaboration among and between state institutions of 106109
higher education, as defined in section 3345.011 of the Revised 106110
Code, Ohio Technical Centers, and other entities as determined to 106111
be appropriate by the Chancellor; 106112

(2) Evidence of meaningful business support and engagement; 106113

(3) Identification of targeted occupations and industries 106114
supported by data, which sources may include the Governor's Office 106115
of Workforce Transformation, OhioMeansJobs, labor market 106116
information from the Department of Job and Family Services, and 106117
lists of in-demand occupations; 106118

(4) Sustainability beyond the grant period with the 106119
opportunity to provide continued value and impact to the region. 106120

(D) In submitting proposals for consideration under the 106121
program, a state institution of higher education, as defined in 106122
section 3345.011 of the Revised Code, shall be the lead applicant 106123
and preference shall be given to proposals in which equipment and 106124

technology acquired by capital funds awarded under the program are 106125
owned by a state institution of higher education. If equipment, 106126
technology, or facilities acquired by capital funds awarded under 106127
the program will be owned by a separate governmental or nonprofit 106128
entity, the state institution of higher education shall enter into 106129
a joint use agreement with the entity, which shall be approved by 106130
the Chancellor. 106131

Sec. 217.10. COM DEPARTMENT OF COMMERCE 106132

State Fire Marshal Fund (Fund 5460) 106133

C80023 SFM Renovations and Improvements \$ 1,497,500 106134

C80034 Fire Training Apparatus \$ 1,675,000 106135

C80040 Green Township Department - Lucas CPR \$ 15,000 106136

Device

TOTAL State Fire Marshal Fund \$ ~~3,172,500~~ 106137

3,187,500

Administrative Building Fund (Fund 7026) 106138

C80038 Mahoning County Live Fire Training \$ 375,000 106139

Facility

C80039 Weathersfield Township \$ 150,000 106140

Multi-jurisdictional Center

TOTAL Administrative Building Fund \$ 525,000 106141

TOTAL ALL FUNDS \$ ~~3,697,500~~ 106142

3,712,500

Sec. 225.10. DOT DEPARTMENT OF TRANSPORTATION 106144

Administrative Building Fund (Fund 7026) 106145

C77706 Allen County Building Demolition, \$ 200,000 106146

Maintenance, or Construction

TOTAL Administrative Building Fund \$ 200,000 106147

Transportation Building Fund (Fund 7029) 106148

C77705 Statewide Land and Buildings \$ 60,000,000 106149

TOTAL Transportation Building Fund	\$	60,000,000	106150
TOTAL ALL FUNDS	\$	60,200,000	106151

Sec. 701.10. OHIO ENTERPRISE DATA AND INFORMATION SYSTEM 106153
PROJECTS 106154

The enterprise data center solutions (EDCS) project is an 106155
information technology initiative that will expand and improve the 106156
state's cloud computing environment and support expansion of and 106157
upgrades to enterprise shared solutions. The Ohio Administrative 106158
Knowledge System (OAKS) is an enterprise resource planning system 106159
that replaced the state's central services infrastructure systems. 106160
The Department of Administrative Services may continue to acquire 106161
and implement EDCS, OAKS, and related information system projects, 106162
including, but not limited to, acquisition of the application 106163
hardware and software and the installation, implementation, and 106164
integration thereof. The Department of Administrative Services may 106165
enter into a lease-purchase agreement pursuant to Chapter 125. of 106166
the Revised Code as necessary to finance or refinance the 106167
projects. At the request of the Director of Administrative 106168
Services, the Office of Budget and Management shall make 106169
arrangements for the issuance of obligations, including 106170
fractionalized interests in public obligations as defined in 106171
division (N) of section 133.01 of the Revised Code, to finance the 106172
enterprise data and information system and OAKS projects, provided 106173
that not more than ~~\$29,594,850~~ \$51,094,850 shall be raised for 106174
this purpose. 106175

Section 601.11. That existing Sections 207.10, 217.10, 106176
225.10, and 701.10 of H.B. 529 of the 132nd General Assembly are 106177
hereby repealed. 106178

Section 601.12. That Section 207.440 of H.B. 529 of the 132nd 106179
General Assembly, as amended by Am. Sub. S.B. 299 of the 132nd 106180

General Assembly, be amended to read as follows: 106181

Sec. 207.440. The Ohio Public Facilities Commission is hereby 106182
authorized to issue and sell, in accordance with Section 2n of 106183
Article VIII, Ohio Constitution, and Chapter 151. and particularly 106184
sections 151.01 and 151.04 of the Revised Code, original 106185
obligations in an aggregate principal amount not to exceed 106186
~~\$431,000,000~~ 439,000,000, in addition to the original issuance of 106187
obligations heretofore authorized by prior acts of the General 106188
Assembly. These authorized obligations shall be issued, subject to 106189
applicable constitutional and statutory limitations, as needed to 106190
provide sufficient moneys to the credit of the Higher Education 106191
Improvement Fund (Fund 7034) and the Higher Education Improvement 106192
Taxable Fund (Fund 7024) to pay costs of capital facilities for 106193
state-supported and state-assisted institutions of higher 106194
education. 106195

Section 601.13. That existing Section 207.440 of H.B. 529 of 106196
the 132nd General Assembly, as amended by Am. Sub. S.B. 299 of the 106197
132nd General Assembly, is hereby repealed. 106198

Section 601.20. That Sections 223.10 and 223.50 of H.B. 529 106199
of the 132nd General Assembly, as most recently amended by Am. 106200
Sub. H.B. 62 of the 133rd General Assembly, be amended to read as 106201
follows: 106202

Sec. 223.10. DNR DEPARTMENT OF NATURAL RESOURCES 106203

Oil and Gas Well Fund (Fund 5180) 106204

C725U6	Oil and Gas Facilities	\$	1,150,000	106205
TOTAL	Oil and Gas Well Fund	\$	1,150,000	106206

Wildlife Fund (Fund 7015) 106207

C725B0	Access Development	\$	15,000,000	106208
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			<u>18,000,000</u>	
C725B6	Upgrade Underground Fuel Tanks	\$	460,000	106209
C725K9	Wildlife Area Building Development/Renovation	\$	9,950,000	106210
C725L9	Dam Rehabilitation	\$	6,200,000	106211
TOTAL Wildlife Fund		\$	31,610,000	106212
			<u>34,610,000</u>	
Administrative Building Fund (Fund 7026)				106213
C725D5	Fountain Square Building and Telephone Improvement	\$	2,000,000	106214
C725N7	District Office Renovations	\$	2,455,343	106215
TOTAL Administrative Building Fund		\$	4,455,343	106216
Ohio Parks and Natural Resources Fund (Fund 7031)				106217
C72549	Facilities Development	\$	1,500,000	106218
C725E1	Local Parks Projects Statewide	\$	6,668,925	106219
C725E5	Project Planning	\$	1,147,700	106220
C725K0	State Park Renovations/Upgrading	\$	1,100,000	106221
C725M0	Dam Rehabilitation	\$	11,928,000	106222
C725N8	Operations Facilities Development	\$	1,000,000	106223
C725T3	Healthy Lake Erie Initiative	\$	20,000,000	106224
TOTAL Ohio Parks and Natural Resources Fund		\$	43,344,625	106225
Parks and Recreation Improvement Fund (Fund 7035)				106226
<u>C72513</u>	<u>Land Acquisition</u>	<u>\$</u>	<u>47,000,000</u>	106227
C725A0	State Parks, Campgrounds, Lodges, Cabins	\$	57,554,343	106228
C725C4	Muskingum River Lock and Dam	\$	6,800,000	106229
C725E2	Local Parks, Recreation, and Conservation Projects	\$	31,351,000	106230
C725E6	Project Planning	\$	4,082,793	106231
C725N6	Wastewater/Water Systems Upgrades	\$	8,955,000	106232
C725R3	State Parks Renovations/Upgrades	\$	8,640,000	106233
C725R4	Dam Rehabilitation - Parks	\$	33,125,000	106234
C725U5	The Banks	\$	2,000,000	106235

C725U7	Eagle Creek Watershed Flood Mitigation	\$	15,000,000	106236
TOTAL	Parks and Recreation Improvement Fund	\$	167,508,136	106237
			<u>214,008,136</u>	
	Clean Ohio Trail Fund (Fund 7061)			106238
C72514	Clean Ohio Trail Fund	\$	12,500,000	106239
TOTAL	Clean Ohio Trail Fund	\$	12,500,000	106240
TOTAL ALL FUNDS		\$	260,568,104	106241
			<u>310,068,104</u>	

FEDERAL REIMBURSEMENT 106242

All reimbursements received from the federal government for 106243
any expenditures made pursuant to this section shall be deposited 106244
in the state treasury to the credit of the fund from which the 106245
expenditure originated. 106246

HEALTHY LAKE ERIE INITIATIVE 106247

Of the foregoing appropriation item C725T3, Healthy Lake Erie 106248
Initiative, \$10,000,000 shall be used to support projects that 106249
enhance efforts to reduce open lake disposal of dredged materials 106250
into Lake Erie by 2020. 106251

STATE PARKS RENOVATIONS/UPGRADES 106252

Of the foregoing appropriation item C725R3, State Parks 106253
Renovations/Upgrades, up to \$500,000 shall be used to make repairs 106254
to the Kenny Road dock on North Bass Island in Ottawa County. 106255

EAGLE CREEK WATERSHED FLOOD MITIGATION 106256

The foregoing appropriation item C725U7, Eagle Creek 106257
Watershed Flood Mitigation, shall be used to support the Eagle 106258
Creek Watershed Flood Mitigation Project in Hancock County, 106259
provided that there are local matching funds committed to the 106260
project of not less than twenty per cent of the total project 106261
cost. 106262

Sec. 223.50. The Treasurer of State is hereby authorized to 106263

issue and sell, in accordance with Section 2i of Article VIII, 106264
Ohio Constitution, and Chapter 154. of the Revised Code, 106265
particularly section 154.22, and other applicable sections of the 106266
Revised Code, original obligations in an aggregate principal 106267
amount not to exceed ~~\$134,500,000~~ \$181,000,000, in addition to the 106268
original issuance of obligations heretofore authorized by prior 106269
acts of the General Assembly. These authorized obligations shall 106270
be issued, subject to applicable constitutional and statutory 106271
limitations, as needed to provide sufficient moneys to the credit 106272
of the Parks and Recreation Improvement Fund (Fund 7035) to pay 106273
the costs of capital facilities for parks and recreation purposes. 106274

Section 601.21. That existing Sections 223.10 and 223.50 of 106275
H.B. 529 of the 132nd General Assembly, as most recently amended 106276
by Am. Sub. H.B. 62 of the 133rd General Assembly, are hereby 106277
repealed. 106278

Section 601.22. That Sections 125.10 and 125.11 of Am. Sub. 106279
H.B. 59 of the 130th General Assembly, as most recently amended by 106280
Am. Sub. H.B. 49 of the 132nd General Assembly, be amended to read 106281
as follows: 106282

Sec. 125.10. Sections 5168.01, 5168.02, 5168.03, 5168.04, 106283
5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 5168.11, 106284
5168.13, 5168.99, and 5168.991 of the Revised Code are hereby 106285
repealed, effective October 16, ~~2019~~ 2021. 106286

Sec. 125.11. Sections 5168.20, 5168.21, 5168.22, 5168.23, 106287
5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised 106288
Code are hereby repealed, effective October 1, ~~2019~~ 2021. 106289

Section 601.23. That existing Sections 125.10 and 125.11 of 106290
Am. Sub. H.B. 59 of the 130th General Assembly, as most recently 106291

amended by Am. Sub. H.B. 49 of the 132nd General Assembly, are 106292
hereby repealed. 106293

Section 601.30. That Section 207.71 of Am. Sub. H.B. 49 of 106294
the 132nd General Assembly be amended to read as follows: 106295

Sec. 207.71. PAY FOR SUCCESS CONTRACTING PROGRAM 106296

(A) As used in this section, "social service intermediary" 106297
has the same meaning as in section 125.66 of the Revised Code, as 106298
enacted by Am. Sub. H.B. 49 of the 132nd General Assembly. 106299

(B) Not later than six months after ~~the effective date of~~ 106300
~~this section June 29, 2017,~~ the Director of Administrative 106301
Services shall, in consultation with the Department of Health and 106302
as part of the Pay for Success Contracting Program established 106303
under section 125.66 of the Revised Code, as enacted by Am. Sub. 106304
H.B. 49 of the 132nd General Assembly, contract with one or more 106305
social service intermediaries to administer one or two pilot 106306
projects intended to do both of the following: 106307

(1) Reduce the incidence of infant mortality, low-birthweight 106308
births, premature births, and stillbirths in the urban and rural 106309
communities of this state that are specified by the Director of 106310
Health under section 3701.142 of the Revised Code; 106311

(2) Promote equity in birth outcomes among infants of 106312
different races in this state. 106313

(C) The Director of Administrative Services may request that 106314
the Director of Health pay the costs of the Pay for Success 106315
Contracting Program under appropriations to the Department of 106316
Health. Upon approval of the Director of Health, these costs shall 106317
be paid from General Revenue Fund appropriation item 440474, 106318
Infant Vitality. 106319

(D) Notwithstanding any contrary provision of sections 113.60 106320

to 113.62 of the Revised Code, the Director of Administrative Services and the Department of Health may continue to contract with social service intermediaries to administer the pilot projects described in division (B) of this section in accordance with this section and sections 125.66 and 125.661 of the Revised Code, as enacted by Am. Sub. H.B. 49 of the 132nd General Assembly, on and after the effective date of this amendment.

Section 601.31. That existing Section 207.71 of Am. Sub. H.B. 49 of the 132nd General Assembly is hereby repealed.

Section 603.10. That Section 205.10 of Am. Sub. H.B. 62 of the 133rd General Assembly be amended to read as follows:

Sec. 205.10. DPS DEPARTMENT OF PUBLIC SAFETY

General Revenue Fund

GRF	761408	Highway Patrol	\$	0	\$	35,000,000	106334
		Operating Expenses					
TOTAL GRF		General Revenue Fund	\$	0	\$	35,000,000	106335

Highway Safety Fund Group

5TM0	761401	Public Safety	\$	1,595,800	\$	1,598,300	106337
		Facilities Lease					
		Rental Bond Payments					
5TM0	762321	Operating Expense - BMV	\$	108,178,738	\$	111,822,673	106338
5TM0	762636	Financial Responsibility Compliance	\$	5,463,977	\$	5,540,059	106339
5TM0	762637	Local Immobilization Reimbursement	\$	200,000	\$	200,000	106340
5TM0	764321	Operating Expense - Highway Patrol	\$	345,534,531	\$	349,339,662 <u>314,339,662</u>	106341

5TM0	764605	Motor Carrier Enforcement Expenses	\$	4,283,940	\$	4,308,088	106342
5TM0	769636	Administrative Expenses - Highway Purposes	\$	48,326,950	\$	49,020,261	106343
8370	764602	Turnpike Policing	\$	12,720,330	\$	12,840,263	106344
83C0	764630	Contraband, Forfeiture, and Other	\$	1,210,917	\$	1,213,407	106345
83F0	764657	Law Enforcement Automated Data System	\$	6,903,824	\$	6,441,735	106346
83G0	764633	OMVI Enforcement/Education	\$	593,518	\$	596,799	106347
83M0	765624	Operating - EMS	\$	5,281,688 <u>4,850,688</u>	\$	5,521,843 <u>5,020,843</u>	106348
83M0	765640	EMS - Grants	\$	2,900,000	\$	2,900,000	106349
8400	764607	State Fair Security	\$	1,533,397	\$	1,549,094	106350
8400	764617	Security and Investigations	\$	15,333,469	\$	15,469,782	106351
8400	764626	State Fairgrounds Police Force	\$	1,263,762	\$	1,276,143	106352
8460	761625	Motorcycle Safety Education	\$	3,823,000	\$	3,823,000	106353
8490	762627	Automated Title Processing Board	\$	16,446,027	\$	16,446,027	106354
8490	762630	Electronic Liens and Titles	\$	2,900,000	\$	2,900,000	106355
TOTAL	HSF Highway Safety Fund Group		\$	584,493,868 <u>584,062,868</u>	\$	592,807,136 <u>557,306,136</u>	106356
Dedicated Purpose Fund Group							106357
5390	762614	Motor Vehicle Dealers Board	\$	140,000	\$	140,000	106358
5FF0	762621	Indigent Interlock and Alcohol	\$	2,000,000	\$	2,000,000	106359

		Monitoring					
5Y10	764695	State Highway Patrol	\$	134,000	\$	134,000	106360
		Continuing					
		Professional Training					
TOTAL DPF		Dedicated Purpose Fund	\$	2,274,000	\$	2,274,000	106361
		Group					
		Fiduciary Fund Group					106362
5J90	761678	Federal Salvage/GSA	\$	750,000	\$	750,000	106363
5V10	762682	License Plate	\$	2,700,000	\$	2,700,000	106364
		Contributions					
TOTAL FID		Fiduciary Fund Group	\$	3,450,000	\$	3,450,000	106365
		Holding Account Fund Group					106366
R024	762619	Unidentified Motor	\$	1,885,000	\$	1,885,000	106367
		Vehicle Receipts					
R052	762623	Security Deposits	\$	50,000	\$	50,000	106368
TOTAL HLD		Holding Account Fund	\$	1,935,000	\$	1,935,000	106369
		Group					
		Federal Fund Group					106370
3DU0	762628	BMV Grants	\$	1,150,000	\$	1,150,000	106371
3GR0	764693	Highway Patrol	\$	1,230,549	\$	1,234,258	106372
		Justice Contraband					
3GS0	764694	Highway Patrol	\$	21,000	\$	21,000	106373
		Treasury Contraband					
3GU0	761610	Information and	\$	300,000	\$	300,000	106374
		Education Grant					
3GU0	764608	Fatality Analysis	\$	175,000	\$	175,000	106375
		Report System Grant					
3GU0	764610	Highway Safety	\$	4,036,721	\$	4,071,387	106376
		Programs Grant					
3GU0	764659	Motor Carrier Safety	\$	5,755,900	\$	5,816,116	106377
		Assistance Program					
		Grant					

3GU0 765610	EMS Grants	\$	225,000	\$	225,000	106378
3GV0 761612	Traffic Safety Action	\$	30,200,000	\$	30,200,000	106379
	Plan Grants					
TOTAL FED	Federal Fund Group	\$	43,094,170	\$	43,192,761	106380
TOTAL ALL BUDGET FUND GROUPS		\$	635,247,038	\$	678,658,897	106381
			<u>634,816,038</u>		<u>643,157,897</u>	

Section 603.11. That existing Section 205.10 of Am. Sub. H.B. 106383
62 of the 133rd General Assembly is hereby repealed. 106384

Section 610.10. That Sections 4, 5, and 6 of Am. Sub. H.B. 70 106385
of the 131st General Assembly are hereby repealed. 106386

Section 701.10. Notwithstanding any provision of the Revised 106387
Code to the contrary, designees of the Office of Budget and 106388
Management and the Department of Administrative Services jointly 106389
shall review agency functions and programs and determine if any 106390
overlap or duplicative functions exist and shall collaborate with 106391
affected agencies in the course of their review. The designees 106392
shall determine the cost-effectiveness of the programming in terms 106393
of administrative and operational costs, including facilities, 106394
personnel, technology, supplies, contracts, and services. 106395
Following review and not later than January 1, 2020, the Directors 106396
of Budget and Management and Administrative Services jointly shall 106397
determine, in consultation with the affected agencies, the 106398
functions that may be consolidated within and across state 106399
departments, with particular emphasis on facilities utilization, 106400
laboratory testing facility consolidation, and field or regional 106401
office operation consolidation. The determination also may include 106402
other functions, programs, and services that would reduce costs 106403
and improve services and would be suitable for operation within 106404
the Office of Budget and Management's Shared Services Center. 106405

Should the consolidation of functions result in consolidation 106406

within the Shared Services Center or otherwise impact any employee 106407
not subject to Chapter 4117. of the Revised Code, the Director of 106408
Administrative Services may assign, reassign, classify, 106409
reclassify, transfer, reduce, promote, or demote any employee so 106410
transferred. Any employment records and actions, including 106411
personnel actions, disciplinary actions, performance improvement 106412
plans, and performance evaluations transfer with the employee. 106413
These employees are subject to the policies, procedures, and work 106414
rules of the agency to which they are transferred. The Director of 106415
Administrative Services also may transfer all equipment and assets 106416
relating to the program or function that is being consolidated to 106417
the department that is to be responsible for the functions after 106418
consolidation occurs. 106419

On or after the effective date of the respective 106420
consolidation of functions and notwithstanding any provision of 106421
law to the contrary, the Director of Budget and Management may 106422
make budget changes made necessary by this section, including 106423
cancelling encumbrances and reestablishing them as encumbrances of 106424
the department that is to be responsible for the functions after 106425
consolidation occurs. Any reestablished encumbrances are hereby 106426
appropriated. 106427

Section 701.20. On the effective date of this act, or as soon 106428
as possible thereafter, the Director of Budget and Management 106429
shall transfer the cash balance from all money collected under 106430
sections 718.80 to 718.95 of the Revised Code, if any, in the 106431
municipal income tax fund to the municipal net profit tax fund. 106432

Section 701.30. COORDINATION OF BENEFITS 106433

The Development Services Agency and the Department of Job and 106434
Family Services may collaborate to coordinate benefits available 106435
to eligible Ohioans. By evaluating current procedures and working 106436

toward a goal of developing a single application for eligible 106437
customers, the agencies shall work to produce new efficiencies and 106438
prevent duplication of efforts. 106439

Section 701.40. RECOVERY HOUSING PILOT PROGRAM 106440

The Department of Mental Health and Addiction Services shall 106441
work with the Development Services Agency to develop a pilot 106442
program in partnership with rural Ohio counties hard hit by the 106443
opioid epidemic to enhance funding availability for recovery 106444
housing. This partnership may include local OhioMeansJobs and Job 106445
and Family Services entities to develop workforce job training and 106446
employer participation for those individuals participating in 106447
recovery housing programs. 106448

Section 701.50. DEPARTMENT OF EDUCATION PERFORMANCE AUDIT 106449

The Auditor of State, in consultation with the Joint 106450
Education Oversight Committee, shall conduct a performance audit 106451
of selected offices or programs within the Department of 106452
Education. The audit shall be completed by October 1, 2020. 106453

Section 715.10. Except for an applicant for a nonresident 106454
youth hunting license who shall pay nine dollars for an annual 106455
license as specified in section 1533.10 of the Revised Code, an 106456
applicant for a hunting or fishing license who is not a resident 106457
of a reciprocal state, and a nonresident applicant for a deer 106458
permit shall pay the annual fee for each license or permit through 106459
December 31, 2019, in accordance with the fee schedule established 106460
in Section 715.11 of H.B. 49 of the 132nd General Assembly. 106461

Section 717.10. In enacting section 1707.50 of the Revised 106462
Code in Section 101.01 of this act, the General Assembly finds all 106463
of the following: 106464

(A) Whereas adequate financing of essential investor protection enforcement is necessary to achieve maximum compliance with state law, to ensure, for businesses that raise money via crowdfunding, an effective disincentive to engage in unlawful, fraudulent, and anticompetitive business practices, and to provide appropriate regulation of an emerging and quickly evolving industry.

(B) Although self-policing efforts by industry watchdog groups may have some success in educating some fundraisers about their obligations under state consumer and investor laws, in other cases the only meaningful deterrent to unlawful conduct is the vigorous assessment and collection of civil penalties.

(C) It is in the public interest to provide that civil penalties for violations of law may also be assessed and collected by aggrieved crowdfunding investors acting as private attorneys general enforcement.

Section 733.10. If a city, local, or exempted village school district experienced an increase in the taxable value of all utility tangible personal property subject to taxation by the district between tax years 2017 and 2018 and, as a result, the Department of Education deducted funds from the district under division (B) of section 3317.028 of the Revised Code, as it existed prior to the effective date of this section, the Department, during the fiscal year that begins after that effective date, shall credit the deducted amount to the district.

Section 733.20. FAFSA COMPLETION PROGRAM

(A) As used in this section, "eligible district" means any educational service center or city, exempted village, local, or joint vocational school district.

(B) The Department of Education shall establish a program to

award grants to eligible districts for the purposes of organizing 106495
activities to encourage and assist students in grade twelve with 106496
completing the Free Application for Federal Student Aid. The 106497
program shall operate in fiscal years 2020 and 2021. 106498

(C) In each fiscal year in which the program operates, the 106499
Department shall solicit, review, and approve proposals from 106500
eligible districts. The Department shall award a grant to each 106501
eligible district with an approved proposal, except that, if the 106502
funds appropriated by the General Assembly for the program are 106503
insufficient, the Department shall prioritize awarding grants to 106504
lower wealth eligible districts. Each award shall be up to five 106505
thousand dollars and each eligible district with an approved 106506
proposal shall receive one award per fiscal year. 106507

(D) The Department shall adopt guidelines and procedures for 106508
the program, including all of the following: 106509

(1) A process in which the Department shall solicit, review, 106510
and approve proposals submitted by eligible districts, as well as 106511
a timeline for that process; 106512

(2) Criteria for approving a proposal submitted by an 106513
eligible district, including both of the following: 106514

(a) A requirement that the eligible district work with a 106515
public or private community partner; 106516

(b) A requirement that the proposal include at least one 106517
activity such as a training session, a fair, or another event that 106518
actively engages students. 106519

(3) A metric to gauge the wealth of eligible districts. 106520

Section 737.10. On or after July 1, 2019, the Department of 106521
Health may establish a Substance Use Disorder Professional Loan 106522
Repayment Program. Under the Program, the Department may agree to 106523
repay all or part of the principal or interest of government or 106524

other educational loans taken by professionals providing treatment 106525
and other related services to individuals with substance use 106526
disorders. A professional participating in the Program must commit 106527
to serving in an area of the state with limited access to 106528
addiction treatment and related services. 106529

Section 737.11. On or after July 1, 2019, the Department of 106530
Health may establish a program under which a physician providing 106531
medication-assisted treatment to individuals with substance use 106532
disorders in a health resource shortage area may be eligible for 106533
financial assistance from the Department. Eligible physicians are 106534
those participating in the Physician Loan Repayment Program as 106535
described in section 3702.75 of the Revised Code. 106536

Section 737.20. As used in this section, "certificate of 106537
need" has the same meaning as in section 3702.51 of the Revised 106538
Code. 106539

If the Director of Health denied an application for a 106540
certificate of need only because of division (B)(1)(b) of section 106541
3702.59 of the Revised Code, as that section existed on the day 106542
immediately preceding the effective date of the amendment by this 106543
act to that section, and the applicant appealed the denial under 106544
section 3702.60 of the Revised Code, the Director shall reverse 106545
the denial and grant the application not later than ten days after 106546
the effective date of this section regardless of the status of the 106547
appeal if division (B)(1)(b) of section 3702.59 of the Revised 106548
Code would not have been grounds for denying the application had 106549
the amendment by this act to that section been in effect at the 106550
time the application was submitted to the Director. 106551

Section 737.30. The Director of Environmental Protection 106552
shall enter into a memorandum of understanding with the Everglades 106553

Foundation prior to dispursing to the Foundation any money 106554
appropriated to the Environmental Protection Agency for the George 106555
Barley Water Prize. The Director, a representative from any entity 106556
that the Agency contracts with for purposes of the George Barley 106557
Water Prize, and a representative from the Everglades Foundation 106558
shall sign the memorandum. The memorandum shall specify all of the 106559
following: 106560

(A) That the money will be used to support the final stage of 106561
the award process for the Everglades Foundation's George Barley 106562
Water Prize; 106563

(B) That the State of Ohio or the Agency will be listed as a 106564
sponsor of the George Barley Water Prize; 106565

(C) That the Agency, and any other entity that the Agency 106566
contracts with for purposes of the George Barley Water Prize, may 106567
assist in the development of testing parameters for data 106568
collection in the Grand Challenge testing stage of the 106569
competition; 106570

(D) That the Agency, and any other entity that the Agency 106571
contracts with for purposes of the George Barley Water Prize, will 106572
have access to all data collected during the George Barley Water 106573
Prize's campaign as well as access to the data and technologies 106574
developed during the George Barley Water Prize process; and 106575

(E) That the Agency, and any other entity that the Agency 106576
contracts with for purposes of the George Barley Water Prize, will 106577
enter into a nondisclosure agreement with the Everglades 106578
Foundation for data collected in the Grand Challenge testing stage 106579
of the competition. 106580

Section 739.10. Sections 3902.50 and 3902.51 of the Revised 106581
Code shall apply to health benefit plans, as defined in section 106582
3922.01 of the Revised Code, delivered, issued for delivery, 106583

modified, or renewed on or after the effective date of those 106584
sections. 106585

Section 739.20. Section 3959.20 of the Revised Code as 106586
enacted by this act applies to contracts for pharmacy services and 106587
to health benefit plans, as defined in section 3922.01 of the 106588
Revised Code, entered into or amended on or after the effective 106589
date of this act. 106590

Section 747.20. A license or certificate of registration 106591
issued under Chapter 4757. of the Revised Code that is in effect 106592
on the effective date of this section shall continue in effect 106593
until the first biennial renewal date established by the 106594
Counselor, Social Worker, and Marriage and Family Therapist Board 106595
pursuant to sections 4757.10 and 4757.32 of the Revised Code, as 106596
amended by this act. No license or certificate of registration in 106597
effect on the effective date of this section is valid for more 106598
than three years after the effective date of this section. 106599

Section 747.30. As used in this section, "authorizing 106600
statute" means a Revised Code section or provision of a Revised 106601
Code section that is cited in the Ohio Administrative Code as the 106602
statute that authorizes the adoption of a rule. 106603

The Board of Executives of Long-Term Services and Supports is 106604
not required to amend any rule for the sole purpose of updating 106605
the citation in the Ohio Administrative Code to the rule's 106606
authorizing statute to reflect that this act renumbers the 106607
authorizing statute or relocates it to another Revised Code 106608
section. Such citations shall be updated as the Board amends the 106609
rules for other purposes. 106610

Section 747.40. CONVERSION AND RENAMING OF CERTIFICATES 106611

ISSUED BY THE STATE MEDICAL BOARD 106612

(A) The repeal by this act of section 4731.296 of the Revised Code does not invalidate a telemedicine certificate that was issued under that section if the certificate is valid on the effective date of this section. As soon as practicable, the State Medical Board shall convert all such telemedicine certificates to licenses, as if they were issued under section 4731.14 of the Revised Code. Once a telemedicine certificate is converted, the holder is subject to all requirements and privileges attendant to a license issued under section 4731.14 of the Revised Code, including continuing medical education requirements.

(B) The Board may take any action it considers necessary to rename the certificates issued under Chapters 4731., 4760., 4762., and 4774. of the Revised Code as licenses, as provided by the amendments made by this act to those chapters.

Section 751.10. REDUCTION IN MEMBERSHIP OF CITIZEN'S ADVISORY COUNCILS 106627
106628

The amendment made by this act to section 5123.092 of the Revised Code providing for a reduction in citizen's advisory council membership does not affect the members holding office on the effective date of this section. The reduction shall be implemented by not filling vacancies that correspond with the changes made by this act to council membership.

Section 751.20. (A) There is established the Health and Human Services Efficiencies and Alignment Study Committee. The Committee shall examine the alignment and administrative efficiencies within the state's health and human services agencies.

(B) The Committee shall include the following members: 106639

(1) The chairperson of the Finance Subcommittee on Health and Human Services of the House of Representatives; 106640
106641

(2) The chairperson of the Aging and Long Term Care Committee of the House of Representatives;	106642 106643
(3) The chairperson of the Finance Subcommittee on Health and Medicaid Subcommittee of the Senate;	106644 106645
(4) The chairperson of the Health, Human Services and Medicaid Committee of the Senate;	106646 106647
(5) The Director of Medicaid or the Director's designee;	106648
(6) The Director of Health or the Director's designee;	106649
(7) The Director of Job and Family Services or the Director's designee;	106650 106651
(8) The Director of Developmental Disabilities or the Director's designee;	106652 106653
(9) The Director of Mental Health and Addiction Services or the Director's designee;	106654 106655
(10) The Director of Aging or the Director's designee;	106656
(11) The Director of Recovery Ohio or the Director's designee;	106657 106658
(12) The Director of the Governor's Office of Children Initiatives or the Director's designee;	106659 106660
(13) The Director of Innovate Ohio or the Director's designee.	106661 106662
(C) The Speaker of the House of Representatives shall appoint one of the members described in divisions (B)(1) and (2) of this section as the Committee's co-chairperson and the President of the Senate shall appoint one of the members described in divisions (B)(3) and (4) of this section as the other co-chairperson. The Speaker and President shall appoint members to the Committee not later than thirty days after the effective date of this section.	106663 106664 106665 106666 106667 106668 106669
(D) Members of the Committee shall serve without compensation	106670

or reimbursement, except to the extent that serving on the 106671
Committee is part of their usual job duties. 106672

(E) In conducting the examination required by division (A) of 106673
this section, the Committee shall do all of the following: 106674

(1) Identify areas of administrative duplication among 106675
services and programs provided by the state's health and human 106676
services agencies; 106677

(2) Recommend administrative efficiencies and alignment 106678
opportunities among services and programs; 106679

(3) Assess how data could be aligned among the services and 106680
programs, such as eligibility requirements across programs, 106681
application processes, and assessments, and how the data can be 106682
accessed by partners working within and across programs; 106683

(4) Invite stakeholder participation in the Committee's work. 106684

(F) The Committee shall complete a report not later than 106685
December 31, 2020. The report shall include the Committee's 106686
recommendations regarding costs, benefits, and policies. The 106687
Committee shall submit the report to the Governor and General 106688
Assembly. The report also shall be made available to the public. 106689

(G) After submitting its report, the Committee shall cease to 106690
exist. 106691

Section 751.30. CHALLENGES TO HEALTH CARE COST ESTIMATE 106692
STATUTE 106693

Any member of the General Assembly may intervene in 106694
litigation that challenges section 5162.80 of the Revised Code. 106695

Section 755.10. DIESEL EMISSIONS REDUCTION GRANT PROGRAM 106696

There is hereby established in the Highway Operating Fund 106697
(Fund 7002), used by the Department of Transportation, a Diesel 106698

Emissions Reduction Grant Program. The Director of Environmental 106699
Protection shall administer the program and shall solicit, 106700
evaluate, score, and select projects submitted by public and 106701
private entities that are eligible for the federal Congestion 106702
Mitigation and Air Quality (CMAQ) Program. The Director of 106703
Transportation shall process Federal Highway 106704
Administration-approved projects as recommended by the Director of 106705
Environmental Protection. 106706

In addition to the allowable expenditures set forth in 106707
section 122.861 of the Revised Code, Diesel Emissions Reduction 106708
Grant Program funds also may be used to fund projects involving 106709
the purchase or use of hybrid and alternative fuel vehicles that 106710
are allowed under guidance developed by the Federal Highway 106711
Administration for the CMAQ Program. 106712

Public entities eligible to receive funds under section 106713
122.861 of the Revised Code and CMAQ shall be reimbursed from 106714
moneys in Fund 7002 designated for the Department of 106715
Transportation's Diesel Emissions Reduction Grant Program. 106716

Private entities eligible to receive funds under section 106717
122.861 of the Revised Code and CMAQ shall be reimbursed, at the 106718
direction of the local public agency sponsor and upon approval of 106719
the Department of Transportation, through direct payments. These 106720
reimbursements shall be made from moneys in Fund 7002 designated 106721
for the Department of Transportation's Diesel Emissions Reduction 106722
Grant Program. Total expenditures from Fund 7002 for the Diesel 106723
Emissions Reduction Grant Program shall not exceed \$10,000,000 in 106724
both fiscal year 2020 and fiscal year 2021. 106725

Any allocations under this section represent CMAQ program 106726
moneys within the Department of Transportation for use by the 106727
Diesel Emissions Reduction Grant Program by the Environmental 106728
Protection Agency. These allocations shall not reduce the amount 106729
of such moneys designated for metropolitan planning organizations. 106730

The Director of Environmental Protection, in consultation 106731
with the Director of Transportation, shall develop guidance for 106732
the distribution of funds and for the administration of the Diesel 106733
Emissions Reduction Grant Program. The guidance shall include a 106734
method of prioritization for projects, acceptable technologies, 106735
and procedures for awarding grants. 106736

Section 755.20. (A) There is hereby created the Ohio Maritime 106737
Commission Study Committee, composed of the following members: 106738

(1) One consultant appointed by the Director of 106739
Transportation who is experienced in maritime matters to act as 106740
chairperson of the Study Committee; 106741

(2) Ten members representing the Ohio River region, all 106742
appointed by the Speaker of the House of Representatives, five of 106743
whom represent the private sector and five of whom represent the 106744
public sector for that region; 106745

(3) Ten members representing the Lake Erie region, all 106746
appointed by the President of the Senate, five of whom represent 106747
the private sector and five of whom represent the public sector 106748
for that region. 106749

(B) The Study Committee shall examine whether Ohio would 106750
benefit from the creation of a maritime commission. In examining 106751
the potential benefits of having such a commission, the Study 106752
Committee shall examine and gather information on all of the 106753
following: 106754

(1) Other states that have created a maritime commission and 106755
the roles and responsibilities of such commissions; 106756

(2) The benefits and structure of other similar commissions 106757
currently in Ohio; 106758

(3) The current need in the Ohio River and Lake Erie regions 106759
for a commission that would oversee maritime activities in those 106760

regions; 106761

(4) Input from private and public sector businesses in the 106762
Ohio River and Lake Erie regions that would be impacted by the 106763
creation of a maritime commission in Ohio. 106764

(C) The Study Committee shall prepare a report that 106765
summarizes the information gathered by the Study Committee and 106766
shall make recommendations regarding whether a maritime commission 106767
would benefit Ohio. Not later than six months after the effective 106768
date of this section, the Study Committee shall submit the report 106769
to the Governor, the President of the Senate, the Speaker of the 106770
House of Representatives, and the majority and minority leadership 106771
of the General Assembly. 106772

(D) Upon submission of the report, the Study Committee shall 106773
cease to exist. 106774

Section 757.10. The amendment or enactment by this act of 106775
sections 3742.50, 5747.08, and 5747.26 of the Revised Code applies 106776
to taxable years beginning on or after January 1, 2020. 106777

Section 757.20. The amendment or enactment by this act of 106778
sections 5709.40, 5709.41, 5709.51, 5709.73, and 5709.78 of the 106779
Revised Code concerning the extension of certain tax increment 106780
financing property tax exemptions applies to resolutions or 106781
ordinances adopted under any of those sections for an exemption 106782
that is in effect for the tax year that includes or begins after 106783
the effective date of those amendments and enactments. 106784

Section 757.30. BUSINESS INCENTIVE TAX CREDITS 106785

In order to facilitate an understanding of business incentive 106786
tax credits, as defined in section 107.036 of the Revised Code, 106787
the following table provides an estimate of the amount of credits 106788
that may be authorized in each fiscal year of the 2020-2021 106789

biennium, an estimate of the credits expected to be claimed in 106790
each fiscal year of that biennium, and an estimate of the amount 106791
of credits authorized that will remain outstanding at the end of 106792
that biennium. In totality, this table provides an estimate of the 106793
state revenue forgone due to business incentive tax credits in the 106794
2020-2021 biennium and future biennia. 106795

Biennial Business Incentive Tax Credit Estimates 106796

Estimate of total value Estimate of tax Expected 106798
of tax credits credits issued/claimed Outstanding
authorized credits

(All figures in 106799
thousands of dollars)

Tax FY 2020 FY 2021 FY 2020 FY 2021 End of 106800
Credit Biennium 106801

Job \$105,000 \$105,000 \$109,000 \$105,000 \$700,000 106802

Creation 106803

Tax

Credit*

Job \$ 0 \$ 0 \$44,818 \$42,985 \$153,161 106804

Retention 106805

Tax

Credit

Historic \$60,000 \$60,000 \$65,000 \$70,000 \$175,000 106806

Preservation 106807

Tax

Credit 106808

Motion \$40,000 \$40,000 \$50,000 \$45,000 \$95,000 106809

Picture						106810
Tax						
Credit						
New	\$10,000	\$10,000	\$9,282	\$9,667	\$48,038	106811
Markets						
Tax						
Credit						106812
R&D Loan	\$1,500	\$1,500	\$2,606	\$2,100	\$12,525	106813
Tax						
Credit						106814
InvestOhio	\$4,000	\$3,500	\$2,500	\$2,000	\$4,500	106815
Tax						
Credit						106816
Ohio	\$0	\$0	\$0	\$0	\$45,000	106817
Rural						
Business						106818
Estimate	\$220,500	\$220,000	\$283,206	\$276,751	\$1,233,224	106819
Total						
*The Job Creation Tax Credit (JCTC) estimate of credits						106820
outstanding is not just for tax credit certificates already						106821
issued, but also for the estimated potential value of certificates						106822
to be issued under the program through 2035 when looking at the						106823
existing portfolio of approved and active incentives. The estimate						106824
assumes that the companies receiving credits will continue to meet						106825
the performance objectives required to continue receiving the						106826
credit.						106827
Section 757.40. (A) As used in this section:						106828

(1) "Certificate owner" and "qualified rehabilitation expenditures" have the same meanings as in section 149.311 of the Revised Code. 106829
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106831

(2) "Taxpayer," "tax period," "excluded person," "combined taxpayer," and "consolidated elected taxpayer," have the same meanings as in section 5751.01 of the Revised Code. 106832
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106834

(3) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code. 106835
106836

(B) A taxpayer that is the certificate owner of a rehabilitation tax credit certificate issued under section 149.311 of the Revised Code may claim a credit against the tax levied by section 5751.02 of the Revised Code for tax periods ending on or before June 30, 2021, provided that the taxpayer is unable to claim the credit under section 5725.151, 5725.34, 5726.52, 5729.17, or 5747.76 of the Revised Code. 106837
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The credit shall equal the lesser of twenty-five per cent of the dollar amount of the qualified rehabilitation expenditures indicated on the certificate or five million dollars. The credit shall be claimed for the calendar year specified in the certificate and after the credits authorized in divisions (A)(1) to (4) of section 5751.98 of the Revised Code, but before the credits authorized in divisions (A)(5) to (7) of that section. 106844
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If the credit allowed for any calendar year exceeds the tax otherwise due under section 5751.02 of the Revised Code, after allowing for any other credits preceding the credit in the order prescribed by this section, the excess shall be refunded to the taxpayer. However, if any amount of the credit is refunded, the sum of the amount refunded and the amount applied to reduce the tax otherwise due for that year shall not exceed three million dollars. The taxpayer may carry forward any balance of the credit in excess of the amount claimed for that year for not more than 106851
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five calendar years after the calendar year specified in the 106860
certificate, and shall deduct any amount claimed in any such year 106861
from the amount claimed in an ensuing year. 106862

A person that is an excluded person may file a return under 106863
section 5751.051 of the Revised Code for the purpose of claiming 106864
the credit authorized in this section. 106865

If the certificate owner is a pass-through entity, the credit 106866
may not be allocated among the entity's owners in proportions or 106867
amounts as the owners mutually agree unless either the owners are 106868
part of the same combined or consolidated elected taxpayer as the 106869
pass-through entity or the director of development services issued 106870
the certificate in the name of the pass-through entity's owners in 106871
the agreed-upon proportions or amounts. If the credit is allocated 106872
among those owners, an owner may claim the credit authorized in 106873
this section only if that owner is a corporation or an association 106874
taxed as a corporation for federal income tax purposes and is not 106875
a corporation that has made an election under Subchapter S of 106876
Chapter 1 of Subtitle A of the Internal Revenue Code. 106877

The credit authorized in this section may be claimed only on 106878
the basis of a rehabilitation tax credit certificate with an 106879
effective date after December 31, 2013, but before June 30, 2021. 106880

A person claiming a credit under this section shall retain 106881
the rehabilitation tax credit certificate for four years following 106882
the end of the latest calendar year in which the credit was 106883
applied, and shall make the certificate available for inspection 106884
by the tax commissioner upon request. 106885

Section 757.50. The amendment by this act of sections 106886
5733.40, 5733.41, and 5747.41 of the Revised Code applies to 106887
qualifying taxable years, as defined by section 5733.40 of the 106888
Revised Code, beginning on or after January 1, 2019. 106889

Section 757.70. The amendment by this act of section 5747.10 106890
of the Revised Code applies to federal adjustments with a final 106891
determination date of October 1, 2019, or thereafter. 106892

Section 757.80. The amendment or enactment by this act of 106893
sections 5741.01, 5741.04, 5741.05, 5741.11, 5741.13, and 5741.17 106894
of the Revised Code applies on and after July 1, 2019. 106895

Section 757.90. The amendment by this act of section 5709.17 106896
of the Revised Code applies to tax year 2019 and every tax year 106897
thereafter. 106898

Section 757.100. The amendment or enactment by this act of 106899
sections 319.302, 323.155, and 323.16 of the Revised Code applies 106900
to tax year 2019 and thereafter. 106901

Section 757.110. The amendment by this act of section 5726.04 106902
of the Revised Code applies to tax years beginning on or after 106903
January 1, 2020. 106904

Section 757.120. The enactment by this act of section 5747.73 106905
of the Revised Code applies to taxable years ending on or after 106906
the effective date of that enactment. 106907

Section 757.140. The amendment by this act of sections 106908
122.175, 5739.01, 5739.011, 5739.02, 5739.025, 5739.03, and 106909
5739.05 of the Revised Code applies on and after October 1, 2019. 106910

Section 757.150. (A) The amendment by this act of section 106911
323.151 of the Revised Code applies to section 323.152 of the 106912
Revised Code for tax year 2019 and every tax year thereafter and 106913
to section 4503.065 of the Revised Code for tax year 2020 and 106914
every tax year thereafter. 106915

(B) The amendment or repeal by this act of sections 5747.01, 106916
5747.02, 5747.022, 5747.025, 5747.031, 5747.05, 5747.054, 106917
5747.055, 5747.29, 5747.65, and 5748.01 of the Revised Code 106918
applies to taxable years beginning on or after January 1, 2019. 106919

Section 757.160. The Tax Commissioner shall not make 106920
adjustments in 2019 to the income amounts in divisions (A)(2) and 106921
(3) of section 5747.02 of the Revised Code, as otherwise required 106922
by division (A)(4) of that section. 106923

Section 757.170. As used in this section, "qualified 106924
property" means any property that satisfies the qualifications for 106925
tax exemption under the terms of section 5709.08 of the Revised 106926
Code and that is owned by a municipal corporation that, within the 106927
preceding twenty-five years, (A) was part of an area subject to a 106928
federal disaster declaration on the basis of severe storms or 106929
flooding and (B) following that declaration, obtained the title to 106930
one or more parcels pursuant to the terms of a hazard mitigation 106931
grant from the Federal Emergency Management Agency. 106932

Notwithstanding section 5713.081 of the Revised Code, when 106933
qualified property has not received tax exemption due to a failure 106934
to comply with Chapter 5713. or section 5715.27 of the Revised 106935
Code, the municipal corporation that owns the property, at any 106936
time on or before twelve months after the effective date of this 106937
act, may file with the Tax Commissioner an application requesting 106938
that the property be placed on the tax-exempt list and that all 106939
unpaid taxes, penalties, and interest on the property be abated. 106940

The application shall be made on the form prescribed by the 106941
Commissioner under section 5715.27 of the Revised Code and shall 106942
list the name of the county in which the property is located; the 106943
property's parcel number or legal description; its assessed value; 106944
the amount in dollars of the unpaid taxes, penalties, and 106945
interest; and any other information required by the Commissioner. 106946

The county auditor shall supply the required information upon 106947
request of the applicant. 106948

After receiving and considering the application, the 106949
Commissioner shall determine if the applicant meets the 106950
qualifications set forth in this section. If so, the Commissioner 106951
shall issue an order directing that the property be placed on the 106952
tax-exempt list of the county and that all unpaid taxes, 106953
penalties, and interest be abated. If the Commissioner finds that 106954
the property is not now being used for an exempt purpose or is 106955
otherwise ineligible for abatement of taxes, penalties, and 106956
interest under this section, the Commissioner shall issue an order 106957
denying the application. 106958

If the Commissioner finds that the property is not entitled 106959
to tax exemption and to the abatement of unpaid taxes, penalties, 106960
and interest, the Commissioner shall order the county treasurer of 106961
the county in which the property is located to collect all taxes, 106962
penalties, and interest due on the property for those years in 106963
accordance with law. 106964

The Commissioner may apply this section to any qualified 106965
property that is the subject of an application for exemption 106966
pending before the Commissioner on the effective date of this 106967
section without requiring the property owner to file an additional 106968
application. 106969

Section 757.180. The amendment or enactment by this act of 106970
division (O) of section 5739.09, and sections 351.021, 353.06, and 106971
5739.082 of the Revised Code applies on and after the first day of 106972
the first month that begins after the effective date of this 106973
section. 106974

Section 757.190. The amendment by this act of section 5715.19 106975
of the Revised Code applies to any complaint or counterclaim to a 106976

complaint filed for tax year 2019 or any tax year thereafter. 106977

Section 806.10. SEVERABILITY 106978

The items of law contained in this act, and their 106979
applications, are severable. If any item of law contained in this 106980
act, or if any application of any item of law contained in this 106981
act, is held invalid, the invalidity does not affect other items 106982
of law contained in this act and their applications that can be 106983
given effect without the invalid item of law or application. 106984

Section 809.10. NO EFFECT AFTER END OF BIENNIUM 106985

An item of law, other than an amending, enacting, or 106986
repealing clause, that composes the whole or part of an uncodified 106987
section contained in this act has no effect after June 30, 2021, 106988
unless its context clearly indicates otherwise. 106989

Section 812.10. SUBJECT TO REFERENDUM 106990

Except as otherwise provided in this act, the amendment, 106991
enactment, or repeal by this act of a section is subject to the 106992
referendum under Ohio Constitution, Article II, section 1c and 106993
therefore takes effect on the ninety-first day after this act is 106994
filed with the Secretary of State or, if a later effective date is 106995
specified below, on that date. 106996

Section 812.20. The amendment by this act of sections 122.85, 106997
321.24, 718.83, 718.85, 718.90, 4301.43, 5741.01, 5741.04, 106998
5741.05, 5741.11, 5741.13, 5741.17, 5745.05, and 5751.02 of the 106999
Revised Code is exempt from the referendum under section 1d of 107000
Article II, Ohio Constitution, and therefore takes effect 107001
immediately when this act becomes law. 107002

Section 812.23. Sections of this act prefixed with numbers in 107003

the 200s, 300s, 400s, and 500s (except the 501s) are exempt from 107004
the referendum under Ohio Constitution, Article II, Section 1d, 107005
and therefore take immediate effect when this act becomes law. 107006

Section 815.10. The General Assembly, applying the principle 107007
stated in division (B) of section 1.52 of the Revised Code that 107008
amendments are to be harmonized if reasonably capable of 107009
simultaneous operation, finds that the following sections, 107010
presented in this act as composites of the sections as amended by 107011
the acts indicated, are the resulting versions of the sections in 107012
effect prior to the effective date of the sections as presented in 107013
this act: 107014

Section 109.572 of the Revised Code as amended by Am. Sub. 107015
H.B. 49, Sub. H.B. 199, Sub. H.B. 213, Am. Sub. S.B. 51, Sub. S.B. 107016
229, Am. Sub. S.B. 255, and Sub. S.B. 263, all of the 132nd 107017
General Assembly. 107018

Section 133.18 of the Revised Code as amended by both Am. 107019
Sub. H.B. 48 of the 128th General Assembly and Am. Sub. H.B. 153 107020
of the 129th General Assembly. 107021

Section 149.43 of the Revised Code as amended by Am. Sub. 107022
H.B. 8, Sub. H.B. 34, Sub. H.B. 139, Sub. H.B. 312, Sub. H.B. 341, 107023
Sub. H.B. 425, Am. Sub. S.B. 201, Am. S.B. 214, and Sub. S.B. 229, 107024
all of the 132nd General Assembly. 107025

Section 321.24 of the Revised Code as amended by both Sub. 107026
S.B. 353 of the 127th General Assembly and Am. Sub. H.B. 1 of the 107027
128th General Assembly. 107028

Section 1739.05 of the Revised Code as amended by Sub. H.B. 107029
156, Sub. S.B. 259, and Sub. S.B. 265, all of the 132nd General 107030
Assembly. 107031

Section 2925.01 of the Revised Code as amended by Am. Sub. 107032
H.B. 49, Am. Sub. S.B. 1, Am. Sub. S.B. 201, Sub. S.B. 229, Am. 107033

Sub. S.B. 255, and Sub. S.B. 259, all of the 132nd General Assembly.	107034 107035
Section 2929.13 of the Revised Code as amended by Sub. H.B. 63, Am. Sub. S.B. 1, Sub. S.B. 20, Am. Sub. S.B. 66, and Am. Sub. S.B. 201, all of the 132nd General Assembly.	107036 107037 107038
Section 2929.15 of the Revised Code as amended by both Am. Sub. S.B. 66 and Am. Sub. S.B. 201 of the 132nd General Assembly.	107039 107040
Section 3119.30 of the Revised Code as amended by both Sub. S.B. 70 and Sub. H.B. 366 of the 132nd General Assembly.	107041 107042
Section 3301.0711 of the Revised Code as amended by both Sub. H.B. 21 and Am. Sub. S.B. 216 of the 132nd General Assembly.	107043 107044
Section 3302.03 of the Revised Code as amended by Sub. H.B. 318 and Am. Sub. S.B. 216 of the 132nd General Assembly.	107045 107046
Section 3302.036 of the Revised Code as amended by both Am. Sub. H.B. 64 and Am. Sub. H.B. 70 of the 131st General Assembly.	107047 107048
Section 3314.08 of the Revised Code as amended by Sub. H.B. 87 and Am. Sub. S.B. 216 of the 132nd General Assembly.	107049 107050
Section 3317.03 of the Revised Code as amended by Sub. H.B. 113 and Sub. H.B. 158 of the 131st General Assembly.	107051 107052
Section 3328.24 of the Revised Code as amended by both Am. Sub. H.B. 410 and Sub. S.B. 3 of the 131st General Assembly.	107053 107054
Section 4730.14 of the Revised Code as amended by both Sub. S.B. 110 and Am. Sub. H.B. 64 of the 131st General Assembly.	107055 107056
Section 4730.25 of the Revised Code as amended by Am. Sub. H.B. 64 and Sub. S.B. 110 of the 131st General Assembly and Am. Sub. H.B. 394 and Am. Sub. S.B. 276 of the 130th General Assembly.	107057 107058 107059
Section 4735.09 of the Revised Code as amended by both Sub. H.B. 113 and Am. H.B. 532 of the 131st General Assembly.	107060 107061
Section 5162.01 of the Revised Code as amended by both Sub.	107062

H.B. 89 and Sub. S.B. 332 of the 131st General Assembly.	107063
Section 5705.218 of the Revised Code as amended by both Am.	107064
Sub. H.B. 59 and Sub. H.B. 167 of the 130th General Assembly.	107065
Section 5705.222 of the Revised Code as amended by both Sub.	107066
H.B. 158 and Am. Sub. H.B. 483 of the 131st General Assembly.	107067
Section 5709.40 of the Revised Code as amended by both Am.	107068
Sub. S.B. 257 of the 131st General Assembly and Sub. H.B. 69 of	107069
the 132nd General Assembly.	107070
Section 5709.41 of the Revised Code as amended by both Am.	107071
Sub. H.B. 508 and Am. Sub. H.B. 509 of the 129th General Assembly.	107072
Section 815.30. (A) Section 149.45 of the Revised Code is	107073
presented below without amendment to confirm harmonization of the	107074
section, under division (B) of section 1.52 of the Revised Code,	107075
as amended by H.B. 341, S.B. 214, and S.B. 229 of the 132nd	107076
General Assembly:	107077
Sec. 149.45. (A) As used in this section:	107078
(1) "Personal information" means any of the following:	107079
(a) An individual's social security number;	107080
(b) An individual's state or federal tax identification	107081
number;	107082
(c) An individual's driver's license number or state	107083
identification number;	107084
(d) An individual's checking account number, savings account	107085
number, credit card number, or debit card number;	107086
(e) An individual's demand deposit account number, money	107087
market account number, mutual fund account number, or any other	107088
financial or medical account number.	107089
(2) "Public record," "designated public service worker," and	107090

"designated public service worker residential and familial
information" have the meanings defined in section 149.43 of the
Revised Code.

(3) "Truncate" means to redact all but the last four digits
of an individual's social security number.

(B)(1) No public office or person responsible for a public
office's public records shall make available to the general public
on the internet any document that contains an individual's social
security number without otherwise redacting, encrypting, or
truncating the social security number.

(2) A public office or person responsible for a public
office's public records that, prior to October 17, 2011, made
available to the general public on the internet any document that
contains an individual's social security number shall redact,
encrypt, or truncate the social security number from that
document.

(3) Divisions (B)(1) and (2) of this section do not apply to
documents that are only accessible through the internet with a
password.

(C)(1) An individual may request that a public office or a
person responsible for a public office's public records redact
personal information of that individual from any record made
available to the general public on the internet. An individual who
makes a request for redaction pursuant to this division shall make
the request in writing on a form developed by the attorney general
and shall specify the personal information to be redacted and
provide any information that identifies the location of that
personal information within a document that contains that personal
information.

(2) Upon receiving a request for a redaction pursuant to
division (C)(1) of this section, a public office or a person

responsible for a public office's public records shall act within 107122
five business days in accordance with the request to redact the 107123
personal information of the individual from any record made 107124
available to the general public on the internet, if practicable. 107125
If a redaction is not practicable, the public office or person 107126
responsible for the public office's public records shall verbally 107127
or in writing within five business days after receiving the 107128
written request explain to the individual why the redaction is 107129
impracticable. 107130

(3) The attorney general shall develop a form to be used by 107131
an individual to request a redaction pursuant to division (C)(1) 107132
of this section. The form shall include a place to provide any 107133
information that identifies the location of the personal 107134
information to be redacted. 107135

(D)(1) A designated public service worker may request that a 107136
public office, other than a county auditor, or a person 107137
responsible for the public records of a public office, other than 107138
a county auditor, redact the designated public service worker's 107139
address from any record made available to the general public on 107140
the internet that includes designated public service worker 107141
residential and familial information of the designated public 107142
service worker making the request. A designated public service 107143
worker who makes a request for a redaction pursuant to this 107144
division shall make the request in writing and on a form developed 107145
by the attorney general. 107146

(2) Upon receiving a written request for a redaction pursuant 107147
to division (D)(1) of this section, a public office, other than a 107148
county auditor, or a person responsible for the public records of 107149
a public office, other than a county auditor, shall act within 107150
five business days in accordance with the request to redact the 107151
address of the designated public service worker making the request 107152
from any record made available to the general public on the 107153

internet that includes designated public service worker 107154
residential and familial information of the designated public 107155
service worker making the request, if practicable. If a redaction 107156
is not practicable, the public office or person responsible for 107157
the public office's public records shall verbally or in writing 107158
within five business days after receiving the written request 107159
explain to the designated public service worker why the redaction 107160
is impracticable. 107161

(3) Except as provided in this section and section 319.28 of 107162
the Revised Code, a public office, other than an employer of a 107163
designated public service worker, or a person responsible for the 107164
public records of the employer, is not required to redact 107165
designated public service worker residential and familial 107166
information of the designated public service worker from other 107167
records maintained by the public office. 107168

(4) The attorney general shall develop a form to be used by a 107169
designated public service worker to request a redaction pursuant 107170
to division (D)(1) of this section. The form shall include a place 107171
to provide any information that identifies the location of the 107172
address of the designated public service worker to be redacted. 107173

(E)(1) If a public office or a person responsible for a 107174
public office's public records becomes aware that an electronic 107175
record of that public office that is made available to the general 107176
public on the internet contains an individual's social security 107177
number that was mistakenly not redacted, encrypted, or truncated 107178
as required by division (B)(1) or (2) of this section, the public 107179
office or person responsible for the public office's public 107180
records shall redact, encrypt, or truncate the individual's social 107181
security number within a reasonable period of time. 107182

(2) A public office or a person responsible for a public 107183
office's public records is not liable in damages in a civil action 107184
for any harm an individual allegedly sustains as a result of the 107185

inclusion of that individual's personal information on any record 107186
made available to the general public on the internet or any harm a 107187
designated public service worker sustains as a result of the 107188
inclusion of the designated public service worker's address on any 107189
record made available to the general public on the internet in 107190
violation of this section, unless the public office or person 107191
responsible for the public office's public records acted with 107192
malicious purpose, in bad faith, or in a wanton or reckless manner 107193
or unless division (A)(6)(a) or (c) of section 2744.03 of the 107194
Revised Code applies. 107195

The foregoing presentation supersedes section 149.45 of the 107196
Revised Code as it results, respectively, from H.B. 341, S.B. 214, 107197
and S.B. 229 of the 132nd General Assembly. 107198

(B) Section 149.45 of the Revised Code was amended together 107199
with, and in relation to, section 149.43 of the Revised Code by 107200
H.B. 341 of the 132nd General Assembly. Section 149.43 of the 107201
Revised Code is presented elsewhere in this act. 107202